

# CITY OF ARMADALE

## MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 13 SEPTEMBER 2004, AT 7:00 PM.

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**PRESENT:**

Cr H A Zelones JP	Chairman
Cr P J Hart	Deputy Chairman
Cr G T Wallace	Deputy for Cr J Everts
Cr G M Hodges	
Cr J Knezevich	
Cr L Reynolds JP	
Cr R J Tizard	

**APOLOGIES:** Cr J Everts

**OBSERVERS:** Nil

**IN ATTENDANCE:**

Mr I MacRae	Executive Director Development Services
Mr L Fouché	Planning Services Manager
Mr P Meyrick	Health Services Manager
Mr I Townson	Building Services Manager
Mr R Van Delft	Environmental Planner
Mr J Robinson	Coordinator Strategic Planning
Mrs K Davis	Minute Secretary
Mrs N Cranfield	Executive PA
Public	14

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***DISCLAIMER***

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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***

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***Cr Zelones & Cr Reynolds***

Scheme Text Amendment to Special Use No 76 to include Additional Land  
Use of Telecommunications Infrastructure.....Page 12

***Cr Hart***

Proposed Text Amendment to Development Table of Special Use zone No 66 –  
Golf Course & Rural/Residential Development (Araluen Country Club Estate)..... Page 98

***QUESTION TIME***

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**1. Mr P Wittkuhn – McLeods, Barristers & Solicitors**

In regard to the effect of proposed Town Planning Scheme No 4 on Part Lot 40 Armadale Road, Forrestdale, do Councillors consider it to be an orderly, proper and fair planning outcome, that my clients' superannuation nestegg – a 12 hectare, uncleared rural lot purchased in good faith at a time when subdivision into 6 lots or so was more or less assured – should become zoned so as to effectively become a public asset – preserved bushland – yet become a private liability for my clients in terms of rates, taxes, firebreaks and fencing, with no financial feasible use or development potential, against the following background:

- ◆ Pt Lot 40 Armadale Road is one of the few unfragmented lots proposed in the Rural Living X zone;
- ◆ Pt Lot 40 is probably the only uncleared lot proposed in the Rural Living Z zone;
- ◆ Pt Lot 40 is over 12 hectares in area;
- ◆ It is entirely uncleared bushland;
- ◆ Rural Living X zoning would prohibit subdivision;
- ◆ Provisions of TPS 4 would effectively prohibit clearing or stocking on the land, since stocking which could cause ringbarking or exposing of topsoil, is prohibited; therefore whilst farming uses are *theoretically* permissible in Council's discretion, it seems highly likely that any farming use would be approved;
- ◆ In effect, none of the natural and obvious land uses historically open to the owner – farming or residential subdivision – would be open under proposed TPS 4;
- ◆ My client's assessment is that none of the other permissible uses under proposed TPS 4 – civic use, club premiums, cottage industry etc – could turn a profit, and there are only so many tearooms and cottage industries that an area can support;
- ◆ Zoning decisions in recent years – particularly the Groundwater Protection zoning – have focused on concessions to the owner to secure environmental objectives, but Rural Living X contains nothing but restrictions, is also totally foreign to the consensus-based spirit of Bush Forever;

- ♦ Environmental outcomes would be better served by allowing RL2 subdivision whereby there could be sufficient return on investment to make the necessary environmental protection measures financially feasible, and strict building envelopes so as to preserve that bush – rather than seeing environmental remediation neglected because of the land's effective sterilisation, representing a liability for rates, taxes, fencing and firebreaks to the owners;
- ♦ The WA Planning Commission, which is interested in purchasing the land and had recognised the subdivision potential of the land and value it accordingly, is now embracing the proposed RLX zoning and is noting the depression which this would have on value – indeed it would enable the WAPC to acquire highly valuable land for a pittance.
- ♦ No other lots in the Rural Living X zone would be so prejudicially affected, since other lots are already largely fragmented or at any rate are cleared, so that farming and other activities on other lots would not infringe the no-clearing rules of TPS4.

*Executive Director Development Services advised that the matter had been addressed as a late submission in the Schedule of Submissions (submission RF21).*

## **2. Mr A Tauscher of 192 Buckingham Road, Kelmscott**

In regards to property sizes north of Buckingham Road and the proposed RL2 zoning, they should be zoned RL1 because:-

- ♦ RL1 would more accurately reflect the existing lot sizes;
- ♦ Only 20 properties would qualify for subdivision and increasing housing densities by only 16%;
- ♦ The smaller lots are already closer to the river and the ones with potential to subdivide would be further away;
- ♦ Other areas such as Mt Nasura, the Hilltop Place off Broomfield Drive area, and south side of Brookton Highway in Roleystone are recent precedents for relatively higher density housing development and are much steeper than north of Buckingham Road;
- ♦ Subdivision may lead to improved visual impact as more houses will lead to more bushes and trees being planted and less summer dried brown grass and reduced fire risk with more firebreaks and better access to properties;
- ♦ A few more houses north of Buckingham Road will have much less environmental impact than the nursery business and orchards that are allowed to operate right next to the Canning River.

*Executive Director Development Services advised that while land south of Buckingham Road was in lots of less than 2 hectare parcels, 65% of the lots north of Buckingham Road were over 2 hectares and an RL1 zoning would permit significant change in the locality which had not been the intent of the Scheme Review.*

*CHAIRMAN advised Mr Tauscher that he, possible in conjunction with neighbours, could submit a rezoning application, outlining his views and seek support from Council to initiate a rezoning of the properties in question.*

**3. Mr N Teo from Planning Solutions on behalf of the Landowners from Lot 69 Ranford Road, Forrestdale**

Whilst it is acknowledged that the proposed TPS No 4 zoning of the subject site is constrained by the subject site's "Rural" and "Parks and Recreation" zoning under the provisions of the Metropolitan Region Scheme (MRS), does Council acknowledge the location and physical attributes of the subject site to be suitable for "Light Industrial" land uses, as supported in the submission lodged by Minter Ellison (on behalf of the landowners)?

*CHAIRMAN noted that the matter can not be dealt with in the context of TPS No 4 as the land was zoned Rural and Reserved Parks and Recreation under the MRS and that the property was identified in Bushforever.*

**DEPUTATION**

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**7.25pm**      ***Proposed Text Amendment – Telecommunication Infrastructure - Brookdale***

***Mr Brian McCubbing (Director, Shoreden Pty Ltd) and Mr Roger Stubbs (Planning Consultant) attended the meeting at 7.25pm.***

*Mr Roger Stubbs briefed Committee in regard to the proposed text amendment to Special Use No.76 (Table 11.21) of Town Planning Scheme No.2 to incorporate the additional use class of "Telecommunications Infrastructure". The following key issues were highlighted:*

- ◆ *The proposal is consistent with Statement of Planning Policy 5.2 and the Guidelines*
- ◆ *The Water Corporation 300 metre treatment plant buffer results in residential development not being feasible for the site so this should not be used as a reason for delay.*
- ◆ *The Armadale Redevelopment Authority was incorrect in stating the proposal was located an inappropriate distance from roads, it had no implications for adjoining land uses, the visual impact would be moderated by trees, and would accommodate three collocated carriers on flush mounted transponders. It was noted that the ARA Scheme had no statutory status.*
- ◆ *Shoreden takes issue with a number of assertions in the planning report including a lack of understanding of SPP 5.2, the commercial nature of the site and the need for telecommunication facilities on the site and in the Business Park.*

*Mr McCubbing added that the ARA had not even commenced structure planning for the Brookdale area and it was likely that the planning process being undertaken would take longer than proposed by the ARA. Mr McCubbing pointed out that his partner Mr Luke Saracini, who was a member of the Western Australian Planning Commission disagreed with the officer's report.*

*CHAIRMAN thanked Mr Brian McCubbing and Mr Roger Stubbs for their attendance.*

*Deputation retired at 7.40pm.*

***CONFIRMATION OF MINUTES***

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**RESOLVED**

**Minutes of the Development Services Committee Meeting held on 16 August 2004, were confirmed.**

MOVED Cr Reynolds  
MOTION CARRIED (7/0)

***ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.17/2004***

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

- Report on Outstanding Matters – Development Services Committee
- Key Performance Indicators January – June 2004
- Health Services Manager’s Report for July 2004
- Brookdale Community Health Survey
- Planning Services Manager’s Report for July 2004
- Town Planning Scheme No.2 – Amendment Action Table
- PAW Closure Report – Significant Actions during July 2004
- Subdivision Applications – Recommendation Table (July/August 2004)
- Compliance Officer’s Report for July 2004
- Planning Dept Monthly Admin Reports for July 2004
- Building Services Manager’s Report for July 2004
- Minutes – Community Heritage Advisory Committee Meeting
- Register of Heritage Places
- Bush Forever Planning Initiatives
- Proposed Bush Forever Protection Areas

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



# DEVELOPMENT SERVICES COMMITTEE

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13 SEPTEMBER 2004

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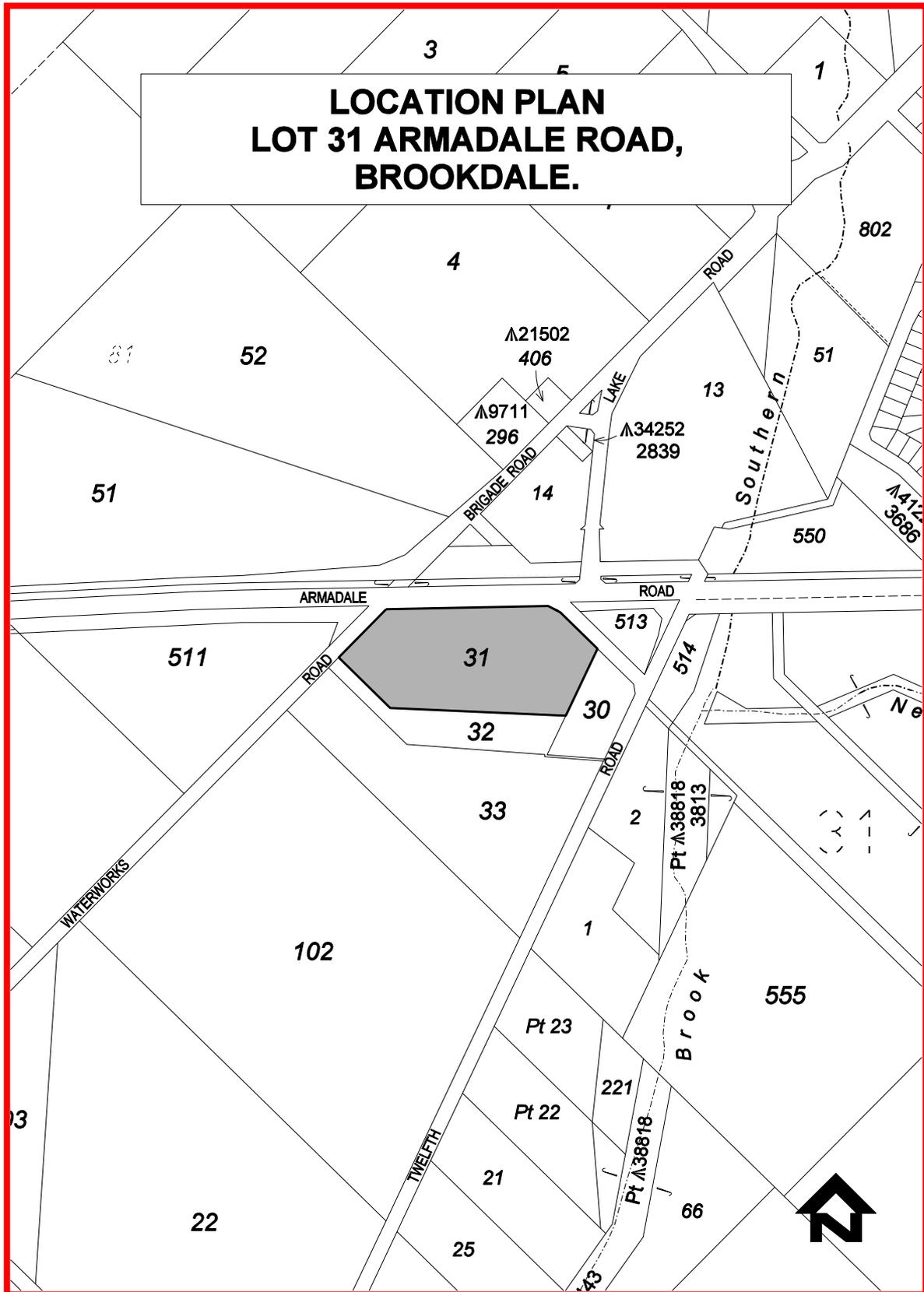
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**DEVELOPMENT  
SERVICES  
COMMITTEE**

**PLANNING**



*Cr Zelones and Cr Reynolds disclosed that they are members on the Armadale Redevelopment Authority (ARA) Board. As a consequence, they advised that there may be a perception on the basis of their disclosed non-financial interest that their impartiality may be affected but declared they would set aside that association, consider the matter on its merits and vote accordingly.*

**PROPOSED SCHEME TEXT AMENDMENT TO SPECIAL USE NO.76 TO INCLUDE ADDITIONAL LAND USE OF TELECOMMUNICATIONS INFRASTRUCTURE**

WARD : FORREST  
FILE REF : A203337  
DATE : 1 September 2004  
REF : GIW  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Planning Solutions Pty Ltd  
LAND OWNER : Shoreden Pty Ltd  
SUBJECT LAND : Lot 31 Armadale Road,  
Brookdale  
Property size 3.9ha approx.  
Map 20.03  
ZONING : Rural / Special Use No.76  
MRS/TPS No.2  
TPS No.4 : N/A (To be included in  
Armadale Redevelopment  
Authority Scheme Area)

**In Brief:-**

- Proposed text amendment to Special Use No.76 (Table 11.21) of Town Planning Scheme No.2 to incorporate the additional use class of “Telecommunications Infrastructure”.
- Proposal inconsistent with Special Use No.76.
- Armadale Redevelopment Authority does not support the proposal.
- Recommend that Council resolve not to initiate the amendment.
- *COMMITTEE discussed the merit of the proposal and the need for telecommunication facilities in conjunction with the opening of the Tonkin Highway. COMMITTEE noted the advice provided in the Deputation relating to the Water Corporation buffer preventing residential development. COMMITTEE agreed that the amendment could be initiated.*

**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  
Armadale Redevelopment Authority Act 2001  
Armadale Redevelopment Authority Scheme 2004  
Statement of Planning Policy No.5.2- Telecommunications Infrastructure

### **Council Policy / Local Law Implications**

Nil.

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit (DCU)
- ◆ Armadale Redevelopment Authority (ARA)

## **BACKGROUND**

On 7 May 2004, Council received an application to erect a telecommunications tower on the subject site. Council Officers received legal advice on this application at the time confirming that Council would not be in position to approve the application under Town Planning Scheme No.2 on the following grounds:

1. A telecommunications tower is not listed under Table 11.21 of Special Use No.76 and therefore not permitted.
2. Clause 3.6 of TPS No.2 restricts development and use of land to those specified in the Special Use development table only.
3. The proposal could also not be considered under the Use Not listed provisions of TPS No.2 on the grounds that the use was inconsistent with the intent of the zone.

As a consequence, the application was withdrawn and the applicant has now requested an amendment to Special Use No.76 (Table 11.21) of Town Planning Scheme No.2 to facilitate a telecommunications tower on the subject site.

On 21 June 2004, Council approved an application to develop a Golf Course Village comprising of convenience store and service station, restaurant, retail shops, function centre, two fast food outlets, tavern and bottle shop, sports centre and medical consulting room.

The landowner has also submitted a preliminary request for Council to consider the merits of permitting a component of residential development towards the rear of the subject site in place of the previously approved function and indoor recreation centres.

Main Roads Western Australia has indicated that it requires road widening from the subject lot to complete works currently being undertaken along Armadale Road. Negotiations between the owner and MRWA on this matter are ongoing. The landowners have advised that they are unwilling to surrender road widening unless Council initiates this amendment.

### **DETAILS OF PROPOSAL**

The proposal involves a text amendment to Table 11.22 of Special Use No.76 by inserting a new land use of “**telecommunications infrastructure**” under *Prescribed Special Use, b) uses permissible only with Council discretion column*.

The inclusion of this land use will provide Council with the discretion to approve a telecommunications tower and associated infrastructure on the subject site.

The applicant has provided the following argument in support of the amendment (as summarised below):

1. The proposal will service a growing demand for telecommunications within the locality.
2. Being a discretionary land use will ensure telecommunication infrastructure is appropriately located and designed within areas designated for commercial development to reduce any potential detrimental impacts on sensitive land uses or residential areas.
3. Provide opportunities for co-location and minimise the need for multiple towers within the locality.
4. The proposal is consistent with Statement of Planning Policy No.5.2.
5. The proposal is consistent with the “commercial” nature of the subject site as specified by Special Use No.76 of TPS No.2.
6. The proposal is consistent with the intent of Draft TPS No.4.

### **COMMENT**

#### ***Development Control Unit (DCU)***

DCU at its meeting on 2 September 2004 raised concern that the proposal has the potential to impact on the visual amenity of the golf course and surround locality. DCU also acknowledged that the ARA is currently undertaking structure planning within the locality and therefore the proposal is considered to be premature at this stage.

DCU recommended that a telecommunications tower would be more appropriately located within the adjoining Forrestdale Industrial Business Park.

#### ***Armadale Redevelopment Authority (ARA)***

The proposal was referred to ARA for comment as the subject site is situated within the Armadale Redevelopment Authority extension area. The ARA does not support the proposal as summarised below:

1. Proposal is inconsistent with Statement of Planning Policy No.5.2 “Telecommunications Infrastructure”.

The ARA considers that the proposal has not adequately addressed any impacts on the landscape features of the site and surrounds, particularly the nearby regional open space reserves, Wungong Brook, views across the valley floor and those from the proposed golf course.

2. Proposal may compromise future residential development within the locality and is considered to be premature prior to strategic planning and more detailed structure planning of the area being concluded.  
The ARA notes that through its strategic planning for the area, some residential development surrounding the proposed golf course village may come to be considered appropriate. The ARA also notes that separate in-principle approval is being sought for medium density residential development to the rear of Lot 31 and Lot 32, which would replace the previously proposed and approved Function Centre and Indoor Recreation Centre. In these respects the ARA considers that the proposed textual amendment may prejudice future planning for this area, where development more sensitive to the impact of telecommunications infrastructure may be considered more appropriate for the area.
3. The proposal would be better located within the Forrestdale Business Park situated opposite the site, and which is likely to be more suitable for the erection of telecommunication infrastructure.
4. The proposal does not adequately address draft Armadale Redevelopment Scheme 2004 *Planning Policy 1.14*, which states that wherever possible, telecommunication towers should (inter-alia) be:
  - ◆ located away from the street and public spaces;
  - ◆ located with due consideration for adjoining uses and adjoining land owners;
  - ◆ located where their visual impact can be moderated by trees or other landscape elements;
  - ◆ co-located with other similar facilities wherever possible, including shared structures, to limit their proliferation.

### **Analysis**

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

The subject site is zoned Special Use No.76 under Town Planning Scheme No.2.

Telecommunications infrastructure is not listed under Special Use No.76 and therefore is not permitted.

The definition of “Telecommunication Infrastructure” under TPS No.2 “*means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct hole, pit or other structures used, or for use, in or in connection with a telecommunications network.*”

The objective of the Special Use No.76 zone is “*specifically intended to provide an entry to the regional golf course facility with close integration of uses to services this facility*”.

The inclusion of telecommunications infrastructure as a discretionary use would provide Council with the power to determine the most appropriate location and design of such infrastructure on site at the development application stage.

It is arguable however as to whether telecommunications infrastructure is a suitable use for the site or compatible with the objectives of the Special Use No.76 zone. Telecommunication towers are relatively imposing structures and therefore have the potential to adversely impact on the visual amenity of the golf course and detract from the site’s ability to function as an entry statement to the golf course as intended by Special Use No.76. It is difficult however to fully ascertain the potential visual impact of such infrastructure prior to the golf course or village being developed, although the impact has potential to be significant.

#### ***Draft Town Planning Scheme No.4***

The subject site is not covered by TPS No.4. The area is situated within the Armadale Redevelopment Area extension area and is to be included in the ARA Town Planning Scheme.

#### ***Statement of Planning Policy No.5.2- Telecommunications Infrastructure***

The Western Australian Planning Commission’s Statement of Planning Policy (SPP) No.5.2 provides various principles for the location, siting and design of Telecommunications Infrastructure. Specific criteria outlined within the SPP requiring further comment are discussed below:

1. *Telecommunication facilities should be designed to minimise adverse impacts on the visual character and amenity of residential areas.*

It is noted that the landowner has raised the idea of incorporating residential development into the subject site and that the ARA is conducting structure planning in the locality that may make provision for residential development within close proximity to the Golf Course Village centre. Whilst under the current zoning there is no immediate impact on residential areas, the proposal may have the potential to compromise the amenity of future residential development. In this regard, the proposal is considered to be premature at this stage as it pre-empts structure planning being conducted by the ARA.

2. *Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas outside identified conservation areas.*

The applicant argues that the subject site is zoned for commercial development and therefore considered an appropriate location. Whilst it is acknowledged that the zoning of the subject site permits land uses of a commercial nature, the intent of the zone is primarily to provide an entry statement to the golf course. The site is not intended to function as a stand-alone commercial zone or allow development that has the potential to detract from the amenity of the golf course and its function as an entry statement.

The Forrestdale Industrial Business Park is situated directly opposite the subject site and is considered to be a more appropriated and practical location to facilitate such infrastructure.

In this regard, the proposal is not entirely consistent with the SPP.

***Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP)***

The subject site is identified as “Urban” and “Mixed Business / Commercial” under the DSP. Statutory requirements under TPS No.2 currently preclude any residential development on site, however future amendments to the Scheme or subsequent structuring planning within the area may facilitate residential development in the future around the proposed golf course to the south.

It should be noted that the landowner has requested Council’s separate “in-principle” support for residential development within the locality. It is acknowledged that there is merit in encouraging a component of residential development on Lot 31 Armadale Road and surrounding the future Golf Course. The extent of residential development should however be considered in the context of the Armadale Redevelopment Authority’s structure planning for the Brookdale area.

As mentioned previously, a proposed telecommunication base station and tower have the potential to compromise / restrict opportunities for residential development on site or within the locality in the future. In addition, the proposal could be considered to be premature prior to finalisation of structure planning being undertaken by the ARA. The merits of the proposal could be better considered after the conclusion of the relevant structure plans.

**Options**

1. Council could initiate the amendment if it was of the view that telecommunications infrastructure is an appropriate land use and could be accommodated on site without impacting on the visual amenity of the site and adjoining future golf course.
2. Council could decline to initiate the amendment.

**CONCLUSION**

The proposal does not comply with the intent of Special Use No.76 of Town Planning Scheme No.2 and has the potential to impact on the visual amenity of the future golf course.

The concerns raised by the Armadale Redevelopment Authority are supported and the proposal is considered to be premature at this stage and may compromise structure planning for future residential development within the Brookdale locality.

The Forrestdale Industrial Business Park is situated directly opposite the subject site and is considered to be a more appropriated and practical location to facilitate such infrastructure.

In this regard, it is recommended that Council adopt Option 2 above and decline to initiate the proposal.

*The officer's report recommends -*

1. That Council not initiate the proposed text amendment to Table 11.22 of Special Use No.76 by inserting a new land use of Telecommunications Infrastructure for the following reasons:
  - a. The proposal is considered to be premature at this stage and may compromise structure planning for future residential development within the Brookdale locality.
  - b. The adjoining Forrestdale Industrial Business Park is a more appropriate and desirable location to facilitate such infrastructure.
  - c. The proposal is inconsistent with the intent of the Special Use No.76 under Town Planning Scheme No.2 and has the potential to impact on the visual amenity of the future golf course.
2. The applicant be advised that Council acknowledges the merits of encouraging residential development on the subject site and surrounding the golf course, however the extent of residential development would need to be considered in the context of the Armadale Redevelopment Authority's structure planning for the Brookdale area.

*Following the Deputation from Mr McCubbing and Mr Stubbs, Committee discussed the proposed amendment.*

*Executive Director Development Services noted that the main concern related to on-going studies by the ARA and the fact that considerable commitments had already been made and budgeted for to undertake the necessary consultants studies relating to Brookdale. Manager Planning Services noted that the proposed zoning could be pursued in the ARA Scheme in conjunction with the preparation of the Structure Plan for Brookdale.*

*COMMITTEE discussed the merit of the proposal and the need for telecommunication facilities in conjunction with the opening of the Tonkin Highway. COMMITTEE noted the advice provided in the Deputation relating to the Water Corporation buffer preventing residential development.*

*COMMITTEE agreed that the amendment could be initiated.*

***Additional commentary at Council meeting of 20 September 2004:-***

*Clarification was requested on information presented by Deputation to the Committee and subject of further advice by the Executive Director regarding the Water Corporation's buffer zone requirement. The Executive Director advised as follows:-*

*“Lot 31 is located around 600m from the perimeter of the Water Corporation plant. The Water Corporation has verbally advised that a 300m buffer would be insufficient and a 500m buffer is appropriate as there is still uncertainty as to how the plant would operate and that the reduced 300m buffer over the AFC site was due to special circumstances. Lot 31 would still lie outside the 500m buffer.*

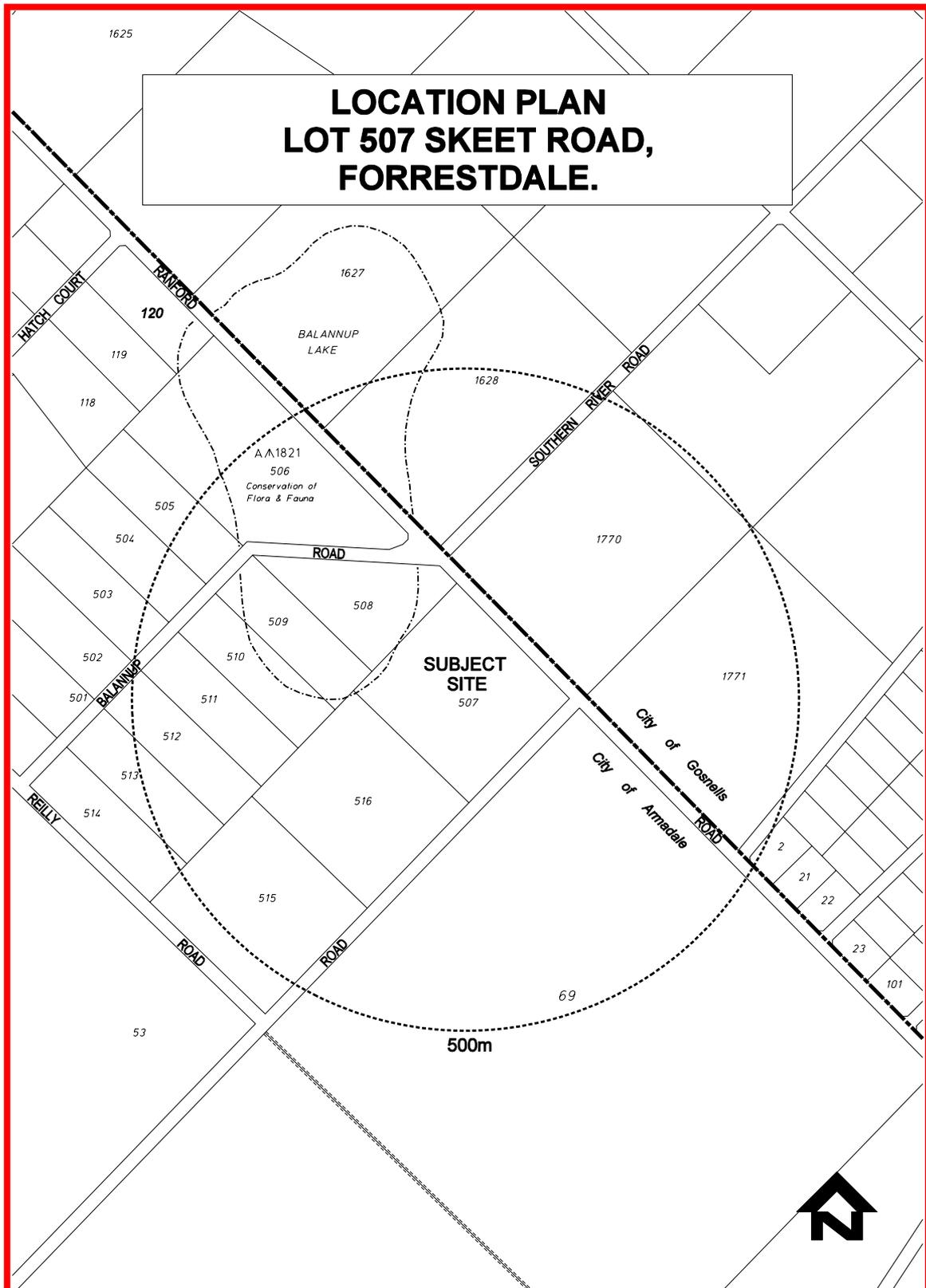
*The landowner's consultant was advised of this information and has indicated that notwithstanding this information his client does not wish to develop the site for residential purposes.”*

**D147/9/04            RECOMMEND**

- 1. That pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), Council initiate an amendment to the Town Planning Scheme No. 2 by amending the Special Use No. 76 (Table 11.21) by the addition of “Telecommunications Infrastructure” as a use permissible only with Council discretion.**
- 2. That Council further resolves:**
  - a) That the Scheme Amendment is consistent with those purposes for which Schemes may be made in accordance with the First Schedule of the Town Planning and Development Act (1928) and therefore will proceed directly to advertising;**
  - b) To advertise the proposed amendment in accordance with the Town Planning Regulations 1967 (as amended), including referral to the Environmental Protection Authority;**
  - c) To forward a copy of the amendment to the Western Australian Planning Commission for information.**
- 3. That the Mayor and Chief Executive Officer be authorized to execute the Amendment documents.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

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**TELECOMMUNICATIONS FACILITIES - LOT 507 SKEET ROAD, FORRESTDAL**

WARD : FORREST  
FILE REF : A47511  
DATE : 8 September 2004  
REF : EP  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Planning Solutions (Aus) Pty Ltd  
LAND OWNER : B A & D V Chester  
SUBJECT LAND : Property size 5.3ha  
Map 18-06  
ZONING  
MRS/TPS No.2 : Rural/G Rural  
DRAFT TPS No.4 : General Rural

**In Brief:-**

- Application to install a 30m high telecommunications tower with associated antennas and equipment shelter.
- The proposal was advertised for public comment as per the “Use Not Listed” provisions of the Town Planning Scheme No.2 and attracted thirteen (13) submissions.
- The application is considered to be consistent with the intent and objectives of the General Rural zone.
- The proposal meets the requirements of Statement of Planning Policy No. 5.2 – “Telecommunications Infrastructure”.
- Recommend that the application be approved subject to appropriate conditions.
- *COMMITTEE recommended that the application be refused as more appropriate sites, (i.e. land zoned for Industrial purposes), are available in the vicinity and the design of the facility, including panel antennas on a triangular headframe rather than flush mounted to the tower would result in undesirable visual impact.*

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

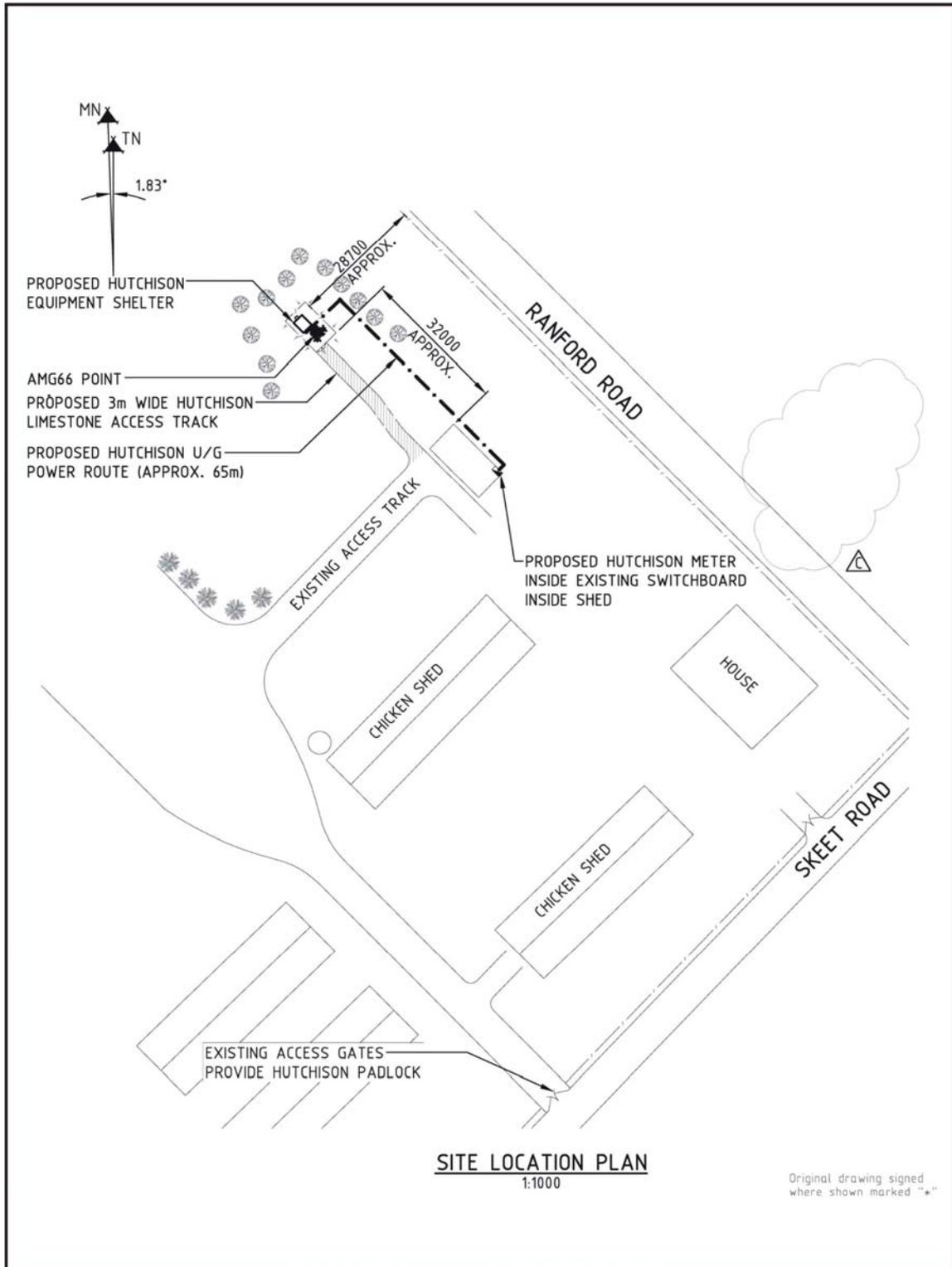
**Legislation Implications**

Metropolitan Region Scheme Act 1959  
Metropolitan Region Scheme  
Town Planning and Development Act 1928

Town Planning Scheme No.2  
Draft Town Planning Scheme No.4  
Statement of Planning Policy No.5.2 – “Telecommunications Infrastructure”

**Council Policy / Local Law Implications**

City’s Draft Rural Strategy



**SITE PLAN**  
**LOT 507 SKEET ROAD, FORRESTDALE.**

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ City of Gosnells
- ◆ Development Control Unit (DCU)
- ◆ Surrounding Landowners

### **BACKGROUND**

The property is currently developed with a poultry farm and general rural activities including a residence and associated outbuildings. Mature trees and shrubbery are scattered throughout the subject site. Access to the site is provided from Skeet Road.

### **DETAILS OF PROPOSAL**

The proposal involves the installation of a 30m high monopole that will support three (3) panel antennas, two (2) parabolic antennas and an outdoor equipment shelter constructed of brick.

The telecommunication infrastructure is proposed to be located towards the northern end of the subject property and at a setback of 28.7 metres from Ranford Road. All other setbacks are greater than the aforementioned distance.

The applicant advises that the facility has been designed to incorporate the co-location of other telecommunications carriers and that the proposed monopole has been designed at a sufficient height to specifically provide for co-location opportunities. This may reduce the potential number of telecommunication facilities required in the area and represents an acknowledgement of the need to take a strategic approach to the siting of telecommunications facilities.

### **COMMENT**

#### ***City of Gosnells***

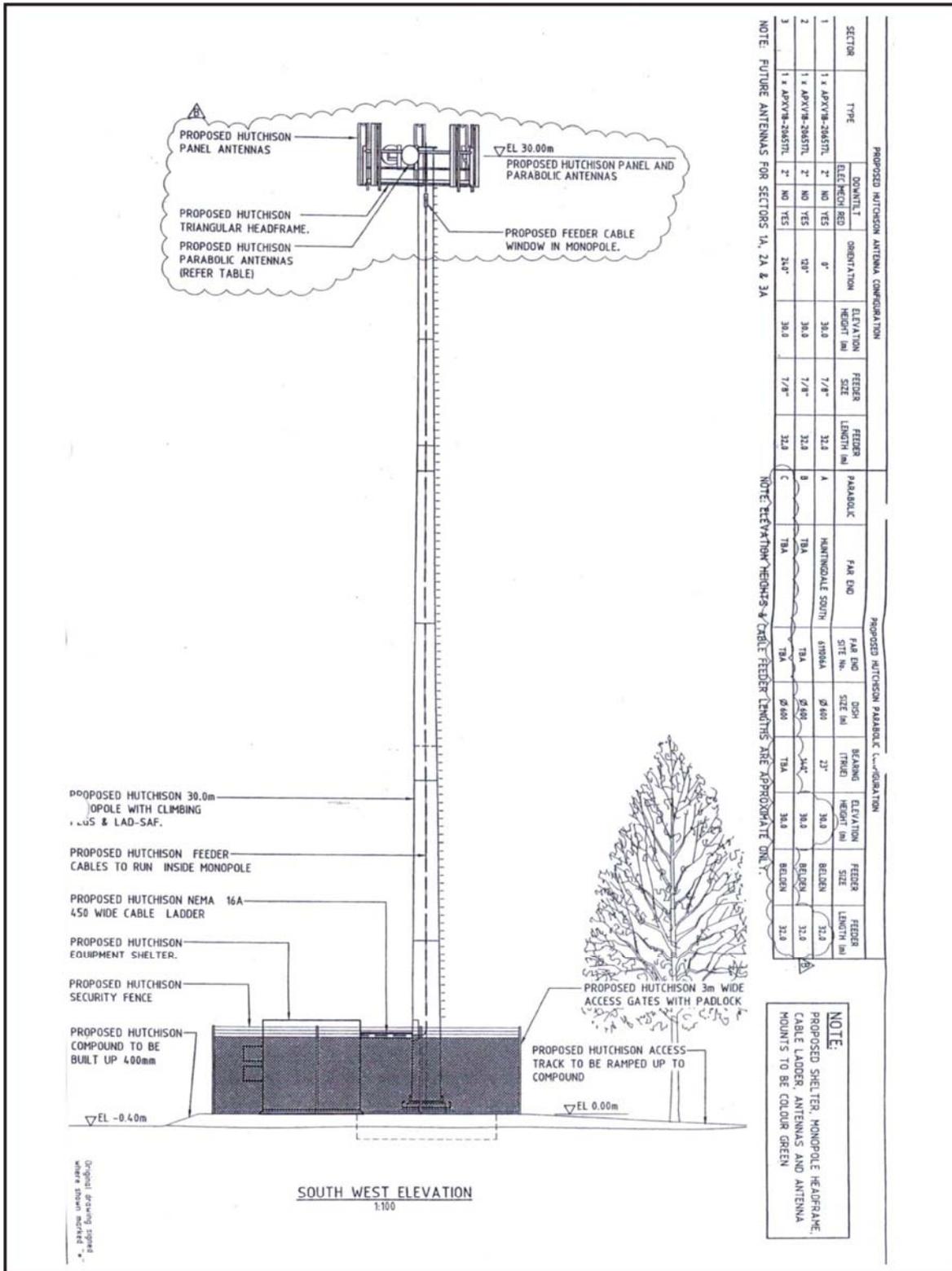
City of Gosnells has advised that they have no objections to the proposal.

#### ***Development Control Unit (DCU)***

DCU at its meeting on 31 August 2004 considered that the proposed location for the monopole is unlikely to have an adverse visual impact within this locality compared to the existing pylon structures in this area and recommended approval subject to appropriate conditions.

#### ***Results of Advertising***

The application was advertised to seventeen (17) surrounding landowners for four (4) weeks between 12 August 2004 and 10 September 2004 and thirteen (13) submissions of objections were received. It should be noted that 12 submissions were identical in content and signed by different submittees.



**ELEVATION PLAN  
LOT 507 SKEET ROAD, FORRESTDAL.**

*Issues arising from public submissions*

1. *Health effects from electro magnetic radiation.*

Submittees argue that studies are still being conducted and there is no conclusive proof that living near mobile phone towers cause adverse health effects, but there is no conclusive proof that it does not. Another submission expressed concern that the tower should be placed 500m from their property, but did not elaborate on the reasons why.

SPP No.5.2 notes that all carriers are required to comply with the Australian Communications Authority's *Radio communications (Electromagnetic Radiation – Human Exposure) Standard (2003)* which incorporates substantial safety margins to address concerns for potentially sensitive groups in the community.

2. *Affects on future resale value of land.*

During the past few years there has been a substantial expansion in the number of high impact telecommunications infrastructure facility installation in rural, residential, industrial and other areas across Western Australia. There has been no evidence to suggest that the increase in telecommunications infrastructure has had any impact on property values. The submittees have not provided any evidence to substantiate this argument and no advice from a qualified valuer has been received.

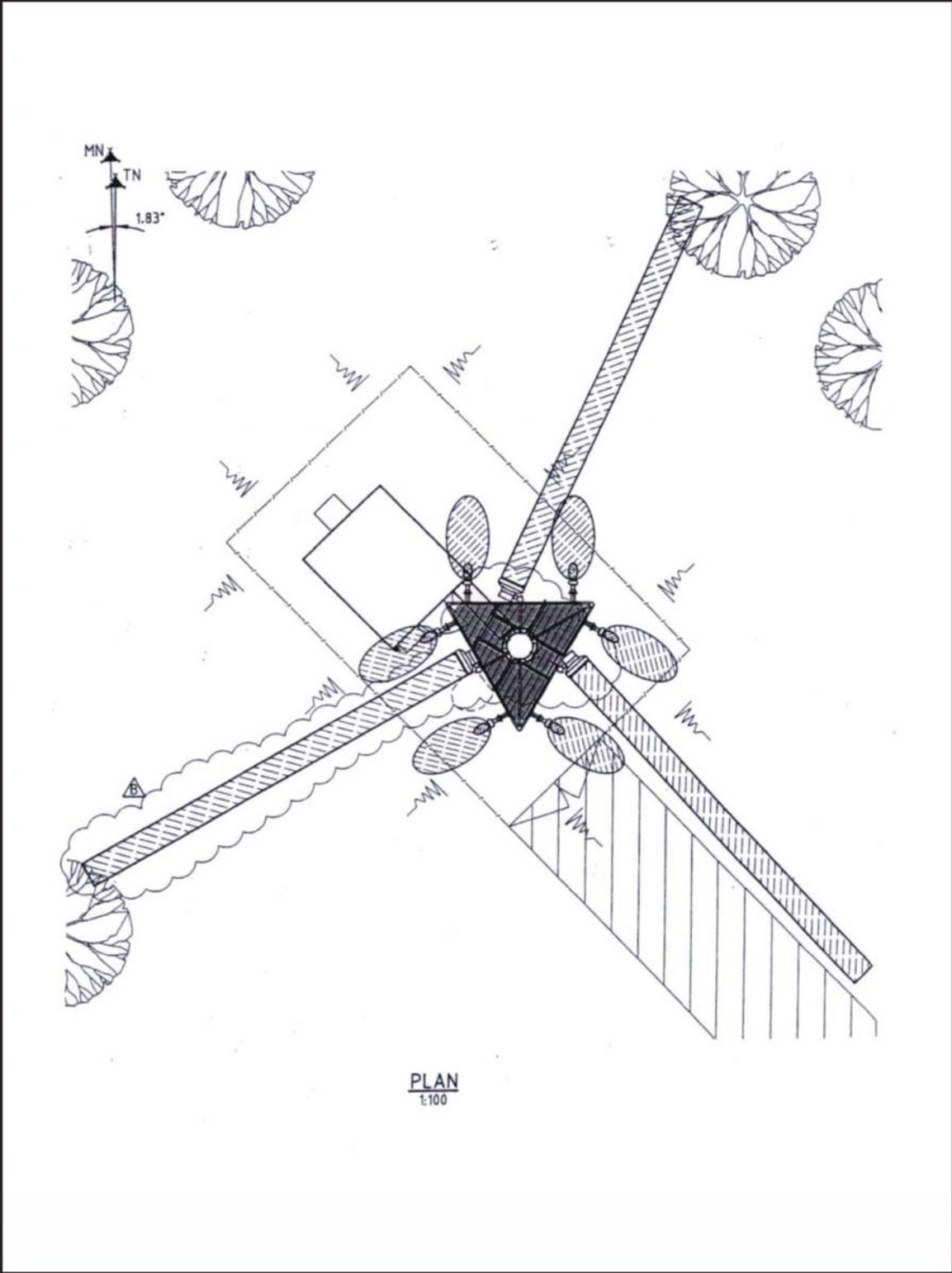
3. *This facility would not provide any service to the surrounding community as they already have ample access to major carriers including Hutchison.*

The applicant has advised that the surrounding locality in Southern River does not have adequate mobile phone coverage. Hutchison's closest sites are located at least 3km away from the proposed facility. Each set of antennas provides coverage to a small local area, or "cell" – for the Hutchison network, which is between 1.5km – 3km wide. Therefore the site at Southern River is considered the best to meet the requirements.

4. *An alternative site such as the North Forrestdale industrial business park area would be better suited in terms of conflict with the residential areas.*

The applicant has advised that they considered and assessed alternative locations in the vicinity of Anstey Road, Passmore Road and Southern River Road prior to submitting this application. These areas were not considered suitable due to being unable to satisfy radio frequency objectives and being too close to Hutchison's existing sites. The applicant has also advised that North Forrestdale business park area has already being identified as a site for future location of a telecommunication facility.

Notwithstanding the above, the chosen site is considered an appropriate location as it satisfies the SPP 5.2 locational guidelines and will have minimal impact in terms of intruding on surrounding residences and the visual amenity of the locality as detailed in this report.



**AERIAL VIEW OF PROPOSED TOWER & ANTENNAS  
LOT 507 SKEET ROAD, FORRESTDALE.**

## ANALYSIS

### ***Town Planning Scheme No.2 (TPS No2)***

The City's TPS No.2 defines "Telecommunication Infrastructure" as:

*"means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct hole, pit or other structures used, or for use, in or in connection with a telecommunications network."* This use class is not specifically listed in the use class tables for the General Rural zone of the TPS No.2. Applications for such uses are therefore, processed under the "Use Not Listed" provisions of the Scheme.

The subject application was advertised in accordance with the "Use Not Listed" procedure as it was considered consistent with the objectives and purpose of the General Rural zone, which is specified as follows:

*"Zone intended for the conservation of natural resources, the maintenance of open broad acre rural character, the fostering of rural use and rural industries in circumstances where they do not constitute a nuisance. Where compatible such uses promoting tourism, recreation and entertainment where it does not impact on the amenity of surrounding properties may be permitted....."*

The advertising closes on the 10<sup>th</sup> of September 2004.

The applicant asserts that in comparison to the land area of the subject site and the existing poultry farm development that dominates the subject site, the proposed telecommunication infrastructure will be a minor addition. The proposal by virtue of its site area requirements will not adversely affect the broad acre rural character nor will it constitute a nuisance.

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

Under the Draft TPS No.4 "Telecommunication Infrastructure" is a discretionary (AA) use subject to advertising within the General Rural zone.

### ***Statement of Planning Policy No.5.2 - Telecommunications Infrastructure (SPP No.5.2)***

This Statement of Planning Policy provides guiding principles for the location, siting and design of Telecommunications Infrastructure. The guidelines relevant to this application are as follows:

1. *Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas outside identified conservation areas.*

The proposal is located within a General Rural zone, which satisfies the above principle and avoids location of the facility within potentially sensitive areas such as "Urban" zoned land.

2. *Telecommunication facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impact on prominent landscape features, general views in the locality and individual significant views.*



**AERIAL PHOTO  
LOT 507 SKEET ROAD, FORRESTDALE.**

The subject site is identified for the purposes of accommodating rural development. This is advocated through the planning and land use designations and provisions of the current TPS No.2, Draft TPS No.4 and the Southern River, Forrestdale, Brookdale and Wungong District Structure Plan (DSP).

As the proposed tower will be situated within a poultry farm in a rural setting, with a population comparatively less than that of an urban / residential area, the potential to detrimentally affect the visual amenity and the environment will be significantly reduced.

- 3. Telecommunications Facilities should be designed to minimise adverse impacts on the visual character and amenity of residential areas.*

As the planning framework from both a state and local government level advocates the subject site to remain rural in nature, and according to the DSP the nearest “Urban” designated land is approximately 450m to the southwest the proposed Telecommunications facility is unlikely to directly affect the visual character or the amenity of future residential areas.

- 4. Co-location of Telecommunication Facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result.*

This Telecommunications Tower is proposed to facilitate development opportunities to establish co-location opportunities on the subject site. This may reduce the need for other additional telecommunication facilities within the surrounding area.

Given the above, it is apparent that the development proposal adequately satisfies the provisions of SPP No.5.2.

### ***City’s Draft Rural Strategy***

The monopole is proposed to be located in an area identified as secondary landscape quality area under City’s Draft Rural Strategy. Notwithstanding the above, this area is also recognised as cleared of any remnant vegetation. The applicant’s proposed landscaping to obscure the base of the tower would contribute in enhancing the landscape quality along this strip of Ranford Road. Painting the monopole in green to colour co-ordinate with the rural landscape as stated in SPP 5.2 guidelines could also contribute in improving the visual appearance of the tower to blend in with the landscape.

### ***Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP)***

The above District Structure Plan, which seeks to guide and coordinate future development within the areas of Southern River, Forrestdale, Brookdale and Wungong, identifies this site as a “Rural Living and Semi Rural Living” area. Land parcels to the northwest and southwest of this site are designated for “Rural” purposes while it is bounded by “Parks and Recreation Reserve” land to the north, northeast and south. The nearest “Urban” designated land is 450m southwest of the subject site. Given the current General Rural zoning, the existing land use and the long term rural use supported by the above DSP it is unlikely that the proposal will have an adverse impact on the amenity of the site and the environs.

## **OPTIONS**

1. The application could be approved subject to appropriate conditions.
2. The application could be refused if Council is of the view that the proposal will have an adverse amenity impact in the locality.

## **CONCLUSION**

The application is considered to be consistent with the objectives and purpose of the General Rural zone given the current poultry farm use of the site and it is not considered to adversely affect the broad acre rural character or cause any nuisance to surrounding locality.

The proposal is considered to adequately satisfy the provisions of the SPP No.5.2

As the general area within close proximity to the subject lot supports a number of similar towers (pylons) for electric power cables the proposed monopole would not be dissimilar to such pylons. The property's existing scattered vegetation cover plus the landscaping around the base of the structure proposed by the applicant would reasonably minimise any possible visual intrusion to passers by along Ranford and Skeet Roads.

In terms of location this telecommunication facility is considered beneficial in meeting the communication needs of the community that would inhabit the future residential development areas proposed by the DSP.

The application is recommended to be approved as per Option No.1 above.

### ***Officer's report recommends –***

1. That Council determine that the proposed Telecommunications Infrastructure facility is consistent with the objectives and purpose of the General Rural zone and endorse action taken to advertise the proposal in accordance with the Town Planning Scheme No.2 "Use Not Listed" provisions.
2. That the application to install a 30m high telecommunications tower, together with supporting antennas and equipment shelter at Lot 507 Skeet Road, Forrestdale be approved subject to the following conditions:
  - a) Submission of a detailed landscape plan for the area identified for landscaping on site to visually screen the base of the tower from motorists/passers by travelling along Ranford and Skeet Roads. Such landscaping plan to be approved by the Executive Director Development Services and to be installed and maintained thereafter to the satisfaction of the said officer.
  - b) Prior to the issue of a building licence, the proposed colour scheme of the monopole and equipment shelter to be submitted and approved by the Executive Director Development Services.

*COMMITTEE was of the view that more appropriate sites, (i.e. land zoned for Industrial purposes), are available in the vicinity and the design of the facility, including panel antennas on a triangular headframe rather than flush mounted to the tower would result in undesirable visual impact. Accordingly the application was recommended for refusal.*

*Since the Development Services Committee meeting of 13 September 2004 revised elevation plans of the mobile phone tower have been received and can be viewed at Attachment “A2” of the Minutes.*

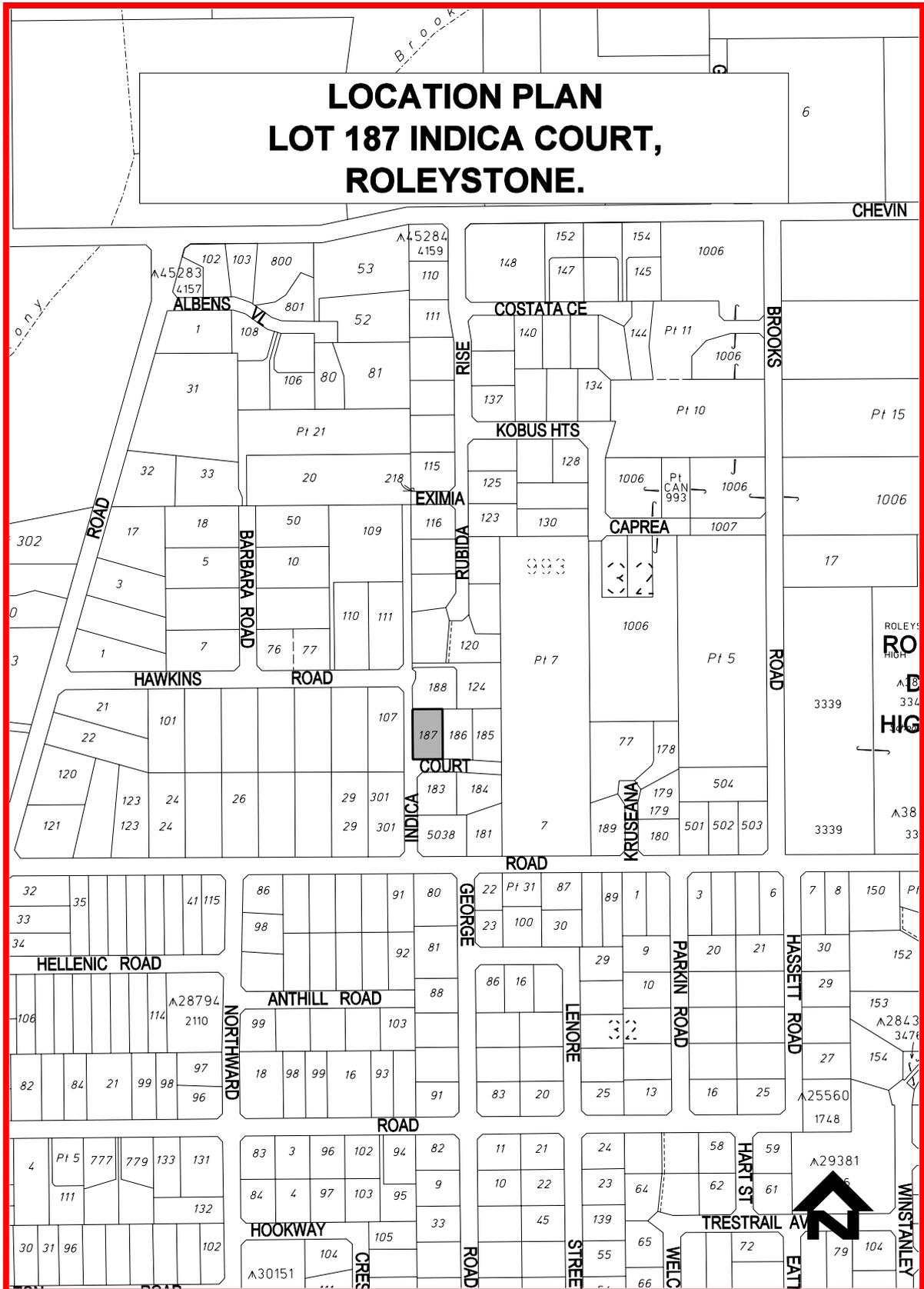
**D148/9/04            RECOMMEND**

~~**That the application to erect a Telecommunications Infrastructure facility at Lot 507 Skeet Road Forrestdale be refused on the grounds that more appropriate sites, (i.e. land zoned for Industrial purposes), are available in the vicinity and the design of the facility, including panel antennas on a triangular headframe rather than flush mounted to the tower would result in undesirable visual impact.**~~

MOVED Cr Hodges  
MOTION CARRIED (7/0)

*Council resolved at it meeting of 20 September 2004 the following:-*

*That Recommendation D148/9/04 be not adopted and be recommitted to Development Services Committee as additional information has been made available for consideration of this proposal.*



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***PROPOSED DEVELOPMENT ENVELOPE MODIFICATION – LOT 187 INDICA COURT, ROLEYSTONE***

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WARD : ROLEYSTONE  
FILE REF : A243137  
DATE : 3 September 2004  
REF : JEH  
RESPONSIBLE MANAGER : PSM  
APPLICANT : A Saciuk  
LAND OWNER : A & K Saciuk  
SUBJECT LAND : Property size 2019m<sup>2</sup>  
Map 26.08  
ZONING  
MRS/TPS No.2 : Urban/Residential  
Development Area (“R5”)  
DRAFT TPS No.4 : Residential “R5”

**In Brief:-**

- Proposal involves a modification to the existing development envelope to accommodate a proposed dwelling and incidental earthworks, leach drains etc.
- Application has been advertised to three (3) surrounding landowners and objections have been received.
- Proposed modification generally complies with Town Planning Scheme and Policy requirements, however the development envelope could be reduced on side lot boundaries.
- Recommend that Council approve the application subject to appropriate conditions including submission of a revised site plan indicating the development envelope no closer to side boundaries than the proposed dwelling.

**Tabled Items**

Nil.

**Officer Interest Declaration**

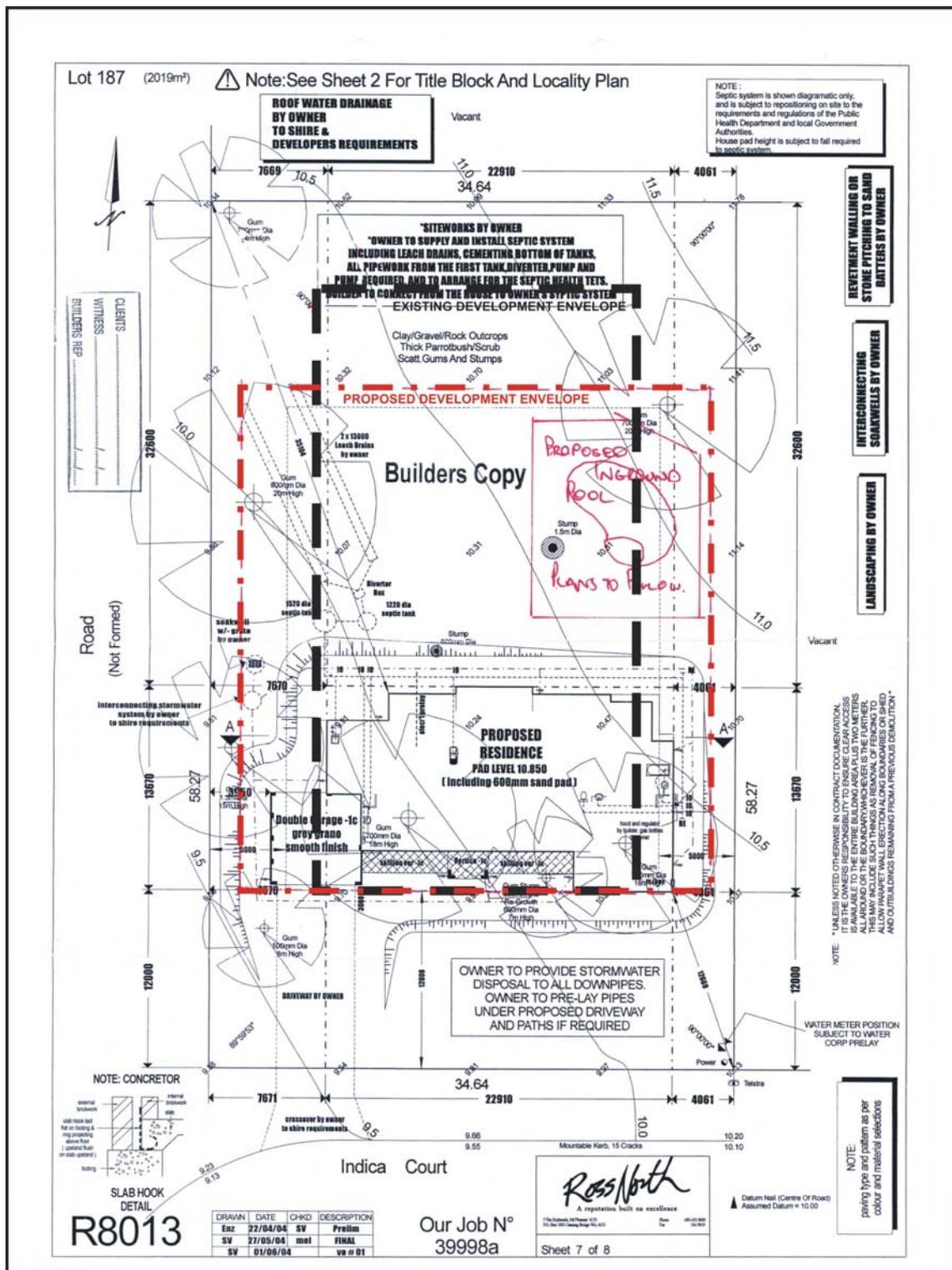
Nil.

**Strategic Implications**

Nil.

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Scheme Act 1959  
Metropolitan Region Scheme  
Town Planning Scheme No 2.  
Residential Design Codes of Western Australia  
Bush Fires Act 1954  
Environmental Protection (Noise) Regulations 1997



**SITE PLAN**  
**LOT 187 INDICA COURT, ROLEYSTONE.**

### **Council Policy / Local Law Implications**

Policy 4.3.11 – Establishment or variation of development envelope locations  
Environment, Animals and Nuisance Local Laws 2002

### **Budget / Financial Implications**

Nil.

### **Consultation**

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

### **BACKGROUND**

On 4 June 2004 a development application was submitted for the modification of the development envelope on the subject lot. The applicant proposed to enlarge the envelope in order to accommodate a swimming pool and the earthworks and leach drains associated with a proposed dwelling (for which a Building Licence Application had previously been submitted to the City). In addition, the applicant proposed that a portion of the development envelope extend to approximately 2m from the rear boundary in order to accommodate a 9m x 7m shed (for which an application has not been submitted to the City).

As the original plan accompanying the application represented a modification that would potentially allow a shed and dwelling to be located in closer proximity to surrounding properties than the existing envelope allows, the proposal was advertised to three surrounding landowners. All three landowners objected to the proposed modification and the applicant subsequently submitted a revised plan (removing all reference to the proposed shed and increasing the setback distance of the envelope from the rear lot boundary to 12.5m instead of the 2m originally proposed). The revised plan was again advertised to the three landowners previously notified and objections were again raised. As such the proposal is referred to Council for determination.

### **DETAILS OF PROPOSAL**

The applicant proposes a modification to the development envelope on the subject lot in order to accommodate a residence and associated earthworks, leach drains and a swimming pool. The existing development envelope is located with a 12m front setback, 6m rear setback, 7m western side setback and 6.53m eastern side setback. The proposed modified development envelope has a 12m front setback, 12.5m rear setback and side setbacks of 2m and 1.6m. The proposed residence (for which planning approval is not required) is set back approximately 4m from side lot boundaries.

### **COMMENT**

#### ***Development Control Unit***

At its meeting of 7 September 2004, DCU recommended that the application be approved subject to the relocation of the side boundaries of the development envelope to align with the side walls of the dwelling.



**AERIAL PHOTO  
LOT 187 INDICA COURT, ROLEYSTONE.**

### ***Public Comment***

The proposed development envelope modification was originally advertised for a period of two (2) weeks to three (3) surrounding landowners and three letters of objection were received. The applicant subsequently submitted a revised plan which was also advertised for two (2) weeks. One written objection and one verbal objection to the proposal were received. One verbal response raising a concern in relation to firebreaks was also received. The comments and concerns received are detailed below in the analysis section of this report.

### **ANALYSIS**

#### ***Public Submissions***

1. *The proposed modification to the development envelope will encroach on our privacy.*

It is acknowledged that if the development envelope is approved it will permit the dwelling to be located with side setbacks of approximately 4m (instead of 7m and 6.53m as required by the existing development envelope). As there are no major openings to habitable rooms located at the sides of the proposed dwelling it is anticipated that the proposed reduction in side setbacks will have a minimal impact on the privacy of surrounding dwellings. The setbacks of the dwelling also comply with the setback and privacy provisions of the Residential Design Codes.

2. *The proposal will result in a shed being situated in close proximity to other dwellings and will have a negative impact on the amenity of surrounding properties.*

Due to neighbour concerns being raised regarding the extension of the development envelope to accommodate a shed, the applicant has submitted a revised plan and has omitted any reference to a proposed shed. No applications for a shed have been submitted.

3. *There is a requirement to maintain a 3metre firebreak under the City of Armadale's fire management requirements. Reducing the side setback would make us feel unsafe in regards to protection against fire.*

The City's Ranger Services Directorate have provided comment on the proposed development envelope modification and raise no objections on the basis of increased fire risk. The Bush Fires Act allows grass to a height of less than 5cm on any block under 3000m<sup>2</sup> in lieu of clearing a firebreak. The proposal does not increase the potential for flammable material on the block and if the property is not maintained in the future it could be dealt with under the Bush Fires Act by slashing and/or removing flammable material from the block.

4. *The area between the existing development envelope and side boundaries contains a significant number of trees that would be lost due to the proposed decrease in setback. The trees and other vegetation provide appropriate privacy between dwelling and 'greenness' within the street. Their removal would degrade the appearance of the street and be detrimental to the area.*

The area referred to is primarily vegetated with “parrot bush” and it is acknowledged that the proposed dwelling and associated earthworks will result in the removal of some vegetation if the proposed development envelope variation is approved. Two significant trees are located within the identified area. One being adjacent to the applicant’s proposed swimming pool and the other adjacent to proposed leach drains. If the modification to the development envelope is approved it is recommended that the trees identified on the plan be retained if possible or alternatively replaced with a suitable local indigenous species in an appropriate location to the City’s satisfaction.

A number of larger trees are located within the existing development envelope and will require removal for the construction of the dwelling regardless of whether or not the development envelope is modified. The proposed front setback of the development envelope is consistent with existing envelope setback and therefore any impact on streetscape due to loss of vegetation is expected to be minimal.

5. *We bought in the area due to the size of the blocks and the understanding that the setbacks would provide reasonable separation from neighbouring development.*

The proposed development complies with the Residential Design Codes and is set back in accordance with the requirements for an “R5” density code. Development Envelopes additionally limit the location of development to within the designated development envelope area, however the location of development envelopes may be varied in accordance with the provisions of the City’s Town Planning Scheme No.2 and Policy 4.3.11 – Establishment of variation of development envelope locations.

6. *A concern was raised in relation to the location of the proposed pool and the potential effect of noise from pumps and pool parties.*

It is considered unlikely that noise as a result of the location of the proposed pool will significantly impact on the adjoining property. 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. Additionally, if noise levels are considered to cause a nuisance, Council has powers under the City’s Environment, Animals and Nuisance Local Laws 2002 to direct the owner or occupier to take such actions necessary to minimise or correct the problem.

7. *No variation to development envelopes should be permitted.*

The location of development envelopes may be varied in accordance with the provisions of the City’s Town Planning Scheme No.2 and Policy 4.3.11 – Establishment of variation of development envelope locations.

## **ANALYSIS**

### **Town Planning Scheme No.2**

The subject lot is zoned Residential “R5” and is designated as a “Development Area” under TPS No.2.

No planning approval is required for the proposed residence under the City's Town Planning Scheme No.2 as it represents a single dwelling in a residential area. A Building License Application has been submitted by the applicant and is required to be approved by the City. The Residential Design Codes require the proposed residence to be set back a minimum of 1.0m from the western lot boundary and 1.5m from the eastern lot boundary. The dwelling is set back 3.95m from the western lot boundary and 4.06m from the eastern lot boundary and therefore complies with side boundary setback requirements of the Residential Design Codes.

The location of development on the subject lot is additionally controlled by the location of the development envelope. Clause 5.10.8 of Town Planning Scheme No.2 states that:

*“A development envelope is that portion of a lot depicted on the Scheme Map according to the legend thereon or on a plan endorsed with the approval of the Council as the portion on which, subject to the provisions of the Scheme, a building may be erected.”*

The applicant's proposed development envelope is located with side setbacks of 2m to the western boundary and 1.6m to the eastern boundary in order to accommodate some of the earthworks associated with the residence, soakwells, a portion of the leach drains and part of a proposed swimming pool area.

Clause 5.10.8 only specifies that *buildings* are to be contained within the development envelope, and does not specify that development other than buildings (such as earthworks, soakwells, leach drains or swimming pools) are required to be contained within the development envelope. It is advantageous in most instances if all development can be contained within the designated development envelope, however under some circumstances this unnecessarily results in the expansion of development envelopes. It is recommended therefore that if the development envelope is approved that it is approved with side setbacks sufficient to accommodate the dwelling only (i.e. 3.95m to the eastern boundary and 4.06m to the western boundary). This does not preclude Council from noting the acceptability of any development (other than buildings) encroaching beyond the development envelope, but has the advantage of limiting unnecessary extension of the development envelope towards side boundaries where it is not required for the construction of buildings.

#### **Policy 4.3.11 – Establishment or Variation of Development Envelope Locations**

Modifications to development envelopes are assessed against Policy 4.3.11 – ‘Establishment or Variation of Development Envelope Locations’.

The proposed development envelope modification generally complies with policy requirements including compliance with minimum setback requirements relating to the Residential ‘R5’ zoning of the property.

Two trees that are located outside the existing development envelope may require removal as a result of the proposed development. One of the trees is located in close proximity to where the applicant proposes an in-ground swimming pool. The other tree is located adjacent to where the applicant proposes the leach drains for the residence. The applicant has not specified that removal of the trees is a certainty however their proximity to proposed development means that their removal may be necessary. As the trees are mature and are located outside of the existing development envelope it is recommended that a condition be imposed requiring them to be retained or alternatively replaced with a suitable local indigenous species to the satisfaction of the City.

The visual impact of the proposed dwelling from Indica Court will not be adversely affected as a result of the envelope modification, as front setbacks are unchanged from the existing development envelope. Visual impact on the streetscape is therefore expected to be minimal as a result of the modification.

**Delegation No.700 – Authority to Determine Applications for the Establishment or Variation of Development Envelope Locations.**

The Executive Director Development Services and/or Planning Services Manager has delegated authority to approve applications for variation to an established development envelope which has satisfactorily addressed Policy requirements. The proposed modification is considered to adequately meet policy requirements, however since neighbour objections have been received the application is referred to Council for determination.

**OPTIONS**

1. Approve the application subject to the applicant submitting a revised plan to indicate the proposed development envelope being located with side setbacks of 3.95m to the western property boundary and 4.06m to the eastern property boundary in order to accommodate the proposed dwelling. It should be noted with this option that part of the earthworks, leach drains and soakwells would extend beyond the development envelope.
2. Approve the application as proposed, with the development envelope set back 2m from the western property boundary and 1.6m from the eastern property boundary. It should be noted with this option that leach drains and soakwells would be contained within the development envelope, however a part of the earthworks would extend beyond the development envelope.
3. Council may refuse the application if it considers that the development envelope modification will have an unacceptable impact on surrounding residential properties.

**CONCLUSION**

Whilst some vegetation will be lost as a result of the proposed development, the impact on neighbouring properties is considered to be acceptable, given the ‘Residential’ zoning of the area and the proposed dwelling’s compliance with the setback requirements of the Residential Design Codes. The proposed modification is not expected to adversely impact on the streetscape as no development is proposed within the front setback area.

It is recommended that the development envelope only extend as far as necessary in order to accommodate the proposed dwelling. However, Council may place an advice note on the approval to clarify the extent to which earthworks and leach drains extending beyond the development envelope are acceptable. In this way, the development envelope would not be extended unnecessarily towards side boundaries and development (other than buildings) outside of the envelope can be noted as acceptable where Council is of the view that removal of vegetation to accommodate such development is justifiable. Given the above, it is recommended that Council approve the application in accordance with Option 1 subject to appropriate conditions.

*COMMITTEE noted the need to ensure that significant trees be retained on the property where possible.*

**D149/9/04            RECOMMEND**

- 1. That Council approve the application for development envelope modification at Lot 187 Indica Court, Roleystone subject to the following conditions:**
  - a) Submission of an amended site plan to the satisfaction of the Executive Director Development Services indicating the location of the development envelope at a minimum of 3.95m from the western side property boundary and 4.06m from the eastern property boundary. The site plan to also indicate any trees outside of the existing development envelope that are proposed to be removed.**
  - b) Retention of the large tree adjacent to the proposed in-ground swimming pool and retention of the large tree adjacent to the proposed leach drains as indicated on the approved site plan. If development necessitates removal of the trees they are to be replaced with suitable local indigenous species to the satisfaction of the Executive Director Development Services.**
  
- 2. That the applicant be advised that:**
  - a) Compliance with Bush Fires Act 1954 is required.**
  - b) The portion of earthworks and leach drains extending beyond the development envelope as indicated on the site plan is acceptable.**

MOVED Cr Hart  
MOTION CARRIED (7/0)



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***PROPOSED HOLIDAY ACCOMMODATION – PT LOT 33 (NO.222) BROOKTON HIGHWAY, KELMSCOTT***

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WARD : KELMSCOTT  
FILE REF : A71457  
DATE : 31 August 2004  
REF : EP  
RESPONSIBLE MANAGER : PSM  
APPLICANT : C Wolf  
LAND OWNER : J Rothwell  
SUBJECT LAND : Property size 1.5ha  
Map 24-06  
  
ZONING  
MRS/TPS No.2 : Rural / Rural “E”  
DRAFT TPS No.4 : RL2

**In Brief:-**

- Application to operate “Holiday Accommodation” from the existing heritage listed second residence on site.
- The application was advertised for public comment and attracted two (2) submissions of no objections.
- The proposal does not neatly comply with the Town Planning Scheme No.2 definition of “Holiday Accommodation” and Clause 2.1.2 stipulation of Policy 4.3.10 –“ Two Houses on One Lot in the Rural Zone”.
- Clause 5.11.7 of the TPS No.2 relating to ‘Conservation Incentives’ for Heritage Listed Buildings empowers Council to consider varying the TPS No.2 requirements to allow the utilising of this heritage listed building as “Holiday Accommodation”.
- Recommend that Council advise the WAPC to approve the application subject to appropriate conditions and issue MRS Form 2 under TPS No.2.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

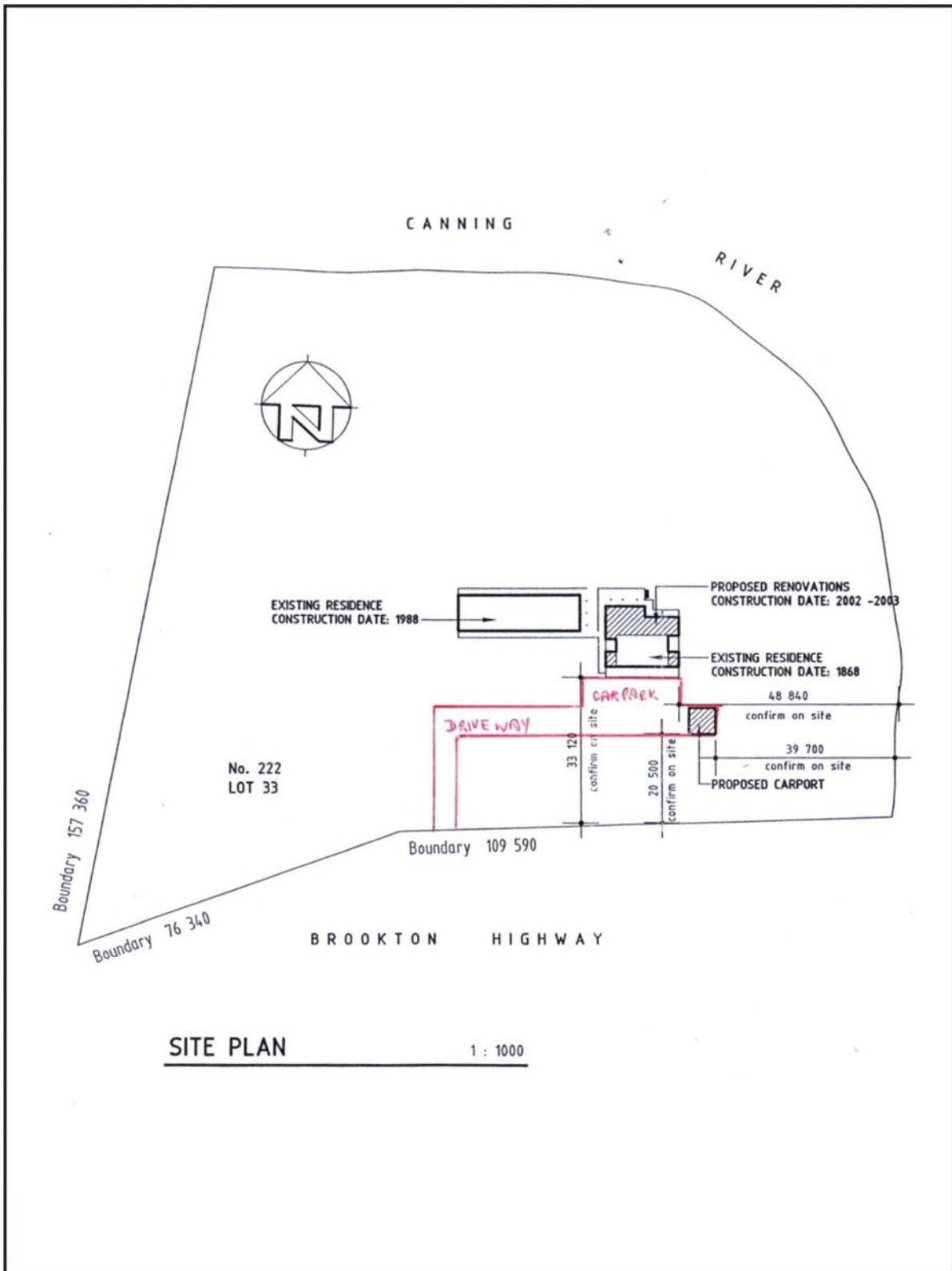
- ♦ Development – to balance the needs of development with sustainable economic, social and environmental objectives.
- ♦ To create a caring and vibrant City, rich in history, heritage and lifestyle.

**Legislation Implications**

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

**Council Policy / Local Law Implications**

- ♦ Draft Rural Strategy
- ♦ City of Armadale Health Local Laws 1992
- ♦ Policy 4.3.10 “Two Houses on One Lot in the Rural Zone”



**SITE PLAN**  
**LOT 33 BROOKTON HIGHWAY, KELMSCOTT.**

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Main Roads WA
- ◆ Surrounding Landowners
- ◆ Development Control Unit

### **BACKGROUND**

Lot 33 Brookton Highway is currently developed with two residences and a shed. The older home known as the “Buckingham Homestead / Poplar and Mill site” is listed as a Management Category “A”, heritage building in Council’s Heritage Inventory and was built in 1868. The new residence was approved by Council and built in 1988. The approval of this new residence was subject to a number of conditions including the following:

*“Existing residence not to be used for habitable purposes after the construction of the new residence. In this regard, all drain lines to be disconnected, septic tanks to be pumped clean and filled with clean sand and the leach drains to be removed to the satisfaction of the City Health Department.”*

Council at its Meeting in December 2002 considered an application to extend and renovate the existing heritage listed house and to utilise it as a second residence to be occupied by principal occupant / the property owner’s daughter and to build a carport.

As the property directly abuts the Canning River, the application was referred to the Western Australian Planning Commission (WAPC) for determination.

After consultation with the Heritage Council of Western Australia, Council recommended approval of the application and subsequently the WAPC approved the proposal subject to conditions requiring certain structural changes to the building.

As the current proposal is considered a change of use of a property directly abutting the Canning River the application has been referred to the WAPC for determination. The WAPC is currently considering this application under Clause 30A(1)(a)(ii) of the Metropolitan Region Scheme and seeks Council’s recommendation on this proposal.

### **DETAILS OF PROPOSAL**

The application proposes to use the existing heritage listed second residence on this property as a “Holiday Accommodation” facility.

All three bedrooms in the house with its own attached bathroom facilities are proposed to be used for guest accommodation while the adjacent main residence will be occupied by the operators of the facility. A separate carport would be provided for visitor parking.



The applicant advises that the building will be restored to reflect its original heritage status while a cottage garden will be established with native vegetation to encourage birds for the enjoyment of the visitors.

The applicant's intent of renovating this heritage listed building at a considerable cost is to utilise it for habitable purposes. Given the special circumstances of this application and using the house as "Holiday Accommodation" would provide the opportunity for the public to enjoy a bit of historic flavour of Armadale, the applicant requests Council to vary the TPS No.2 and the Policy 4.3.10 requirements to facilitate this proposal.

## **COMMENT**

### ***Main Roads WA***

No comments were received at the time of report writing.

### ***Development Control Unit (DCU)***

DCU considered the proposal at its meeting on 31 August 2004 and recommended approval subject to the application complying with Town Planning Scheme No.2 and relevant Policy requirements.

### ***Results of Advertising***

The application was advertised to six (6) surrounding landowners for comment and attracted two (2) submissions of no objections subject to no additional impact on the Canning River and ensuring the heritage character of the building being retained.

## **ANALYSIS**

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

"Holiday Accommodation" is a discretionary ("SA") use in the rural zone and is defined as "*accommodation comprising two or more cabins, apartments, chalets, cottages or flats which, by way of trade or business or for the purpose of any trade or business, is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor*".

The application does not neatly comply with the definition of "Holiday Accommodation" as the application does not propose to use two or more buildings for the purpose.

### ***Access / Parking and Landscaping***

The site has direct access off Brookton Highway. TPS No.2 stipulates that parking requirement for "Holiday Accommodation" is "As stipulated by Council". A separate carport is allocated for parking for this facility and given the large size of the property adequate overflow parking space is available on site.



**AERIAL PHOTO  
LOT 33 BROOKTON HIGHWAY, KELMSCOTT.**

The site is reasonably well landscaped and maintained satisfactorily. As suggested by the applicant, establishment of a cottage garden area with native vegetation would further improve the appearance and visual amenity of the site.

***Municipal Heritage Inventory/ Heritage Provisions Under TPS No.2***

The subject building is identified as a heritage building in the Council’s Municipal Heritage Inventory, and based on the relative value of the building, is classified as a Management Category “A” building which has the following management recommendation:-

*“Highest level of protection appropriate: recommended for entry in to the State Register of Heritage Places; provide maximum encouragement to the owner to conserve the significance of the place”*

City’s TPS No.2, under Clause 5.11 relating to “Heritage Provisions Conservation of Buildings and Places of Heritage Significance” makes provisions for conservation incentives to places / buildings affected by Heritage Significance. Clause 5.11.7 stipulates, *“In considering an application for development approval concerning or affecting a place of Cultural Heritage significance or Heritage Precinct, the Council may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to the granting of density bonuses, transfer of development rights and entering into special agreements”*.

This Clause empowers Council to vary the TPS No.2 stipulation on “Holiday Accommodation” and to permit the two residences on the subject lot as proposed by the application in the interest of protecting the heritage significance of the building and benefiting the wider community.

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

Under the Draft TPS No.4 “Holiday Accommodation” is a discretionary use subject to advertising (A) in the Rural Living (RL) zone and has the same definition as TPS No.2.

***City’s Two Houses on One Lot in the Rural Zone Policy (4.3.10)***

When Council approved the application for the second residence in December 2002 it was intended to be occupied by a family member of the occupant of the main residence.

Given that tenants will be occupying the main residence and the second residence will be used as a “Holiday Accommodation” facility the application fails to satisfy Clause 2.1 of Policy 4.3.10- “Two Houses on One Lot in the Rural Zone” which stipulates that the second residence will only be for farm management or family purposes.

The Policy also provides for Council to vary requirements on written request from the applicant. Given the high importance of this heritage listed building and the special circumstances surrounding this application it is considered reasonable to vary the Policy requirements to allow for this development.

### *City's Draft Rural Strategy*

The subject lot is located within the Canning Valley Rural Planning Area as set out by the Rural Strategy. The Principal Policy Objective for the Canning Valley Area is *“To preserve and enhance the scenic and environmental quality of the Canning Valley and to permit sensitive development of suitable upland areas”*. The property is also identified as being situated within the prime landscape quality area.

The proposed use of this heritage listed building with its existing and proposed landscaping and well-maintained nature is considered to contribute and enhance the scenic and environmental quality of this Canning Valley precinct.

### **OPTIONS**

1. Refuse the application on the basis of non-compliance with the Town Planning Scheme No.2 definition of “Holiday Accommodation” and Clause 2.1.2 of Policy 4.3.10 –“ Two Houses on One Lot”.
2. Approve application subject to appropriate conditions.

### **CONCLUSION**

Positive submissions received during the advertising period demonstrate that the proposal is acceptable to the surrounding neighbours.

As Council’s objective is to provide maximum encouragement to the owners to preserve the significance of heritage buildings, varying the TPS No.2 requirements of the “Holiday Accommodation” definition and relaxing Policy 4.3.10 Clause 2.1.2 requirement as described above to allow for the operation of this “Holiday Accommodation” facility from the second residence is considered a reasonable compromise to encourage the conservation of this significant heritage Management Category “A” building for the benefit of the wider community.

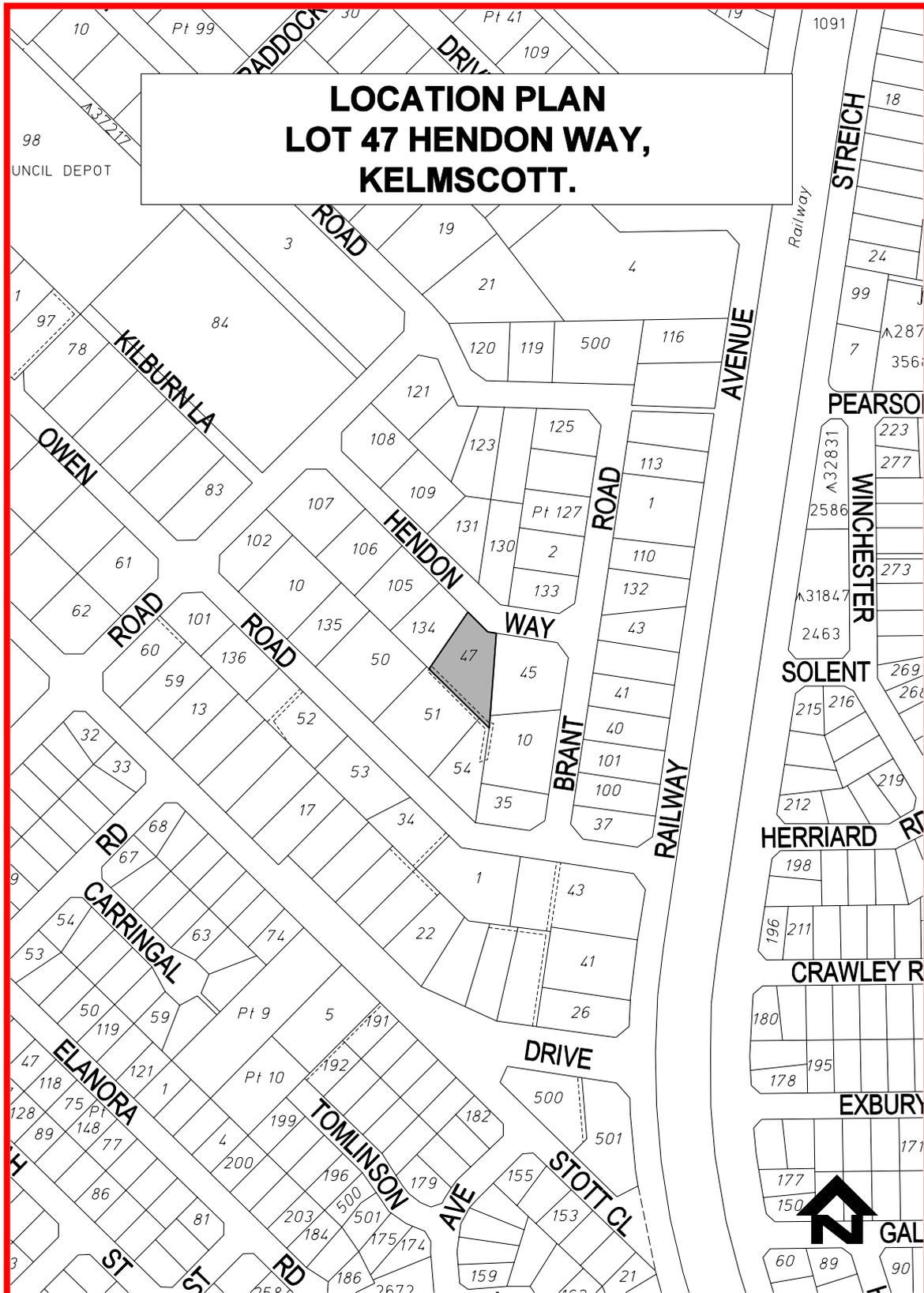
The site location appears to be appropriate for this low scale establishment being in close proximity to significant tourist locations of Armadale and having exposure to a major highway.

It is recommended that Council advise the Western Australian Planning Commission that the application be approved subject to appropriate conditions as per Option No.2 and the City of Armadale issue an MRS Form 2 approval under TPS No.2.

**D150/9/04      RECOMMEND**

- 1. That Council determines the application to utilise the existing heritage listed second residence on Pt Lot 33 Brookton Highway as a “Holiday Accommodation” facility is in accordance with Clause 5.11.7 of Town Planning Scheme No.2, and approve relaxation of the definition of “Holiday Accommodation” to allow the use of the second residence on this site for the proposed operation.**
- 2. That Council approve the application and issue an MRS Form 2 Planning Approval for the development under Town Planning Scheme No.2, subject to:**
  - a) Any sign proposed to be erected to advertise the establishment to be designed in a “Heritage Style” to the requirement and satisfaction of the Executive Director Development Services.**
  - b) Compliance with any conditions imposed by Main Roads WA.**
- 3. That Council advise the Western Australian Planning Commission that it recommends approval of the proposed “Holiday Accommodation” to operate from the heritage listed residence at Pt Lot 33 Brookton Highway, Kelmscott subject to the following conditions:**
  - a) Any sign proposed to be erected to advertise the establishment to be designed in a “Heritage Style” to the requirement and satisfaction of the Executive Director Development Services.**
  - b) Compliance with any conditions imposed by Main Roads WA.**
- 4. That the applicant is advised that the proposal should comply with the City of Armadale’s Local Laws 2002 (Part 9-Lodging House provisions).**

MOVED Cr Zelones  
MOTION CARRIED (7/0)



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***PROPOSED HYDROPONIC GREENHOUSE – LOT 47 (9) HENDON WAY, KELMSCOTT***

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WARD : WESTFIELD  
FILE REF : A195126  
DATE : 3 September 2004  
REF : RVD  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Graeme Faulker  
LAND OWNER : A B Baker  
SUBJECT LAND : Property size 2392m<sup>2</sup>  
Map 22-05  
ZONING  
MRS/TPS No.2 : Industrial/ General Industry  
DRAFT TPS No.4 : General Industry

**In Brief:-**

- Proposal for hydroponic greenhouse in the General Industry zone of the Kelmscott Industrial Area. A hydroponic greenhouse meets the definition of Agriculture – Intensive.
- Agriculture is specifically excluded from the definition of Industry in Town Planning Scheme No. 2.
- Recommend that the proposal be refused on the grounds that agriculture is not permitted in an Industry zone, the proposal is inconsistent with the objective and purpose of the General Industry zone and it does not meet Council's Industrial Design Guidelines.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

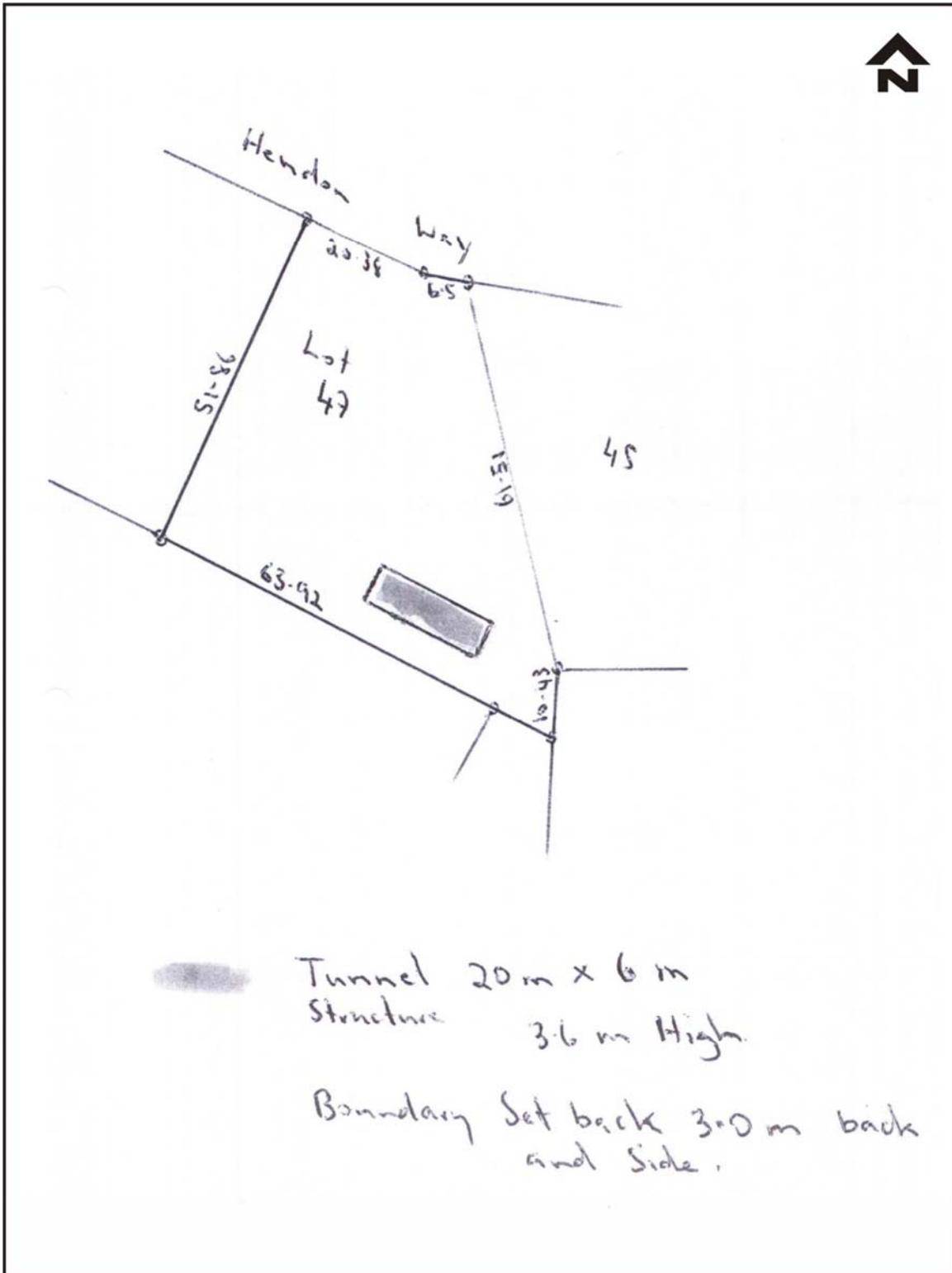
Development - "To balance the need of development with sustainable economic, social and environmental objectives".

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Town Planning Scheme Act 1959  
Metropolitan Region Scheme  
Town Planning Scheme No. 2  
Town Planning Regulations 1967

**Council Policy / Local Law Implications**

Policy 4.3.12 Industrial Design Guidelines



**SITE PLAN**  
**LOT 47 HENDON WAY, KELMSCOTT.**

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit
- ◆ Surrounding landholders

### **BACKGROUND**

On 30 April 2004 the City received a letter from Mr Graeme Faulker of Aqua Depot Imports under a covering letter from a real estate agent requesting information on the likelihood of approval for an aquatic plant production greenhouse at Lot 47 (9) Hendon Way, Kelmscott (the subject land). The City wrote to Mr Faulkner on 14 June 2004 drawing attention to the need to consider the compatibility of the proposal with other uses permitted in the General Industry zone, noting that the use was not listed and would need to be considered in relation to the zone objective and concluding that the proposal would be unlikely to be supported.

On 23 July 2004 an application for the proposal was lodged with the City.

### **DETAILS OF PROPOSAL**

The proposal entails the erection of 3.6m high tunnel type polythene greenhouses that will occupy an area of 20m by 6m located in the south east corner of the property about 6m from the southern boundary and about 9m from the eastern boundary. The applicant intends to use the greenhouses as a production nursery, with the produce being sold elsewhere. Staff would attend the greenhouses on a daily basis for periods of up to 3 to 4 hours.

The application does not include provision for driveway or parking facilities, but the applicant has indicated he would consider meeting Council's requirements in this regard.

### **COMMENT**

#### ***Development Control Unit***

The Development Control Unit considered that the proposal was inconsistent with the zone and the City's Industrial Design Guidelines and therefore should not be supported.

#### ***Public comment***

The proposal was advertised by letter to 26 surrounding landholders on 12 August 2004 inviting comment until 2 September 2004, and a sign was erected on site. Only one submission was received from the landholder of the subject land in support of the proposal.



**PHOTO OF TYPICAL POLYTHENE GREENHOUSE  
LOT 47 HENDON WAY, KELMSCOTT.**

## ANALYSIS

### *Town Planning Scheme No. 2*

Under Town Planning Scheme No. 2, there is an extensive definition of industry that includes the following text:

*"Industry" means the carrying out of any process for and incidental to:*

- d) *the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with –*
  - i) *the carrying out of agriculture;*

(Underlining our emphasis).

The definition of Industry therefore specifically excludes the carrying out of agriculture.

Under the *Town Planning Regulations 1967* the proposal fits within the definition of "Agriculture – Intensive" which is extensively defined and includes premises used for the production of exotic or native plants.

As the proposed use is agriculture, which is specifically excluded from the definition of industry, Council can not approve the proposal.

This view is reinforced by looking at the proposal in the context of the objective and purpose of the General Industry zone as reflected in the policy statement for the zone which reads:

*Zone intended to accommodate industry that would not otherwise comply with the performance standards of Light Industry. It is anticipated that Light Industrial and 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 Industrial Zone. Although the prime purpose of the zone is one of accommodating industrial processes, it is recognised that the zone will represent a major workplace and accordingly, due regard shall be paid to providing for the amenity of the workforce by ensuring high standards of factory design and appearance, landscaping and provision of facilities.*

Clearly the zone is intended to accommodate industry, and industry does not include the carrying out of agriculture.

The proposal is inconsistent with the objective and purpose of the zone because agriculture is not industry and the proposal does not meet high standards of factory design and appearance.

The proposed use would be more appropriately located in a Rural or General Rural zone.



**AERIAL PHOTO  
LOT 47 HENDON WAY, KELMSCOTT.**

***Policy 4.3.12 Industrial Design Guidelines***

The proposal meets neither Council's Industrial Design Guidelines in regard to a number of aspects, nor the general intent of the policy to promote high quality development.

The building design aspects of the policy require materials to be of natural tones, the facades of buildings to be of brick, masonry or concrete, structures to have pitched roofs where possible and for structures to provide attention to architectural detail. Clearly these aspects can not be met by a polythene greenhouse.

Vehicle access, car parking and landscaping have not been addressed by the applicant, and the proposal is not set back between 7.5 and 9m from the southern boundary as required by the policy.

***Previous use and potential for soil contamination***

The applicant stated the previous use of the property was the storage of vehicle wrecks. Aerial photography in 1994 and 1999 showed the subject land as vacant, and in 2000 there were a number of vehicles on the property. Aerial photography from 2003 shows the entire property covered in vehicles, and these are all presumably vehicle wrecks.

However, the City's file that dates from 1993 does not have a record of a previous planning approval for the subject land.

Although the storage of vehicle wrecks is not listed as a potentially contaminating industry, activity or land use by the Department of Environment and related industries such as scrap metal recovery is. Scrap metal recovery can lead to soil contamination from metals (e.g. chromium from bumper bars), solvents, oils and grease.

It is recommended that the applicant be advised that if scrap metal recovery was part of the activity carried out in association with the storage of vehicle wrecks, investigation to ensure soil contamination is not present may be warranted.

***Town Planning Scheme No. 4***

The subject land is proposed to remain in the General Industry zone.

Under draft Town Planning Scheme No. 4, the proposal would be considered "Agriculture – intensive" which is a use not permitted in the General Industry zone.

**OPTIONS**

Given that the proposed use is agriculture, which is specifically excluded from the definition of industry, Council does not have the option of approving the proposal.

## **CONCLUSION**

Council can not approve the proposal because the Scheme specifically excludes agriculture as an operation that can be undertaken in an Industry zone. This view is reinforced by an assessment of the proposal against the objective and purpose of the General Industry zone. A polythene greenhouse does not provide a high standard of building development which is identified as a zone objective and a goal of Council's Industrial Design Guidelines. Therefore refusal of the application is recommended.

## **D151/9/04          RECOMMEND**

- 1. Council refuse the proposed hydroponic greenhouse at Lot 47 (9) Hendon Way, Kelmscott on the grounds that:**
  - a) The proposed use is agriculture, which is a use excluded from Industrial zones;**
  - b) The proposed use is inconsistent with the objective and purpose of the General Industry zone; and**
  - c) The proposal does not meet the requirements of Policy 4.3.12 - Industrial Design Guidelines.**
- 2. That the applicant be advised that if the previous storage of vehicle wrecks included scrap metal recovery, investigation to ensure soil contamination is not present may be warranted.**

MOVED Cr Reynolds  
MOTION CARRIED (7/0)

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**PROPOSED SECOND RESIDENCE – LOT 82 (NO.290) PEET ROAD, ROLEYSTONE**

WARD : ROLEYSTONE  
FILE REF : A 220876  
DATE : 7 September 2004  
REF : EP  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Benlins Homes  
LAND OWNER : A G Willems  
SUBJECT LAND : Property size 2.69ha  
Map 25-08  
ZONING  
MRS/TPS No.2 : Rural/Rural “X”  
DRAFT TPS No.4 : RL2

**In Brief:-**

- Application for a second residence to be built on Lot 82 Peet Road, Roleystone.
- Application varies from Clause 2.3.2 of the “Two Houses on one lot in the Rural Zone” Policy, as it proposes an 80m separation between the existing and proposed residences.
- Variation may be considered as appropriate given the arguments submitted with regard to the preservation of the rural character and amenity of the area.
- Recommend that Council approve the application subject to appropriate conditions.
- *COMMITTEE recommended the application be recommitted to the next Development Services Committee meeting pending further investigation into the impact of the horticultural areas on the eastern side of the property.*

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

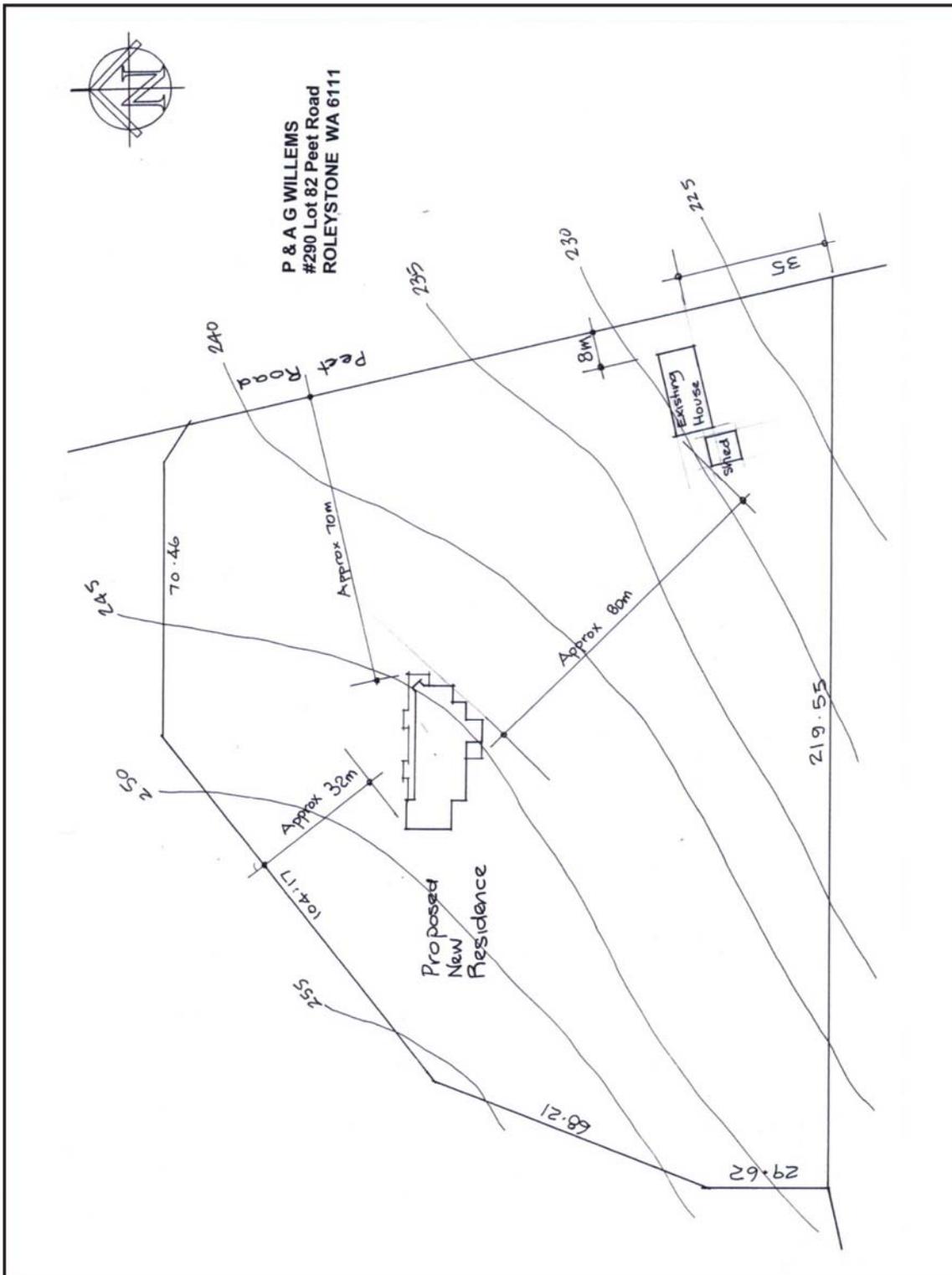
Development – “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

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

**Council Policy / Local Law Implications**

4.3.10 – Two Houses on One Lot in the Rural Zone  
4.3.11 - Establishment of variation of Development Envelope Locations  
City’s Draft Rural Strategy



**SITE PLAN**  
**LOT 82 PEET ROAD, ROLEYSTONE.**

### **Budget / Financial Implications**

Nil.

### **Consultation**

Development Control Unit

### **BACKGROUND**

The subject property currently supports a single residence located approximately at a 8m setback from Peet Road as well as an outbuilding. A development envelope exists on site and all existing buildings are located within this development envelope. The site is heavily vegetated with trees and shrubs.

### **DETAILS OF PROPOSAL**

Details pertaining to the application are as follows:

- ◆ Construction of a single storey second residence with a total floor area of 430m<sup>2</sup>;
- ◆ The proposed residence will be located approximately 80m from the existing residence towards the northern end of the site, 70m from Peet Road and 32m from the nearest property boundary;
- ◆ The second residence is proposed to be located at the minimum slope angle on the block surrounded by trees and having a separate access driveway from Peet Road;
- ◆ The proposed residence will be constructed of brick with a Zinalume roof at a pitch of 26°;
- ◆ The applicant provided a written statement (unsigned) stating that the proposed residence will be used as the main family residence and verbally advised that the existing residence will be used for family purposes (for children and as a guest house for family members).

### **COMMENT**

#### ***Development Control Unit (DCU)***

At its meeting held on 17 August 2004 DCU considered this application and recommended that the application be referred to Council for approval, subject to appropriate conditions.

### **ANALYSIS**

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

Establishment of a second residence is a discretionary use under TPS No.2. In accordance with the Scheme provisions, second residences will only be considered on lots 2ha or greater in area. The current application meets the lot size requirement being 2.69ha in size. The Executive Director Development Services / Planning Services Manager is provided with delegated authority to approve such application provided it complies with the City's Policy 4.3.10 –“Two Houses on One Lot in the Rural zone” (The Policy). Given the application's non-compliance with certain aspects of the Policy this application is referred to Council for determination.



***Two Houses on One Lot in the Rural Zone (Policy 4.3.10)***

The application complies with the majority of the provisions in Policy 4.3.10, but is requesting consideration of a greater separation between the residences than the Policy provides for in Clause 2.3.3. The purpose of this clause is to limit the impact on the amenity of the area, maximise the area of land available for agricultural use and to limit the potential for undesirable subdivision of rural land.

Clause 2.3.4 of Policy 4.3.10 must also be considered with regard to architectural sympathy between the two residences.

***Location***

The proposed second residence would be located centrally to the northern end of the lot, at an approximately 80m distance from the existing residence, which is located in the south-east corner of the property. The proposed location is heavily vegetated and would require clearing of trees to place the second residence.

Council's Policy requires that a second residence be located adjacent to or in close proximity to an existing residence. The distance proposed between the two residences would not comply with this provision. The final positioning of a second residence is at the discretion of Council and approval can be given if Council is of the opinion that the development will not have a detrimental impact on the amenity of the area.

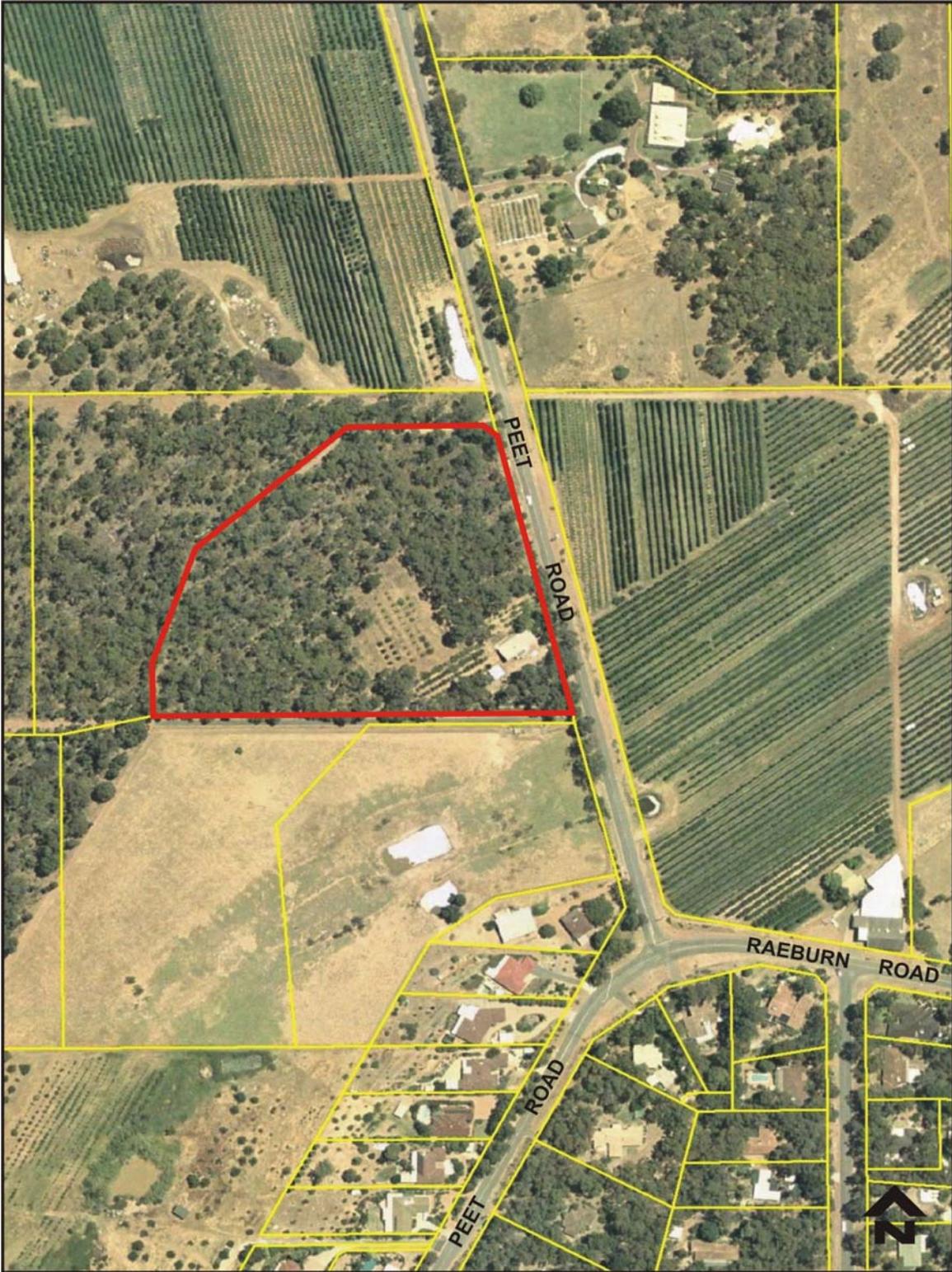
The second residence would not be visible from the road (which abuts the eastern property boundary) due to the screening provided by existing significant remnant vegetation on site. Consequently, the appearance of a single residence on the lot would be maintained.

The property slopes up from Peet Road and the chosen location for the second residence will be approximately 60m from the development envelope established on the adjacent Lot 58 Peet Road, which is situated on a higher level than the proposed residence. The possibility of the proposed second residence being viewed or adversely impacting on Peet Road or other surrounding properties is minimised due to the heavily vegetated nature of the site. It is unlikely that this proposal will have an adverse amenity impact within this rural locality. Requesting the applicant to locate the new residence in close proximity to the existing residence would not provide any benefit in terms of reducing tree clearing as the entire property is well vegetated and the same area will require clearing, regardless of location.

With regard to the concern that a second residence located at a greater distance from the existing residence may provide justification for subdivision, it should be noted that the current TPS No.2 does not allow for subdivisions of Rural "X" zoned land to be recommended.

***Architectural Sympathy***

The existing residence on the subject property is constructed of red brick, white weatherboard and galvanised iron roof. Given the design and building material types of the existing residence and the dense vegetation cover of the site the request to incorporate a Zinalume roof on the second residence to match the roof of the existing residence is considered acceptable. The colour scheme of the proposed house has not been provided. The submission of a final schedule of materials and colours should be required as a condition of any approval granted for the development.



**AERIAL PHOTO  
LOT 82 PEET ROAD, ROLEYSTONE.**

***Establishment or variation of Development Envelope Locations (Policy 4.3.11)***

Lot 82 Peet Road, Roleystone has an established development envelope on site. The existing house and the outbuilding are located within this development envelope. Under Clause 1.2 of the above Policy the applicant is required to lodge an application with the City requesting to establish / vary the development envelope on site prior to making an application to construct a residence for consideration. The applicant has not satisfied this requirement in this instance. It is suggested that a condition be imposed on any approval granted for the second residence requiring the applicant to submit a revised site plan to indicate a new development envelope for the purpose of building a second residence on this site. Such development envelope should not exceed 2000m<sup>2</sup> in area.

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

Lot 82 Peet Road, Roleystone is zoned RL2 under the Draft TPS No.4. Under this Scheme second residences are not permitted within the Rural Living zone. A second residence will only be permitted in the General Rural zone, which has an area in excess of 40ha.

***City's Draft Rural Strategy***

The subject site is located within the "Roleystone Rural Planning Area". The principal policy objective for this precinct is:

*"To preserve the scenic quality of the area where economically viable while permitting sensitive rural residential development of suitable density in upland area".*

The site is identified as having high / fair capability and high / fair potential for rural residential development. It is also identified as being completely covered with remnant vegetation. The proposed second residence will be well screened and will not impact on the scenic quality of the site.

**OPTIONS**

1. Council could approve the application for a second residence subject to appropriate conditions including the establishment of a second development envelope on site.
2. Council could approve the application for a second residence subject to the second residence being located adjacent to the existing residence in accordance with Clause 2.3.3 of Policy 4.3.10.
3. Council could refuse the application for a second residence on the grounds the application does not comply with Clause 2.3.3 of Policy 4.3.10.

**CONCLUSION**

Given that the arguments submitted to justify the chosen location of the second residence have merit in terms of the preservation of the rural character and amenity of the area, it is recommended that Council utilise their discretion to vary from the locational provisions of its Policy and approve the application in accordance with Option 1.

The applicant should be requested to apply for the establishment / variation of a development envelope for the purpose of constructing the second residence.

*Officer's report recommends –*

1. That Council approve the application for a second residence at Lot 82 (No.290) Peet Road, Roleystone, subject to the following conditions:-
  - a) A revised site plan to be submitted indicating a development envelope not exceeding 2000m<sup>2</sup> in area to establish the second residence and such application be approved by the Executive Director Development Services. The second residence and associated earth works and leach drains to be contained within such development envelope to the satisfaction of the said officer.
  - b) The submission of a schedule of materials and colours for the second residence to be submitted and approved by the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved colour scheme to the satisfaction of Council.
  - c) The owner of the subject lot to sign a statutory declaration and the occupant of the second residence to provide written confirmation that the second residence will be occupied by members of the same family.
2. That the applicant be advised that Council will not consider the second residence as grounds to recommend approval of any future subdivision applications to the Western Australian Planning Commission under the current property zoning.

*The Executive Director Development Services advised COMMITTEE that it had come to his attention that the report had not considered the important issues of the impact of the horticultural areas on the eastern side of the property and asked that the proposed application be recommitted.*

**D152/9/04      RECOMMEND**

**That the application for a second residence at Lot 83 (290) Peet Road, Roleystone be recommitted to the next Development Services Committee meeting pending further investigation into the impact of the horticultural areas on the eastern side of the property.**

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MOTION CARRIED (7/0)

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**TELECOMMUNICATION FACILITIES - LOT 8 (52-62) MUSTANG ROAD,  
CHAMPION LAKES**

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WARD : SEVILLE  
FILE REF : A152839  
DATE : 6 September 2004  
REF : RVD  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Telstra Mobile Network Services WA  
LAND OWNER : GJ Winter & PE Pearson  
SUBJECT LAND : Property size 3.5448ha  
Map 20-06  
ZONING  
MRS/TPS No.2 : Rural/Rural D  
DRAFT TPS No.4 : Rural Living 2

**In Brief:-**

- Application to install a 35m high slimline monopole telecommunication tower with associated antennas and an equipment shelter.
- The proposal was advertised for public comment and three submissions objecting to the proposal were received. The concerns raised by the submitters can be adequately addressed.
- The proposal meets the requirements of Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure.
- Recommend that the application be approved subject to relocation of the structures out of the floodplain and screening of the equipment shelter.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

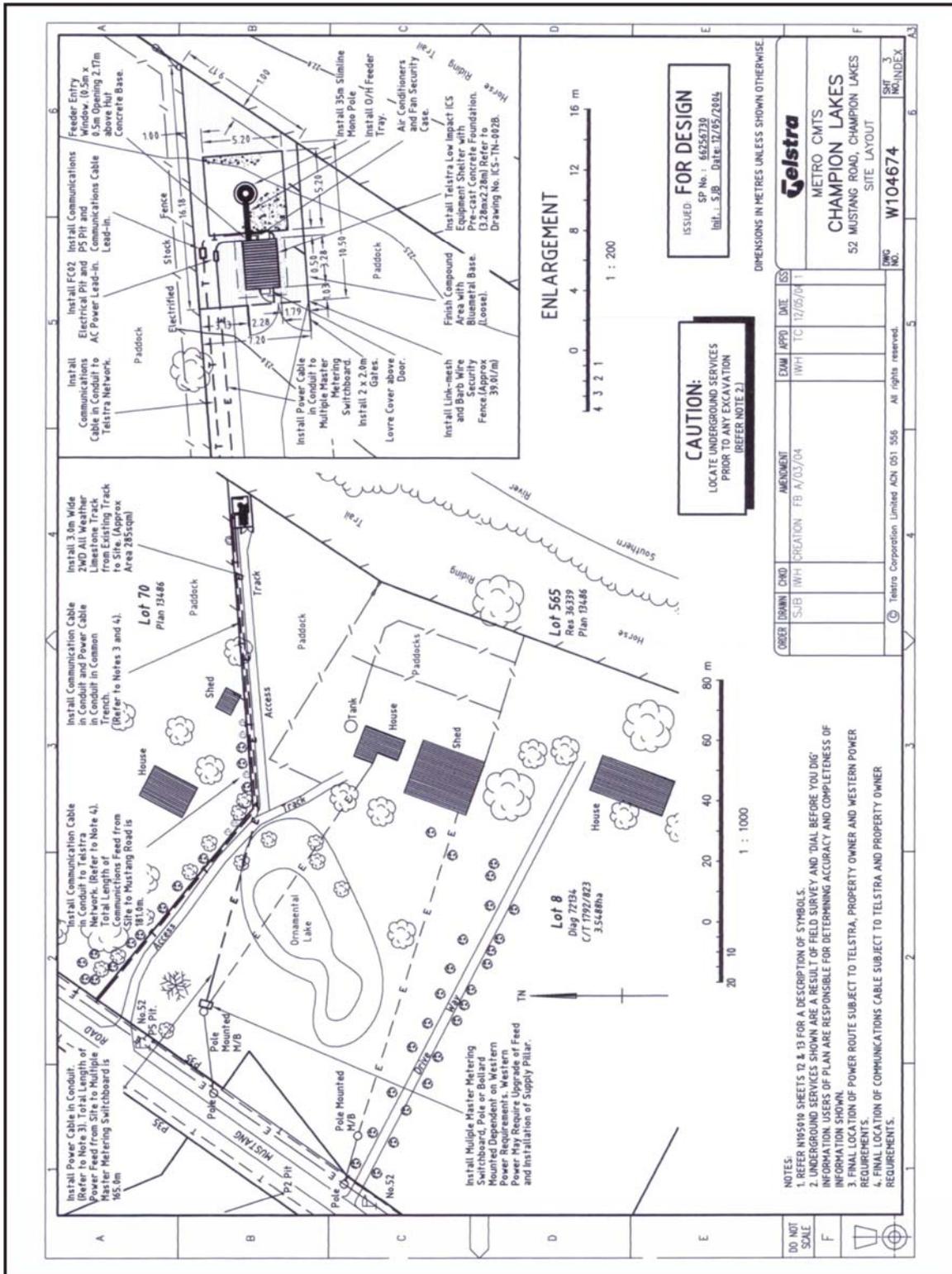
“Development – to balance the need of development with sustainable economic, social and environmental objectives”

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Town Planning Scheme Act 1959  
Metropolitan Region Scheme  
Town Planning Scheme No. 2  
Draft Town Planning Scheme No.4  
Statement of Planning Policy No.5.2 – “Telecommunications Infrastructure”

**Council Policy / Local Law Implications**

City of Armadale Rural Strategy



**SITE PLAN  
LOT 8 MUSTANG ROAD, ARMADALE.**

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Surrounding Landowners
- ◆ Development Control Unit

### **BACKGROUND**

The property is currently developed with a residence and associated outbuildings, and is predominantly cleared.

### **DETAILS OF PROPOSAL**

The proposal involves the installation of a 35m high grey slimline pole that will support panel antennas and installation of outdoor equipment shelter of finished in colourbond merino. Cables through Lot 8 (52-62) Mustang Road, Champion Lakes (the subject land) will be located underground.

The telecommunications infrastructure is proposed to be located in a 16m by 7m lease area in the north eastern corner of the subject land.

### **COMMENT**

#### ***Development Control Unit***

The Development Control Unit at its meeting on 2 September 2004 supported the application and recommended that the proposal be relocated outside of the flood plain.

#### ***Surrounding landholders***

The proposal was advertised to 26 landholders, four (4) community groups and to the Department of Environment with the comment period open from 11 August 2004 to 2 September 2004.

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

The submissions received are considered in the Analysis section below.



## ANALYSIS

### *Town Planning Scheme No. 2*

Town Planning Scheme No. 2 defines “Telecommunication Infrastructure” as “any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct hole, pit or other structures used, or for use, in or in connection with a telecommunications network.” As this use class is not specifically listed in the use class tables for the Rural zone of Town Planning Scheme No. 2, applications for such use are processed as “Use Not Listed” under the Scheme.

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

Council is now required to consider the application, with due regard to a range of issues and submissions made by surrounding landholders.

### *Issues raised in submissions*

The following matters were raised in submissions by submitters as grounds to refuse the proposal. As detailed below none of the grounds are considered to be of such significance that the proposal should be refused.

#### *1. Proximity to the river*

One submission argues that the phone tower is too close to the river. Department of Environment mapping shows that the floodplain extends into the subject land (see aerial photo). The Western Australian Floodplain Management Strategy published by the WA Floodplain Management Council identifies key environmental attributes of floodplains as follows:

*“Floodplains provide natural overland flow paths and storage areas where floodwaters remain for slow release as stream levels recede, thereby reducing the potential for channel erosion from high energy flows. Nutrients, debris and sediment settle out during this process controlling high sediment and nutrient loads in waterways and contributing to floodplain productivity.”*

Statement of Planning Policy No. 5.2 Telecommunications infrastructure (SPP No. 5.2) identifies as a guiding principle that “Telecommunications facilities should be designed and sited to minimise adverse impacts on areas of natural conservation value” and “Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation”.

Management controls recommended in the City’s Rural Strategy for this area include “Watercourses/ floodplains to be kept clear of inappropriate development and revegetated where necessary”.



**AERIAL PHOTO  
LOT 8 MUSTANG ROAD, ARMADALE.**

Given the above, it is considered appropriate to minimise or prevent development on floodplains in order to protect their environmental attributes and their role in preventing land degradation through channel erosion. As the floodplain only extends about 20m into the subject land where the tower is proposed, it is recommended that this ground be upheld to the extent that the tower be relocated so that it is out of the floodplain.

2. *Visual impact of tower*

Two submissions expressed concern that the area was already saturated with towers, referring to the existing high voltage power line towers that run along the City of Gosnells/ City of Armadale boundary. One of the submissions was from an owner whose backyard faced the river, and considered that the proposed slimline monopole located across the river would disrupt the tranquil views from their property.

SPP No. 5.2 identifies as a guiding principle that *‘Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.’*

The applicant notes that the slimline pole will be finished in galvanised grey and noted that “once the galvanising has weathered it becomes an inert colour in the skyline and is generally the most aesthetically appropriate colour for a pole”. This view is supported, based on inspection of similar poles in the region. It is considered that the visual impact of a slimline monopole tower is relatively minor.

3. *Health effects, and proximity to existing residences and properties*

One submission noted that there are 257,000 sites on the internet that argue the health hazards of mobile phone towers, none of which prove radiation from the towers will not affect us in the future. Another submission expressed concern that the tower was too close to their property, but did not elaborate on the reasons why.

SPP No. 5.2 notes that all carriers are required to comply with the Australian Communications Authority’s *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard (2003)* which incorporates substantial safety margins to address concerns for potentially sensitive groups in the community.

4. *The tower should be located elsewhere, and not in a Rural zone*

One submission considered that the tower should be relocated out of the Rural zone. However, SPP No. 5.2 identifies as a guiding principle that telecommunications towers “should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas”.

5. *Public submission period is too short*

One submission argued that only one week was provided for public comment from the time that the sign was erected to the close of submissions, and that the regulations provided for 30 days.

Advertising of uses not listed is generally for a period of 21 days. The sign was erected on or before 21 August 2004, 11 days before the close of submissions. However, the submitter was sent a letter describing the proposal on 11 August 2004, 22 days from the close of submissions.

***Statement of Planning Policy No. 5.2 - Telecommunications Infrastructure***

This Statement of Planning Policy provides an extensive list of guiding principles for the location, siting and design of telecommunications infrastructure which are supported by Guidelines and identifies a similarly extensive list of matters to be considered when determining planning applications. The applicant has provided the information required to be submitted by SPP No. 5.2.

The table below highlights relevant guiding principles which have not already been dealt with above.

<b>Guiding Principle</b>	<b>How addressed or to be addressed</b>
<ul style="list-style-type: none"> <li>• Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as transport networks and energy supply; and</li> <li>• Co-location of telecommunications facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result.</li> </ul>	<p>The applicant has provided a copy of the company’s proposed Network Development Plan which shows the strategic planning undertaken by Telstra. The applicant has also advised that it has made approaches to Optus, Vodaphone and Hutchinson for indications of interest to utilise the proposed site. Therefore it is considered that the policy requirement has been met.</p>
<ul style="list-style-type: none"> <li>• Telecommunications cables should be placed underground, unless it is impractical to do so and there would be no significant effect on visual amenity or, in the case of regional areas, it can be demonstrated that there are long-term benefits to the community that outweigh the visual impact.</li> </ul>	<p>Telecommunication cables within the subject property will be located underground, so the policy requirement has been met.</p>
<ul style="list-style-type: none"> <li>• Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities.</li> </ul>	<p>The equipment shelter will be located in a barren paddock and will be visible to horse riders and pedestrians walking along the river. The facility may also be visible from the dwelling on the lot to the north, which would be about 60m from the facility if it is relocated out of the floodplain. Therefore it is recommended that screening be provided around the facility with local species appropriate for a near riverine environment.</p>

With the exception of consideration of the “extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State”, all of the matters identified by SPP No. 5.2 have been dealt with above. The proposal will contribute to improved telecommunications services in the state.

### ***City of Armadale Rural Strategy***

The proposal is located within the West Armadale Rural Planning Area.

In this area the Environmental Management and Improvement Policy Statement applies, which essentially has as its objective environmental improvement through development. The Rural Strategy does not specifically consider telecommunication facilities as a land use, and includes the maintenance of rural character as a principle policy objective.

Given that conditions that are applied to a proposal must relate directly to the proposal, it is considered that the recommendation noted above that the facility be screened using local species for a near river environment is a reasonable condition that will result in some environmental improvement.

### ***Draft Town Planning Scheme No.4***

Under Draft Town Planning Scheme No. 4, the subject land is zoned Rural Living 2 and Telecommunications Infrastructure is identified as an “A” use, which means that the use is not permitted unless the City has exercised its discretion by granting planning approval following advertising.

### **OPTIONS**

1. Council could approve the application subject to relocation of the facility out of the floodplain and screening of the equipment shelter.
2. The application could be refused if the proposal is considered to have an adverse amenity impact in the locality.

### **CONCLUSION**

Subject to relocation of the proposal outside of the floodplain and screening of the equipment shelter the proposal will have minimal visual impact, particularly given the proximity of a high voltage power line. The proposal provides a benefit in terms of improved telecommunications in the area. The proposal meets the requirements of SPP No.5.2 and concerns raised in submissions can be adequately addressed.

The application is recommended to be approved as per Option No.1 above.

*COMMITTEE noted the proposed location of the tower within the flood plain, and agreed that the application can be recommended for approval subject to the relocation of the tower and equipment shelter out of the flood plain.*

**D153/9/04          RECOMMEND**

- 1. That the application to install a 35m high telecommunication tower, equipment shelter and underground cabling at Lot 8 (52-62) Mustang Road, Champion Lakes be approved subject to the following conditions:**
  - a) Submission of a revised site plan illustrating relocation of the tower and equipment shelter out of the floodplain to the satisfaction of the Executive Director Development Services.**
  - b) Submission of a landscape plan to screen the equipment shelter that utilises local species suited to a near riverine environment to the satisfaction of the Executive Director Development Services. Such landscaping to be maintained thereafter to the satisfaction of the Executive Director Development Services.**

MOVED Cr Wallace  
MOTION CARRIED (7/0)

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***HOME OCCUPATION - PROPOSED MOTOR TRIMMING BUSINESS – LOT 26 [8]  
INVERNESS CIRCLE, WESTFIELD***

WARD : WESTFIELD  
FILE REF : A149642  
DATE : 22 September 2004  
REF : KD/SA  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : Mr P Wall  
LAND OWNERS : PS & LN Wall  
SUBJECT LAND : Property size 686m<sup>2</sup>  
Map 22.07  
ZONING  
MRS/TPS No.2 : Urban / Residential R15  
DRAFT TPS No.4 : Residential R15

**In Brief:-**

- Application to conduct a motor trimming business from a residential property.
- Operation originally approved in 1992 and operated until 2001 without complaint.
- Applicant now wishes to recommence the activity after not operating for a period of three years.
- Proposal advertised in the neighbourhood with two objections received.
- Relevant objections and concerns can be addressed.
- Recommend that the proposal be approved subject to appropriate conditions.

**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.  
Draft Town Planning Scheme No. 4  
Environmental Protection (Noise) Regulations 1977

**Council Policy / Local Law Implications**

Council's Home Occupation Policy 4.4.7.  
Environment, Animals and Nuisance Local Law



**AERIAL PHOTO  
LOT 26 INVERNESS CIRCLE, WESTFIELD.**

### **Budget / Financial Implications**

Nil.

### **Consultation**

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

### **BACKGROUND**

At its ordinary meeting held on 20 July 1992 Council resolved to approve an application to conduct a motor trimming business from the subject property (P259/92). The approval was consistently renewed up to and including July 2000 but lapsed in 2001.

### **DETAILS OF PROPOSAL**

The application proposes to conduct a motor trimming business involving the use of a sewing machine, glue gun, occasionally an air compressor and staple gun. It is proposed that the activities will take place in an existing shed. The applicant has advised that one client will visit the premises per day and the hours of business will be from 8.00am to 5.00pm Monday to Friday and 8.00am to 12 noon on Saturday.

The application was assessed in terms of Council's Home Occupation Policy and scored 23 on the compatibility scale. A score of 20 and above may require a report to be submitted to Council where there is a possibility that the proposal may have a detrimental affect on the surrounding neighbourhood (subject to delegation).

### **COMMENT**

In accordance with Council Policy the proposal was advertised for a period of two weeks. Ten (10) neighbouring property owners were requested to comment on the proposal. Two responses were received.

No. objecting to the proposal: Two (2)

#### **Reasons for Objecting**

1. *The equipment used causes interference with my TV reception.*

No information has been presented to sustain this claim.

2. *The running of a business could also affect the resale value of my home.*

Information has not been presented that suggests Home Occupations have a detrimental effect on property values.

3. *When the business previously operated the operation times were not adhered to.*

The previous approval did not make any stipulation or restriction on operating hours. However, should Council decide to approve this application, operating hours could be limited to business hours only.

4. *Paint fumes ... caused irritation.*

The applicant has renovated a motor vehicle on his property as a personal project, which appears to have included respraying the bodywork. The applicant has assured Officers that no such spraying is involved in the business.

It should be noted that the respondents have lived in proximity to the subject property during the period that the activity previously took place, but complaints were not presented to Council with respect to any aspect of the operation impacting upon the amenity.

Council's Environmental Health Officer has also inspected the property and reports that discussion with the applicant resulted in the suggestion that a soundproof box be installed around the compressor to minimise any noise emanating from the property.

## **ANALYSIS**

Council Policy 4.4.7 notes that Home Occupations are to be of such a small scale that they do not warrant location in, or be in direct competition with, businesses in the Commercial, Office or Industrial zones.

It should be noted that motor trimming does, in effect, involve the "repair" of motor vehicles, although in this instance the "repair" would be concentrating on the interior of a vehicle and not its mechanical parts or bodywork.

Under Town Planning Scheme No. 4 the application would be considered and assessed as a "home occupation" (as opposed to a "home business" or a "home office") and similar requirements to those under TPS No.2 would be applied.

Given that Council has previously approved the same Home Occupation Permit on the application site and that circumstances have not materially changed, a precedent for the use has been established.

## **OPTIONS**

1. Council may recommend refusal of the application on the grounds that the activity involves the repair of motor vehicles.
2. Council could approve the application, subject to the conditions contained in the Home Occupation provisions of Council's Town Planning Scheme No.2.

## **CONCLUSION**

It would appear that an identical business operated legitimately for at least eight years on the subject property without causing concern and the responses received from advertising can be satisfactorily addressed. It is therefore recommended that approval be granted in accordance with option 2.

**D154/9/04 RECOMMEND**

1. That Council approve the application for a Home Occupation to conduct a Motor Trimming Business at Lot 26 (8) Inverness Circle, Westfield 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 20m<sup>2</sup>;
  - d) does not display a sign exceeding 0.2m<sup>2</sup> 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;
  - g) does not involve the use of essential services of greater capacity than normally required in the zone;
  - h) is restricted in its hours of operation to between 8.00 am to 5 pm Monday to Friday and 8.00am to 12.00 noon on Saturday and not at all on Sundays or Public Holidays.
2. That the applicant be advised that compliance is required at all times with the provisions of the Environmental Protection (Noise) Regulations 1977 and the City of Armadale Environment, Animals and Nuisance Local Law.

MOVED Cr Reynolds  
MOTION CARRIED (7/0)



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**HOME OCCUPATION – PROPOSED SPRAY-ON TANNING BUSINESS AT LOT 168  
(39) COHUNA DRIVE, ARMADALE**

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WARD : WEST ARMADALE  
FILE REF : A16766  
DATE : 22 September 2004  
REF : KD/SA  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : M Chandler  
LAND OWNER : DL Seville  
SUBJECT LAND : Property size 685m<sup>2</sup>  
Map 22.03

**In Brief:-**

- Application for Home Occupation approval to conduct a spray-on tanning business.
- Proposal advertised to the immediately surrounding landowners for comment with one objection received.
- Recommendation for approval, subject to conditions contained in the Home Occupation provisions of Council's Town Planning Scheme No. 2.

ZONING

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

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

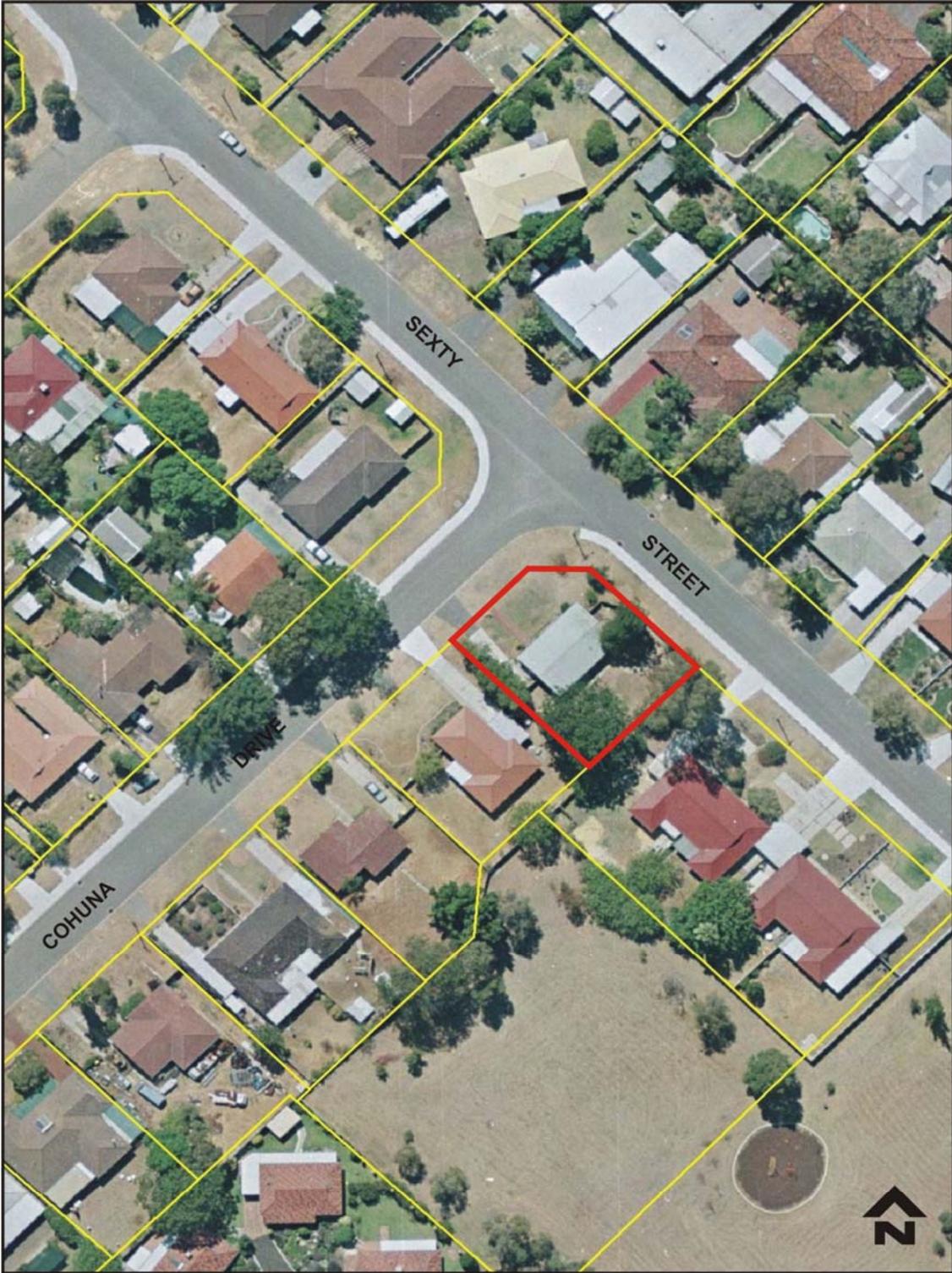
**Strategic Implications**

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

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

**Legislation Implications**

Town Planning & Development Act 1928.  
Town Planning Scheme No.2.  
Draft Town Planning Scheme No. 4.  
Environmental Protection (Noise) Regulations 1977



**AERIAL PHOTO  
LOT 168 COHUNA DRIVE, ARMADALE.**

**Council Policy / Local Law Implications**

Council's Home Occupation Policy 4.4.7.  
Environment, Animals and Nuisance Local Law

**Budget / Financial Implications**

Nil.

**Consultation**

- ◆ Surrounding neighbours.
- ◆ Council's Health Department.
- ◆ Council's Technical Services Directorate

**DETAILS OF PROPOSAL**

The applicant proposes to conduct a spray-on tanning service in a spare bedroom of the residence. The applicant advises that there will not be more than one client on the property at any one time and at this stage expects approximately 2 clients per day. A turbine delivery system will be used to spray the tanning solution onto the client's body. The process takes a maximum of 20 minutes. The proposed operating hours are from 10.00am to 5.00pm Monday to Friday with car parking provided on the property.

**COMMENT**

The application was assessed in terms of Council's Home Occupation Policy and scored 21 on the compatibility scale. A score of 20 and above may require a report to be submitted to Council.

Council's Technical Services Directorate have advised that providing clients are seen on a 'one to one' basis i.e. one vehicle attending at a time, then the attendance of clients will not have a detrimental impact on other road users.

Council's Health Department does not have any concerns with the application and advise that there are not any Health Regulations that apply to such an operation.

***Results of advertising***

In accordance with Council Policy the proposal was advertised for a period of two weeks. Nine (9) neighbours were requested to comment on the proposal. Two responses were received;

No. objecting to the proposal: One (1)  
No. not objecting but with comment One (1)

## ANALYSIS

### *Resumé of Objections*

1. *We purchased in a residential area not a light industrial, strongly object to any sort of business being opened that will increase noise pollution, traffic volume and any sort of interference to TV reception.*

The Town Planning Scheme makes provision for persons to operate businesses from home, providing the activity will not have an adverse impact on the neighbourhood. At this time there is little to suggest that noise or interference to television reception will be an issue and the volume of traffic attending the premises would have no more impact than friends or relatives visiting the property.

2. *Increasing the risk of accidents re parking.*

The increase in traffic will be minimal. (Two cars per day expected). Furthermore, client parking is to be contained within the property.

3. *Fumes or overspray getting onto our vehicles re wind carriage.*

As the activity is to take place inside the residence it is highly unlikely that any fumes or spray would escape from the home.

The property is situated on the corner of Sixty Street and Cohuna Drive with access to the property being off the latter. Both are local roads carrying residential traffic. The applicant can manage her appointments to ensure attendance at the property will not exceed normal residential vehicle movements.

## OPTIONS

1. Council could approve the application, subject to the conditions contained in the Home Occupation provisions of Council's Town Planning Scheme No.2.
2. Council may refuse the application if it is of the opinion that the amenity of the neighbourhood will be adversely affected by the proposed business.

## CONCLUSION

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.

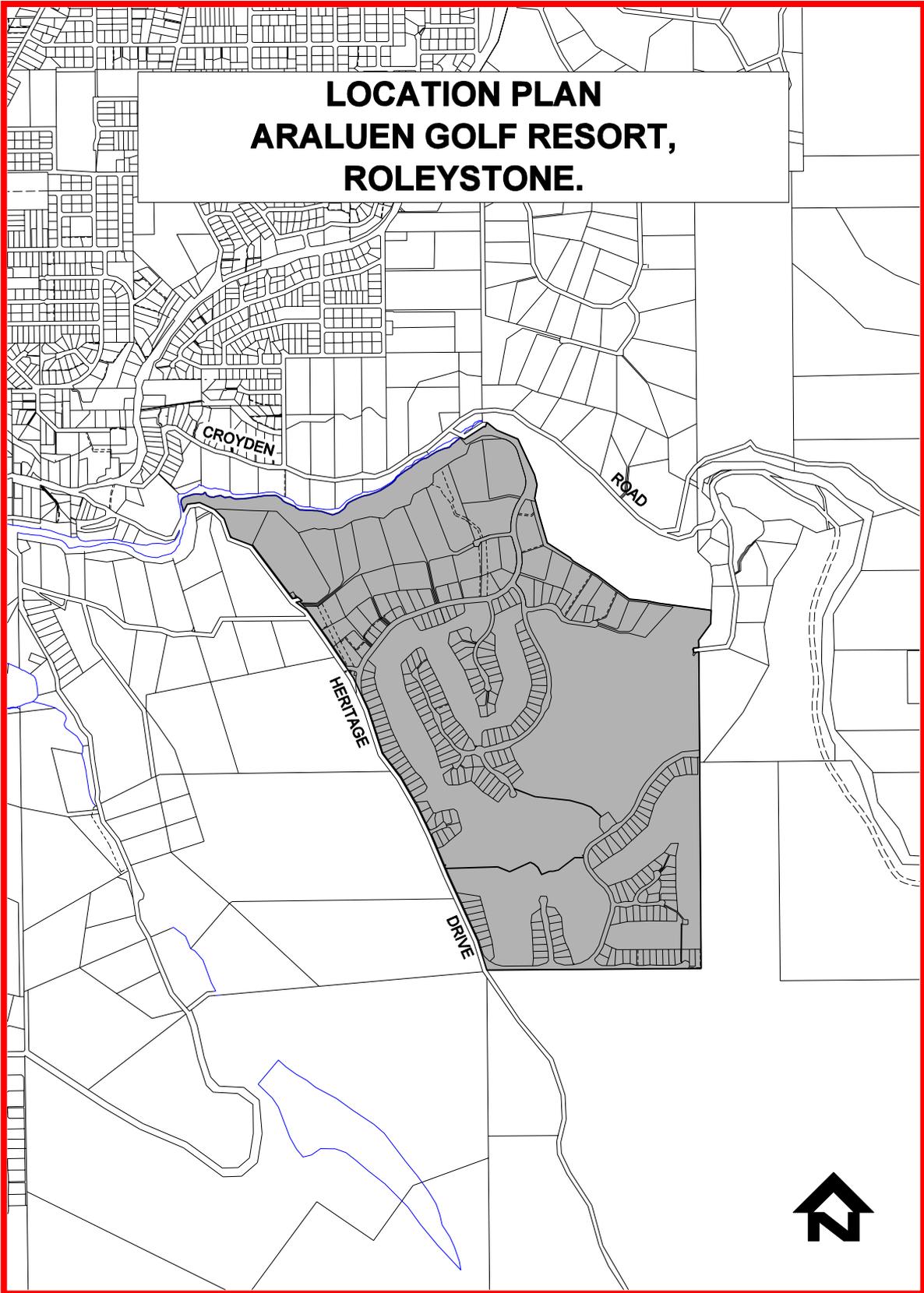
Given that the business complies with the criteria set down for Home Occupations in the Scheme and that the objections raised are not sustainable, it is recommended that Council approve the application in accordance with Option 1 above.

*Planning Services Manager advised COMMITTEE that the inclusion of the operating hours as a condition was not standard procedure and it was not essential that they be included in the recommendation. Accordingly Part 1(h) of the recommendation was deleted.*

**D155/9/04            RECOMMEND**

- 1. That Council approve the application for a Home Occupation to conduct Spray-on Tanning at Lot 168 (39) Cohuna Drive, Armadale, 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 20m<sup>2</sup>;**
  - d) does not display a sign exceeding 0.2m<sup>2</sup> 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;**
  - g) does not involve the use of essential services of greater capacity than normally required in the zone;**
  - ~~h) does not exceed the hours of business 10.00 am to 5.00 pm Monday to Friday and not at all on Saturdays, Sundays or Public Holidays; and~~**
- 2. That the applicant be advised that compliance is required at all times with the provisions of the Environmental Protection (Noise) Regulations 1977 and the City of Armadale Environment, Animals and Nuisance Local Law.**

MOVED Cr Knezevich  
MOTION CARRIED (7/0)



*With regard to this item Cr Hart disclosed a non-financial interest on the basis that a member of her family is an employee of Araluen Golf Course. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association, consider the matter on its merits and vote accordingly.*

***FINAL ADOPTION – PROPOSED TEXT AMENDMENT TO DEVELOPMENT TABLE OF SPECIAL USE ZONE NO.66 – GOLF COURSE AND RURAL/ RESIDENTIAL DEVELOPMENT (ARALUEN COUNTRY CLUB ESTATE)***

WARD : ROLEYSTONE  
FILE REF : SCH/2/195  
DATE : 2 September 2004  
REF : JEH  
RESPONSIBLE MANAGER : PSM  
APPLICANT : N/A  
LAND OWNER : Various

**In Brief:-**

- In June 2004 Council initiated the above scheme text amendment to restrict bores within Special Use Zone No.66 (Araluen Country Club Estate).
- Council to consider submissions received during the advertising period.
- Recommend that the amendment be finally adopted with one minor modification to the text.

SUBJECT LAND : Araluen Country Club Estate  
– Portion of Canning Loc 32  
Thompson Road, Lot 1 of  
Canning Loc 33 Bevan Road,  
Loc 52 of each Canning Locs  
33 and 287 Bevan Road,  
Croyden Road, Roleystone.

ZONING  
MRS/TPS No.2 : Rural/ Special Use Zone  
No.66  
TPS No. 4 : Special Residential and  
Additional Use No. 30

**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  
Metropolitan Region Scheme  
Draft Town Planning Scheme No.4  
Araluen Country Club Restrictive Covenants

### **Council Policy / Local Law Implications**

City of Armadale Environment, Animals and Nuisance Local Laws 2002  
Draft Araluen Residential Estate Policy  
Araluen Country Club Design Guidelines

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Referral to affected property owners by mail.
- ◆ Advertising in the “Western Australian” newspaper.
- ◆ Development Control Unit.

## **BACKGROUND**

Covenants imposed on titles issued in the Araluen Country Club Estate designed to secure a high standard of residential development will expire in October 2004. In accordance with paragraph (5) of the Restrictive Covenants, owners of land within the estate are “Not to sink or permit to be sunk on the land any water bores or wells.” Design Guidelines which are cross referred to in the Covenants additionally state that “On housing allotments water can only be reticulated from the mains supply. No private water bores are permitted.”

The objective of control on the sinking of bores is to ensure that the draw of water to residential properties does not jeopardise the access to water for the golf course. Provisions have been included in Schedule 12 of TPS No. 4 to prohibit the extraction of groundwater on Special Residential Lots. However the Scheme will not be finalised by the time the covenants expire in October 2004. Development Services Committee was advised in May 2003 that in the event of TPS No. 4 being delayed an appropriate amendment to TPS No. 2 would be initiated.

At its meeting of 21 June 2004 Council resolved to initiate the proposed Scheme Amendment.

The proposal was subsequently advertised for public comment and attracted eight (8) submissions.

Council is now requested to consider final adoption of the proposed amendment.

## **DETAILS OF PROPOSAL**

In view of the possibility that bores could be sunk on private residential properties in the period between the expiry of the covenants and the gazettal of TPS No. 4 to the long term detriment of the golf course, it is proposed that the provisions of Special Use Zone No.66 be amended to include the following addition to the text of the Special Use Development Table – Golf Course and Rural/Residential Zone No.66:

“12. Other than to provide reticulation to the golf course, the sinking of water bores or wells is not permitted”.

COMMENT

### ***Public Advertising of Amendment No.195***

The proposed amendment was advertised from 21 July to 1 September 2004. The advertising consisted of 219 affected property owners being notified by mail, and an advertisement in the “Western Australian” newspaper.

Total No. of responses received:	8
No. supporting/not objecting:	2
No. objecting to the proposal:	5
No. raising concerns:	1

Given the small number of submissions in relation to the number of landowners consulted, it is reasonable to assume that landowners are generally supportive of the proposed amendment.

### ***Development Control Unit (DCU)***

DCU considered the proposed amendment at its meeting on 31 August 2004 and raised no objection to the proposal. It was additionally recommended that comment be sought from the Chief Fire Control Officer/Fire Control Officer in response to residents’ concerns regarding the fire risk associated with the proposal to restrict bores.

### ***Fire Control Officer comments***

The Fire Control Officer recommends that preventative measures such as maintaining low fuel levels on properties for the duration of the fire season and where possible investigating alternatives such as rainwater tanks be a first priority. As such, the Fire Control Officer does not support the arguments put forward that providing bores would give fire protection to residential properties as sound preparation to reduce fire risk is the first option. The Fire Control Officer notes that in addition to FESA resources, the City has two volunteer fire brigades that can be activated and respond to a wildfire within 7 to 10 minutes.

### ***Draft Town Planning Scheme No.4***

Draft Town Planning Scheme No.4 proposes that the majority of lots currently zoned Special Use No.66 be zoned Special Residential and that the “extraction of groundwater” be an ‘X’ (not permitted) use within the applicable Special Residential Zone. “Extraction of groundwater” means extraction of subsurface water resources by methods of extraction such as bores and wells.

In order to keep the terminology of the amendment consistent with that proposed for Town Planning Scheme No.4, it is recommended that the wording of the proposed amendment refer to the “extraction of groundwater” rather than the “sinking of water bores or wells”.

Eleven (11) privately owned lots in excess of 1ha in area and located within the northern portion of Special Use No.66 are proposed to be zoned “Rural Living” under draft Town Planning Scheme No.4, however the review of submissions to draft TPS No.4 recommends extension of the Structure Plan and Additional Use controls (including restrictions on groundwater extraction) over all properties currently zoned Special Use (No 66 for Golf Course and Rural Residential Development) under TPS No 2.

## OPTIONS

1. Council may resolve to finally adopt the proposed amendment subject to a minor modification to the text for consistency with terminology used in draft Town Planning Scheme No.4.
2. Council may resolve not to finally adopt the proposed amendment if it is of the view that the proposed amendment would be inconsistent with the long term planning objectives for the locality.

## CONCLUSION

There is a risk that individuals in the Araluen Residential Estate will sink bores following the expiry of covenants and this could result in long term detriment to the supply of water to the golf course. Accordingly a simple amendment to control this matter is recommended.

## D156/9/04 RECOMMEND

1. **That Council determine submissions to Scheme Amendment No.195 in accordance with recommendations in the Schedule of Submissions.**
2. **That Council, under and by virtue of the powers conferred upon it by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended), hereby adopts with minor modifications (modifications in *italics* and deletions in ~~striketrough~~) Town Planning Scheme Amendment No.195 by:**
  - a) **amending the Special Use Development Table Golf Course and Rural/Residential Zone No. 66 with the following addition to the text:**

“12. Other than to provide reticulation to the golf course, the ~~sinking of water bores or wells~~ *extraction of groundwater* is not permitted”.
3. **That Council authorise the Mayor and the Chief Executive Officer to execute the amending documents.**
4. **That Council forward the amendment documents to the Western Australian Planning Commission for final approval.**

**\*\*AMENDMENT TO DELEGATION FOR THE DETERMINATION OF DEVELOPMENT APPLICATIONS FOR SPECIFIC USES NOT LISTED – FAMILY DAY CARE**

WARD : ALL  
FILE REF : PCY/2  
DATE : 30 August 2004  
REF : RVD  
RESPONSIBLE : PSM  
MANAGER

**In Brief:-**

- In March 2004, Council adopted a delegation for Family Day Care proposals in Residential zones.
- A proposal has been received for Family Day Care in the Rural zone, and proposals are likely to arise in other zones.
- Delegation No. 720 addresses compatibility of proposals with zone objectives.
- Recommend that the delegated authority for Family Day Care be amended to include proposals in other zones.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Town Planning and Development Act 1928  
Town Planning Regulations 1967  
Town Planning Scheme No. 2  
Town Planning Scheme No. 3  
Draft Town Planning Scheme No. 4  
Community Development (Child Care) Regulations 1988

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Nil.

**Consultation**

Development Services Directorate

## **BACKGROUND**

Council, at its meeting of 15 March 2004 resolved that determination of applications for Family Day Care that meet the requirements of the *Community Development (Child Care) Regulations 1988*, be delegated to the Executive Director Development Services or Planning Services Manager in Residential zoned areas.

As Family Day Care is a use not listed in the Scheme, the report to Council in March 2004 explored the compatibility of the use in the residential zones under Town Planning Scheme No. 2 and Town Planning Scheme No. 3 in detail. However, the compatibility of a use with a zone is dealt with under Delegation No. 720 “Authority to Determine if a ‘Use Not Listed’ is Consistent with the Objectives and Purpose of a Zone”. Therefore, the need for extensive discussion on the compatibility of Family Day Care in other zones is not considered necessary and the scope of the delegation can be broadened.

A proposal has recently been received for Family Day Care in the Rural zone, and proposals may arise in the other zones in the City.

## **DETAILS OF PROPOSAL**

It is proposed to amend the delegation for Family Day Care proposals to remove references to the residential zone.

## **ANALYSIS**

### ***Town Planning Scheme No’s 2 & 3***

#### *Processing of uses not listed*

Family Day Care is not a listed use in any zone under Town Planning Scheme No. 2 or Town Planning Scheme No. 3.

Clauses 3.4 of Town Planning Scheme No. 2 and Clause 3.3 of Town Planning Scheme No. 3 treat uses not listed in the same way. Upon receipt of an application for a use not listed, Council may determine that the use is not consistent with the objectives and purposes of a particular zone and is therefore not permitted, or determine that the use may be consistent with the objectives and purposes of a zone and consider the application following advertising.

Delegation No. 720 gives the Executive Director Development Services or Planning Services Manager authority to determine if a use not listed is consistent with the objectives and purpose of a zone. Referral to Council is required if the use not listed is considered to be inconsistent with the zone objective and purpose.

Delegation No. 720 effectively filters proposals for Family Day Care (or other uses) proposed to be located in inappropriate zones by referring proposals that do not meet zone objectives to Council for determination.

Delegation No. 719 relates to the advertising referred to in the abovementioned Clauses and provides authority for the Executive Director Development Services or Planning Services Manager to determine the necessity, duration and extent of advertising of development services applications. Under Delegation No. 719 uses not listed must be advertised for a minimum of 21 days.

Following advertising, proposals are determined by Council, having due regard to matters listed under Clause 7.3 of Town Planning Scheme No. 2 or Clause 11.4 of Town Planning Scheme No. 3 respectively. Currently authority to determine various applications has been delegated to the Executive Director Development Services and Planning Services Manager, including Family Day Care in the Residential zone, which require the officers to consider these Clauses in determining an application.

#### *Power of delegation*

Clauses 7.10 and 11.14 of TPS No.2 and No.3 respectively enable Council to delegate to an officer of the Council the authority to determine an application for development approval. The delegation can specify criteria that must be met for officers to determine an application.

#### ***Community Services (Child Care) Regulations 1988***

Family Day Care is regulated by the *Community Services (Child Care) Regulations 1988*.

Under the Regulations “Family day care” means a child care service provided to a child in a private dwelling in a family or domestic environment. A licence or permit for Family Day Care can not be issued for more than 5 children of pre-school age or 7 children under 12 years of age, including the children of the licensee or permit holder. This effectively limits the potential for adverse impacts from noise and traffic from family day care premises.

#### ***Land use impact***

Assuming that seven children cared for all come from separate homes, a Family Day Care home would add approximately 14 vehicles per day on average to the traffic in the street. Fourteen vehicles per day are insignificant for most streets in the City.

Given that some families have seven children, the noise from seven children in Family Day Care is generally likely to be acceptable. However, depending on responses from surrounding landholders it may be appropriate in some instances to limit the hours of operation to the same time that the *Environmental Protection (Noise) Regulations 1997* assigns the highest acceptable noise levels, namely between 7am and 7pm Monday to Friday. This can be dealt with on a case-by-case basis.

Family Day Care is therefore considered to be a land use that has negligible impacts on surrounding properties which could be determined by officers.

***Draft Town Planning Scheme No. 4***

Under Draft Town Planning Scheme No. 4, Family Day Care is defined by reference to *Community Development (Child Care) Regulations 1988* and is identified in the zoning table as follows:

USE CLASSES	ZONES								
	Residential	Special Residential	Rural Living	General Rural	Local Centre	District Centre	General Industry	Industrial Business	Mixed Business/Residential
Family Day Care	D	D	D	D	X	X	X	X	X

‘D’ means that the use is not permitted unless the City has exercised its discretion by granting planning approval;

‘X’ means a use that is not permitted by the Scheme.

If the above table is unchanged, it is anticipated that delegation to approve Family Day Care would be sought for the four zones in which the use is discretionary, and to refuse Family Day Care proposals in zones in which the use is not permitted by the Scheme.

**OPTIONS**

1. Council could extend the delegations to all zones in the City, recognising that the compatibility of Family Day Care with the relevant zone will be managed under Delegation No. 720.
2. Council could retain the determination of applications for Family Day Care to just Residential zones.

**CONCLUSION**

Delegation of the determination of Family Day Care applications to officers provides significant administrative efficiencies in reducing the number of reports that have to be written. Council’s time may then be spent on policy and more complex matters. Delegation No. 720 will deal with the first step in determining whether or not the proposal is compatible with the zone. It is therefore recommended that the delegation request be approved in accordance with Option 1.

**D157/9/04**

**RECOMMEND**

1. That Council grant delegated authority, in accordance with Clause 7.10 of Town Planning Scheme No. 2 and Clause 11.14 of Town Planning Scheme No. 3, to the Executive Director Development Services and Planning Services Manager to determine development applications for Family Day Care (as defined by the Community Development (Child Care) Regulations 1988).
2. That the entry under “Authority to determine specific Uses Not Listed relating to Family Day Care be amended as shown below by deleting text with strikethrough and adding text underlined.
  1. Family Day Care, (within the meaning of the *Community Development (Child Care) Regulations 1988*) in ~~Residential~~ any zones under Town Planning Scheme No. 2 and ~~City Centre Residential zones under~~ Town Planning Scheme No. 3.

*Where significant community opposition to an application exists, or the Executive Director Development Services or Planning Services Manager is of the opinion that the application may have a significant adverse impact on the neighbourhood, applications will be referred to Council for determination.*

**\*\* ABSOLUTE MAJORITY OF COUNCIL REQUIRED**

MOVED Cr Reynolds  
MOTION CARRIED (7/0)

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**\*\*PROPOSED DELEGATION OF AUTHORITY FOR ‘AA’ AND ‘SA’ USES**

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WARD : ALL  
FILE REF : PCY/2  
DATE : 7 September 2004  
REF : PRR  
RESPONSIBLE : PSM  
MANAGER

**In Brief:-**

- Development Applications for AA and SA uses must be determined by Council under Town Planning Schemes 2 and 3.
- In many instances, the use is appropriate for the zone and advertising of the application results in no submissions, yet the application must be referred to Council for determination.
- Recommend that delegated authority be granted to the Executive Director Development Services / Planning Services Manager to approve applications for AA and SA uses in all zones, and that existing delegation for refusing particular uses be retained.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Town Planning and Development Act 1928  
Town Planning Regulations 1967  
Town Planning Scheme No. 2  
Town Planning Scheme No. 3  
Draft Town Planning Scheme No. 4

**Council Policy / Local Law Implications**

All Council policies related to development  
Draft Rural Strategy  
Residential Design Codes of Western Australia

**Budget / Financial Implications**

Nil.

**Consultation**

Development Services Directorate

## **BACKGROUND**

Council regularly receives development applications for AA and SA uses under Town Planning Scheme No's 2 and 3 (TPS No.2 and 3).

TPS No.2 and 3 have different definitions of AA and SA uses, but generally indicate that an AA use is a discretionary use (that may be advertised), whereas an SA use is a discretionary use that requires advertising. In both instances, determination of such applications rests with Council. Reports are therefore written for all such uses, even in instances where no substantiated objections are received.

Existing delegations for AA and SA uses that would be redundant with the introduction of an overarching delegation for such uses include the following:

- Delegation 704 – Home Occupation Permits;
- Delegation 715 – Bed and Breakfast Establishments;
- Delegation 716 – Keeping of farm animals (Rural Use);
- Delegation 717 – Stables / Shelters; and,
- Delegation 718 – Group housing and aged / dependant persons dwellings.

Delegation 708 (Extensions / revisions to existing approved AA and SA uses) would need to be modified should this delegation request be granted.

## **DETAILS OF PROPOSAL**

In the interests of efficiency, it is proposed that Council provide delegation to the Executive Director Development Services and the Planning Services Manager to approve applications for AA and SA uses where no substantiated objections are received from advertising. Contemplated refusals and applications that receive substantiated objections during public advertising will still be referred to Council for determination.

It is further proposed that Council consolidate the existing powers of refusal that were available under Delegations 704, 715, 716 and 717 into a new delegation relative to the refusal of specific AA and SA uses. Delegations 704, 715, 716, 717 and 718 can then be deleted and Delegation 708 amended as a result of the new delegation.

## **ANALYSIS**

### ***Town Planning Scheme No's 2 & 3***

#### *Powers of Delegation*

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

#### *Matters to be Considered*

Clauses 7.3 and 11.4 of TPS No.2 and No.3 respectively list certain criteria that should be considered in examining a development application. Accordingly, the City would have to be satisfied that the requirements and provisions of the relevant Town Planning Scheme are fulfilled in assessing and approving any application should delegation be granted.

### *Use Types*

TPS No.2 and 3 list use classes by zoning in a series of tables. The way the schemes are set up, the use tables only list uses that could reasonably be considered within the different zones. For example an industrial use will not be listed within the Residential zone. Therefore, the consideration of AA and SA applications by officers does not represent a concern in terms of uses being considered in inappropriate areas. If an application were made for a use that was outside those listed for a particular zone, it would be considered as a Use Not Listed through different scheme provisions.

The ability to approve AA and SA uses would also assist in situations where applications for a Change of Use are received. In the vast majority of these cases, the structures are already built and it is just the use that must be considered. Where the proposed use is an AA or SA use, it is a lengthy and time consuming process to consider such an application when there is no actual development involved and the use is generally appropriate for the area. If Council should consider granting delegation for all AA and SA uses inappropriate, delegation for this particular situation would be of benefit as an alternative.

### *Advertising and Consultation*

The Executive Director Development Services and Planning Services Manager currently have delegation to determine the necessity, extent and duration of advertising with respect to AA and SA uses. For such applications that are advertised, the matter can be referred to Council for a decision should substantiated objections be received. It is current practice to advise ward Councillors of all advertised applications and it is recommended that ward Councillors also be consulted regarding all AA uses where advertising is not considered necessary.

Officers would also undertake consultation with other bodies as necessary during the course of the application. This would include requesting comments from:

- The Development Control Unit (DCU);
- Internal Council Departments;
- Government Agencies (i.e. Main Roads WA, Swan River Trust, Armadale Redevelopment Authority etc); and,
- Advisory Committees (i.e. Community Heritage Advisory Committee etc).

### *Existing Delegations*

#### *Delegation 704 – Home Occupation Permits*

Delegation 704 grants the Executive Director Development Services and the Planning Services Manager the authority to approve or refuse applications for Home Occupation Permits (including renewals), an AA use in a number of zones under TPS No.2 and 3. The delegation identifies the town planning schemes, advertising and the City's in-house compatibility scale as relevant assessment criteria. Delegation 704 would be superseded by the new delegation, if granted.

*Delegation 708 - Extensions / revisions to existing approved AA and SA uses*

Delegation 708 grants the Executive Director Development Services and the Planning Services Manager the authority to approve or refuse applications for extensions or revisions to planning approvals that have already been issued for AA and SA uses. The delegation identifies various elements of the previous approval and the town planning schemes as relevant assessment criteria. Delegation 708 would need to be modified to reflect the provisions of the new delegation, should it be granted. In particular, to make reference to applications approved by the City, as well as Council.

*Delegation 715 – Bed and Breakfast Establishments*

Delegation 715 grants the Executive Director Development Services and the Planning Services Manager the authority to approve or refuse applications for Bed and Breakfast Establishments, an AA use in a number of zones under TPS No.2 and 3. The delegation identifies the town planning schemes and advertising as relevant assessment criteria. Delegation 715 would be superseded by the new delegation, if granted.

*Delegation 716 – Keeping of farm animals (Rural Use)*

Delegation 716 grants the Executive Director Development Services and the Planning Services Manager the authority to approve or refuse applications for the keeping of farm animals, considered a Rural Use which is an AA use in the Rural zone of Town Planning Scheme No.2 (TPS No.2). The delegation identifies Council's Draft Rural Strategy, AgWA's Stocking Rate Guidelines for Rural Smallholdings, advertising and the DCU as relevant assessment criteria. Delegation 716 would be superseded by the new delegation, if granted.

*Delegation 717 – Stables / Shelters*

Delegation 717 grants the Executive Director Development Services and the Planning Services Manager the authority to approve or refuse applications for Stables / Shelters, which is listed as both an AA and SA use under TPS No.2, dependant on the zoning. The delegation identifies Council's Environment, Animal and Nuisance Local Laws, advertising and the DCU as relevant assessment criteria. Delegation 717 would be superseded by the new delegation, if granted.

*Delegation 718 – Group housing and aged / dependant persons dwellings*

Delegation 718 grants the Executive Director Development Services and the Planning Services Manager the authority to approve applications for group housing and aged / dependant persons dwellings, (an AA use in a number of zones under TPS No.2 and 3). The delegation identifies Council's Group Housing Policy, advertising and the Residential Design Codes of Western Australia as relevant assessment criteria. Delegation 718 would be superseded by the new delegation, if granted.

***Assessment of Applications***

The preceding section demonstrates the necessity to set up clear guidelines for officers in terms of determining which applications should be approved and which should be referred to Council for determination. Officers need to consider the provisions relevant to the application, and determine where the application meets the requirements of those provisions and where it does not.

Given the scope of the documentation that may be relevant to all AA and SA uses, the guidelines set must be simple and wide ranging. Therefore it is simply proposed the delegation should specify that in a situation where an application does not comply with relevant requirements for the application, the application should be referred to Council for determination.

### ***Refusals***

It is noted that Delegations 704, 715, 716 and 717 currently enables the Executive Director Development Services and the Planning Services Manager to refuse applications for home occupation permits, bed and breakfast establishments, the keeping of farm animals and stables / shelters, whereas the proposed delegation recommends that contemplated refusals be referred to Council for determination.

Given that Council has already delegated the authority of refusal for those particular AA and SA uses, it is proposed to retain these powers. The proposed delegation simply incorporates those uses that Council has previously granted delegation for as mentioned and would list the same criteria for an application to be refused as is required under the existing delegations.

### ***Draft Town Planning Scheme No.4***

It is proposed that a similar approach will be followed for D and A uses under draft Town Planning Scheme No.4 as would result from this delegation under TPS No.2 and 3. A review of all delegations will be conducted with the implementation of TPS No.4.

## **OPTIONS**

***Option 1*** – Council may:

- Grant delegated authority to the Executive Director Development Services and the Planning Services Manager to approve applications for all AA and SA uses, provided such applications are advertised and no substantiated objections are received;
- Grant delegated authority to the Executive Director Development Services and the Planning Services Manager to refuse applications for particular AA and SA uses, namely home occupation permits, bed and breakfast establishments, the keeping of farm animals and stables / shelters, provided certain criteria are met;
- Delete Delegations 704, 715, 716, 717 and 718 from the Delegations Register; and,
- Modify Delegation 708 to take account of the new delegation.

***Option 2*** – Council may grant delegated authority to the Executive Director Development Services and the Planning Services Manager to approve ‘Change of Use’ applications associated with commencing an AA or SA use in an existing approved building, provided such applications are advertised and no substantiated objections are received.

***Option 3*** – Council could maintain the current process, which requires it to consider reports relative to all applications for AA and SA uses, with the exception of home occupation permits, bed and breakfast establishments, the keeping of farm animals and stables / shelters.

## CONCLUSION

It would be in the interest of administrative efficiency to grant the delegations as requested. In addressing technical issues such as this, the overall turn around time of some development applications is reduced. Council's time may then be spent on policy and more complex matters. It is therefore recommended that the delegation request be approved in accordance with Option 1.

## D158/9/04      RECOMMEND

1. **That the following delegations be deleted from the Delegation of Authority Register:**
  - **Delegation 704**
  - **Delegation 715**
  - **Delegation 716**
  - **Delegation 717**
  - **Delegation 718**
2. **That Council modify Delegation 708 by adding the words “*or an officer of the City under delegated authority*” after the word “*Council*” in the first dot point, so as to read “*Council or an officer of the City under delegated authority has previously considered and approved the use, or ‘Non-Conforming Use’ rights can be established*”.**
3. **That Council grant delegated authority, in accordance with Clauses 7.10 and 11.14 of Town Planning Scheme No's.2 and 3 respectively, to the Executive Director Development Services and Planning Services Manager to:**
  - **Approve applications for AA and SA uses in all zones, and**
  - **Refuse applications for particular AA and SA uses in all zones.**
4. **That the following two Delegations of Authority be added to Council's Delegation of Authority Register:**
  - ***Authority to approve applications for AA and SA uses in all zones.***

***Approvals*** – The Executive Director Development Services and Planning Services Manager are delegated authority to approve applications for AA and SA uses in all zones where, in the opinion of the Executive Director Development Services or Planning Services Manager, applications adequately comply with:

- ♦ **The provisions of the relevant Town Planning Scheme;**
- ♦ **Relevant Council Policies / Strategies;**

- ♦ **Relevant State Government Policies, Standards and Guidelines; and,**
- ♦ **During advertising no substantiated objections are received.**

***Refusals*** – Contemplated refusals are to be referred to Council for determination. (Unless otherwise delegated).

***Note:*** – *Where an application does not adequately meet the above approval criteria, the application is to be referred to Council for a decision as appropriate.*

- ***Authority to refuse applications for particular AA and SA uses in all zones.***

**The Executive Director Development Services and Planning Services Manager are delegated authority to refuse applications for the following particular AA and SA uses in all zones:**

***Home Occupation Permits, where –***

- ♦ **An application does not comply with the Home Occupation provisions identified in the relevant Town Planning Scheme;**
- ♦ **Substantiated objections are received during advertising; or,**
- ♦ **The application scores 30 or above on the Compatibility Scale from Policy 4.4.7 – Home Occupation Permits.**

***Bed and Breakfast Establishments, where –***

- ♦ **The proposal is inconsistent with the current Town Planning Scheme definition;**
- ♦ **Advertising to surrounding landowners for a minimum of two (2) weeks is undertaken as appropriate and reasonable objections are received; or,**
- ♦ **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.**

***The Keeping of Farm Animals, where –***

- ♦ **The application does not comply with the provisions of Council's Rural Strategy;**
- ♦ **Management details are not submitted in accordance with the *Stocking Rate Guidelines for Rural Small Holdings* (AgWA, 2000);**
- ♦ **The application is advertised to surrounding landowners for a minimum of 14 days in accordance**

with Clause 7.2 of TPS No 2 and reasonable objections are received; or,

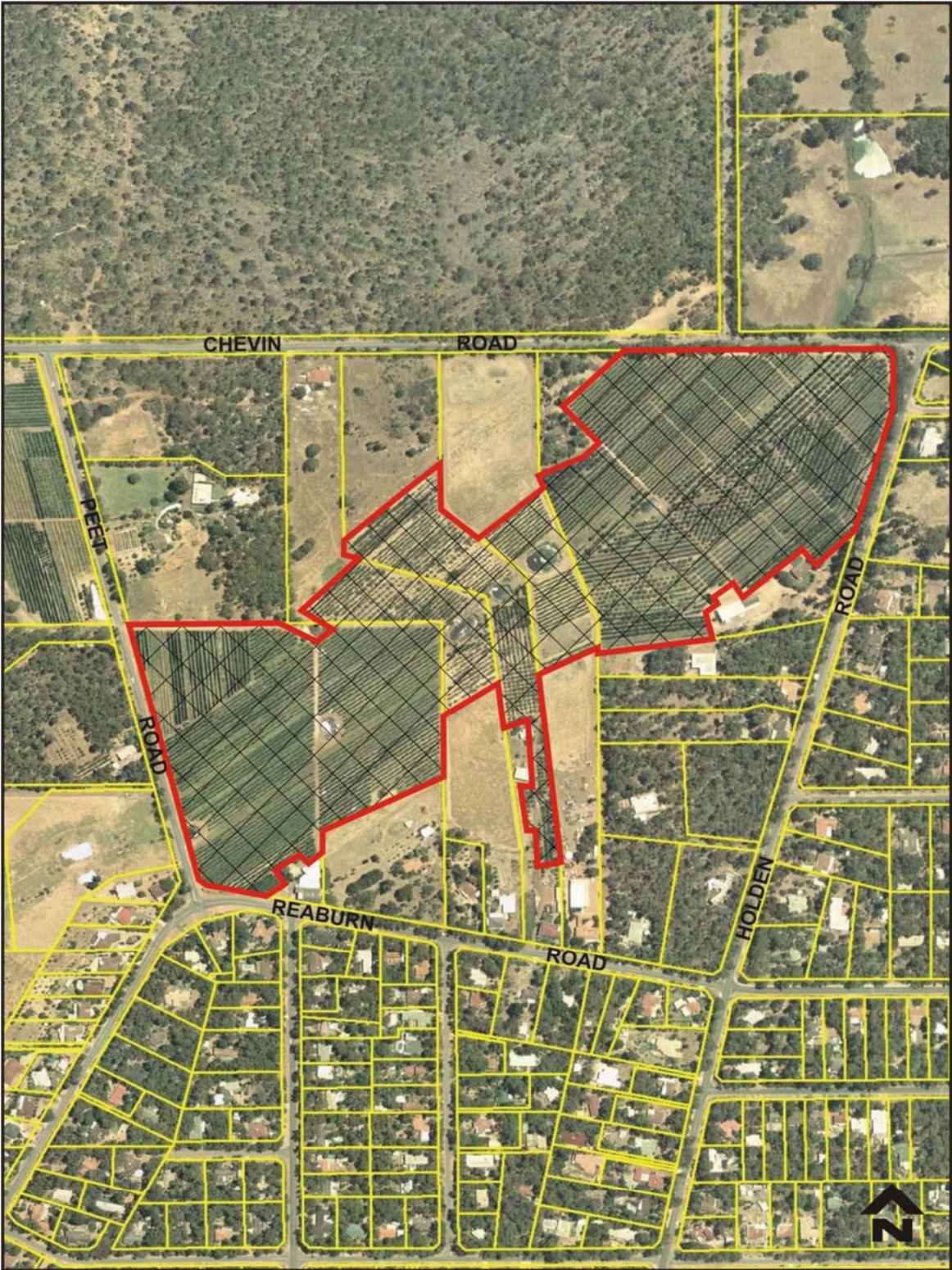
- ♦ The application is referred to the DCU (including Council's Environmental Officer and Health Department) and objections are noted.

*Stables / Shelters, where –*

- ♦ The application does not comply with the requirements of TPS No 2 and the Environment, Animal and Nuisance Local Laws
- ♦ The application is advertised to surrounding landowners in accordance with Clause 7.2 of TPS No 2 and reasonable objections are received; or,
- ♦ The application is referred to the DCU (including Council's Environmental Officer and Health Department) and objections are noted.

**\*\* ABSOLUTE MAJORITY OF COUNCIL REQUIRED \*\***

MOVED Cr Reynolds  
MOTION CARRIED (7/0)



**AERIAL PHOTO  
ROLEYSTONE ORCHARDS.**

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***PETITION – COMPLAINTS REGARDING FARMING PROCEDURES***

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WARD : ROLEYSTONE  
FILE REF : DEV/1  
DATE : 30 August 2004  
REF : RVD  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:-**

- A petition signed by nine orchardists in the area bound by Chevin, Peet and Holden Roads has been referred to Committee by Council. The petition expresses concern about incompatibility of orchard and residential development affecting their operations.
- The concerns in the petition have been investigated and are either not supported or addressed adequately by current policies, procedures and legislation.
- Recommend that a written response be referred to the orchardists as detailed in the agenda report, and that the response be circulated to Members of Parliament who received a copy of the petition.

**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  
Environmental Protection Act 1986  
Environmental Protection (Noise) Regulations 1997  
Agricultural Practices (Disputes) Act 1995  
Town Planning Scheme No. 2

**Council Policy / Local Law Implications**

City of Armadale Environment, Animals and Nuisance Local Laws 2002

**WA Government Policy/ Guidance**

Statement of Planning Policy 4.1 *State Industrial Buffer Policy* (1997) and proposed Draft (July 2004)  
Environmental Protection Authority Draft Guidance Notes No. 3 *Separation Distances between Industrial and Sensitive Land Use* (Draft, June 2004) and No 33 *Guidelines for Environment and Planning* (Draft, June 1997).

**Budget / Financial Implications**

Nil.

## **Consultation**

Health Services Manager

### **BACKGROUND**

A petition signed by nine concerned fruit growers/ orchardists in Roleystone was tabled at Council's meeting of 23 August 2004 and Council resolved that "the petition be received and referred to the Development Services Committee." The petition has been circulated to all local Federal and State Members of Parliament and the State Ministers for Environment and Agriculture.

The petitioners' orchards are located in an area bound by Chevin, Peet and Holden Roads, and have expressed concern that Council has allowed encroachment around the orchards which is now affecting the way the orchards are operated because complaints have resulted in warnings and infringement notices.

Infringement notices regarding unreasonable noise were recently issued in relation to activities occurring on an orchard in this area. At the Council meeting of 23 August 2004 it was resolved to give those who had not paid, more time to pay the penalties and to prosecute the relevant persons if payment is not made within a specified timeframe.

### **COMMENT AND ANALYSIS OF ISSUES RAISED IN THE PETITION**

Sections of the petition are reproduced or summarised in italics below in the order in which they were raised in the letter, along with a recommended response.

- 1. We ... wish to respond to the issue of complaints against us received by the Council over the past 6 months, all of which are noise related. Prior to this current episode there have been complaints regarding other farming procedures (e.g. spraying, chemical drift, burning of pruning sticks and the use of manure for fertiliser)."*

The City receives on average one or two complaints per year concerning orchard operations. Complaints investigated and found to be justifiable complaints are generally from immediate neighbours and usually relate to spray drift.

Early in April, complaints were received from a number of residents in Bedfordale, Roleystone and Karragullen about the use by orchardists of gas guns to frighten away birds attacking their fruit. In each case, an approach was made to the orchardist concerned by the District Environmental Health Officer and in most instances little more was heard from residents, although in some cases more than one visit was required. As reported to Council at its August 2004 meeting, one orchardist persisted in using audible bird scaring devices in a manner that led to the issuing of an infringement notice under the Environmental Protection Act.

From an overview of Council records, the Manager Health Services has listed complaints on file that have originated from the area bound by Chevin, Peet and Holden Roads and found that with the exception of the recent complaints regarding bird scaring devices, the only other recorded complaint attributable to orchard operations occurred in 1995 which related to noise from the operation of a pump in 1995.

Where compliance with relevant legislation and codes of practice occurs, there will be no need for complaints or action by the relevant authorities.

2. *The petition expresses concern that although the orchards in the area have been established since the 1940's, Council has approved subdivisions that have permitted dwellings to be built close to working properties, thus failing both new residents and orchardists. The petition identifies that a consequence of this has been increasing complaints to which in their view "it seems we are allowed no re-call against these complaints and are being restricted in continuing our business operations, which are no more different now than in the past 55 years". The petition notes that the orchards in this area are generally located in an area zoned Rural – Agricultural Protection. The petition alludes to concern that new property owners in affected areas are not provided with relevant information regarding problems that could arise.*

The emphasis on separating and managing incompatible land uses such as residential and industry uses (including rural uses such as orchards) by the planning system has changed over time.

There has been a significant refocus on ensuring land use compatibility since 1997 when the Environmental Protection Authority and Western Australian Planning Commission issued documents containing guidance on this matter. Both the Environmental Protection Authority and Western Australian Planning Commission are currently updating the relevant documents which are (now):

- ◆ Environmental Protection Authority Draft Guidance Note for the Assessment of Environmental Factors No. 3 *Separation Distances between Industrial and Sensitive Land Use*; and
- ◆ Western Australian Planning Commission State Industrial Buffer Statement of Planning Policy 4.1 (1997 and draft July 2004).

Amendments to the *Town Planning and Development Act 1928* also occurred in the mid 1990's that provided the Western Australian Planning Commission (but not Councils) with the ability to record "hazards or other factors seriously affecting the use or enjoyment of that land" on land titles.

Both the 1997 and 2004 documents from the Environmental Protection Authority recommend a separation distance between orchards and sensitive land uses as 500m to provide a buffer from gaseous and noise emissions.

Based on an assessment of the City's complaints records and a mapping exercise showing the location of orchard operations in relation to existing residential development, the City of Armadale has been recommending that new dwellings be separated by 150m from the nearest orchard operation and a 40m vegetated buffer designed to capture spray drift be included as close as practical to the orchard operation.

The *Planning Guidelines for Separating Agricultural and Residential Land Uses* prepared by the Queensland Department of Natural Resources recommends a buffer of 60m if a 40m wide vegetated buffer that meets specific wind permeability standards is in place, or 300m if there is open ground to separate spraying operations from sensitive land uses. The *Planning Guidelines* recommend a 500m buffer for odour, but odour is not identified as an impact from orchard operations by the Environmental Protection Authority document and this concurs with the City's experience.

Based on the City's experience with orchard operations in Roleystone, the low likelihood that 300m of open ground would occur in a typical orchard area, and the difficulty of maintaining an ideal 40m wide vegetated buffer as described in the *Planning Guidelines*, a 150m buffer is considered appropriate, particularly if orchardists are working to best practice guidelines.

Both the Environmental Protection Authority and Western Australian Planning Commission documents referred to above indicate an expectation that industry should operate as far as practicable in accordance with best practice. The way in which most modern horticultural businesses operate has changed over the last 55 years. Many industries now operate in accordance with Codes of Practice jointly developed and endorsed by industry and government. For example, the *Code of Practice for the use of agricultural and veterinary chemicals in Western Australia* published by the Department of Agriculture provides best practice for spraying operations.

In regard to noise from orchard operations, no Western Australian Government agency has published specific guidelines for orchards. However, the *Environmental Management Guidelines for Vineyards* prepared jointly by industry and the Western Australian Government notes:

“Noise devices, for example recorded sounds (e.g. Audio Visual alarms), humming wires and other scaring devices (kites etc.), generally have limited or short term impact in reducing damage by birds. They have had some success in minimising crop losses to birds if frequently relocated. The noise produced by audible bird scarers can impact negatively on the welfare and amenity of neighbours.”

The South Australian Environment Protection Authority has published *Draft Environment Noise Guidelines for Audible Bird Scarers* that includes some guidance on reducing noise impacts for noise sensitive premises.

The City would expect orchardists to be aware of Codes and Guidelines that apply in similar horticultural industries or in interstate orchard operations, and to utilise these when they present better ways of achieving the outcomes sought.

The petition expresses concern that Council has allowed subdivisions near orchards. Although Council provides advice to the Western Australian Planning Commission in respect to subdivision proposals, it is the Western Australian Planning Commission that approves subdivisions. Nevertheless the Western Australian Planning Commission needs to take into consideration all relevant aspects such as applicable legislation, policies, and the overall merit of the application.

3. *“Surely after 55 years of continuous operation we can be permitted some kind of exemption or leniency from these at times seemingly frivolous or nuisance complaints.”*

The Agricultural Practices (Disputes) Act 1995 provides a mechanism to permit normal farming practice to continue in circumstances where frivolous or nuisance complaints are received. Under this Act exemptions can be granted if needed for normal farming practice to continue. Compliance with a Code of Practice is deemed normal farming practice.

Given that appropriate farming practices are unlikely to generate sustainable complaints that cannot be resolved to the satisfaction of both parties, the actions that generated the recent complaints in respect to noise from orchard operations are unlikely to be deemed “normal” farming practice.

4. *If this situation is not or cannot be resolved, then some sort of responsibility should be accepted by Council and allow for discussions for liability, compensation or even relocation of said businesses.*

The City does not consider that there is a significant problem, based on the number of complaints normally received and current planning practice. If the orchardists believe they have a case, then the Agricultural Practices (Disputes) Act 1995 would be the best mechanism to provide a remedy.

Compensation provisions under the Town Planning and Development Act 1928 are limited to specific circumstances and requires a person whose land is injuriously affected by the making of a town planning scheme to make a claim within six months of the scheme or scheme amendment. As there have been no scheme amendments in the area identified by the orchardists for many years, compensation under the Town Planning and Development Act is no longer an option. Town Planning Scheme No. 2 reinforces the time period as per the Town Planning and Development Act 1928.

As described above the current planning practice seeks to ensure land use incompatibility does not result from new proposals. There are several examples from recent years in which it can be demonstrated that the City has taken the orchard industry into account, including:

- ◆ Town Planning Scheme No. 2 Amendment No 173 regarding Location 532 Irymple Road, Karragullen. A 150m separation from the nearest orchards to building envelopes and 40m vegetated buffer designed to capture spray drift along the property boundary is required for this proposal.
- ◆ Subdivision of Lot 6 Raeburn Road (within the area of concern). The City recommended refusal of the subdivision proposal on several grounds including the potential to compromise the orcharding activity carried out in the Rural - Agricultural Protection zone; and
- ◆ A Development Application for Lot 21 Hill Road Roleystone proposing a second dwelling on Rural zoned land for family purposes. Negotiations are currently underway to ensure the second dwelling is located at least 150m from the nearest orchard.

## OPTIONS

1. Council could respond to each of the orchardists who signed the petition in accordance with the information provided above.
2. Council could investigate the issues raised by the orchardists further and respond to the petition at a later date.

## CONCLUSION

Given the relatively low number of complaints that have been received in respect to orchard operations over a number of years, the lack of complaints regarding orchard operations within the area identified by the petitioners, and the current planning practice of taking orchard operations into account when making decisions or recommendations on development or subdivision, the concerns expressed by the orchardists are either not supported or adequately addressed. Accordingly it is recommended that Option 1, of responding to the orchardists by providing the information in this report be adopted.

## D159/9/04 RECOMMEND

~~That the Executive Director Development Services provide each of the orchardists who signed the petition a response to the issues raised as detailed in the agenda report, and that a copy of the City's response be circulated to Members of Parliament who have been sent a copy of the petition.~~

*Council resolved at its meeting of 20 September 2004 the following:-*

*That Recommendation D159/9/04 be not adopted and be recommitted to the Development Services Committee on the basis that further information will be made available for consideration.*

MOVED Cr Zelones  
MOTION CARRIED (7/0)

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***TOWN PLANNING SCHEME NO. 4 – REVIEW OF SUBMISSIONS***

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WARD : ALL  
FILE REF : PSY/34  
DATE : 28 July 2004  
REF : IM/JR/PR  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:-**

- Draft Scheme No. 4 has been advertised for public comment and 411 submissions received.
- While the Scheme has been generally well received, the community have raised a number of issues for consideration in finalising the scheme and these have been addressed in the summary report and the Schedule of Submissions.
- The most significant single issue was to the request that specific parks be reserved for Parks and Recreation. Other issues related to Rural Living and Special Residential classifications, R Codes and industrial uses.
- Recommend that Council resolve to:
  1. Note the submissions on TPS No. 4.
  2. Determine the submissions in accordance with the Recommendations in the Schedule of Submissions (*Attachment “A1” of the Minutes*).
  3. Adopt the Scheme with modifications and forward it to the Western Australian Planning Commission.
  4. In respect of the Special Electors Meeting held on 22 July 2004, support Motion 1 in part as recommended in the Schedule of Submissions and not support Motion 3.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Strategic Plan – Long Term Strategic Planning

Promote employment and residential growth, encouraging the economic well-being of the community by:

- ♦ Completing the Town Planning Scheme review including the:
- ♦ Commercial Centres Strategy
- ♦ Housing Strategy
- ♦ Rural Strategy
- ♦ Vision and style of each precinct to give clarity and direction for investment.

**Legislation Implications**

Town Planning and Development Act 1928

Metropolitan Region Town Planning Scheme Act 1959

Environment Protection Act 1986

Town Planning Regulations 1967

Armadale Redevelopment Act 2001

Metropolitan Region Scheme

**Council Policy / Local Law Implications**

Town Planning Scheme No. 2

Town Planning Scheme No. 3

Council’s planning policies are reviewed through the Scheme Review process.

Environment, Animals and Nuisance Local Laws 2002

### **Budget / Financial Implications**

The Town Planning Scheme plays an important role in the economic development of the City by facilitating sustainable development and appropriate provision of infrastructure through land development.

### **Consultation**

Brochure to all residents and ratepayers.

Public meetings in the Administration Centre (18<sup>th</sup> May) and Karragullen Hall (16<sup>th</sup> June).

Special Electors Meeting (22 July).

Publishing of all scheme documents on City website and displays and loan materials made available in City libraries.

Consultation with government agencies and departments.

Newspaper notices.

### **BACKGROUND**

Council published its intention to prepare a new TPS No. 4 in the Government Gazette on 19<sup>th</sup> September 1997. Following the undertaking of workshops and the preparation of various strategies a draft consolidated Local Planning Strategy was considered by Council in October 2001.

Subsequently, at its meeting on 17 March 2003 Council resolved to adopt the proposed Scheme No. 4 for submission to the Commission and the Minister for consent to advertise for public inspection.

The EPA advised on 9 June 2003 that under the provisions of Section 48A(a) of the Environmental Protection Act draft TPS No. 4 was deemed assessed, commending Council for the approach taken by the scheme.

The Minister for Planning and Infrastructure granted consent for the Scheme to be advertised for public comment on 6 January 2004, also commending Council for the high level of consultation undertaken with the Department for Planning and Infrastructure during preparation and quality of the draft scheme. The WAPC's letter of advice required that the Scheme be advertised and various public authorities invited to comment. In addition with respect to the industrial zoned land on the corner of Ranford and Anstey Roads, Council was required to specify in the public advertising that the future zoning and land use was to be further considered during the advertising period, and that submissions be invited on this particular issue. With respect to the Local Planning Strategy, the Commission agreed to this being advertised concurrently with the Scheme and noted that the Local Commercial Strategy component would be further addressed prior to the final adoption of the Strategy to ensure compatibility with the Commission's SPP 4.3 – Metropolitan Centres.

The draft TPS No. 4, the Local Planning Strategy, the Retail Hierarchy Report, and the Local Planning Policies were advertised for public comment between March 30 and June 28, 2004 in accordance with the requirements of the WAPC. A brochure was prepared summarising the Scheme and including a Scheme Map. Over 20,000 brochures were dispatched to each property address and ratepayer. This action has appeared to be very effective.

For many householders this would have been the first time they had become aware of the existing town planning scheme zones and reserves. As many people were apparently unaware of zones existing under the current scheme, a fundamental and important consciousness-raising function was served by the distribution of the new scheme. This in turn has allowed constructive changes to be made to the scheme, in response to the public submissions received.

This report summarises what are considered to be the main issues arising from the submissions. This is not to say that these are the only issues of concern raised by the submissions. *A full summary, assessment and recommendation relating to each submission is provided at Attachment “A1” of the Minutes.*

The current TPS No 2 is nearly 20 years old and given the City anticipates an acceleration of growth, facilitated by projects initiated by the City and fostered by the Armadale Redevelopment Authority, TPS No 4 has the opportunity to make a timely and invaluable contribution to the City’ development.

Once formally gazetted, TPS No 4 will be subject to regular scheme updates via local omnibus amendments keeping pace with changes such as modifications to the MRS and Model Scheme Text and most importantly, during an initial bedding-down period for the new scheme. It is anticipated that TPS No 4 will also be modified in response to rezoning amendments and more detailed assessment of specific areas which will be required to be funded by landowners. For example the new areas of Rural Living zone and opportunity to incorporate Environmental and Improvement Strategies into the Development (Structure Plan) Area provisions, will allow additional subdivisional development to take place in parts of Forrestdale and some localities in the hills. Given the comprehensive nature of the new scheme, the review required 5 years from gazettal date, should be able to be kept to a minimal update.

## SUBMISSIONS

411 public submissions were received on TPS No. 4. In addition City of Armadale officers have made a number of suggested amendments. The submissions can be divided into the following categories:

Parks and Reserves <i>(this includes two petitions with 993 and 34 signatures)</i>	205
Rural - Bedforddale	17
- Wungong	1
- Karragullen	8
- Kelmscott	7
- Forrestdale	21
- Champion Lakes	3
- Roleystone	12
- Reservations	4
Araluen Golf Course Estate	3
Armadale Road Special Residential	25
ERADE Village and North Forrestdale Amendment No.190	4

Southern River/Forrestdale/Brookdale/Wungong DSP	10
Industrial	9
Residential Design Codes	30
Commercial	20
Miscellaneous	32
<b><u>TOTAL</u></b>	<b><u>411</u></b>

Each submission has been formally acknowledged by letter as required by Regulation 16(3).

The statutory requirement under the Town Planning Regulations is for Council to consider all submissions and in respect of each submission consider whether the Scheme should be modified or the submission rejected. After consideration of submissions the Council is required to resolve that the Scheme be adopted with modification and forwarded to the Commission.

Each submission has been summarised and commented upon in the attached Schedule of Submissions. It is important to apply a consistent approach in evaluating the submissions to ensure that they are dealt with fairly and transparently. In reaching a recommendation the following criteria have been applied.

- ◆ Would not require readvertising, ie:
  - Would not be a significant variation from that advertised or that in TPS No. 2 or 3
  - Would be unlikely to result in community objections
  - Would be consistent with the approach adopted for nearby land.
- ◆ Is consistent with previous planning provisions relating to the land.
- ◆ Is consistent with the Metropolitan Region Scheme (MRS).
- ◆ Is consistent with the Local Planning Strategy.
- ◆ Additionally, in the case of submissions relating to increasing the subdivision potential of rural land:
  - that the proposal would not result in a significant increase in potential lots;
  - that the proposal be justified by land capability mapping; and
  - conversely in some areas, the desirability for landowner funded environmental and servicing assessments to be undertaken via a scheme amendment process, prior to making changes to the potential for additional subdivision of land/rural density.

## **ANALYSIS OF SUBMISSIONS**

The main issues arising from the submissions are summarised and commented on in this section. The Schedule of Submissions is included at *Attachment "A1" of the Minutes* and the location of the main issues arising from the submissions have been identified on the attached plans.

## **Parks and Reserves (see Figure 1)**

The most submissions were received from those seeking the reservation for Parks and Recreation of Creyk, Gwynne and Fancote parks.

- ◆ **Creyk Park**

Creyk Park is proposed to be zoned Residential R25 under TPS No. 4, having been R12.5 under TPS No. 2. While the area reserved for Parks and Recreation has been extended on the eastern side of the park to reflect the valued bushland, the main developed oval and associated facilities were not reserved. The Public Open Space Strategy indicated that Creyk Park fell within an area relatively deficient in open space, and met the criteria for retention. While the City could keep development options open for the land by retaining the Residential zoning over the land (in view of 5.44 hectares of the land being owned by the City) it is not considered that there would be any practical benefit in so doing. Accordingly, it is recommended that Creyk Park be reserved for Parks and Recreation in its entirety.

- ◆ **Gwynne Park**

Half of Gwynne Park is zoned Residential R15 under both TPS No.4, and TPS No. 2. The land is developed for active recreation facilities and was considered in the Public Open Space Strategy to meet the criteria for retention. While 7.5 hectares of Gwynne Park is owned by the City the reserve is of strategic importance as a recreational asset and there is unlikely to be any benefit in retaining the Residential zoning over the land. Accordingly, it is recommended that Gwynne Park be reserved for Parks and Recreation in its entirety.

- ◆ **Fancote Park**

While the Canning River foreshore abutting Fancote Park is Reserved for Parks and Recreation, the 1.8 hectare portion owned by the City is indicated as Residential R15/40 under TPS No. 4. The land was zoned R10 under TPS No. 2. The Public Open Space Strategy noted that Fancote Park was located in an area where, statistically, there was not an open space deficiency, and the park met the criteria for retention. The Kelmscott Enquiry by Design concluded that the area between the Stargate shopping centre and the Canning River could be improved in amenity by new development and road realignment. In consequence of this, and other recommendations relating to land east of the Canning River, it is now proposed that a joint WAPC/City of Armadale Canning River Precinct Study be initiated to consider the future development of the precinct. This study will closely involve the community, as is a requirement of projects funded under the Communities Program. Until the study is completed it would be premature to reserve the Lot 24 Fancote Park Parks and Recreation. Accordingly it is recommended that Fancote Park be retained in the Residential R15/40 zone as advertised until a greater level of certainty can be provided for the strategically important precinct between the Kelmscott Town Centre and the river foreshore.

♦ **Other Reserves**

A few submissions have been received relating to other reserves which have been assessed in the context of the Public Open Space Strategy. It has been recommended that land on Rushton Terrace, Mt Nasura, be included in the Parks and Recreation Reserve. In addition three small areas that were advertised in previous stages of the Open Space Strategy were omitted in error from the advertised Scheme Map. In view of these not having elicited any adverse comment during their earlier advertising it is recommended that they be zoned as proposed in the Strategy. Submissions in respect of Warwick Savage Reserve in Roleystone have not been supported at this time in view of the need to consider the desirability of the reservation in the context of the POS review to be undertaken during the next 12 months for this locality.

**Residential Density Codings (see Figure 2)**

Under TPS No. 4 significant areas have been proposed to be increased in development potential to R25 and R15/40. These proposals have been almost universally supported. However some submissions seek additional development potential. The only submissions expressing concern that the codings are too high relate to land north of Kelmscott. A general request for the increased coding of the area of Westfield adjacent to Champion Lakes was received from the ARA, however, it would be difficult to introduce such a significant change without readvertising.

♦ **R10 areas seeking higher density coding**

Submissions were received from areas coded R10 under TPS No. 4 requesting the opportunity to develop grouped dwellings to a higher density than R10 in view of the land's locational advantage, the ability under TPS No. 2 to develop grouped dwellings up to R40 and the desirability to provide a range of housing. The localities coded R10 are restricted to those north and south of Brookton Highway. While some areas have not been sewered they are characterised by a range of lot sizes, with most being in the 800-1100m<sup>2</sup> range.

Within these areas the facility to develop grouped dwellings up to R25, subject to compliance with Council's Residential Density Development Policy (which includes the requirement of deep sewerage), would be appropriate particularly in view of the fact that under TPS No. 2 group dwelling development up to R40 could be permitted by Council. It is recommended that the provisions made in the Scheme to enable areas Coded R12.5-17.5 to develop group dwellings up to the R25 Code also apply to R10 areas. As even greater potential existed under TPS No. 2 it is not considered that this would require readvertising.

♦ **R25 areas seeking higher density for grouped dwellings**

TPS No. 4 proposes to increase the coding of a number of areas from R12.5 to R25, although the TPS No. 2 provision enabling group dwellings up to R40 would no longer apply. However some submissions have requested additional development opportunities. Under TPS No. 2 group dwellings could be permitted up to R40 in all residential zones subject to the amenity of the locality not being prejudicially affected. Although this scheme provision was unusual in the context of other schemes in the State, it had worked well in the past.

Under the draft scheme group dwelling development may be permitted in areas coded R12.5-R17.5 at the R25 density however for those areas coded R25 there is no equivalent potential. It would be appropriate to amend the provisions to allow for the development of grouped dwellings in areas coded R25 up to the density of R40 and make suitable adjustments within the Residential Density Development Policy. As the areas subject to this change would have been able to develop grouped dwellings up to R40 under TPS No. 2 it is not considered that this change would require readvertising

♦ **Areas north of Kelmscott coded R25 and R15/40**

Two submissions have been received expressing concern that land north of Kelmscott between the Highway and the Canning River should not be Coded R25 and R15/40. This area is Coded R10 under TPS No. 2 (with the potential for grouped dwellings up to R40 subject to meeting the Council's policy requirements). The residentially zoned area is serviced, within 1200m of the Kelmscott Station and suited to a greater potential density than R10. The gradation southwards from R25 to R15/40 for the land abutting the District Centre is appropriate.

**Commercial zonings (see Figure 2)**

Generally the proposed network of commercial centres was accepted, judging from the relative lack of submissions. Some submissions requested extensions to the Kelmscott District Centre, which have been addressed in accordance with the findings of the Kelmscott Enquiry by Design, and others sought amendment to some of the Restricted uses which are a feature of TPS No. 4 for the areas north and south of the centre.

Commercial centres growth will be guided in part by the Retail Hierarchy Review which was advertised with the Scheme. While there were few submissions on the Review, the City's consultant reviewed the model following identification of more land with urban potential arising from recently initiated MRS amendments and the expectation that development in North Forrestdale will occur at a faster rate. Accordingly it is recommended that the Retail Hierarchy Review be adjusted to show the consequential changes in the sizes of the local and neighbourhood centre sizes in North Forrestdale.

**Industrial zonings (see Figure 2)**

Five submissions were received objecting to the industrial zoning of Lot 68 and 70 Ranford/Anstey Roads, with the landowner seeking more general industrial opportunities. The land was specifically identified in the Brochure as a matter upon which comment was sought. Under TPS No. 4 the land is shown as Industrial Business and included as a Structure Plan area on the Special Control Area Map to provide for more detailed planning and management of the site. While most of the land is included within Bush Forever to be included in the Jandakot Regional Park, that land abutting Ranford Road is unaffected. The MRS continues to show the whole site as Industrial and accordingly under S. 34 of the MRTPS Act the City would be unable to initiate an amendment through a change to TPS No. 4.

The development options for the land are restricted on account of the Kennel zone and industrial land in Gosnells to the north. The site does have clear locational advantages in view of the fortuitous nearby junction between Ranford Road and Tonkin Highway. Much of the subject land has significant conservation value which should be reflected on the MRS, however the balance of the land could remain in an appropriate industrial type of usage as indicated by the District Structure Plan and the MRS. Although the area unaffected by Bush Forever is relatively small, this would be developable in view of its location and it is considered that this area should be zoned General Industry.

### **Special Residential zonings (see Figure 3)**

Special Residential is a new zone introduced into TPS No. 4 to embrace a number of rural residential Special Use zones developed under TPS No. 2 and apply controls to protect the environmental and residential amenity. The application of this zone to Churchman Brook and Araluen estates and other smaller localities has been well received. The only opposition to the application of this zoning was in respect of the strip of land north of Armadale Road in Forrestdale where the Special Residential zoning had been proposed in anticipation of the need to provide greater management control to prevent new conflicts arising. Here the landowners felt that the land use restrictions imposed by the proposed zoning would hamper their lifestyles. While in the long term this area may form part of an urban area, in the interim it could return to a zoning akin with TPS No. 2 and it is therefore recommended that the area be zoned RL1 and it be removed from the Special Control Area maps - the lots already being below 1 hectare in area.

### **Rural issues (see Figure 3)**

#### **◆ Two houses on one lot**

Under TPS No. 2 a second dwelling could be approved on land over 2ha subject to various conditions. As this has become a defacto method of obtaining subdivision approval on lots smaller than the minimum allowed under the Scheme, TPS No. 4 included a provision to restrict second dwellings to lots over 40ha where the dwelling was required for the continued operation of an existing productive rural use.

The rationale for subdivision should be the RL code and not on the exploitation of a policy that allows landowners to provide additional accommodation on their lot and subsequently use this as an argument (at appeal) to undermine the Scheme's objectives. It may be that this avenue is less accessible following the changes to the appeal legislation to limit appeals to planning grounds and restrict the opportunity of the Minister to determine appeals.

The second house provision may have been useful in the past two decades of rural development under TPS No 2, however, with greater pressure to subdivide arising from metropolitan growth it is now appropriate to restore zoning to be the principle determinant of rural density. Future rural development should be based on the desirability of increasing rural density in a particular locality as justified through comprehensive assessments (including, where appropriate, scheme amendments financed by landowners). Therefore the current allowance for a second rural dwelling on the lots of over 2ha required a substantial overhaul for the new scheme.

A number of submissions objected to the reduced opportunity to construct second dwellings within agricultural areas such as in the Karragullen locality where the argument was put that additional accommodation was required on site to house agricultural workers. The need to restrict second dwellings on rural properties is consistent with the approach set out in WAPC Statement of Planning Policy 2.5 (Agriculture and Rural Land Use Planning) wherein the need to protect agricultural land against premature subdivision and development is advanced, however, in following this policy some allowance could be made in support of agricultural operation. Under Clause 5.2 of this policy a town planning scheme may allow more than one dwelling on a lot where the additional dwelling is for the accommodation for workers employed for agriculture and the dwellings are clustered in one location and services, including access roads, are shared where practicable. It would be appropriate to amend the Clause 5B.8 of TPS No. 4 to reflect this. In addition, to accommodate existing farming operations within RL zones, it would be reasonable to also apply the provision within RL zones where there was a minimum lot size of, say, 8ha as rural production is largely confined to properties above 8ha in area.

Notwithstanding the more restrictive provisions relating to second dwellings, TPS No. 4 does permit the construction of a smaller dwelling, as provided for under the Additional Accommodation provisions of the Residential Design Codes, on any lot. Hence those seeking accommodation of an elderly relative can utilise this provision.

♦ **Rural Living Zone Precincts (see Figure 3)**

In rural areas, the primary principle in formulating TPS No. 4 has been to respect the status quo in terms of further subdivision. Accordingly the proposed Rural Living zone precincts under TPS No 4 in most cases reflect a similar category under TPS No 2 Rural zone:

Rural A becomes RL 20

Rural B becomes RL 10

Rural C becomes RL 4

Rural C1 becomes RL4

Rural D becomes RL2

Rural D1 becomes RL2

Rural E generally becomes RL1 (excepting for the Canning River Valley in Kelmscott and the areas south of Otway Place and west of Nelson Street in Bedforddale where the Rural E average requirement of 2ha has been identified as the preferred minimum lot size for new subdivisions and hence these areas are recoded as RL2)

Rural E1 becomes RL1

Rural X becomes RLX

Rural AP generally becomes General Rural

Rural Kennels has no equivalent and no longer will exist in TPS No 4.

In many of the rural areas of the City, historical lot creation has produced a range of lot sizes notwithstanding the minimum lot size requirements of existing zones. The variation in existing lot sizes in rural areas means that in many areas TPS No 4 cannot tailor precincts of standard uniform lot sizes but rather must assemble a discrete range of lots into a precinct that is given an appropriate minimum lot size code to control the amount of further subdivision.

Accordingly most precincts will have some lots that are already much smaller than the minimum size while other existing lots will be over the minimum size for the particular precinct code. Given that the averaging requirement has been dropped from TPS No. 4, the occasional lot will be of sufficient size to enable a simple two-lot subdivision to proceed under the proposed RL zone minimum lot size code and without the need for structure planning or environmental or servicing assessments to be undertaken via the normal scheme amendment process.

Most areas where more than a simple two-lot subdivision has been proposed under TPS No 4 will require a Local Structure Plan to be prepared.

However, a number of submissions were made by landowners seeking rezoning to facilitate greater subdivision potential for their land. These submissions have been carefully assessed and approached with caution due to the potential for public controversy and the need for an environmental assessment to support further subdivision in areas with steep slopes or in proximity to river systems, wetlands or bushfire hazards. The opportunity will remain for landowners to seek a reassessment of particular rural precincts through the normal scheme amendment process even where it is recommended that the requested amendment to TPS No. 4 not be supported. In these cases environmental and servicing assessments would be carried out at the landowners own cost and if supported by Council, the EPA and WAPC would provide the basis for appropriate controls over subdivision and land management to be incorporated into the scheme.

For the above reasons most of the submissions from landowners in Rural Living zones who requested increased subdivision potential have not been supported. The areas to which this approach applies includes the following:

- ◆ Lots on the south side of Carradine Road, Bedforddale, seeking reduction from RL2 to RL1
- ◆ Lots on the north side of Albany Highway, Bedforddale, seeking reduction from RL4 to RL2
- ◆ Lots on Buckingham Road, Kelmscott, seeking RL2 to RL1
- ◆ Various lots in south Forrestdale, seeking changes to RL4 or RL2.

While not the subject of any submissions, one part of the original Bedforddale rural subdivision has been identified as a mapping error in the preparation of TPS No. 4 and accordingly, the density coding is recommended to increase from the draft RL1 to the RL2 code which is consistent with the existing pattern of subdivision and the existing lot sizes in the locality.

In addition because of the strategic desirability to retain the option to provide a continuous foreshore reserve along the Canning River from Roleystone to Kelmscott the submissions regarding Lots 19 and 26 Soldiers Road, Roleystone, seeking deletion of an existing reservation for Parks and Recreation Reserve on the grounds that it is no longer required due to the change in rural density from the 5000m<sup>2</sup> allowed under TPS No 2, to the 2ha lots proposed by the RL2 zone of scheme No 4, have not been supported.

A number of submissions sought a return to a zoning more akin to that under TPS No. 2 or one where the proposal was consistent with a range of criteria. Support for the following submissions has been recommended;

- ◆ Lots on the east side of Carradine Road, Bedfordale, seeking a change from RL10 to RL4
- ◆ Lot 90 Gardiner Road, Karragullen seeking a change from RL10 to General Rural
- ◆ Lots 50 and 51 Thompson Road, Roleystone, seeking a change from RL4 to RL2
- ◆ Lots 220, 221 and Pt lot 617 Chevin/Brockway Roads, Roleystone, seeking a change from General Rural to RL4
  
- ◆ **Rural Zones (see Figure 3)**

Specific concerns were voiced from Karragullen landowners in respect of the need for a strategy to enable them to continue orcharding but to exit by getting a good return for their land if they so wished. In addition they sought a regular review of the protection status of the land. Suitable buffers were requested between their operations and nearby residential properties, in addition to allowing subdivision where this buffer was not compromised.

It is always difficult to achieve contradictory objectives – in this case between the need to prevent residential intrusion upon agricultural operations and the need to allow subdivision that would inevitably result in residential intrusion. At this stage it would appear that Karragullen remains an important strategic resource for the fresh fruit industry as confirmed by Department of Agriculture/DPI mapping and while this should be subject to periodic review in respect of TPS No.4 provisions should facilitate the protection of the resource.

- ◆ **Miscellaneous**

During Council's consideration of the draft Scheme there was concern that general controls should be strengthened to prevent the construction of reflective roofs over the whole City. The clauses included in the advertised Scheme used absorbance values which have since proved problematic as manufacturers are reluctant to release details relating to absorbance values for particular products. Moreover, administrative implications arise from the universal application of this provision in view of the forthcoming development of new residential estates in the City's western areas. It is recommended that the provisions be amended to specifically refer to types/colours of reflective surfaces, rather than absorbance values of less than 0.6, for the area east of the Albany/South Western Highways.

Council's solicitors (Mullins Hancock) have reviewed the Scheme provisions in particular to address any compliance matters that may be raised. A number of changes have been suggested to the Scheme text, however many of these relate to standard provisions imported from the Model Scheme Text (Town Planning Amendment Regulations gazetted October 1999). It is proposed that where the suggestions relate to the Model Scheme Text they be communicated to the Department for Planning and Infrastructure to be taken into account during the forthcoming review of the Model Scheme Text. The other suggestions relating to the Scheme provisions unique to the City should be generally accommodated by amendments to the text as set out in the Schedule of Submissions.

### **Special Electors Meeting**

At its meeting of 2 August 2004 Council resolved to refer the resolutions of the Special Electors Meeting held on 22 July 2004 to the Development Services Committee for consideration in conjunction with TPS No. 4.

The first motion was:

*That this Special Meeting of Electors requests the City of Armadale to rezone in TPS No. 4 of all of Creyk Park, Fancote Park and Gwynne Park for Parks and Recreation (Local).*

This motion has been addressed above and in the Schedule of Submissions. It is recommended that Creyk and Gwynne Parks be reserved Parks and Recreation but until the Canning River Precinct Study is complete that part of Fancote Park previously zoned Residential should be retained in the Residential zone.

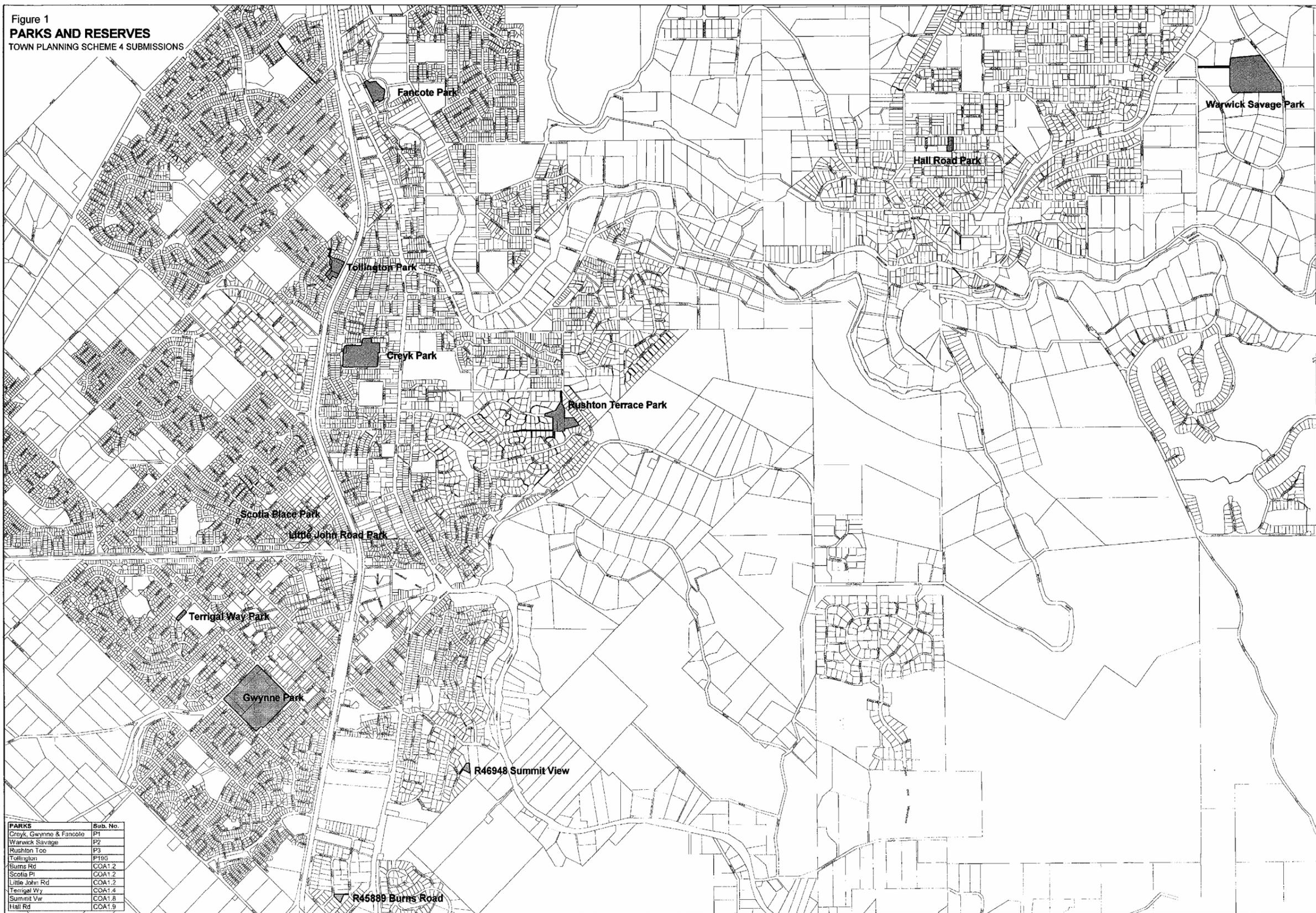
The Special Electors Meeting also passed Motion 3:

*That the Council for each of the parks and reserves within the jurisdiction of the Armadale City Council, immediately commence action to merge the blocks of land that comprise each of these parks and reserves or what are currently known or used as these parks and reserves and thence cause those merged blocks of land and thence all land currently known as or used separate parks and reserves to be vested for the specified purpose of Recreation and rezone those blocks of land as Parks and Recreation (Local).*

It is understood that this would require all public recreation spaces to be merged in tenure and reserved under the Scheme. The merging of land owned by the City with Crown Land would be technically possible but it would be unusual for a landowner (in this case the City) to give land back to the Crown with no payment in order to merge with a Crown reserve. More importantly, the process of reviewing the status of the City's 250 parcels of recreation land is complex and time consuming but has been instigated over the past five years starting with a Consultant's Public Open Space Strategy and subsequently through the seven stage implementation of this Strategy.

In view of the process already in train to review the City's open space inventory and rationalise and dispose of land where appropriate but otherwise retain and reserve it as Parks and Recreation, it is considered that the motion not be supported.

Figure 1  
**PARKS AND RESERVES**  
 TOWN PLANNING SCHEME 4 SUBMISSIONS



PARKS	Sub. No.
Creyk, Gwynne & Fancote	P1
Warwick Savage	P2
Rushton Tee	P3
Tollington	P196
Burns Rd	COA1.2
Scotia Pl	COA1.2
Little John Rd	COA1.2
Terrigal Wy	COA1.4
Summit Vw	COA1.8
Hall Rd	COA1.9

Figure 2  
**SRFBW DSP / Industrial / Residential / Commercial**  
 TOWN PLANNING SCHEME 4 SUBMISSIONS

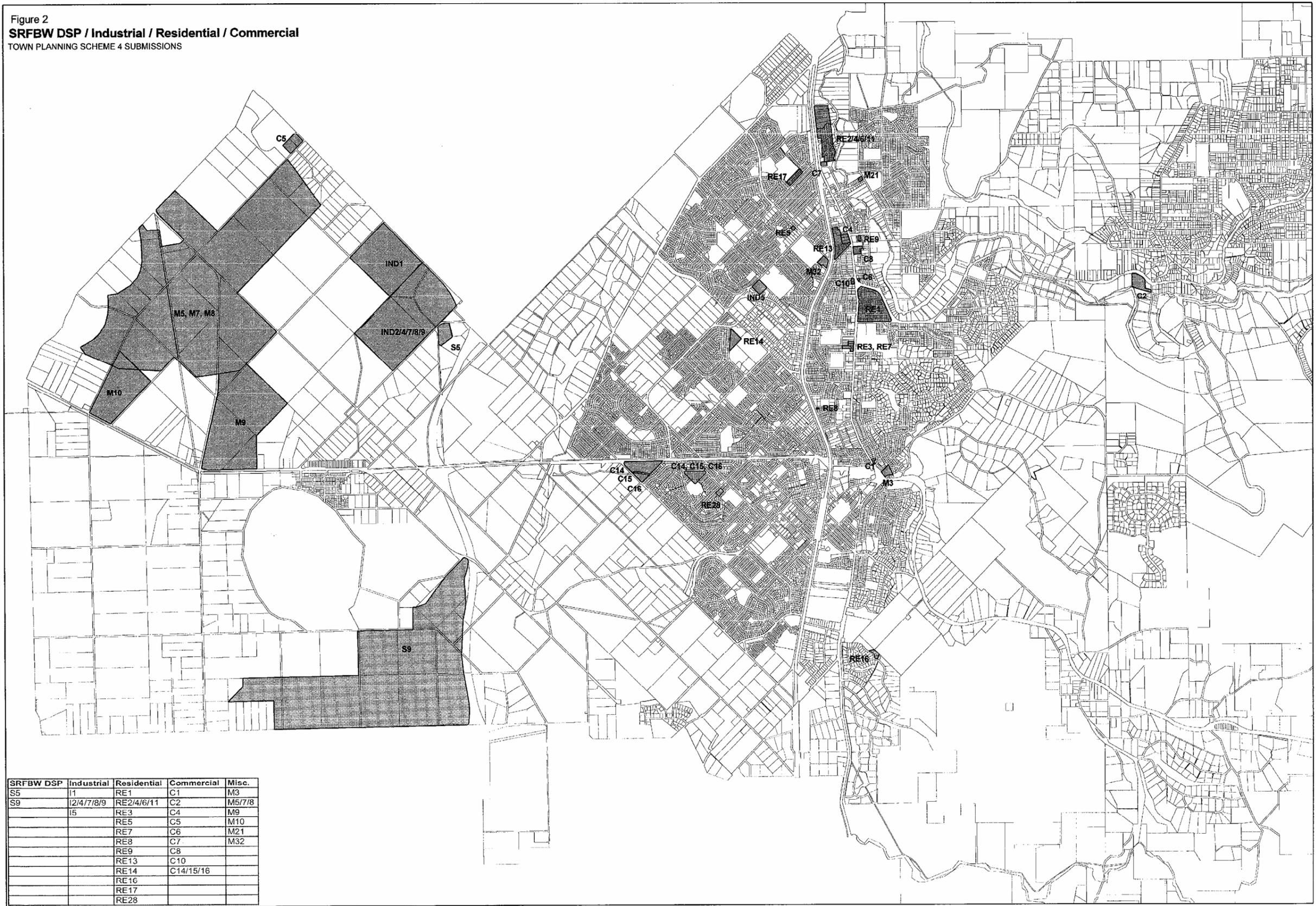
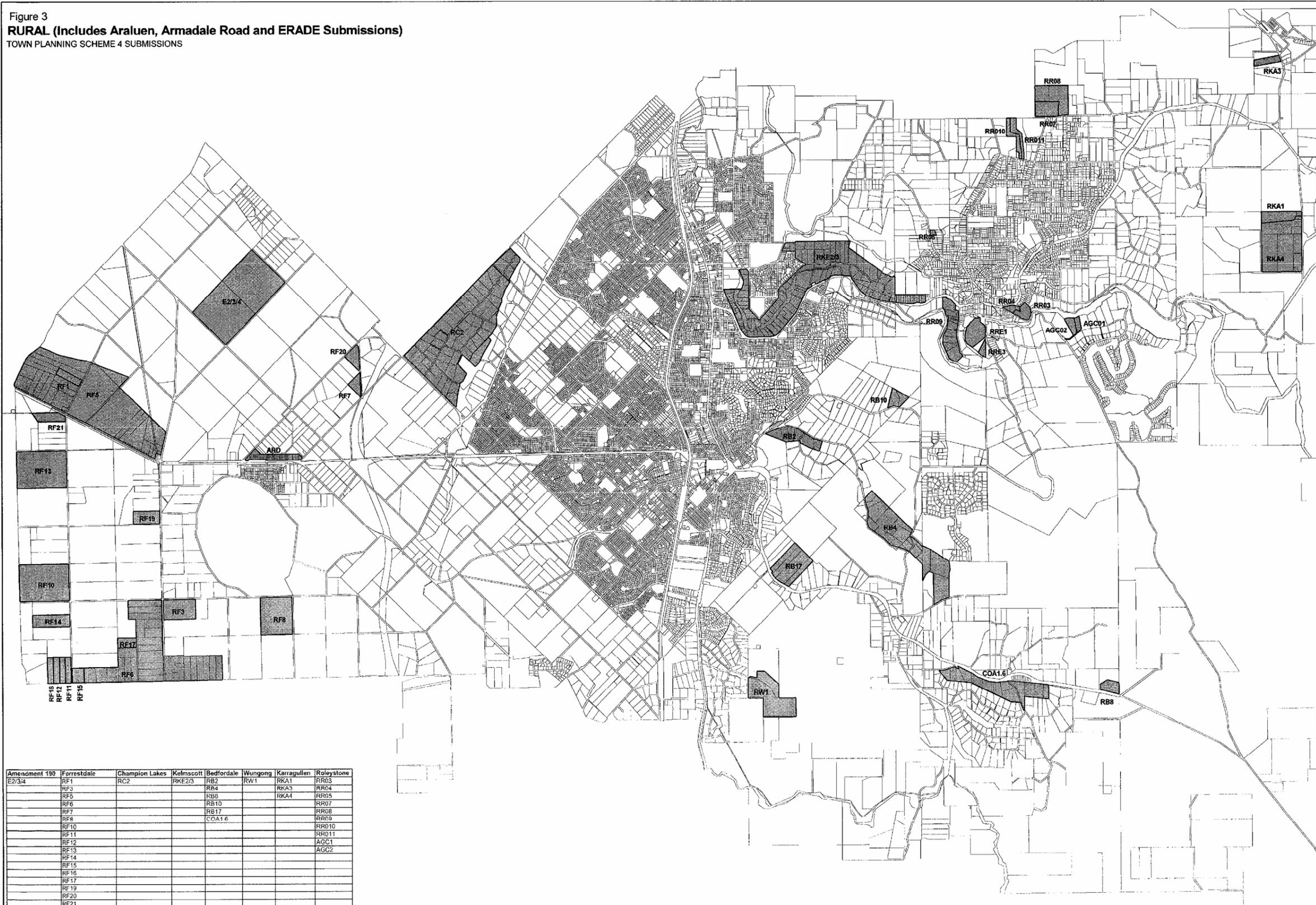


Figure 3  
**RURAL (Includes Araluen, Armadale Road and ERADE Submissions)**  
 TOWN PLANNING SCHEME 4 SUBMISSIONS



Amendment 190	Forrestdale	Champion Lakes	Kalmscott	Bedforddale	Wungong	Karragullen	Rolystone
E2/3/4	RF1	RC2	RKE2/3	RB2	RW1	RKA1	RR03
	RF3			RB4		RKA3	RR04
	RF5			RB8		RKA4	RR05
	RF6			RB10			RR07
	RF7			RB17			RR08
	RF8			COA1.6			RR09
	RF10						RR10
	RF11						RR11
	RF12						AGC1
	RF13						AGC2
	RF14						
	RF15						
	RF16						
	RF17						
	RF19						
	RF20						
	RF21						

## OPTIONS

1. The Council could decide to consider the submissions and determine them in the manner recommended.
2. The Council could consider the submissions and amend the recommendations.
3. The Council could resolve not to adopt the Scheme.

## CONCLUSION

The City has undertaken the consultation for TPS No. 4 and has received 411 submissions. These submissions have been reviewed and recommended upon in the Schedule of Submissions. A number of issues have arisen from the submissions resulting in the need to amend provisions of the Scheme text and maps. However, in general it is apparent that the draft Scheme has been well received and should be forwarded to the Commission and Minister as soon as possible. It is not considered that any of the modifications proposed are of sufficient importance to justify re-advertising the Scheme in whole or in part and accordingly, submissions which may otherwise have resulted in a requirement for re-advertising of the scheme, have not been supported. It is considered that rezoning amendments funded by landowners, in addition to regular 5 yearly reviews of the scheme, will provide ample opportunities for updating and bringing opportunities for more intensive development of selected areas into the scheme.

It is proposed that the Council formally adopt the Scheme with modifications, in accordance with Option 1 and forward the documents to the WAPC as required under Regulation 17(2)(a) of the Town Planning Regulations 1967.

*COMMITTEE noted the outcome of the Councillor Workshop held on 8 September 2004 which resulted in modifications with respect to:*

- ◆ *Fancote Park – to establish a commitment to maximize the park area following study*
- ◆ *Warwick Savage Reserve – to review status in the forthcoming POS strategy*
- ◆ *Forrestdale future industrial zoning – to support submission S5 in the future consideration of industrial zoning under the MRS*
- ◆ *Kelmscott Industrial Area – to support submission IND5 in part in accepting that loc 10 Third Avenue may be suitable for Urban zoning under the MRS subject to appropriate detailed design.*
- ◆ *The rezoning of Lot 32 and 33 Cammillo Road (submission RE5) to R25.*
- ◆ *Submission M4 be not supported and Telecommunications Infrastructure to be designated as an X use in Residential and Special Residential Zones as proposed in the advertised scheme.*
- ◆ *Submissions RRE1 and RRE3 be not supported and a Parks and Recreation reserve be retained on lots on Soldiers Road in Roleystone to enable long term link*
- ◆ *Submissions RRO10 and RRO11 on Raeburn Road Roleystone be supported to retain the RL1 zoning as advertised in TPS No. 4.*
- ◆ *That the submissions from landowners on Buckingham Road, Kelmscott (RKE2-RKE7) be not supported noting that although lots south of Buckingham road adjacent to the Canning River are less than 2 hectares, the majority of the lots north of Buckingham road are over 2 hectares and had been Rural D (2 hectare minimum and 3 hectare average) under TPS No. 2.*

*COMMITTEE considered submissions RR03 and RR04, Thompson Road, Roleystone and resolved that they be supported and the land be zoned RL2 adding to the recommendation “that should the land be subdivided the City will seek a foreshore reserve linking to other public open space and facilitating public access to the river foreshore”.*

*COMMITTEE agreed to amplify the comment to submission RF20 to refer to the constraint posed by the Rural zoning under the MRS.*

*The late submission submitted by Denis McLeod, Barristers and Solicitors (RF21) was considered in respect of Lot 40 Armadale Road, Forrestdale and it was resolved to support the submission by the inclusion of an amendment to Clause 5B.8 to enable subdivision standards to be relaxed in RLX zones subject to Statement of Planning Policy No. 6 – Jandakot Groundwater Protection Policy where the policy requirements are met and comprehensive structure planning has been undertaken. In addition COMMITTEE agreed that this amendment should be recognized in response to submissions RF1, RF4, RF5, RF10, RF11, RF12, RF13, RF14, RF15 and RF16.*

**D160/9/04            RECOMMEND**

**That Council resolve to:**

- 1.    Note the submissions on TPS No. 4.**
- 2.    Determine the submissions in accordance with the Recommendations, as amended, in the *Schedule of Submissions at Attachment “A1” of the Minutes.***
- 3.    Adopt the Scheme with modifications and forward it to the Western Australian Planning Commission.**
- 4.    In respect of the Special Electors Meeting held on 22 July 2004, support Motion 1 in part as recommended in the Schedule of Submissions and not support Motion 3.**

MOVED Cr Reynolds  
MOTION CARRIED (7/0)

***NEW ROAD NAME – ROLEYSTONE***

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The matter of renaming Bristol Road, Roleystone to Armenti Road, Roleystone was referred to Development Services Committee by Council at its meeting of 23 August 2004, on request by Councillor Hart.

*Cr Hart requested that the matter of renaming Bristol Road, Roleystone to ARMENTI ROAD be readdressed.*

*Cr Hart tabled further information and correspondence supporting the proposed name change.*

*The proposed name "ARMENTI" is in memory of Mr Claudino Armenti who owned a property for many years at the end of Bristol Road. Mr Armenti migrated from Italy in 1952, leaving his family behind, and after much hard work purchased the property on Bristol Road. He brought his family out from Italy in around 1959 and ultimately in 1966 they moved into a home he had built on the property. Mr Armenti is remembered as a generous man with a real grasp of the natural environment around him. It is said he had a special gift for making people see the beauty of the land through his eyes.*

*Bristol Road was named in 1961 in memory of Bristol, England, which received heavy aerial attacks during World War II.*

*Committee discussed the proposed renaming and requested that a report be referred to the Development Services Committee to address the seeking of approval from the Geographic Names Committee to rename Bristol Road, Roleystone to Armenti Road, Roleystone.*

**D161/9/04      RECOMMEND**

**That a report be referred to the Development Services Committee to address the seeking of approval from the Geographic Names Committee to rename Bristol Road, Roleystone to Armenti Road, Roleystone.**

***LATE ITEMS***

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Nil

***COUNCILLORS' ITEMS***

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Nil

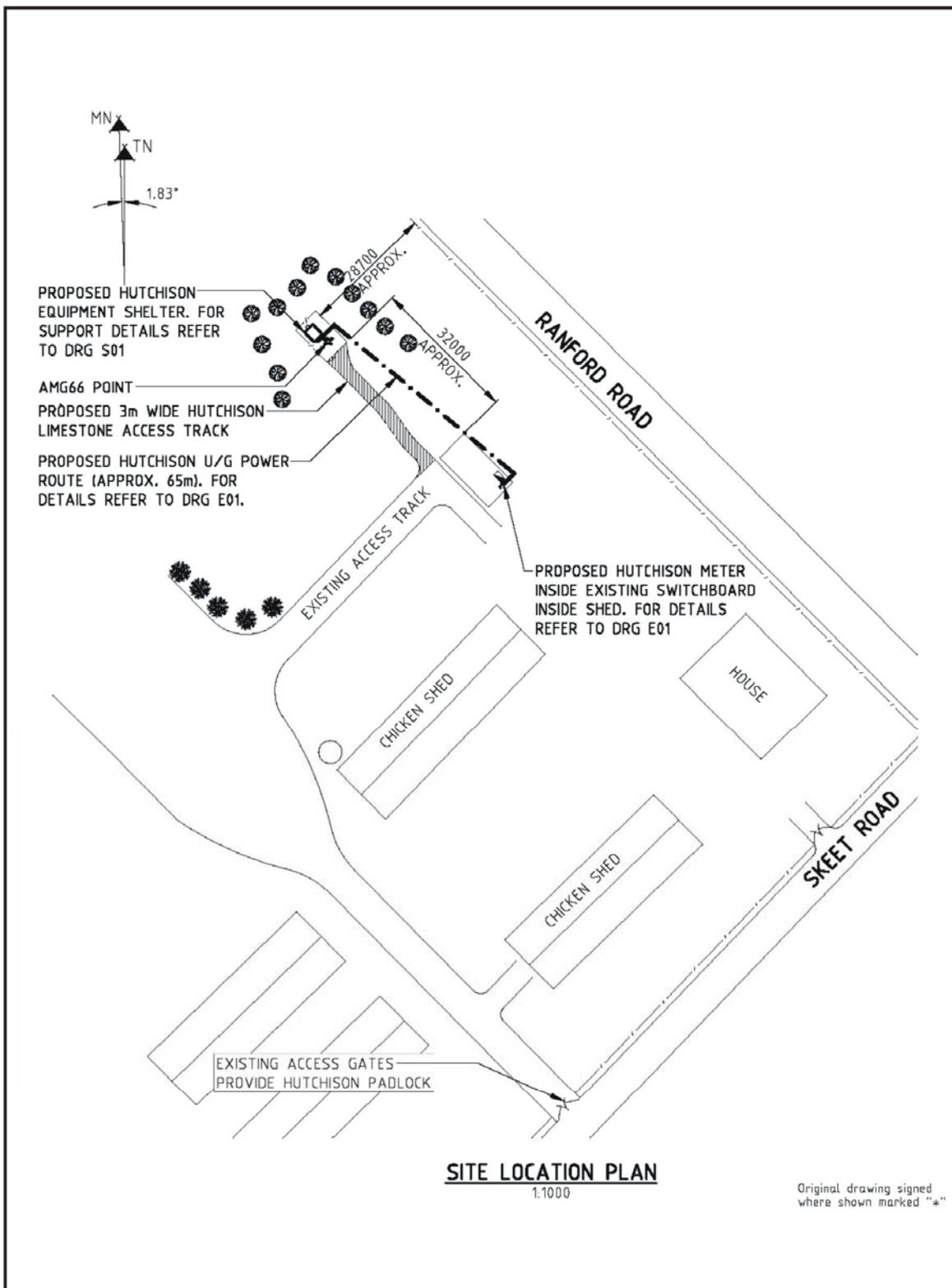
***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS***

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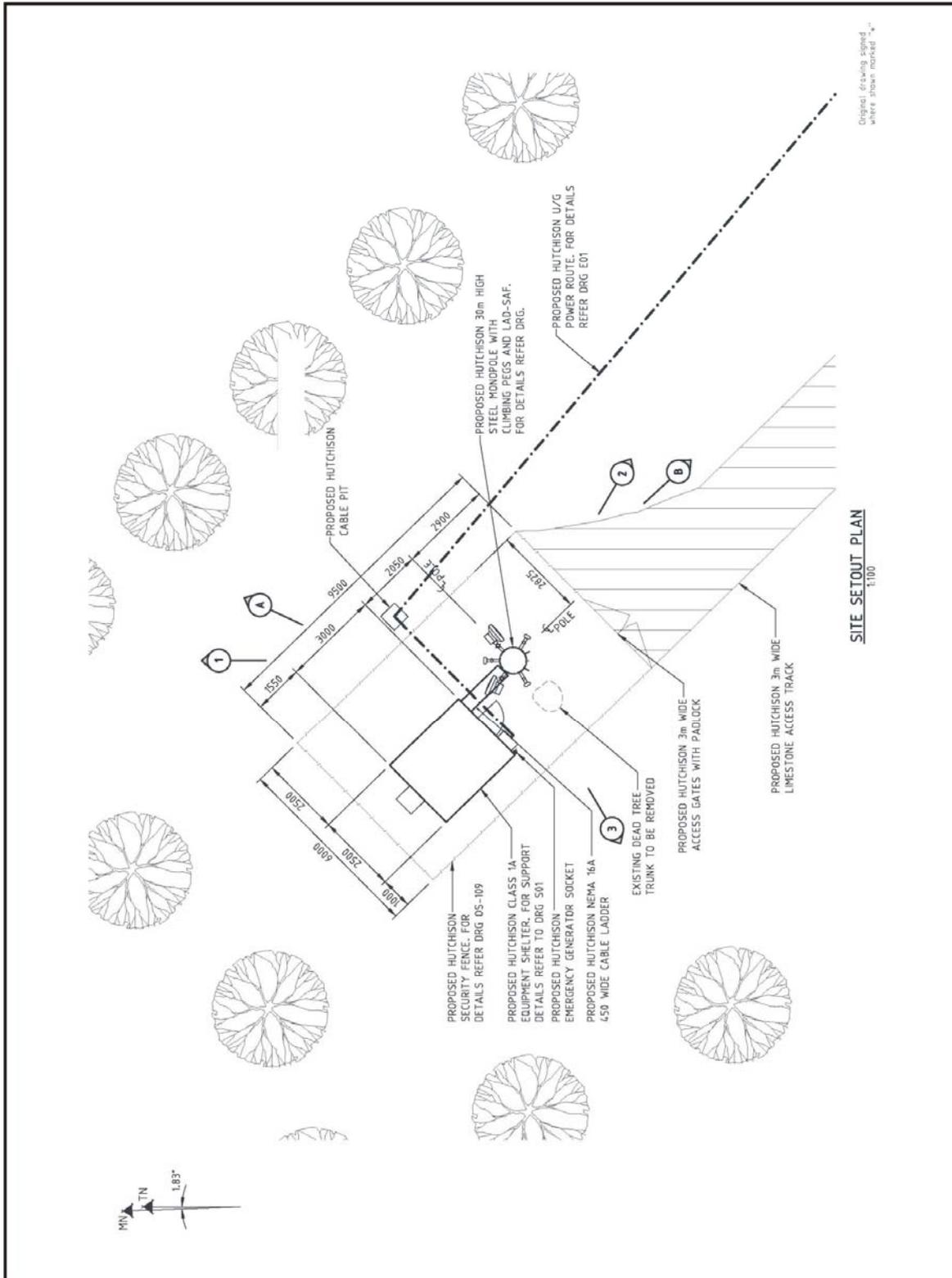
*The Executive Director Development Services reminded Councillors of the Stocklands Tour on 24 September 2004.*

*The Executive Director Development Services also advised Councillors that two Development Applications for the Armadale City Centre had been referred by the ARA and would be considered at the October round of meetings.*

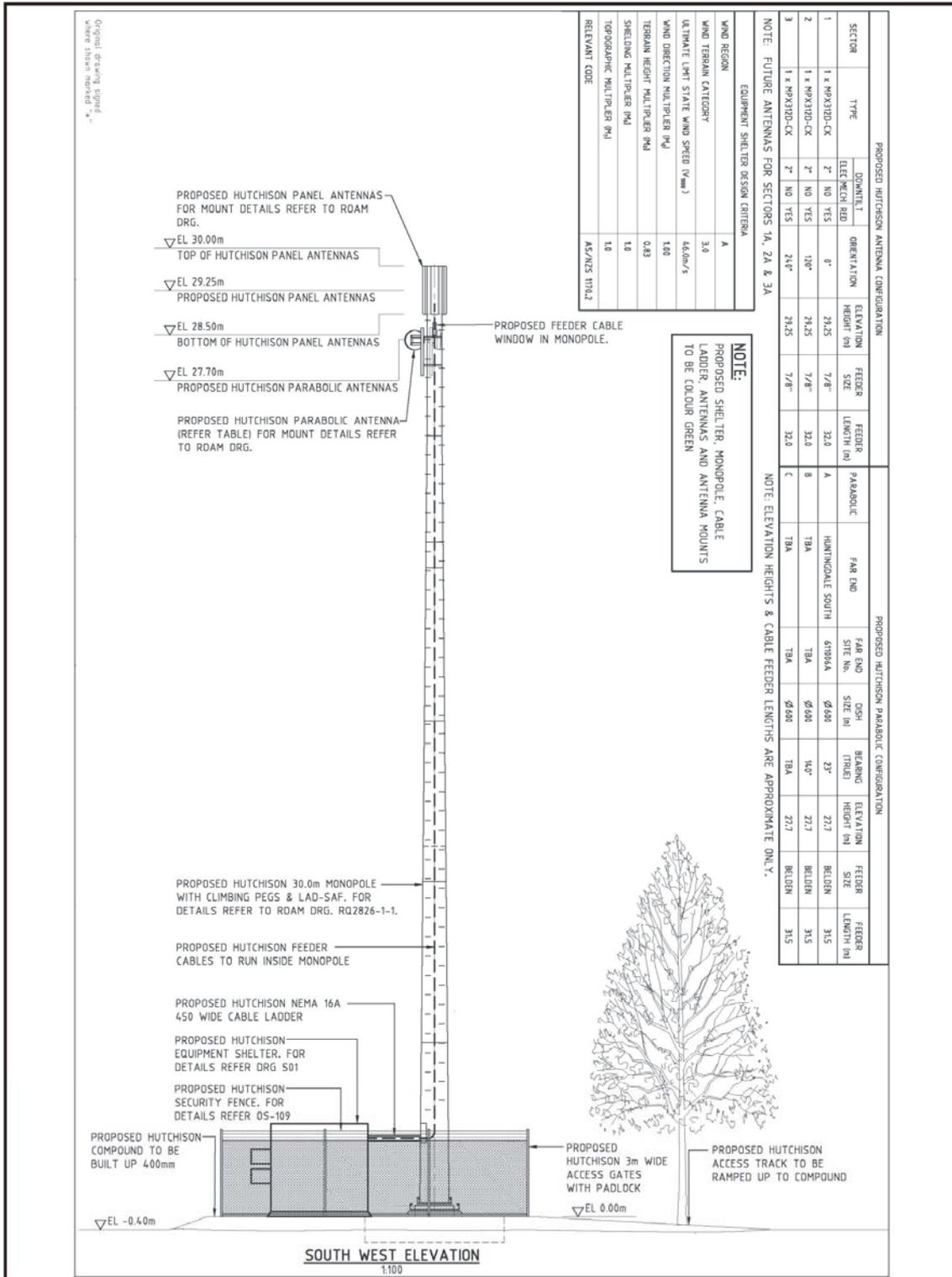
**MEETING DECLARED CLOSED AT 9.17 PM**



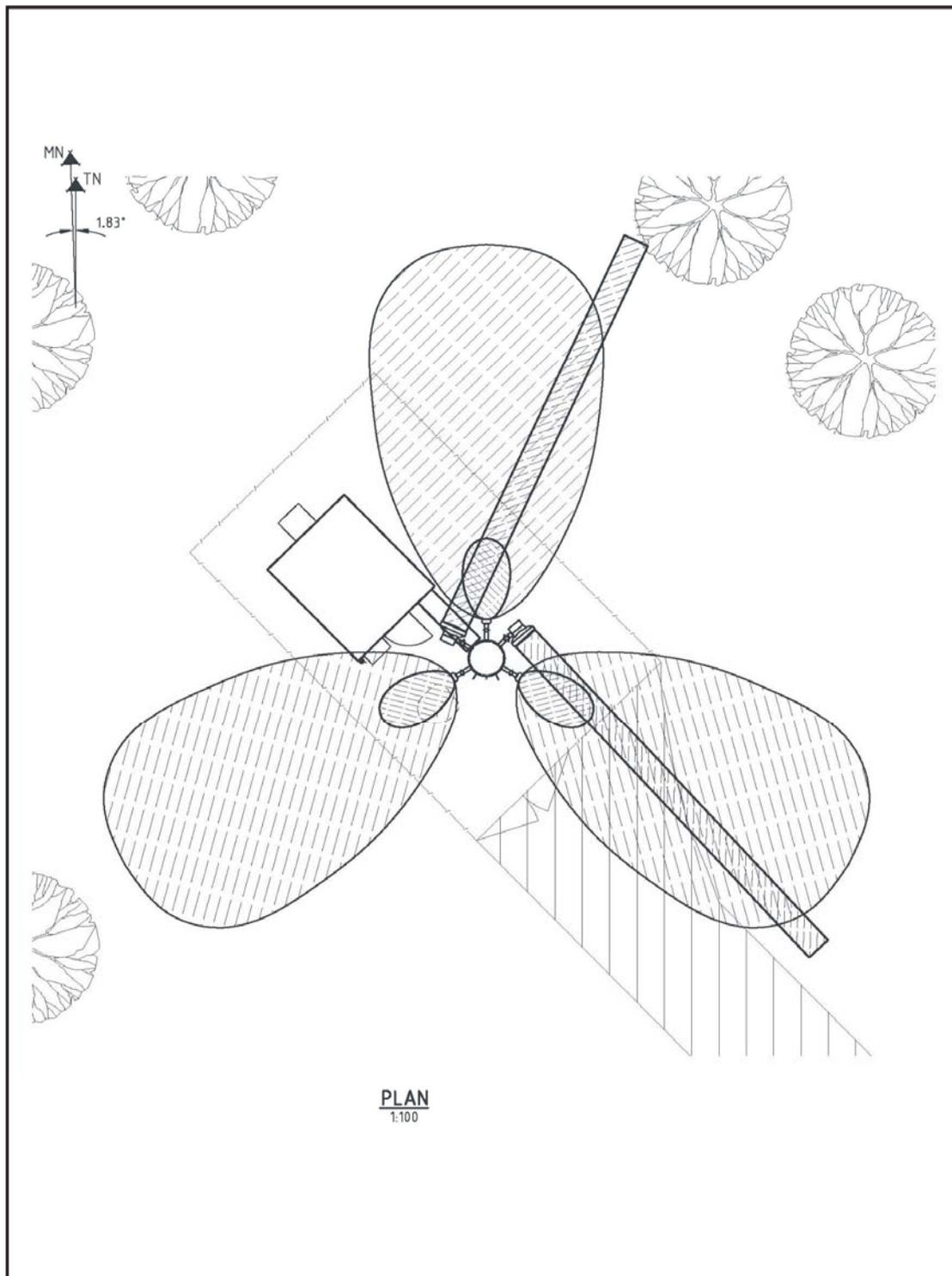
**REVISED SITE PLAN  
LOT 507 SKEET ROAD, FORRESTDALE.**



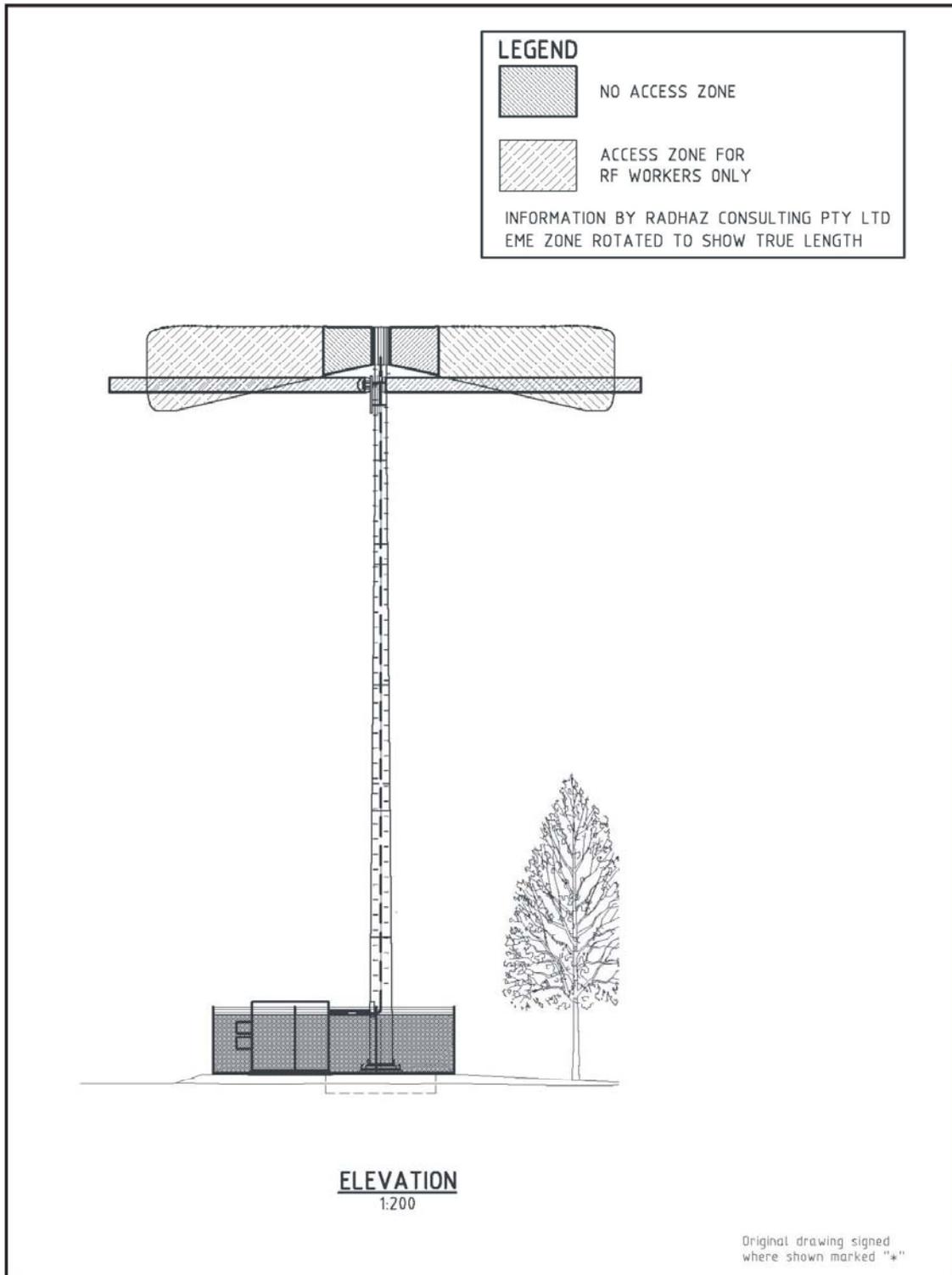
**REVISED SITE SETOUT PLAN  
LOT 507 SKEET ROAD, FORRESTDALE.**



**REVISED SOUTH WEST ELEVATION PLAN  
LOT 507 SKEET ROAD, FORRESTDAL.**



**REVISED  
AERIAL VIEW OF PROPOSED TOWER & ANTENNAS  
LOT 507 SKEET ROAD, FORRESTDALE.**



**REVISED ELEVATION PLAN  
LOT 507 SKEET ROAD, FORRESTDAL.**

