

# CITY OF ARMADALE

## MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 14<sup>th</sup> APRIL 2003, AT 7:00 PM.

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**PRESENT:**

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

**APOLOGIES:**

Cr G M Hodges	
Mr R S Tame	Chief Executive Officer

**OBSERVERS:** Nil

**IN ATTENDANCE:**

Mr I MacRae	Executive Director Development Services
Mr I Townson	Building Services Manager
Mr P Meyrick	Health Services Manager
Mr L Fouché	Planning Services Manager
Ms N Cranfield	Minute Secretary
Public	Nil

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***DISCLAIMER***

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As there were no public in attendance the Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read by the Chairman.

***DECLARATION OF MEMBER'S INTERESTS***

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***Cr Everts***

Proposed Use of Zinalume Roof Sheeting - Lot 6 Carradine Road, Bedfordale----- 64

***QUESTION TIME***

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Nil.

***CONFIRMATION OF MINUTES***

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**RESOLVED**

- 1. Minutes of the Development Services Committee Meeting held on 10<sup>th</sup> March 2003, were confirmed.**
- 2. Minutes of the Special Development Services Committee Meeting held on 31<sup>st</sup> March 2003, were confirmed.**

MOVED Cr Knezevich  
MOTION CARRIED (7/0)

***ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.7/2003***

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

- ♦ Report on Outstanding Matters – Development Services Committee
- ♦ Health Services Manager’s Report for February 2003
- ♦ Brookdale Liquid Waste Treatment Facility
- ♦ Environmental Health Officers’ Professional Review Board
- ♦ Environmental Officer Quarterly Report from Dec 2002 to Feb 2003
- ♦ Planning Services Manager’s Report for February 2003
- ♦ Correspondence re Locality Name Change to Mt Richon
- ♦ Monthly Administrative Reports for February 2003
- ♦ PAW Closure Report – significant actions during February 2003
- ♦ Compliance Officer’s Report for the month of February 2003
- ♦ Town Planning Scheme No.2 & No.3 – Amendment Table
- ♦ Subdivision Applications – Recommendation Table (March 2003)
- ♦ Building Services Manager’s Report for February 2003

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

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***AUTHORISATIONS – CARAVAN PARKS AND CAMPING GROUNDS ACT***

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WARD : ALL  
FILE REF : HLT/3  
DATE : 20 March 2003  
REF : PM  
RESPONSIBLE : HSM  
MANAGER

**In Brief:-**

- Authorisations under the *Caravan Parks and Camping Grounds Act 1995* were last reviewed in March 2001.
- Staff changes since then necessitate amendments to the authorisations.
- Recommendation for the appointment of two officers as Authorised Persons under the Act and cancellation of the appointment of an officer who has left.

**Tabled Items**

Nil

**Officer Interest Declaration**

Nil

**Strategic Implications**

Strategic Plan Aim: To have in place the range of services to enhance the well being and safety of the community.

**Legislation Implications**

*Caravan Parks and Camping Grounds Act 1995.*

**Council Policy / Local Law Implications**

Nil

**Budget / Financial Implications**

Nil.

**Consultation**

Nil.

**BACKGROUND**

Section 17 of the *Caravan Parks and Camping Grounds Act 1995* provides that a local government may appoint such persons as authorised persons for compliance and inspection purposes of the Act as it considers necessary. Section 23(11) further provides that, with respect to the specific functions of issuing of infringement notices, extension of the period for payment of a penalty and withdrawal of infringement notices a local government may authorise persons or *classes of persons*, provided that a person authorised to issue notices may not be authorised to withdraw them or extend the period for payment.

Following promulgation of the Act, in August 1997 Council authorised each Environmental Health Officer and Building Surveyor, as well as the Liaison and Compliance Officer and the Administrative/Lands Officer under Section 17, and pursuant to Section 23 of the Act also authorised each of them to issue infringement notices.

#### **COMMENT**

There have been several staff changes since authorisations were last reviewed in March 2001, necessitating amendments to the existing authorisations.

**D54/4/03**

#### **RECOMMEND**

- 1. That pursuant to the provisions of Section 17 and 23 of the *Caravan Parks and Camping Grounds Act 1995* the following officers be appointed as Authorised Persons, subject to the authorisation under Section 23 being limited to that described in sub section (2) (issuing of infringement notices) only:**
  - ♦ **Building Surveyor Ross Gregory Galbraith; and**
  - ♦ **Environmental Health Officer Huong Ngo.**
  
- 2. That the appointment of Belinda Laing-Hughes as an Authorised Person under the *Caravan Parks and Camping Grounds Act 1995* be cancelled.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

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***COLLABORATIVE IMMUNISATION SERVICE***

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WARD : ALL  
FILE REF : HLT/8  
DATE : 1 April 2003  
REF : PM  
RESPONSIBLE : HSM  
MANAGER

**In Brief:-**

- Council last March endorsed continuation of the partnership in free immunisation delivery between the City and Armadale Health Service, and resolved that the service be reviewed in March this year prior to consideration of the extension of the agreement.
- Recommendation for continuation of the partnership on an indefinite basis.

**Tabled Items**

Nil

**Officer Interest Declaration**

Nil

**Strategic Implications**

Strategic Plan seeks to “increase immunisation and preventative health care”.

**Legislation Implications**

Section 340 of the *Health Act 1911* authorises local government to provide immunisation services but there is no obligation to do so.

**Council Policy / Local Law Implications**

Nil

**Budget / Financial Implications**

Nil.

**Consultation**

- ♦ Armadale Health Service

**BACKGROUND**

At its meeting of 18<sup>th</sup> March 2002 Council resolved:

1. That Armadale Health Service be invited to partner the City in provision of the free community immunisation for a further 12 months until 30<sup>th</sup> June 2003.
2. That a review of the service be undertaken in March 2003 prior to discussion on a further extension of the agreement.

## COMMENT

### *Analysis*

The partnership with Armadale Health Service (the Service) in provision of community immunisation, in which the City has now been engaged for almost three years, has proved to be successful overall, and Clinic attendances continue to be at a much higher level than a few years ago. The provision by the Service of a nurse to provide immunisations has resulted in significant savings, with the routine immunisation cost now being about half of that previously.

Given the success of the partnership, as well as the economies it offers to both parties, it is now considered timely to introduce stability to the arrangement by extending the agreement indefinitely. Preliminary discussion with the Service has resulted in broad agreement as follows:

1. Routine (weekly) Immunisation Clinics will be staffed by two immunisation nurses, one of whom will be paid for by the City.
2. Administrative and other support will be provided by the City.
3. The nurse will be charged at the rate of \$40 per hour, effective from 1<sup>st</sup> July 2003. (Current rate is \$35 per hour, as set in mid 2000.)
4. Rates will be adjusted effective from July each year to reflect the CPI increase to the end of the preceding March quarter.
5. The City will receive all notification monies paid by the National Immunisation Registry (currently \$6 per scheduled vaccination, totalling \$2,500 - \$3,000 per year).
6. Disbursement of monies arising from special Commonwealth or State funded programs (such as the schools based Hepatitis B and Meningococcal programs) will be subject to separate negotiation.
7. The agreement to be indefinite, with either party required to give six months notice of intention to terminate (in lieu of the current three months).

## OPTIONS

Options open to Council include:

1. Extend the current agreement indefinitely along the lines indicated.
2. Extend the current agreement for a further 12 months as has been the case for the last two years.
3. Give three months notice of intention to terminate the service and attempt to gain the services of a medical officer; or
4. Abandon the immunisation service altogether.

## **CONCLUSION**

The ongoing partnership between the City and the Armadale Health Service provides a clear community benefit both in delivery of free immunisation and in the positive message conveyed to the community by involvement and partnership of agencies from different tiers of government. As has previously been reported, the prospect of finding a doctor to provide the service is not high, and in any event the arrangement with the Health Service is much more cost effective.

Continuation of the current arrangement indefinitely is therefore recommended.

### **D55/4/03          RECOMMEND**

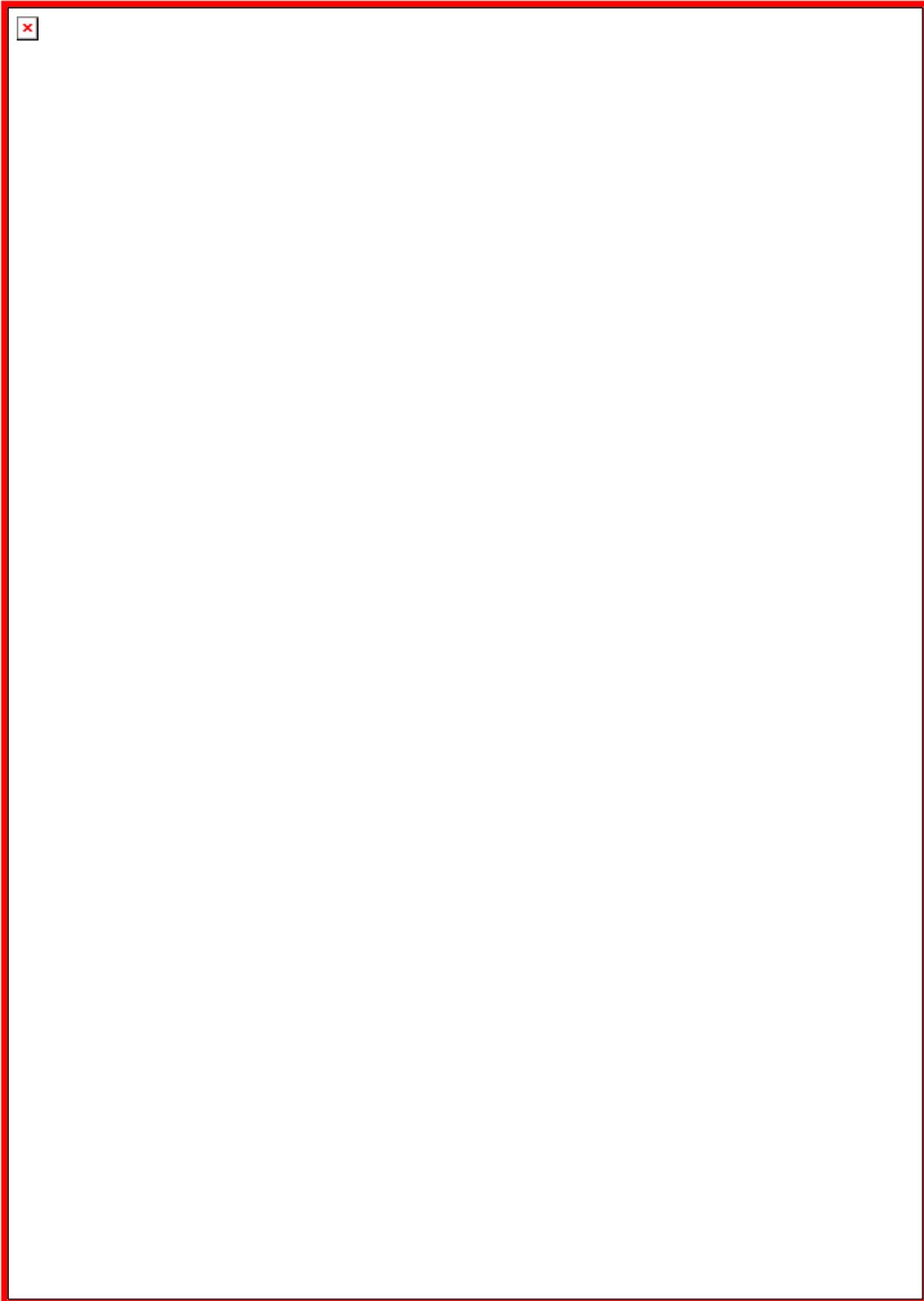
- 1. That Armadale Health Service be invited to partner the City indefinitely in provision of the free community immunisation service.**
- 2. That the principles underlying the partnership include:**
  - a) provision, free of charge, of one immunisation nurse for routine weekly clinics by Armadale Health Service;**
  - b) payment by the City for one immunisation nurse for routine weekly clinics, at the rate of \$40 per hour, with the applicable fee being adjusted, from 1 July each year, in accordance with the annual CPI movement to the preceding March quarter;**
  - c) provision of administrative support by the City;**
  - d) the City being entitled to all notification fees for scheduled vaccinations from the National Immunisation Registry;**
  - e) disbursement of monies arising from special Commonwealth or State funded programs being subject to separate negotiation; and**
  - f) either party being required to give six months notice of intention to terminate the partnership.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

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### ***COUNCILLORS' ITEMS***

Nil.



***FINAL ADOPTION OF AMENDMENT NO.185 & STRUCTURE PLAN – PART OF LOT 114 WARTON ROAD AND PART OF LOT 3 NICHOLSON ROAD, FORRESDALE***

WARD : FORREST  
FILE REF : A201789  
DATE : 7 April 2003  
REF : JRH  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Development Planning Strategies  
LAND OWNER : R L Dawkins  
Stockland Property Group  
SUBJECT LAND : Lot 114 Warton Rd, and Lot 3  
Nicholson Rd, Forrestdale  
Property size 8.2511 ha  
Map 16.01  
ZONING : Rural / General Rural  
MRS/TPS No.2

**In Brief:-**

- ◆ Council initiated the rezoning of the subject site from ‘General Rural’ to ‘Special Use – Rural Residential’ at its September 2002 meeting. The associated Structure Plan (SP) was also received at this meeting, which facilitates the subdivision of the site for future residential lots, commercial development and the ERADE Village.
- ◆ Amendment and SP were advertised for public comment, with seven (7) submissions being received.
- ◆ Recommend that Amendment No.185 and the SP be adopted subject to modifications relating to drainage, prohibition of lots within 200m of possible future cattery/kennel operations within the City of Cockburn, and a Memorial on the Certificates of Title of lots between 200m – 500m to advise prospective purchasers of the possible operations.

**Strategic Implications**

1. Long Term Strategic Planning - Promote employment and residential growth, encouraging the economic well-being of the community.
- 1.4 Complete the structure plans for Brookdale and Forrestdale, focusing on provision of high quality residential development.

**Officer Interest Declaration**

With regard to this item Mr J Hofland as author of this report left the City of Armadale on 11 April 2003 to accept a position with the applicant of the subject Scheme Amendment.

As a consequence, there may be a perception that impartiality on the following matter may be affected, but the Officer has declared that he has put aside this association, considered the matter on its merits and reported on this item accordingly.

**Legislation Implications**

Legislation requires the local Town Planning Scheme No.2 to be in conformity with the Metropolitan Region Scheme.  
Town Planning Scheme No.2.  
Town Planning & Development Act 1928



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

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

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Sign on site
- ◆ Advertisement in ‘The West Australian’
- ◆ Letters to surrounding landowners
- ◆ Notification to servicing authorities and the adjacent municipalities of Canning, Cockburn and Gosnells

### **BACKGROUND**

Council at its September 2002 meeting considered the proposed Scheme Amendment and Structure Plan. At the meeting, Council resolved to initiate the rezoning from “General Rural” to “Special Use – Education, Research and Development and Employment Village and Village Centre (D157/02). The associated Structure Plan (SP) was also adopted, subject to the following changes:

4. *That Council adopt the proposed Structure Plan for public advertising, subject to modifications to incorporate additional information on the detail of land uses, layout and form of development within the ERADE Village and Neighbourhood Centre, to determine the compatibility of proposed uses within the ERADE Village and provide a clearer indication of the functions of the site.*

A revised SP was received which incorporated the above changes, and the proposal was advertised for public comment. Council is now requested to review the submissions received and consider final adoption of the application.

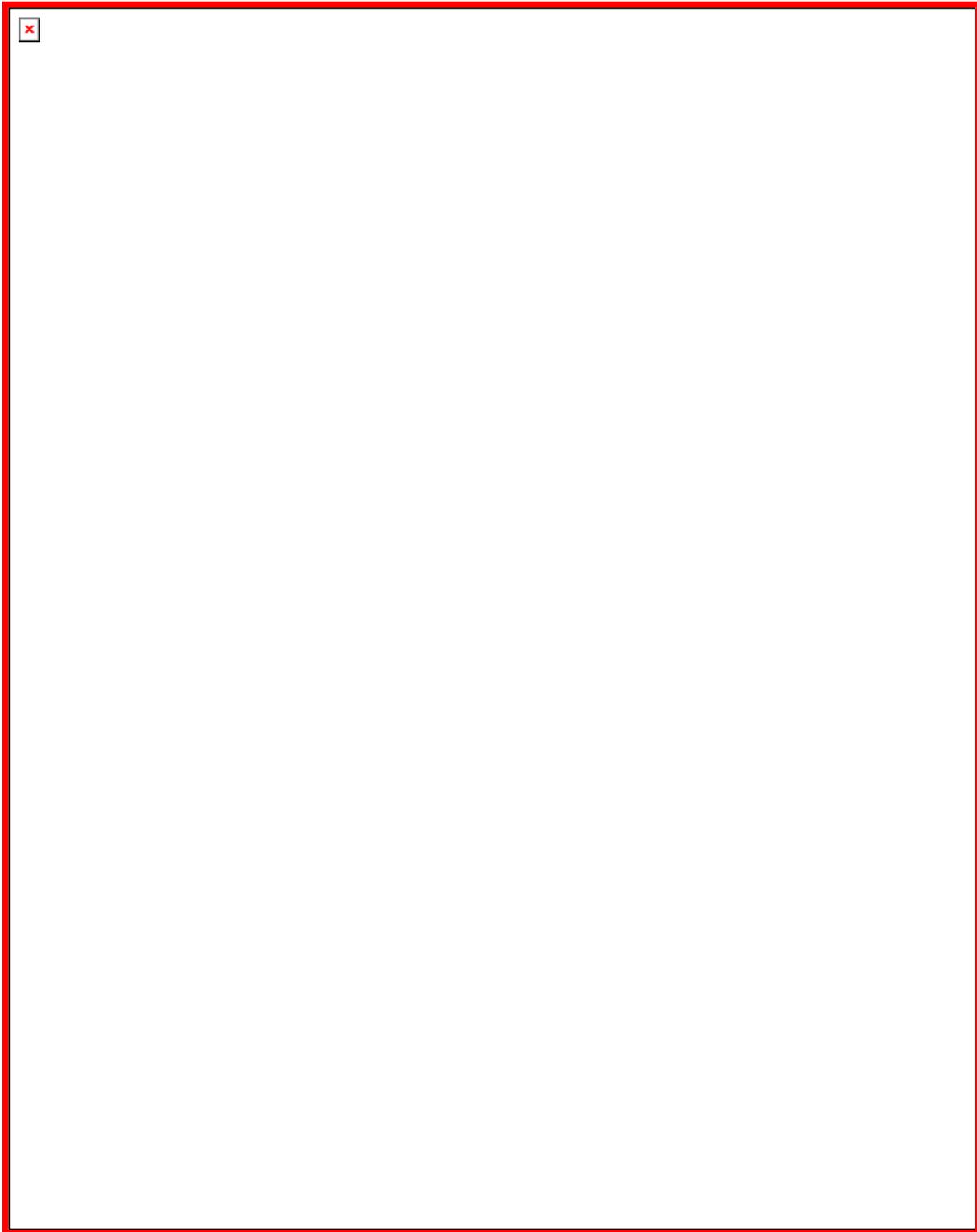
### **DETAILS OF PROPOSAL**

#### ***Amendment No.185***

The applicant proposes to rezone a portion of Lot 114 Warton Road and a portion of Lot 3 Nicholson Road, Forrestdale from ‘General Rural’ to ‘Special Use’ and ‘Residential – Development Area’. The proposed rezoning will provide statutory controls within Council’s Town Planning Scheme No.2 (TPS No.2) for the development of the ERADE Village and Neighbourhood Centre, and permit the subdivision and development of the first stage of residential lots within the Forrestdale locality.

In addition to the above, the application proposes to amend Clause 1.7 of Town Planning Scheme No.2 to include the following uses (and associated definitions):

- ◆ Convention Centre: Land and buildings used and designed for the conduct of conferences, seminars and other similar uses for the dissemination of information and educational purposes.



**ADOPTED STRUCTURE PLAN ASSOCIATED WITH  
AMENDMENT NO.185 TO TPS NO.2  
PT LOT 114 WARTON ROAD & LOT 3 NICHOLSON ROAD, FORRESTDAL**

- ◆ Research Facility: Premises used and designed for research purposes and may involve the keeping of animals for research purposes.

Inclusion of the above land uses is proposed to facilitate their listing in the proposed Special Use zoning table.

### ***Structure Plan***

A Structure Plan has been included in support of the application, which details the proposed subdivision form within the application area, development of the Neighbourhood Centre in the form of a 'Mainstreet Precinct', and the layout of the proposed uses within the ERADE Village.

### **COMMENT**

#### ***Public Advertising of Amendment No.185 and associated Structure Plan***

The proposed Amendment and associated SP was advertised from 29<sup>th</sup> January 2003 to 12<sup>th</sup> March 2003. The advertising consisted of affected property owners being notified by mail, signs on site, notification to external authorities, surrounding local authorities and an advertisement in the West Australian newspaper.

#### ***Submissions on the proposed Amendment and SP (submissions received relate to both Amendment and SP)***

Total No. of responses received	:	7
No. opposed	:	0
No. in favour/no objections	:	7

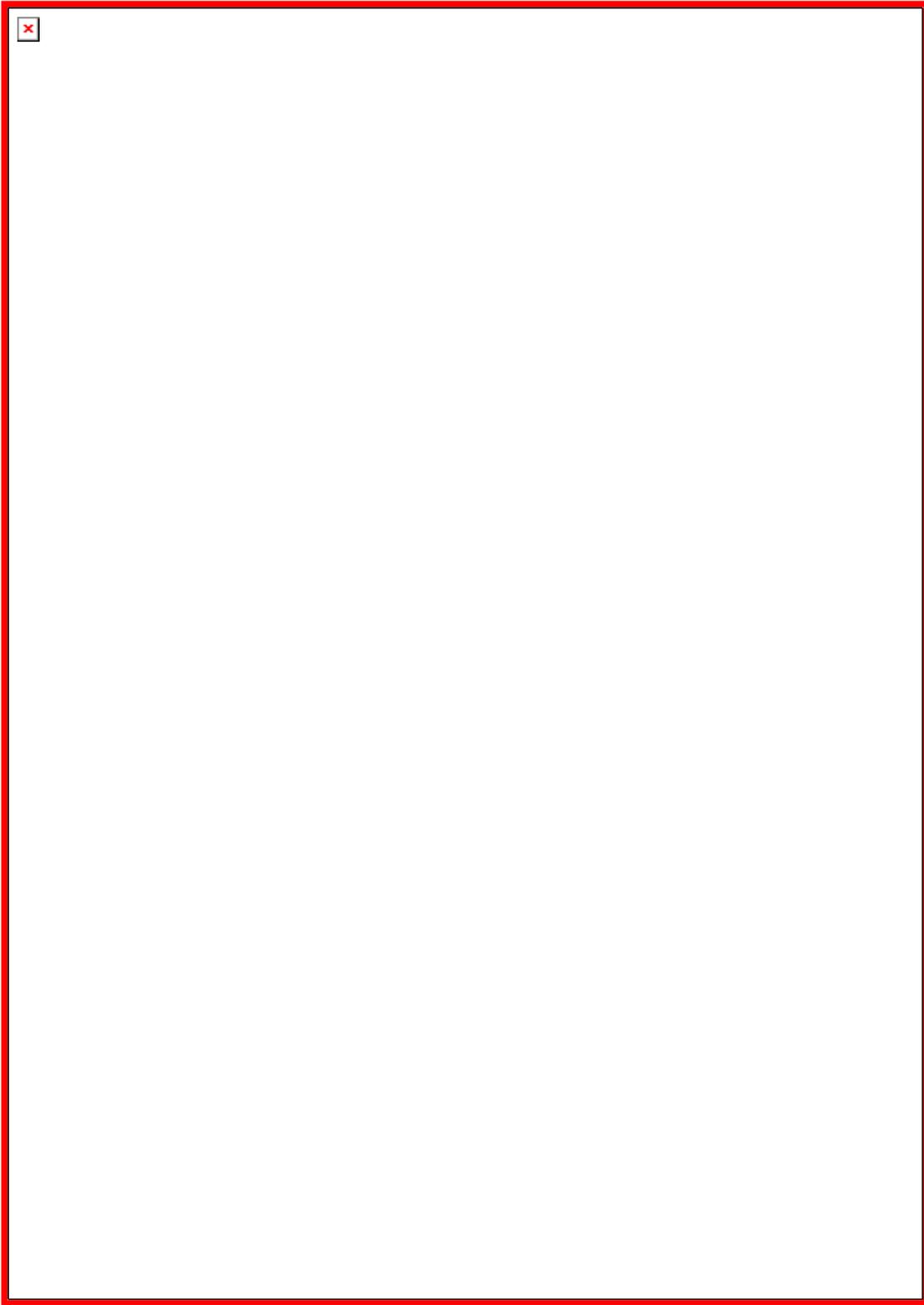
***A copy of the Schedule of Submissions is at Attachment "A1" of the Minutes, and a location plan for private submitters is at Attachment "B1" of the Agenda.***

### **ISSUES ARISING FROM SUBMISSIONS**

1. *The land adjacent to the application area on the opposite side of Warton Road is zoned 'Resource', with an additional use of 'Cattery & Dog Kennels'. Residential development proposed within the application area must comply with the buffer distances to kennels as specified within the policies of the Department of Environment, Water and Catchment Protection.*

#### ***Comment***

The City acknowledges that kennel and cattery operations may occur on lots to the north-west of the site within the City of Cockburn. The nearest residential lots proposed within the rezoning and structure plan are over 300m away from this zone. The Department of Environment, Water and Catchment Protection has previously required a minimum buffer distance of 200m, with lots between 200 – 500m distant to incorporate a Memorial on the Certificate of Title, advising prospective purchasers of the potential negative impacts which may result from the possible development of kennel operations.



This requirement could be included on the Structure Plan, and is consistent with Council's adoption of Amendment No.186 over Lots 80 & 82 Ranford Road, to the north-west of the Forrestdale Kennel zone.

2. *The subject property is within an area that has been recognised as posing an acid sulphate soils risk. Proposals that lead to the disturbance of acid sulphate soils should be planned and managed to avoid adverse effects to the natural and built environment.*

*Comment*

The concern regarding acid sulphate soils relates to a chemical reaction which occurs in susceptible areas as a result of lowering the groundwater table. Lowering of the water table exposes the soil to oxygen and generates a chemical reaction between them. This reaction produces an acid that enters the groundwater source via the percolation of rainfall through the soil.

This process may be avoided through appropriate subdivision and development methods, which incorporate drainage methods that do not alter groundwater levels. The inclusion of appropriate notification, within the Structure Plan and Special Use Zoning provisions, would require drainage associated with subdivision and development within the application area to meet this objective.

***Matters raised by the City of Cockburn***

During the advertising process for the Scheme Amendment and Structure Plan, comments were sought from the City of Cockburn as the municipal boundary between Cockburn and Armadale is on the western side of Warton Road.

The Council of the City of Cockburn were supportive of the proposal, subject to several matters being addressed. These matters are listed below, together with the Planning Department's response:

- a) *The Metropolitan Region Scheme Amendment No. 1028/33, which proposes to rezone the site from Rural to Urban being finalised by the Hon Minister;*

This Amendment has been finalised.

- b) *The Urban Water Management Strategy (UWMS) prepared by the Department of Environment, Water and Catchment Protection being approved by the Department of Environment, Water and Catchment Protection and Western Australian Planning Commission;*

The Urban Water Management Strategy (UWMS) has been prepared to provide guidance on Water Sensitive Urban Design and best management practices, which are to be incorporated into land use and subdivision planning within the District Structure Plan. The proposed Scheme Amendment will not be finalised by the Western Australian Planning Commission until the Urban Water Management Strategy has been finalised, and this should be noted in Council's resolution in the event that the Amendment is finally adopted.

- c) *The proposed stormwater drainage and management techniques to incorporate principles of water sensitive urban design such as nutrient stripping basins;*

Refer to item 2 in ‘Issues arising from Submissions’ elsewhere in this report.

- d) *The proposed buildings to be setback 10 metres from Warton Road and the setback area to be landscaped to provide a soft edge to the adjacent Resource zoned land in the City of Cockburn Town Planning Scheme No. 3.*

Setbacks shall be formulated at the time of development with consideration to the rural activities occurring to the west of the site within the City of Cockburn.

- e) *The proposed service station located within the Commercial Precinct to incorporate Best Practice Environmental measures such as groundwater maintenance bores.*

This matter will be dealt with during the assessment and approval of any service station proposal within the application area.

- f) *The land adjacent to the application area on the opposite side of Warton Rd is zoned ‘Resource’, with an additional use of ‘Cattery & Dog Kennels’. Residential development proposed within the application area is to comply with the buffer distances to kennels as specified within the policies of the Department of Environmental Protection.*

Refer to “Scheme Amendment Issues” and “Structure Plan Issues” elsewhere in this report.

- g) *If Warton Rd is to be widened, it is to occur on the southern side within the application area.*

A 12 metre portion of the site adjacent to Warton Road has already been identified for road widening purposes.

Based upon the above, there do not appear to be any issues raised by the City of Cockburn which would prevent Council’s consideration of final adoption to the Scheme Amendment and Structure Plan.

### ***Metropolitan Region Scheme Amendment No.1028/33***

The subject land is incorporated within MRS Amendment No.1028/33 as proposal No.40, rezoning the subject site from Rural to Urban. Council’s initiation of the proposed rezoning of the local Town Planning Scheme was subject to the endorsement of proposal No.40 by the Hon. Minister for Planning and Infrastructure. Endorsement by the Hon. Minister occurred on 20 September 2002, and the City received notification in March 2003 that the MRS Amendment had passed through both houses of parliament and is now effective.

Council is obliged under Section 35A of the Metropolitan Region Town Planning Scheme Act 1959, to initiate a Scheme Amendment to ensure that the Local Authority Town Planning Scheme is in conformity with the MRS within three months of the gazettal of the MRS Amendment. Amendment No.185 is consistent with the gazetted MRS Amendment, and will permit Council to meet its obligations under Section 35A of the Act.

### **Scheme Amendment Issues**

Following advertising of the Scheme Amendment and further review of submissions, the City considers that the proposed zones and Special Use zoning provisions are generally satisfactory and may proceed, subject to minor modifications.

In response to advice from the City of Cockburn regarding the potential for land to the west of the application area to be developed for cattery/dog kennel operations, it is recommended that a provision be included within the Special Use Zoning Table to prohibit residential development or grouped housing within 200m of the land zoned 'Resource' with the Additional Use of Cattery and Dog Kennels'. In addition, a clause shall be included requiring a Memorial to be registered on the Certificates of Title of all residential lots created between 200 – 500m from the land zoned 'Resource' with the Additional Use of Cattery and Dog Kennels', advising prospective purchasers of the potential negative impacts which may result from the development of the proposed lots. This is consistent with Council's approach to the rezoning of land for residential development in proximity to land zoned for Kennel operations, such as Amendment No.186 on Lots 80 & 82 Ranford Road, Forrestdale.

In response to information from Water & Rivers Commission regarding acid sulphate soils, it is recommended that a clause be included within the Special Use Zone, specifying that all drainage associated with the subdivision and development within the application area shall be designed to maintain existing groundwater levels and avoid the development of acid sulphate soils within the application area.

### **Structure Plan Issues**

Following Council's initiation of the proposed Scheme Amendment and Structure Plan, a revised Structure Plan was submitted which provided additional detail on the location of proposed land uses within the ERADE Village and Neighbourhood Centre in accordance with Council's resolution.

Advertising of the proposed Structure Plan did not result in any objections to the proposal, but provided advice that kennel operations may be established to the west of the site which may adversely affect the proposed residential lots. The 300m separation does not preclude the creation of the lots, but will require modification to the Structure Plan to ensure that residential lots created between 200 – 500m incorporate a Memorial on the Certificate of Title, advising prospective purchasers of the potential negative impacts which may result from the possible development of kennel operations. A notification relating to the development of acid sulphate soils, as specified within the Special Use Zoning Table, shall also be included.

Subject to the above modifications being completed, the proposed Structure Plan may be finally adopted by Council.

### **Synopsis**

The proposed rezoning generally accords with the intentions of the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan, and with the ERADE Village Masterplan and various development approvals issued by Council over the site. The proposal to incorporate additional land uses within TPS No.2, to permit inclusion in the proposed Special Use Zone, is consistent with State Government legislation and with the development of the Village Centre.

Council's endorsement to the Scheme Amendment would facilitate the first stage of urban subdivision and development within the City, as outlined in the District Structure Plan. The site represents a logical pattern of expansion from the existing urban development to the north-west, and its location around an existing educational establishment will assist in permitting the early development of commercial facilities and creating an impressive entry statement to the City.

### **OPTIONS**

#### ***Amendment No.185***

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

1. Adopt Amendment No.185 without modification;
2. Adopt Amendment No.185, subject to modifications to prohibit the release of lots for residential or grouped housing development within 200 metres of the land zoned 'Resource' with the Additional Use of Cattery and Dog Kennels', and the incorporation of clauses advising affected purchasers of lots of the following:
  - a) The requirement for a Memorial on lots likely to be affected by the land zoned 'Resource' with the Additional Use of Cattery and Dog Kennels', advising prospective purchasers of the potential negative impacts which may result from the development of the proposed lots;
  - b) All drainage associated with the subdivision and development within the application area shall be designed to maintain existing groundwater levels and avoid the development of acid sulphate soils within the application area;
3. Advise WAPC that Council does not wish to proceed with the Amendment.

#### ***Structure Plan***

With respect to the proposed Structure Plan, Council may consider three options:

1. Adopt the proposed Structure Plan without modification;
2. Adopt the proposed Structure Plan, subject to modification to require notification that the City and the Western Australian Planning Commission (WAPC) shall not permit the creation of lots for residential or grouped housing development within 200 metres from the land zoned 'Resource' with the Additional Use of Cattery and Dog Kennels', and the incorporation of notifications advising affected purchasers of lots of the following:

- a) The requirement for a Memorial on lots likely to be affected by the land zoned ‘Resource’ with the Additional Use of Cattery and Dog Kennels’, advising prospective purchasers of the potential negative impacts which may result from the development of the proposed lots;
  - b) All drainage associated with the subdivision and development within the application area shall be designed to maintain existing groundwater levels and avoid the development of acid sulphate soils within the application area;
3. Advise WAPC that Council does not wish to proceed with the Structure Plan (should the Amendment not be proceeded with).

### CONCLUSION

Final adoption of the proposed Scheme Amendment will facilitate the urban development of Forrestdale as outlined in the District Structure Plan, and meets Council’s obligations under the Metropolitan Region Town Planning Scheme Act (1959). This also represents the first stage of development within the Forrestdale urban area as identified within the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan. Advertising of the application identified several matters relating to the future development and use of the site, and the inclusion of specific clauses within the Special Use Zoning Table will satisfactorily address these matters.

Given the above, it is considered that the proposed Amendment may be finally adopted in accordance with Option 2.

The proposed Structure Plan has been modified in accordance with Council’s previous resolution, and proposes a design which facilitates subdivision of the site for residential living, commercial uses and the facilities proposed within the ERADE Village. Additional information with respect to site conditions and surrounding land uses was received during the advertising period, which will require a Memorial to be included on some residential lots within the application area and appropriate drainage methods to be employed within the application area. However, this does not adversely affect Council’s ability to finally adopt the proposal.

It is therefore recommended that Council proceed with the proposed Structure Plan in accordance with Option 2 above.

*Planning Services Manager noted that the applicants may submit further information in relation to the environmental conditions in the Amendment. Should the information be received it will be made available to all Councillors, prior to Council considering the matter at its meeting of 28<sup>th</sup> April 2003.*

**D56/4/03**

### RECOMMEND

- ~~1. That Council determine submissions to Scheme Amendment No.185 and associated Structure Plan in accordance with recommendations in the Schedule of Submissions recorded at Attachment “A1” of the Minutes.~~

~~2.— That Council under and by virtue of the powers conferred upon it by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended), hereby adopts with modifications (modifications in italics) Town Planning Scheme Amendment No.185 by:~~

~~a) rezoning part of Lot 114 Warton Road and part of Lot 3 Nicholson Road, Forrestdale from “General Rural” to “Residential — Development Area” and “Special Use — Education, Research and Development and Employment Village and Village Centre”;~~

~~b) amending the Scheme maps accordingly;~~

~~e) amending Clause 1.7 of Town Planning Scheme No.2 to include the following uses (and associated definitions):~~

~~◆ Convention Centre: Land and buildings used and designed for the conduct of conferences, seminars and other similar uses for the dissemination of information and educational purposes.~~

~~◆ Research Facility: Premises used and designed for research purposes and may involve the keeping of animals for research purposes.~~

~~d) amending the Scheme text by inserting in appropriate numerical order, a new entry into the Special Use Development Table as follows:~~

Prescribed Special Use	Requirements	Particulars of Land
<p>Education, Research and Development and Employment Village and Neighbourhood Centre</p> <p>‘P’ uses:</p> <ul style="list-style-type: none"> <li>• Caretaker’s Dwelling</li> <li>• Car Parking</li> <li>• Child Minding Centre</li> <li>• Civic Building</li> <li>• Club Premises</li> <li>• Educational Establishment</li> <li>• Laboratory</li> </ul>	<p>1. All subdivision and development, including the building disposition, car parking, landscaping and vehicular access shall take place generally in accordance with an ERADE Village Development Plan to be approved by Council, and in accordance with the Urban Water Management Strategy prepared by the <i>Department of Environment, Water and Catchment Protection</i>.</p> <p>2. Retail floor area shall be restricted to maximum of 3500m<sup>2</sup> GLA.</p> <p>3. The Neighbourhood Centre shall be designed based upon Mainstreet principles and detailed area plans are to be prepared to address issues such as car parking, setbacks, landscaping and relationship with surrounding land uses.</p> <p>4. A comprehensive landscape plan is to be prepared, submitted and implemented to</p>	<p>Part of Lot 114 Warton Road and part of Lot 3 Nicholson Road, Forrestdale</p>

Prescribed Special Use	Requirements	Particulars of Land
<ul style="list-style-type: none"> <li>• <del>Office</del></li> <li>• <del>Recreation (public)</del></li> <li>• <del>Research Facility</del></li> <li>• <del>Residential Building</del></li> </ul> <p>The Council may at its discretion, permit the following uses (AA uses):-</p> <ul style="list-style-type: none"> <li>• <del>Aged Person's Dwelling</del></li> <li>• <del>Consulting Room</del></li> <li>• <del>Convenience Store</del></li> <li>• <del>Convention Centre</del></li> <li>• <del>Community Purpose</del></li> <li>• <del>Depot</del></li> <li>• <del>Grouped Dwelling</del></li> <li>• <del>Health Studio</del></li> <li>• <del>Medical Centre</del></li> <li>• <del>Multiple Dwelling</del></li> <li>• <del>Public Amusement</del></li> <li>• <del>Recreation (Private)</del></li> <li>• <del>Restaurant</del></li> <li>• <del>Retail Liquor Outlet</del></li> <li>• <del>Service Industry</del></li> <li>• <del>Service Station</del></li> <li>• <del>Shop</del></li> <li>• <del>Showroom</del></li> <li>• <del>Take Away Food Establishment</del></li> <li>• <del>Telecommunication Infrastructure</del></li> </ul> <p>The Council may at its discretion, permit the following uses ('SA' uses) after advertising of the proposal in accordance with Clause</p>	<p><del>Council's satisfaction. In all cases, parking areas shall be landscaped with shade trees. Landscaping shall be provided to create and protect private areas, for screening service areas and for defining precincts. With the exception of residential development, the minimum landscaped area shall not be less than 10% of the site.</del></p> <p>5. <del>In order to achieve a well planned high quality streetscape, development shall be co-ordinated to reflect consistent building setbacks and harmonious architectural themes, to the satisfaction of Council.</del></p> <p>6. <del>Council's determination of 'AA' and 'SA' uses within the zone shall be contingent upon the core activities within the ERADE Village and/or Neighbourhood Centre being established and operating to its satisfaction. In this regard, it is Council's intention that the principal (permitted) functions of the ERADE Village should be established prior to the establishment of discretionary uses.</del></p> <p>7. <del>Stormwater drainage and management techniques shall incorporate principles of Water Sensitive Urban Design to the satisfaction of Council.</del></p> <p>8. <del>Service Industry shall only be permitted by Council where it is satisfied such use is compatible with surrounding uses.</del></p> <p>9. <del>Site layout, parking provision and landscaping are to be fully integrated to Council's satisfaction and are to be designed to minimise the impact of the development on adjoining properties and to achieve a high standard of aesthetic quality.</del></p> <p>10. <del>Vehicular access to the site shall be provided from both Warton Road and Nicholson Road. Access off Warton Road and Nicholson Road shall be located to the satisfaction of Main Roads Western Australia and Council.</del></p> <p>11. <del>Residential development shall occur in accordance with the Residential Design Codes. Residential development, including grouped and multiple dwellings, is restricted to a maximum density of R40.</del></p> <p>12. <del>Grouped and multiple dwellings shall be located in proximity to public open space areas or other community facilities.</del></p> <p>13. <del>The release of lots for residential or grouped housing development within 200 metres of the land within the City of Cockburn zoned 'Resource' with the Additional Use of Cattery and Dog Kennels</del></p>	

Prescribed Special Use	Requirements	Particulars of Land
<p>7.2 of TPS No.2:-</p> <ul style="list-style-type: none"> <li>• <del>Hotel/Motel</del></li> <li>• <del>Tavern</del></li> <li>• <del>Retail Garden Centre</del></li> </ul>	<p><i>shall be prohibited.</i></p> <p><del>14. The City of Armadale and the Western Australian Planning Commission (WAPC) shall require a Memorial to be registered on the Certificates of Title of all residential lots created between 200—500m from the land zoned ‘Resourcee’ with the Additional Use of Cattery and Dog Kennels’, advising prospective purchasers of the potential negative impacts which may result from the development of the proposed lots.</del></p> <p><del>15. All subdivision and development within the application area shall incorporate drainage infrastructure where applicable, which has been designed to maintain existing groundwater levels and avoid the development of acid sulphate soils within the application area, to the satisfaction of the City of Armadale and the Department of Environment, Water and Catchment Protection.</del></p>	

~~3. That Council advise the Western Australian Planning Commission that the Urban Water Management Strategy, currently being prepared by the Department of Environment, Water and Catchment Protection and the Western Australian Planning Commission, must be finalised prior to the gazettal of Amendment No.185, and all relevant changes are to be incorporated into the proposal.~~

~~4. That Council endorse and forward the Structure Plan for Part of Lot 114 Warton Road and part of Lot 3 Nicholson Road, Forrestdale, subject to the following modifications:~~

~~a) Notification on the Structure Plan that the release of lots for residential or grouped housing development within 200 metres of the land within the City of Cockburn zoned ‘Resourcee’, with the Additional Use of Cattery and Dog Kennels, shall be prohibited by the City of Armadale and the Western Australian Planning Commission (WAPC).~~

~~b) Notification on the Structure Plan that the City of Armadale and the Western Australian Planning Commission (WAPC) shall require a Memorial to be registered on the Certificates of Title of all residential lots created between 200—500m from the land zoned ‘Resourcee’ with the Additional Use of Cattery and Dog Kennels’, advising prospective purchasers of the potential negative impacts which may result from the development of the proposed lots;~~

~~e) Notification on the Structure Plan that all subdivision and development within the application area shall incorporate drainage infrastructure which has been designed to maintain existing groundwater levels and avoid the development of acid sulphate soils within the application area, to the satisfaction of the City of Armadale and the Department of Environment, Water and Catchment Protection.~~

~~5. That following receipt of a revised plan which incorporates the modifications in 4 above, the Structure Plan is to be forwarded to the Western Australian Planning Commission for its adoption.~~

MOVED Cr Knezevich  
MOTION CARRIED (7/0)

*Council resolved at its Ordinary Meeting on 28<sup>th</sup> April that Recommendation D56/4/03 be not adopted as the applicant has requested that the report be withdrawn.*



***ARALUEN RESIDENTIAL ESTATE - PLANNING POLICY***

WARD : ROLEYSTONE  
FILE REF : A131392  
DATE : 5 April 2003  
REF : IM  
RESPONSIBLE MANAGER : EDDS  
APPLICANT : N/A  
LAND OWNER : Various  
SUBJECT LAND : Araluen Residential Estate  
ZONING : Rural / Special Use, -  
MRS/TPS No.2 proposed Special  
Residential TPS No. 4.

**In Brief:-**

- Need to prepare for the expiry of the covenants and design guidelines currently applying to the Araluen Residential Estate;
- The draft Local Planning Policy has been prepared based on the 1994 Design Guidelines;
- It is recommended that the draft policy be advertised for public comment with the other local planning policies during the advertising of TPS No. 4.
- *COMMITTEE additionally recommended that the draft policy be informally advertised for public comment prior to the advertising of TPS No.4.*

**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  
Proposed Town Planning Scheme No.4

**Council Policy / Local Law Implications**

City of Armadale Environment, Animals and Nuisance Local Laws 2002.  
Design Guidelines and Covenants, Hames Sharley, January 1994

**Budget / Financial Implications**

Nil

### **Consultation**

- ◆ Building Department
- ◆ Gary Green (Araluen Estate Architect)
- ◆ Ward Councillors
- ◆ Consultation is proposed during the advertising of all policies associated with TPS No. 4.

### **BACKGROUND**

Covenants imposed on titles issued in the Araluen Residential Estate designed to secure a high standard of residential development will expire in October 2004. The original concept was that by 2004 the estate would have been substantially complete and could therefore revert to normal controls under the Town Planning Scheme. However, the slower rate of development than that predicted suggests the need to continue with special controls.

Some matters included in the covenants are difficult to control under a town planning scheme. These include controls on the keeping of livestock, horses, goats or cats. During 2002 a Local Law was introduced to control horses and farm animals in certain Special Use areas under TPS No.2. It would be appropriate to revise these local laws to specifically relate to TPS No. 4 in due course, and include prohibition on cats within the Local Law in respect of Araluen.

Other matters require statutory control under a town planning scheme. In particular the control on the sinking of bores is regarded as important in order 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, the keeping of livestock, poultry and horses.

The design of development at Araluen is an important matter which has been guided to date by the Design Guidelines which are cross referred to in the Covenants. It is desirable to prepare a local planning policy to ensure that these standards of design are retained and that Council, when determining applications for the development of residences and outbuildings, applies clear and consistent standards.

Council adopted TPS No. 4 in March 2003. The draft Scheme will be advertised for public comment later in 2003 following Ministerial approval. Council was advised during its consideration of the draft Scheme that all planning policies relating to the Scheme will be reviewed and advertised in tandem with the new Scheme. Some policies require a comprehensive review while others only require minor amendment to take account of new scheme provisions and the need for a consistent format. During the next few months the policies will be presented to Council. A completely new policy is required for the Araluen Residential Estate Policy and accordingly this is presented separately – although it is intended that the policy be advertised with all policies later in 2003.

## **DETAILS OF PROPOSAL**

*The draft policy is included at Attachment “A2” of the Minutes.*

The draft policy is based on those matters included in the 1994 *Design Guidelines and Covenants* prepared by Hames Sharley. Individual property owners covenant to develop consistently with the design guidelines. In the absence of the covenants the Council’s power to determine the design of development will rest with the Scheme which requires planning approval for development of a single house and associated structures in the Special Residential Zone. In determining applications the Council should apply the provisions of the Policy.

The draft policy covers the following matters:

- ◆ Streetscape
- ◆ Site works and vegetation removal
- ◆ Building design
- ◆ Building materials building height
- ◆ Boundary fencing
- ◆ Outbuildings

Some matters included in the 1994 Guidelines have not been included in the draft policy. These matters are already subject to the 2002 *Residential Design Codes* which widened the controls over the siting and design of dwellings from those in place under the 1991 *Residential Planning Codes*. In addition, a provision was included in the 1994 Guidelines restricting the erection of fencing at the front of properties, however, this has not been included in the policy in view of the lack of adherence to this provision in the past and the view of some residents that it is reasonable to protect gardens from hungry kangaroos.

## **ANALYSIS**

The provisions of the policy (following the 1994 Design Guidelines) will ensure that buildings complement rather than detract from the streetscape, that site alteration and vegetation removal is minimised, that buildings reflect traditional character, that fencing be of consistent materials and outbuildings are designed in accordance with and to be integrated with the main dwelling.

Under the covenants all landowners were required not to do anything inconsistent with the Design Guidelines. However, in order to enforce adherence to the covenants court action is necessary – presumably by other owners or by the estate owner. While transgressions have occurred there has been little enforcement except by the Council under the Scheme provisions normally pursuant to a development or building approval.

While aspects of the draft policy may be difficult to enforce, for instance where they are not part of a development approval (such as the placement of a washing line or the erection of a side fence), this is much the same situation as currently. The policy provisions provide clear instructions as to how a development application will be determined, and in addition set down matters to guide residents in development that may not be subject to a development application.

## OPTIONS

1. Council may include all the matters subject to past covenants within TPS No. 4.
2. Council may adopt a Local Law to apply specifically to the Araluen Residential Estate to prescribe the development requirements.
3. Council may adopt a local planning policy to guide it in determining applications for future development.

## CONCLUSION

In view of the impending expiry of the Araluen covenants it is proposed that a local planning policy be adopted to provide appropriate guidance for the determination of future planning and building applications.

While it would be possible to provide town planning scheme provisions or a local law to control future development, the matters requiring control are more appropriately dealt with by way of a local planning policy. The policy based on the 1994 Design Guidelines is considered to be the appropriate mechanism to protect the estate's high level of residential amenity and it is therefore recommended that Council adopt Option 3 above.

### *Officer's report recommends –*

That the draft Araluen Residential Estate local planning policy be advertised for public comment during the advertisement of TPS No. 4, with all other local planning policies.

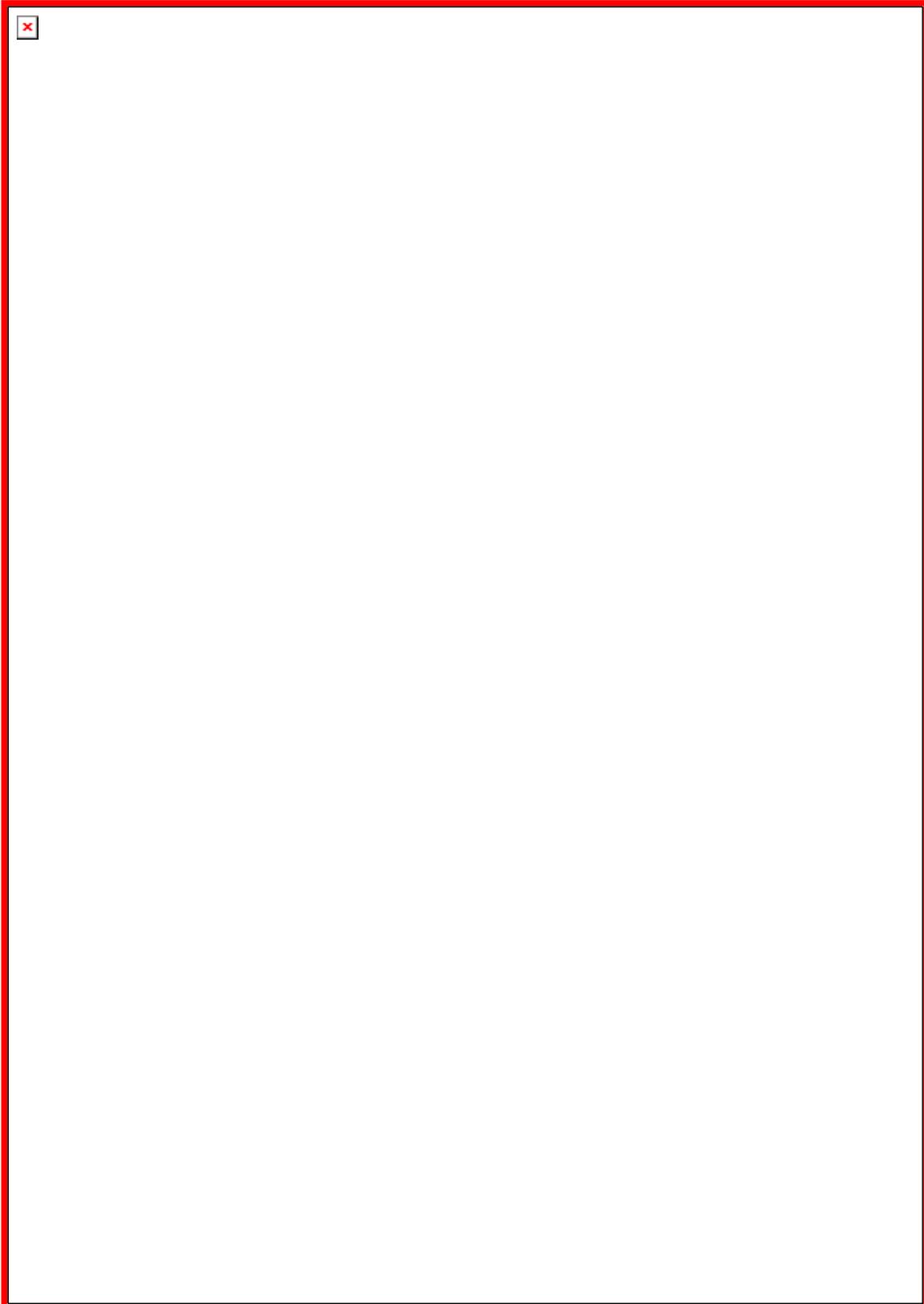
*COMMITTEE additionally recommended that the draft Araluen Residential Estate local planning policy be informally advertised for public comment prior to the advertising of Town Planning Scheme No.4. Accordingly an additional Part (2) was added to the Recommendation.*

**D57/4/03**

## **RECOMMEND**

- 1. That the draft Araluen Residential Estate local planning policy be advertised for public comment during the advertisement of Town Planning Scheme No.4, with all other local planning policies.**
- 2. That the draft Araluen Residential Estate local planning policy be informally advertised for public comment prior to the advertising of Town Planning Scheme No.4.**

MOVED Cr Stubbs  
MOTION CARRIED (7/0)



***PROPOSED ADDITION TO SCHOOL ADMINISTRATION BUILDING –  
LOT 100 ALBANY HIGHWAY, ARMADALE***

WARD : ARMADALE  
FILE REF : A184947  
DATE : 3 April 2003  
REF : PRR  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Daly and Shaw Building  
LAND OWNER : Village School Association  
SUBJECT LAND : Property size 4.0628ha  
Map 23.03  
ZONING : Urban / Special use No.2  
MRS/TPS No.2

**In Brief:-**

- Council has received an application for an addition to the Pioneer Village School administration building.
- As the subject lot is listed on the Municipal Heritage Inventory, the application has been referred to Council for consideration under the provisions of Town Planning Scheme No.2.
- Recommend that Council approve the proposed development subject to an appropriate condition.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

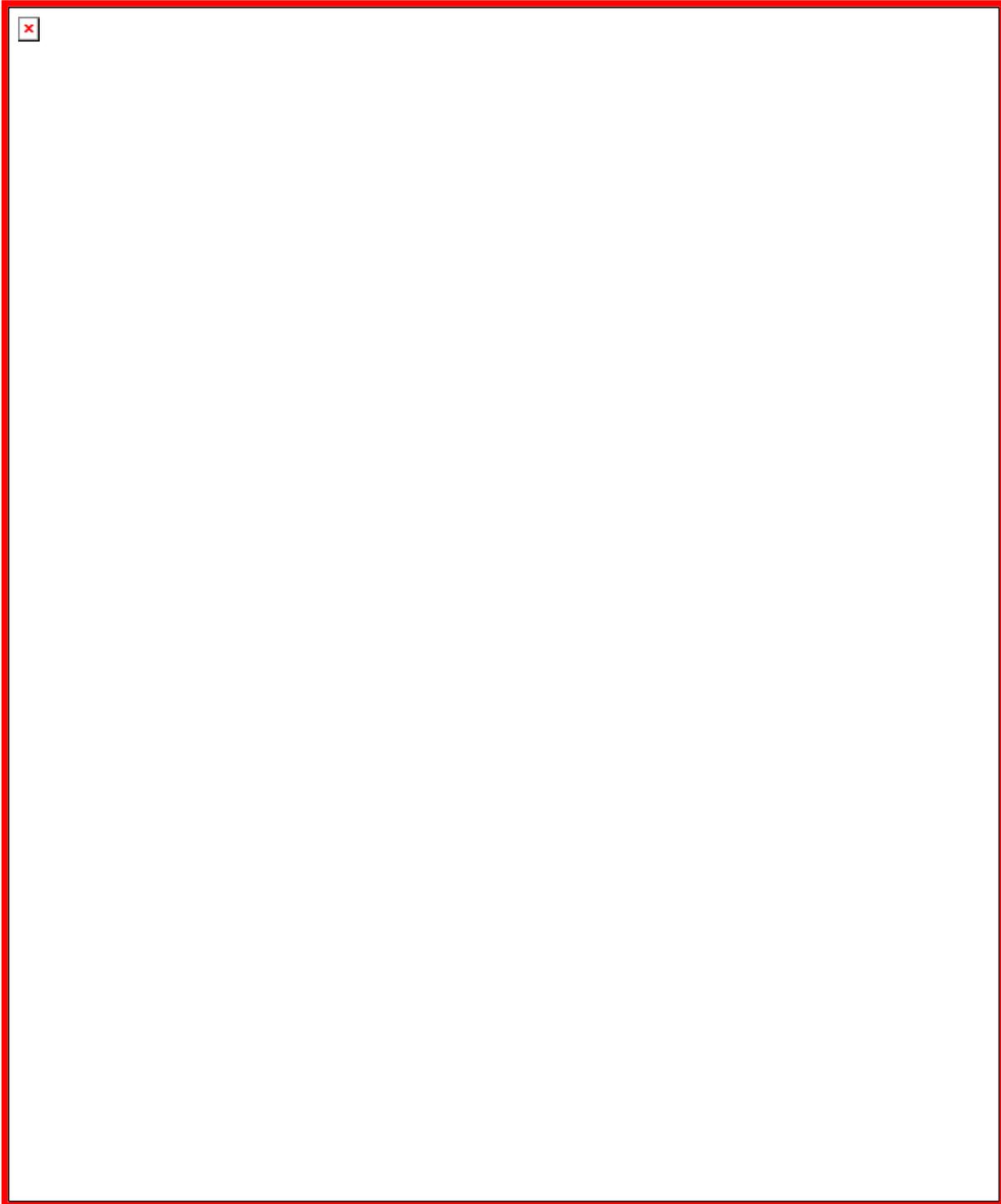
Town Planning and Development Act 1928  
Metropolitan Region Scheme Act 1959  
Metropolitan Region Scheme  
Town Planning Scheme No.2

**Council Policy / Local Law Implications**

Municipal Heritage Inventory

**Budget / Financial Implications**

Nil.



**SITE PLAN**  
**LOT 100 ALBANY HWY, ARMADALE**

### **Consultation**

- ◆ Development Control Unit
- ◆ Heritage Council of Western Australia
- ◆ Community Heritage Advisory Committee Chairman

### **BACKGROUND**

Council received the application for an extension to the existing Pioneer Village School administration building on 26 November 2002. The application requires consideration and determination by Council in terms of Town Planning Scheme No.2, as the property is listed on the Municipal Heritage Inventory.

### **DETAILS OF PROPOSAL**

The applicant proposes to add an office to the rear of the existing school administration building that would be 4.5m by 4.625m, with a total floor area of 20.8m<sup>2</sup>. The office would be constructed of cedar weatherboards and ‘Zincalume’ roof sheeting to match the existing building. The strata body corporate has endorsed the Metropolitan Region Scheme Form 1.

### **COMMENT**

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

At its meeting held on 12 December 2002, DCU recommended that the item be referred to Council for approval, subject to a condition with regard to the submission of a colour/material schedule for the development.

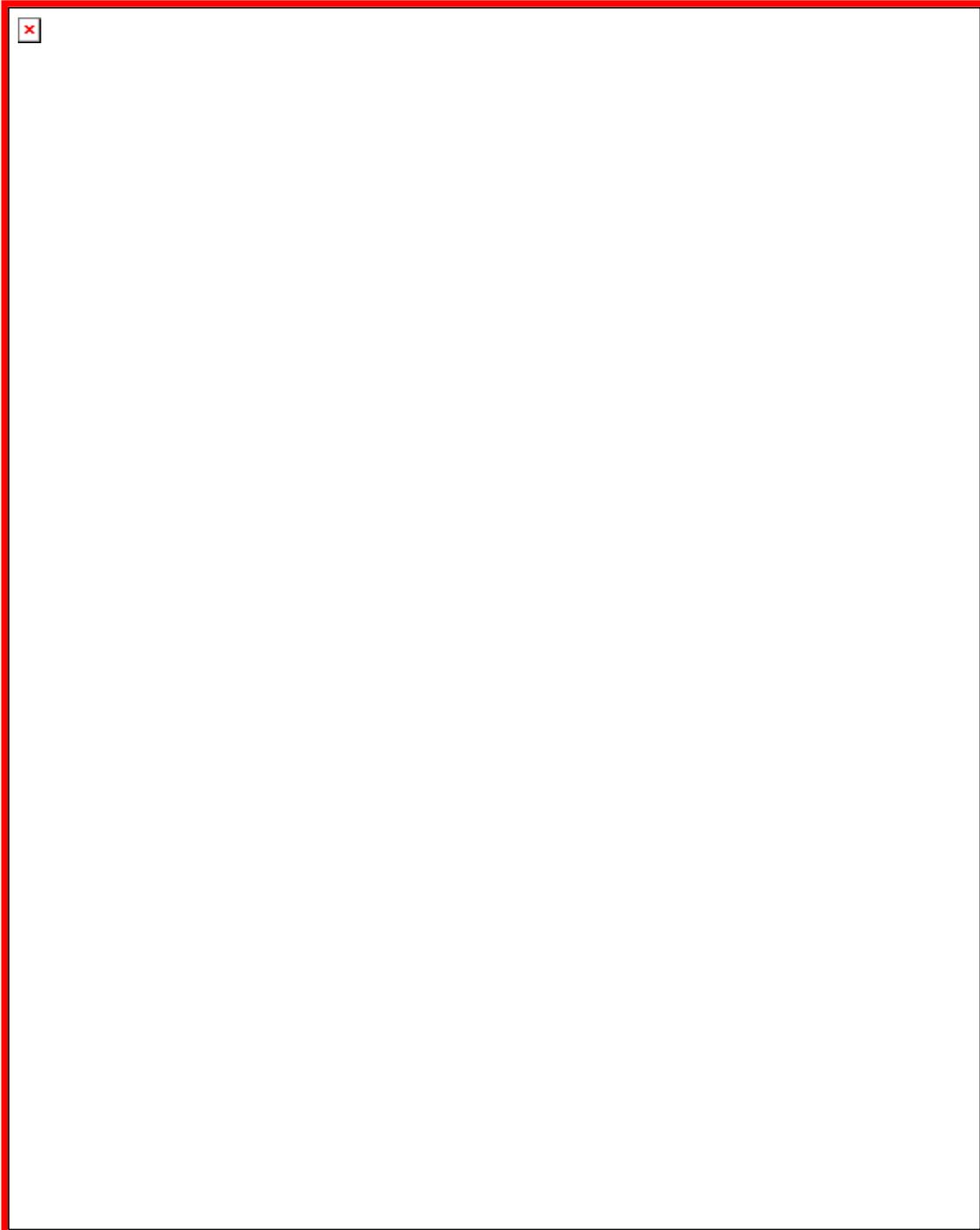
#### ***Heritage Referral Agencies***

After assessing the application, the Heritage Council of Western Australia (HCWA) has advised that the application is supported as submitted. It is noted that the chair of the Community Heritage Advisory Committee (CHAC) viewed the proposal, and no concerns were expressed to officers.

### **ANALYSIS**

#### ***Municipal Heritage Inventory (MHI)***

The MHI lists the whole of Lot 100 as having significance in terms of heritage. Site A24, described as Pioneer World and Quarry, is listed with a ‘B’ management category rating. Ratings descend in importance from category ‘A’ through to category ‘F’. Category ‘B’ indicates that a “high level of protection is appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place”. The Council must therefore have due regard for the effect this proposal may have on the heritage value of the site in making its decision. It is noted that the property is not listed on the State heritage register.



**ELEVATION PLAN**  
**LOT 100 ALBANY HWY, ARMADALE**

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

*Clause 5.10.4 Applications for Development Approval*

Clause 5.10.4.4 of TPS No.2 states that “*notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting any building, object, structure or place listed on the Heritage List or contained within a Heritage Precinct without first having applied for and obtained the planning approval of the Council pursuant to the provisions of Clauses 7.1 and 7.2 of the Scheme*”. The matter has therefore been referred to Council for determination.

*Clause 7.3 Matters to be Considered by Council*

The recent appeal against the Town of Cottesloe (Moullin v Town of Cottesloe) in relation to an application involving heritage issues demonstrates that heritage should not be the only consideration in assessing the proposed development. Clause 7.3 of TPS No.2 lists certain criteria that should be considered in examining an application. Whilst all criteria are relevant in some way, those of particular importance to the application are noted as follows:

*“The existing and likely future character and amenity of the neighbourhood, including the question of whether the proposed development is likely to cause injury to such character and amenity”.*

Given the development is of a small scale, located to the rear of the existing administration building and the plans submitted indicate the materials used will match those utilised originally, the proposal will not detrimentally affect surrounding landowners or the heritage value of the site. To ensure that this is the case however, a condition requiring a schedule of colours and materials can be imposed if the application is approved.

*“The provisions of proposed buildings and their effect on adjoining buildings or land”.*

As the extension is intended to be used for administrative purposes rather than to house more students, it is unlikely the use of the addition will be an imposition on the surrounding landowners.

*Clause 7.1 Application for Planning Consent*

Clause 7.1.2 of TPS No.2 notes that where potentially reflective material is proposed for the roof or walls of a proposed structure, specific application must be made to Council and Council must be satisfied that the proposal will not detrimentally effect the amenity of the area in terms of the Residential Planning Codes (1991). It is noted that the Residential Design Codes (2002) have superseded the 1991 version. The 1991 Codes referred to amenity in terms of minimising overshadowing, overlooking, building size, streetscape, open space, road density and landscaping. These matters are prescribed to a greater degree in the new Codes and it is not considered that the 20m<sup>2</sup> extension would result in these standards not being met.

The applicant has noted that the roofing material for the extension is to be ‘Zincalume’, to match the existing roof. Given that the existing roof is ‘Zincalume’ and the proposed extension is relatively small with a roof pitch of 4°, it is not believed that the extension would have a detrimental impact on the amenity of the area.

*Parking*

Whilst there are no parking provisions specific to Special Use No.2 in TPS No.2, standards elsewhere in the Scheme require an educational establishment to provide parking at a ratio of 1.5 parking bays per classroom. As the proposed development does not increase the number of classrooms on site, no further parking is required.

**OPTIONS**

1. Council could approve the extension to the Pioneer Village School administration building if it is of the opinion that the proposal will not detrimentally affect surrounding landowners and/or the heritage value of the premises.
2. Council could refuse the extension to the Pioneer Village School administration building if it is of the opinion that the proposal will detrimentally affect surrounding landowners and/or the heritage value of the premises.

**CONCLUSION**

As the addition is relatively minor and the HCWA and the chair of the CHAC have no objection to the extension, it is recommended Council approve the proposal in accordance with Option 1.

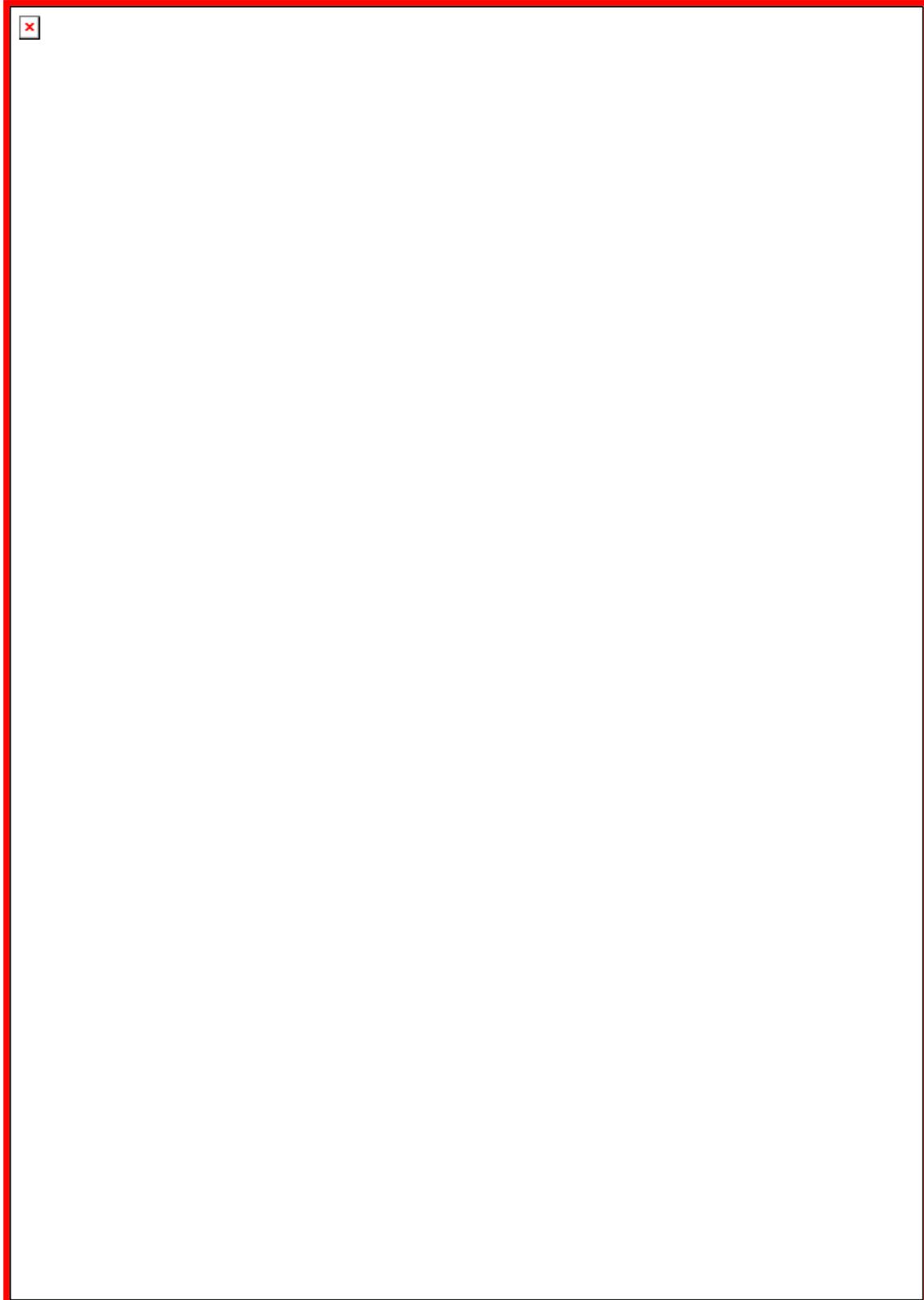
**D58/4/03**

**RECOMMEND**

**That Council approve the application for the addition to the Pioneer Village School administration building at Lot 100 Albany Highway, Armadale, subject to the following condition:**

- ♦ **A schedule of colours and textures of materials to be used for the proposed extension is to be submitted to and approved by the Executive Director Development Services. Extension is to be completed and maintained in accordance with the approved schedule.**

MOVED Cr Green  
MOTION CARRIED (7/0)



***PROPOSED GRANNY FLAT – LOT 15 (No.21) BLAKE STREET, BEDFORDALE***

WARD : ARMADALE  
FILE REF : A041898  
DATE : 4 April 2003  
REF : PRR  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Fleetwood Homes & Cabins  
LAND OWNER : Mr P and Mrs C Kidd  
SUBJECT LAND : Property size 1.6744ha  
Map 24.40  
ZONING : Rural / Rural 'E'  
MRS/TPS No.2

**In Brief:-**

- Council received application for a Granny Flat at Lot 15 Blake Street, Bedforddale on 27 March 2003.
- Application proposes variations to Council's Policy 4.5.13 – Granny Flats – Control of Additional Accommodation Units.
- Recommend that Council approve the application for a granny flat on Lot 15 Blake Street, Bedforddale subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

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

**Council Policy / Local Law Implications**

4.5.13 - Granny Flats – Control of Additional Accommodation Units.

**Budget / Financial Implications**

Nil.



**SITE PLAN (AERIAL PHOTO)  
LOT 15 BLAKE ST, BEDFORDALE**

### **Consultation**

- ◆ Development Control Unit

### **BACKGROUND**

Council received an application for an ancillary accommodation unit at Lot 15 Blake Street, Bedforddale on 27 March 2003. As the application proposes variations to Council's Policy *Granny Flats – Control of Additional Accommodation Units*, the application has been referred to Council for consideration.

### **DETAILS OF PROPOSAL**

The applicant proposes to place a transportable residence, for use as a granny flat, toward the rear of the property. The proposed granny flat would be located 15.7m from the eastern boundary and 35.26m south of the existing residence and would be 7.2m wide by 11.1m long, with a total area of 79.92m<sup>2</sup> (not including verandah areas of 33.48m<sup>2</sup>). The granny flat would be constructed of vinyl cladding and 'Colorbond' roof sheeting at a 15° pitch.

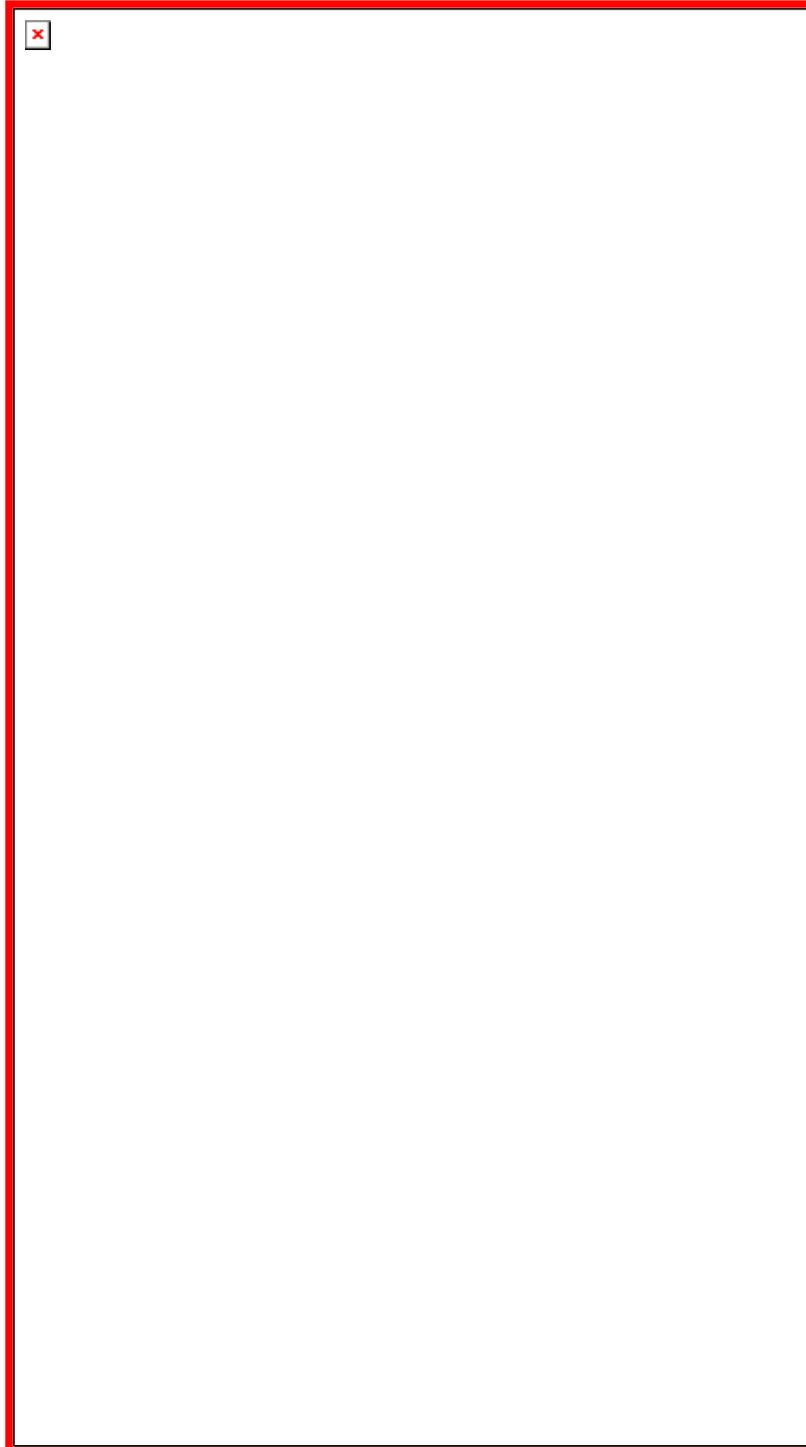
The owner has submitted the following details in support of the proposal:

- ◆ Additional floor space (above 60m<sup>2</sup>) was required as the structure needed to be enlarged to accommodate wheelchair access.
- ◆ The proposed location, whilst being in excess of Policy requirements with respect to separation from the main residence, has been chosen specifically to:
  - Maintain a 15m setback from property boundaries;
  - Make connection to existing rainwater tanks easier;
  - Avoid the existing trees, granite and structures on other areas of the property;
  - Utilise the clear space on the block as available to avoid clearing of trees bordering the 'A' class Reserve known as Bungendore Park;
  - Provide greater fire safety;
  - Provide room for the effluent disposal system associated with the granny flat; and,
  - Provide more room for parking and turning.

### **COMMENT**

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

At its meeting held on 8 April 2003, DCU recommended that the item be referred to Council for approval subject to appropriate conditions.



**SITE PLAN  
LOT 15 BLAKE ST, BEDFORDALE**

## ANALYSIS

### *Referrals*

Usually an application that proposes variations to Town Planning Scheme or Policy provisions would be advertised to surrounding landowners. In this instance, the property is surrounded on three sides by Regional Parks and Recreation Reserves, which are vested in the City of Armadale. As the only Rural property is across the road, approximately 140m to the north of the development, and the Armadale Christian College is approximately 120m south of the development, referral to surrounding landowners was not undertaken in this instance.

It is also noted that comments were not sought from the Department for Planning and Infrastructure's (DPI) Land Asset Management branch as the Regional Parks and Recreation Reserves are vested in the City Armadale. Referral to the DPI is therefore not required.

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

A 'granny flat' is considered to be ancillary to a 'single residence', which is a 'P' (permitted) use in the 'Rural' zone. The application therefore complies with the requirements of TPS No.2 in this regard. While 'granny flat' and 'ancillary accommodation' are not defined under TPS No.2, the definition of the Residential Design Codes of Western Australia (R-Codes) (which defines 'ancillary accommodation') would apply. However, the siting and design requirements of the R-Codes do not apply to the 'Rural E' zone as it is subject to Council's Policy.

### *Policy 4.5.13 - Granny Flats – Control of Additional Accommodation Units.*

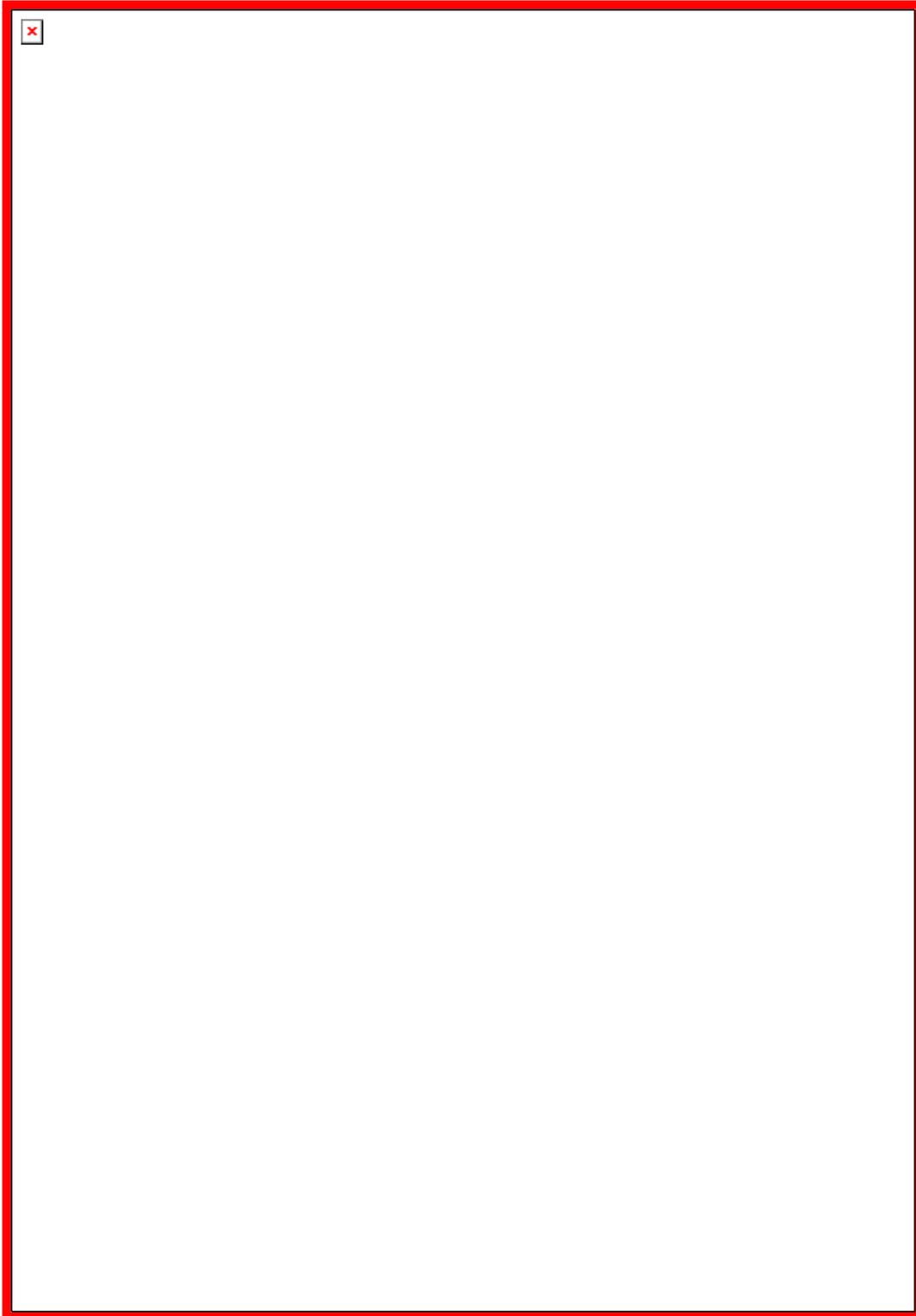
Variations are proposed to Council's Granny Flat Policy with regard to floor space and the distance from the existing residence. These elements are analysed below.

#### *Floor Space*

Council's Granny Flat Policy outlines a maximum living area of 60m<sup>2</sup> (not including verandahs or patios etc) and a maximum number of two (2) bedrooms. The reasoning behind such limitation is noted as being to maintain the granny flat as ancillary accommodation, and not as a second residence.

Whilst the applicant complies with the two (2) bedroom limitation, the overall area of the granny flat is proposed to be 79.92m<sup>2</sup>, which is 19.92m<sup>2</sup> over the 60m<sup>2</sup> maximum. The owner has explained that the increased size is due to the granny flat being designed to accommodate a wheelchair. The owner explains that wider doorways are necessary, larger than usual wet areas have been provided and space for the manoeuvring of a wheelchair in the rooms has also been considered.

Council must consider whether the variation to the Policy standard is acceptable in this regard. Whilst the City sympathises with the applicant in terms of the justification for increasing the size of the proposed granny flat, the requested variation is significant (approximately 33% of the allowed floor area) and concern is held that the variation may create a precedent for an increase in size for future applications for granny flats.



**FLOOR PLAN**  
**LOT 15 BLAKE ST, BEDFORDALE**

A ‘wheelchair friendly’ design is probably a requirement for most granny flats or aged persons accommodation. It also appears that the size of the granny flat is dictated by the chosen design of the particular unit (with two (2) bedrooms, own amenities and a relatively large lounge). Further, the R-Codes apply a 60m<sup>2</sup> maximum floor area for granny flats within residential areas, which further supports Council’s Policy.

It is therefore considered that, notwithstanding the context of the circumstances of the occupancy of the granny flat, the proposed variation to the 60m<sup>2</sup> Policy requirement cannot be supported. This does not however preclude approval of the proposal. Should Council be satisfied that the reasons supplied to justify variations to other areas of Policy 4.5.13, a condition could be imposed requesting that the applicant redesign the granny flat to adhere to the maximum floor area to the satisfaction of the Executive Director Development Services and that revised plans be submitted in this regard.

#### *Distance from Existing Residence*

Council’s Granny Flat Policy further outlines that ancillary accommodation units must be, if not located under the main roof of the existing residence, located no more than 6m distant from the existing residence and should be connected to the residence via an undercover walkway. The Policy explains this provision as being necessary as the granny flat is likely to be reliant on the existing residence for some sort of services and therefore a substantial connection providing reasonable access should be made.

The proposed granny flat is located 35.29m<sup>2</sup> from the existing residence. The original proposal received by the City indicated a site forward of the building line, 9m distant from the residence and 10m from the western property boundary, but the owner advised the applicant to amend the site plan when it became apparent that this location would require too many trees to be removed. The final site was chosen in an area that is predominantly clear of vegetation, as the aerial photo demonstrates.

It is believed that the points made by the owner in the letter justifying the proposed location are valid and that the proposed location has been chosen after careful consideration. It is further noted that Council’s Policy makes provision for Council to vary the distance of an ancillary accommodation unit from the main residence if substantial justification can be provided. It is therefore appropriate to consider the variation as proposed.

Due to the distance involved, and the number of existing trees between the two structures, it is noted that an undercover walkway has not been provided. The owner has stated however, that they would be willing to provide a paved and lighted path from the existing residence to the granny flat to create a ‘substantial connection for reasonable access’ should Council consider this provision necessary. It is therefore considered appropriate that the standard be varied and recommended that a condition be imposed with regard to the provision of the pathway and associated lighting, should the application be approved.



**ELEVATION PLAN  
LOT 15 BLAKE ST, BEDFORDALE**

### *Tenancy*

Council's Policy requires that the occupant of the granny flat is either a member of the same family that occupies the main residence or is an aged or dependant person. In this instance, the resident is both - an aged and dependent member of the family. The application therefore meets the requirements of Council's Policy in this regard. To ensure that this continues, it is recommended that a condition be imposed relating to tenancy, as other measures such as a statutory declaration are not transferable with ownership.

### ***Impact on Amenity***

It is considered that the impact on the amenity of the surrounding area will be low given the location of the subject lot, but should Council be concerned with regard to visibility of the granny flat from the east and south, a landscape plan could be requested as a condition of any approval to screen the granny flat from these aspects.

The existing residence is constructed of cream brick with a 'Zincalume' roof. To ensure the external appearance of the proposed granny flat is complementary to the existing residence, a schedule of colours and materials for the proposed development should be required as a condition of approval if Council approves the application.

### **OPTIONS**

1. Council could approve the application for a granny flat at Lot 15 Blake Street, Bedfordale, subject to appropriate conditions, if it believes the owner/applicant has justifiable reasons for all of the proposed variations to Policy 4.5.13.
2. Council could approve the application for a granny flat at Lot 15 Blake Street, Bedfordale, subject to the granny flat being redesigned to meet the floor area requirements and other conditions as appropriate to Council's Granny Flat Policy, to the satisfaction of the Executive Director Development Services if it believes the owner/applicant has justifiable reasons for the proposed variations to Policy 4.5.13.
3. Council could refuse the application for a granny flat at Lot 15 Blake Street, Bedfordale on the grounds it believes the owner/applicant does not have justifiable reasons for the proposed variations to Policy 4.5.13.

### **CONCLUSION**

In general, the owner has provided justifiable reasons and suitable compromises to vary the requirements of Policy 4.5.13 with regard to the distance from the main residence and the provision of an undercover walkway. The issue of floor area is of some concern but is at the discretion of Council.

Nevertheless, through the utilisation of appropriate conditions, it is believed the integrity of the amenity of the area can be upheld to a satisfactory standard and the development, albeit slightly altered, can proceed. It is therefore recommended that Council approve the application for a granny flat at Lot 15 Blake Street, Bedfordale, in accordance with Option Two.

*COMMITTEE raised concerns as to the distance between the main dwelling and the proposed granny flat and recommended that it be in accordance with Council's Policy 4.5.13 - Granny Flats – Control of Additional Accommodation Units.*

*COMMITTEE also recommended that the pathway be suitably covered, in accordance with Council's policy, from the existing residence to the granny flat, to establish a substantial connection for reasonable access.*

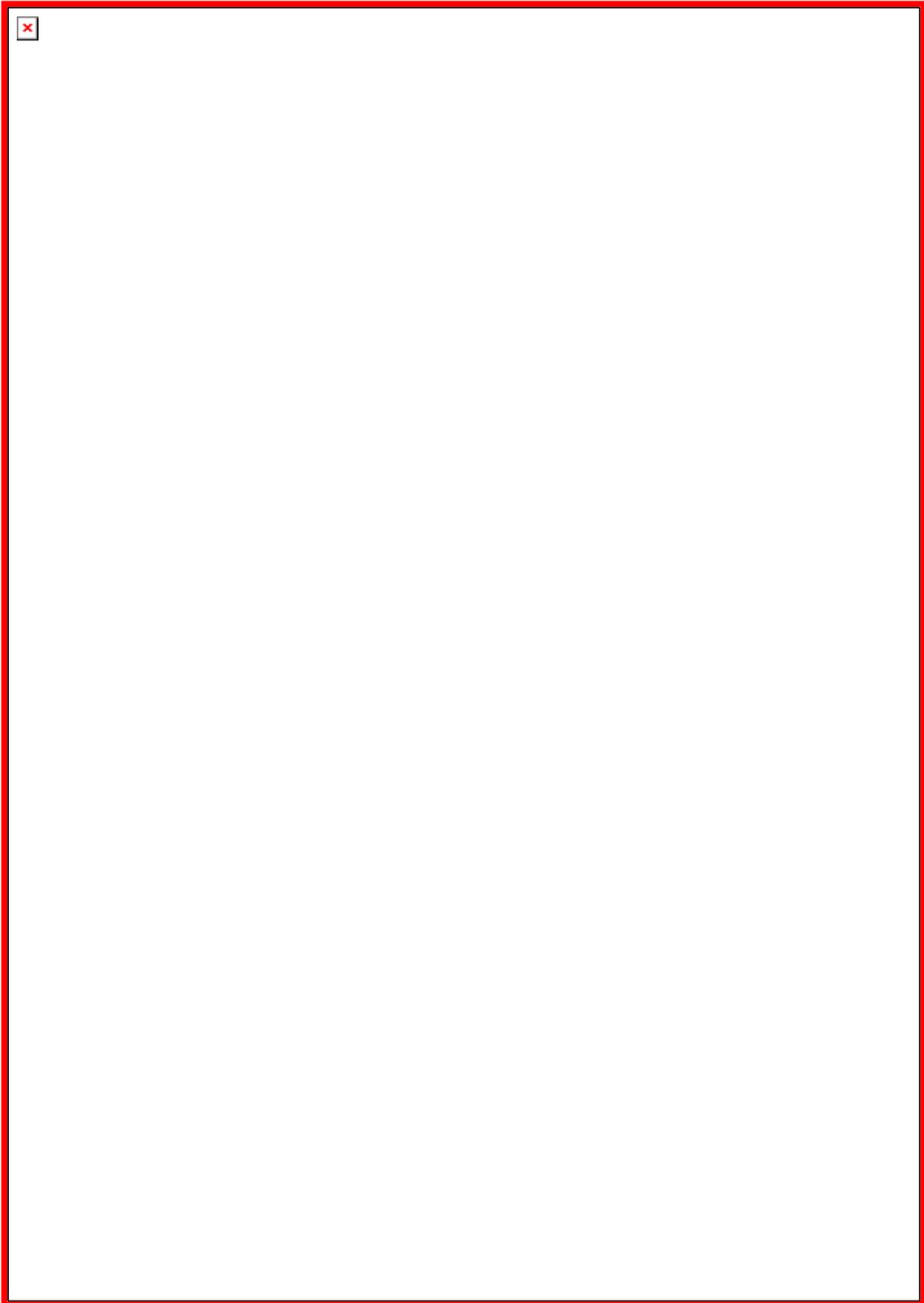
*Accordingly, Parts (a) and (d) were amended to reflect Council's recommendations.*

**D59/4/03            RECOMMEND**

**That Council approve the application for a granny flat at Lot 15 (No.21) Blake Street, Bedforddale, subject to the following conditions:**

- a) Revised plans are to be submitted, indicating adherence to Council's Policy 4.5.13 - Granny Flats – Control of Additional Accommodation Units in terms of a maximum floor area and distance between the main dwelling and the granny flat, to the satisfaction of the Executive Director Development Services.**
- b) A schedule of colours and textures of materials to be used for the proposed granny flat to be submitted to and approved by the Executive Director Development Services. Granny flat to be completed and maintained in accordance with the approved schedule.**
- c) Submission of a comprehensive landscape plan to demonstrate planting on site for the purpose of screening the granny flat, from the southern and eastern aspects. Landscaping to be installed and continuously maintained thereafter, in accordance with the approved landscape plan, to the satisfaction of the Executive Director Development Services.**
- d) A suitably covered, paved and lighted pathway is to be constructed, in accordance with Council's policy, from the existing residence to the granny flat, to establish a substantial connection for reasonable access, to the satisfaction of the Executive Director Development Services.**
- e) Occupancy of the ancillary accommodation unit is limited to members of the family occupying the main residence.**

MOVED Cr Green  
MOTION CARRIED (7/0)



***PROPOSED SELF-CONTAINED 'BED AND BREAKFAST' ACCOMMODATION AND TRIPLE CARPORT – LOT 104 (No.20) OLD ADMIRAL LANE, BEDFORDALE***

WARD : ARMADALE  
FILE REF : A240082  
DATE : 3 April 2003  
REF : JEH  
RESPONSIBLE MANAGER : PSM  
APPLICANT : M & S Whitehead  
LAND OWNER : M & S Whitehead  
SUBJECT LAND : Lot 104 Old Admiral Lane,  
Bedfordale  
Property size 2.065 ha  
Map 25.39  
ZONING : Rural / Rural D1  
MRS/TPS No.2

**In Brief:-**

- Proposal involves a variation to existing approved bed and breakfast establishment. It is proposed that only one of the two approved bedrooms under the main dwelling roof be used as Bed and Breakfast accommodation and that the existing garage be converted into self-contained 'Bed & Breakfast' accommodation. A triple carport is also proposed.
- Proposal is seeking variation from Town Planning Scheme No.2, which stipulates a maximum of two guest bedrooms and one guest bathroom, located under the main roof of the dwelling house.
- Advertising of the proposal resulted in one submission of no objection and one letter of objection.
- Recommend that Council approve the application subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

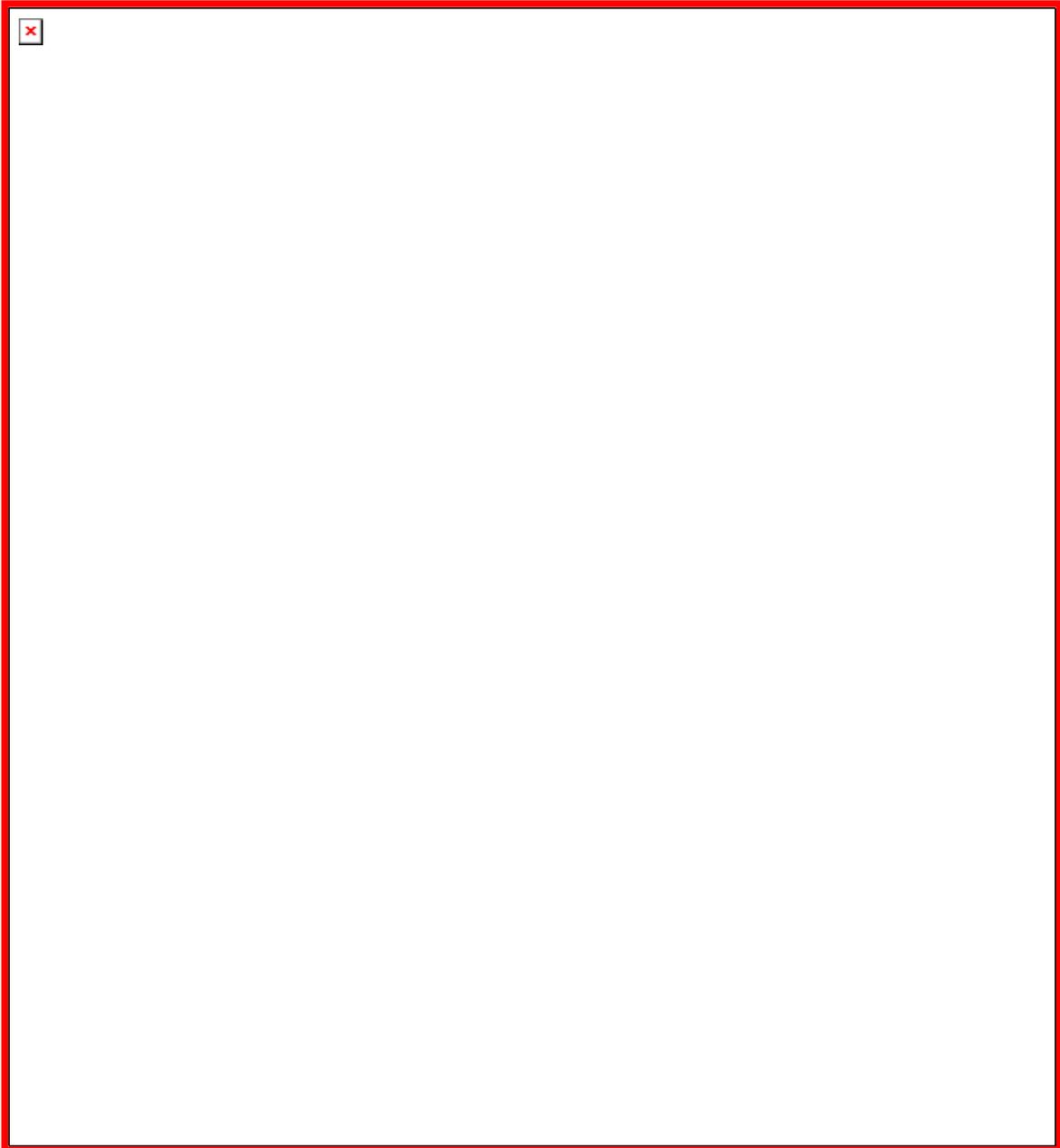
Development- "To balance the need of development with sustainable economic, social and environmental objectives".

**Legislation Implications**

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

**Council Policy / Local Law Implications**

City of Armadale Draft Rural Strategy 1999



**SITE PLAN**  
**LOT 104 OLD ADMIRAL LANE, BEDFORDALE**

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit
- ◆ Surrounding Landowners

### **BACKGROUND**

At its ordinary meeting of 16 September 2002 Council resolved to approve part of the residence for use as a Bed and Breakfast establishment consisting of two guest bedrooms and one guest bathroom.

On 19 February 2003, Council received an application to convert the existing garage into self-contained 'Bed and Breakfast' accommodation, and to construct a free standing triple carport adjacent to the residence. The proposal was advertised to surrounding landowners on the basis that the self-contained accommodation would be used in addition to the two bedrooms already approved as part of the original Bed and Breakfast approval. Following advertising, the applicant proposed that only one of the two previously approved bedrooms under the main roof would be used as Bed and Breakfast accommodation.

### **DETAILS OF PROPOSAL**

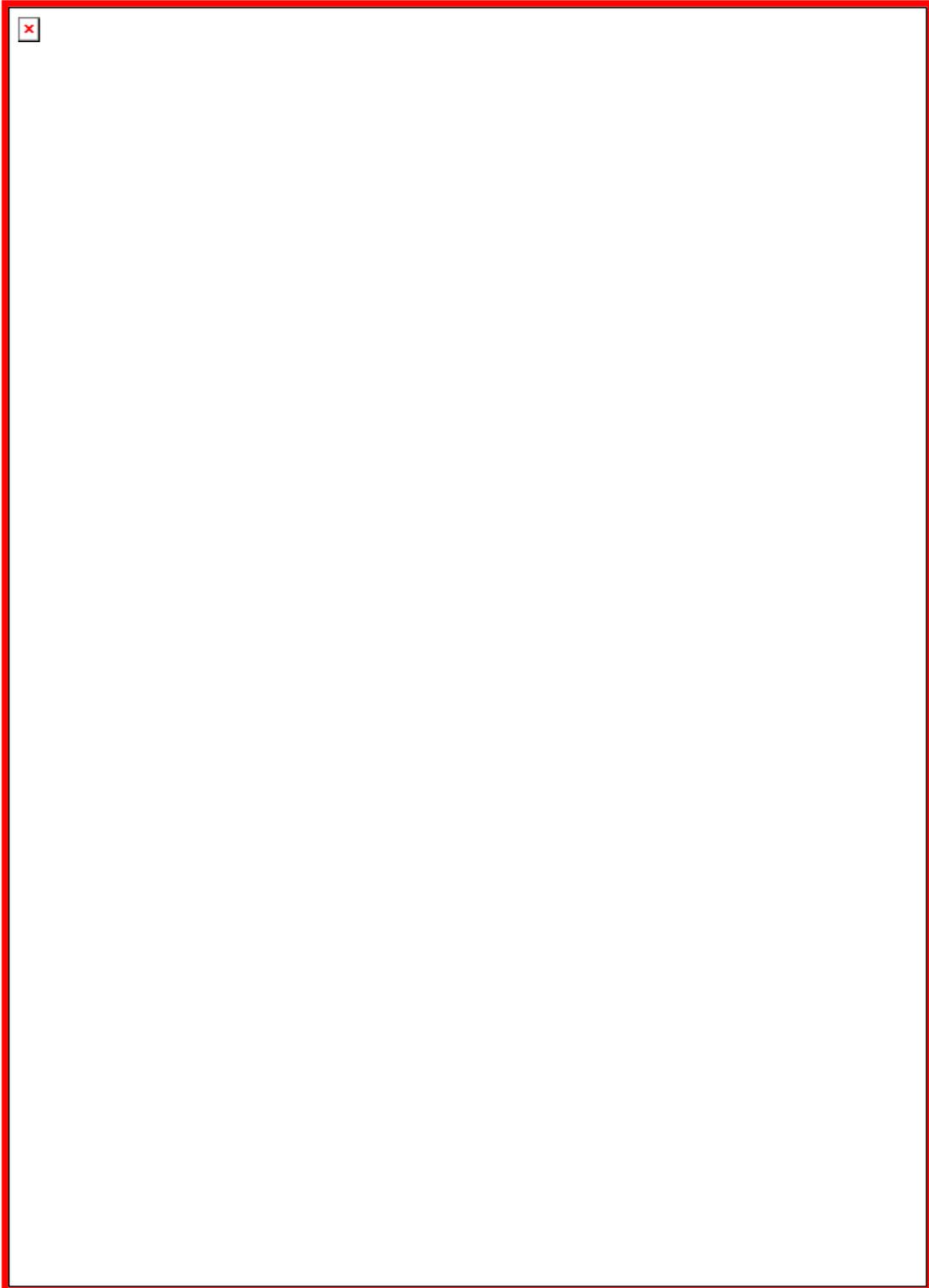
The applicant proposes to convert the existing garage into self-contained 'Bed and Breakfast' accommodation, consisting of a bedroom, bathroom and kitchen area. In addition, it is proposed that a free-standing triple carport be constructed on the property. It is also proposed that only one of the two previously approved guest bedrooms under the main dwelling roof now be used as Bed and Breakfast accommodation. The proposal will not increase the capacity of the Bed and Breakfast establishment. In support of their application the applicants have submitted a letter stating that their guests are usually "honeymooners" and that the proposal would provide privacy and enable guests to be accommodated further away from the family living area.

In support of their application, the applicants have also submitted a letter from the Heritage Country Tourist Association (HCTA). The letter states that the HCTA has identified the importance of adapting existing products and services to appeal to the increase in sophisticated travellers, through the provision of accommodation with private en-suites, self-contained or semi self contained rooms and other luxury features. The HCTA supports the applicants' aspirations to improve their facilities to cater for visitor needs.

### **COMMENT**

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

At its meeting held on 8 April 2003, DCU recommended that the item be referred to Council for approval, as it is in keeping with the intent and purpose of the Rural Zone.



**BED & BREAKFAST FLOOR PLAN  
LOT 104 OLD ADMIRAL LANE, BEDFORDALE**

### ***External Comments***

The application was advertised to four surrounding landowners for a period of two weeks on the basis that the self-contained accommodation would be used in addition to the two bedrooms already approved as a part of the original Bed and Breakfast approval. A total of two submissions were received, consisting of one letter of no objection and one letter objecting to the proposal. The issues raised are addressed in the Analysis section of this report.

Following advertising, the applicant submitted a revised plan proposing that in addition to the self-contained accommodation, only one of the two previously approved bedrooms under the main roof would be used as Bed and Breakfast accommodation.

## **ANALYSIS**

### ***Public Submissions***

The issues raised by a surrounding landowner in the submission objecting to the proposal are analysed as follows:

*Variations from the scheme requirement for a maximum of two guest bedrooms and one guest bathroom will set a precedent for other proposals*

The self-contained nature of the bedroom with ensuite and kitchen area represents a variation from the scheme, however the number of guest bedrooms will remain unchanged at two. Applications to vary scheme requirements are considered on their individual merits and as such it is not expected that the proposal will set a precedent for similar variations.

*There is a danger of the bed and breakfast becoming a boarding house*

Should the proposal be approved, it is recommended that the proposal incorporate conditions to restrict the use of the self-contained accommodation to overnight and short stay accommodation consistent with the scheme definition for Bed and Breakfast establishment.

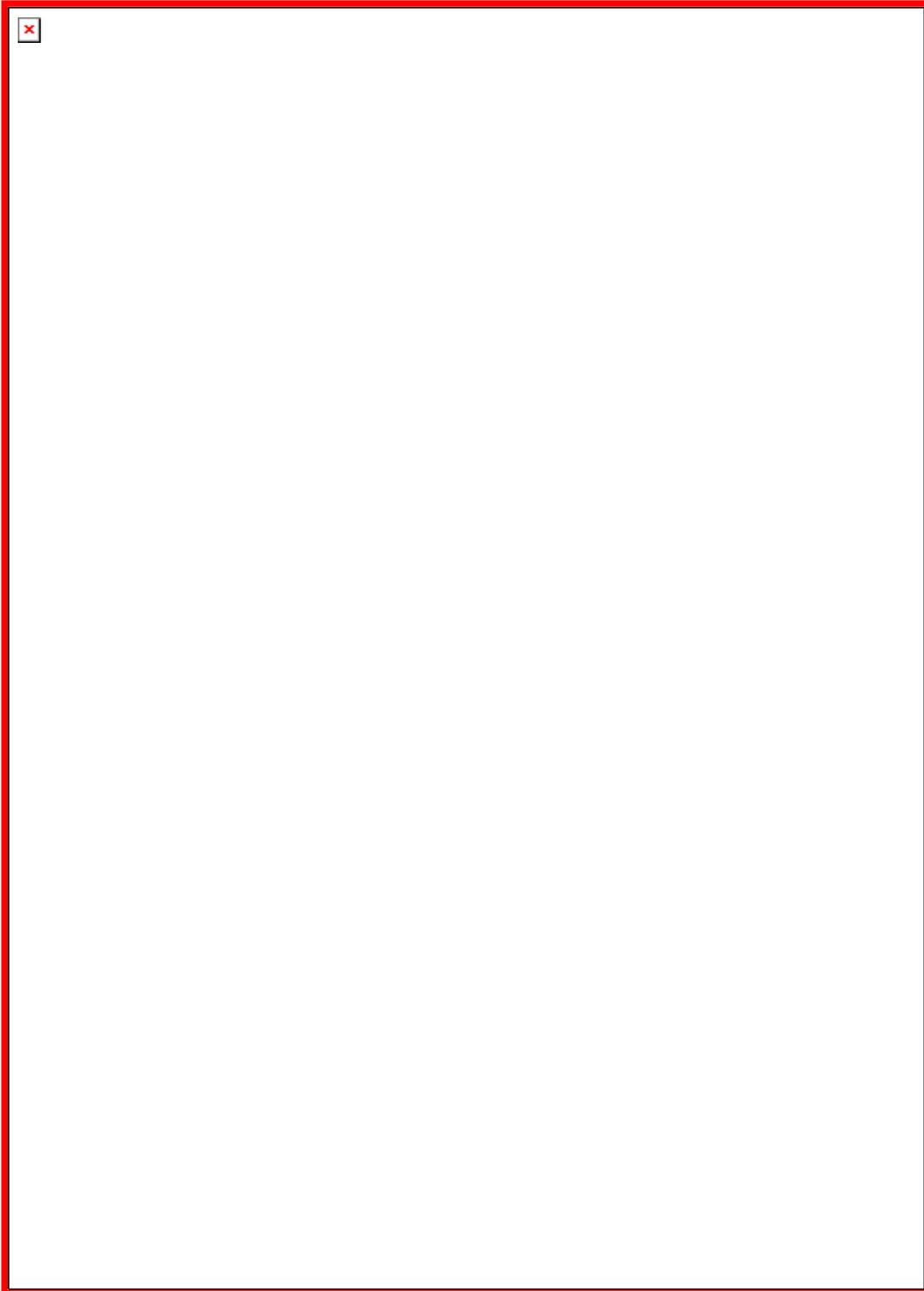
*The proposal may result in an increase in traffic on the “not quite two lane” Old Admiral Lane making it less safe for current residents.*

The amended proposal results in a maximum of four adults being accommodated. This represents no change from the current situation, and therefore no increase in traffic is anticipated.

*An increase in unknown people in the area is a burglary risk*

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

***A copy of the location plan re submission received is at Attachment “B2” of the Agenda.***



**ELEVATION PLAN**  
**LOT 104 OLD ADMIRAL LANE, BEDFORDALE**

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

The definition of a Bed and Breakfast establishment reads as follows:

***“Means a private dwelling additionally used for overnight or short stay accommodation for not more than four adults or one family whereby the establishment contains a maximum of two guest bedrooms and one guest bathroom, located under the main roof of the dwelling house.”***

The proposal varies from the definition in that the proposed self-contained accommodation contains a kitchen area, and whilst under the main roof of the dwelling no internal access to the main dwelling is provided. The proposed ensuite to the self-contained accommodation also results in the property containing a total of two guest bathrooms. The proposal therefore could not be considered within the definition of “Bed and Breakfast Establishment”.

The proposal also varies from the definition of “Holiday Accommodation” as the guest bedroom within the main dwelling could not be considered as one of the accommodation types listed in the definition, which reads as follows:

*“Means 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 for holiday purposes for occupation by persons other than the proprietor.”*

The re-furnished garage could be considered an apartment, however the definition stipulates that “Holiday Accommodation” comprises *two or more* cabins, apartments, chalets, cottages, or flats.

The proposed use therefore does not precisely fit the definitions of either “Bed and Breakfast Establishment” or “Holiday Accommodation”, but constitutes a use which falls largely between the two defined uses. Council could therefore consider the proposal as a use not listed in the development table of the scheme.

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

The second half of clause 3.4 reads as follows:

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

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

Legal advice from Council's solicitors (Minter Ellison) indicates that the intention of the second half of the clause appears to be to allow Council to approve a use not listed provided that it is consistent with the objectives and purposes of the zone, and the advertising procedures are followed.

The Policy Statement for the Rural zone states that where compatible, such uses promoting tourism may be permitted.

### ***Land Use Compatibility***

The lot is a part of the Bedforddale Rural Planning Area in Council's Rural Strategy, which lists tourism (accommodation/attractions) as a desirable land use for the area.

The number of bedrooms and maximum number of adults proposed remains unchanged from the current approval and conforms to the requirements of the scheme definition for Bed and Breakfast establishment. The proposed changes are minor in nature, will have minimal impact on the amenity of the area and are considered to be consistent with the objectives and purposes of the Rural zone. The lot is large enough to provide ample room for parking required as a result of the conversion of the existing garage. The proposed triple carport meets acceptable development standards and will ensure that parking requirements are appropriately met.

### **OPTIONS**

1. Council may approve the application as a "use not listed", with appropriate conditions on the grounds that the proposal is consistent with the objectives and purposes of the Rural zone.
2. Council may refuse the application on the basis that the proposed development constitutes a use not listed in any of the use classes in the development table of the Town Planning Scheme.

### **CONCLUSION**

The proposed carport construction and conversion of the existing garage into self-contained guest accommodation in conjunction with the use of one other bedroom for bed and breakfast accommodation is consistent in operational scale with the current approval, and poses minimal impact on the amenity of adjoining residents. The proposal is considered to be consistent with the objectives and purpose of the "Rural" zone. In this regard, it is recommended that Council adopt Option 1 above and approve the application.

*COMMITTEE requested that the proposed carport construction be complementary with the existing residence and details of the colour scheme and building materials relative to the external appearance of the carport be submitted for approval. Accordingly, Part (c) of the Recommendation was amended.*

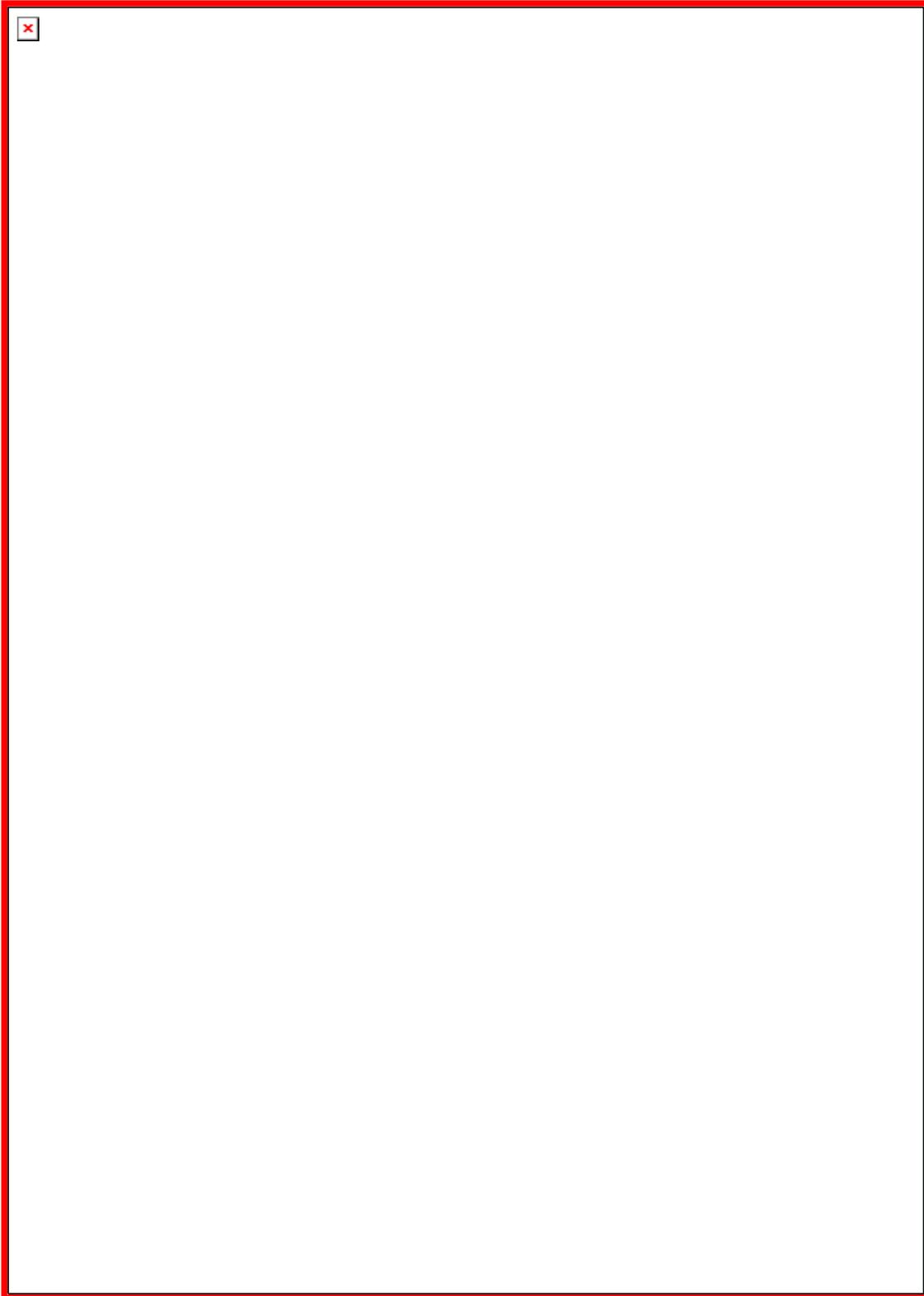
**D60/4/03            RECOMMEND**

**That Council determines the application as a “use not listed” in accordance with clause 3.4 of Town Planning Scheme No.2 as the proposal is consistent with the objectives and purpose of the “Rural” zone, and that Council approve the application to construct a triple carport and convert the existing garage into self-contained ‘Bed and Breakfast’ accommodation at Lot 104 (No.20) Old Admiral Lane, Bedfordale subject to the following conditions:**

- a)    The Bed and Breakfast accommodation / establishment is to be confined to the proposed self-contained accommodation and areas under the main dwelling roof in accordance with the approved site plan submitted with this application.**
- b)    The proposed guest accommodation is to be used only for overnight and short stay use.**
- c)    Colours and materials relative to the external walls of the converted garage and carport to be complementary with the existing residence. Details of the colour scheme and building materials relative to the external appearance of the proposed refurbished garage and carport to be submitted to and approved by the Executive Director Development Services. The development to be completed and maintained in accordance with the approved schedule.**

MOVED Cr Everts  
MOTION CARRIED (5/1)

*Cr Stubbs left the meeting at 8.00pm and returned at 8.05pm.*



***PROPOSED ZINCALUME ROOF – LOT 68 BENJAMIN STREET, ARMADALE***

WARD : WEST ARMADALE  
FILE REF : A10039  
DATE : 4 APRIL 2003  
REF : JEH  
RESPONSIBLE MANAGER : PSM  
APPLICANT : A Crickmore  
LAND OWNER : A Crickmore  
SUBJECT LAND : Lot 68 (No.10) Benjamin Street, Armadale  
Property size 1338m<sup>2</sup>  
Map 22.03  
ZONING : Urban / Residential “R15”  
MRS/TPS No.2

**In Brief:-**

- Proposal involves re-roofing existing residence with Zincalume sheeting.
- The application is being referred to Council due to the heritage significance of the subject building.
- Recommend approval on the basis that the proposal is consistent with the heritage values of the building and that the use of Zincalume will not have a detrimental effect on the amenity of the area.
- *Committee additionally recommended that the existing roof sheeting should be replaced with galvanised corrugated sheeting to be consistent with the Heritage character of the residence.*

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Scheme Act 1959  
Metropolitan Region Scheme  
Heritage of WA Act 1990  
Town Planning Scheme No 2

**Council Policy / Local Law Implications**

Municipal Heritage Inventory



**PHOTOGRAPH OF RESIDENCE AND EXISTING ROOF  
LOT 68 BENJAMIN STREET, ARMADALE**

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit (DCU)
- ◆ Chairperson and Deputy Chairperson of the Community Heritage Advisory Committee

### **BACKGROUND**

The application involves the use of Zinalume roof sheeting on a building listed under Council's Municipal Heritage Inventory (Oaklands Old Homestead). In accordance with Clause 5.10.4 of Town Planning Scheme No.2 the application is referred to Council for determination.

### **DETAILS OF PROPOSAL**

The proposal involves the removal of existing painted iron roof sheeting (in poor condition) on the main roof and bull-nosed verandahs, and replacement with Zinalume roof sheeting. The applicant considers the use of Zinalume to be consistent with the original design and character of the residence, and that the use of alternative materials would detract from the Heritage integrity of the building.

### **COMMENT**

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

At its meeting held on 8 April 2003, DCU supported the proposal and recommended that the item be referred to Council for approval.

#### **Community Heritage Advisory Committee**

The proposal was referred to the Chairperson and Deputy Chairperson of the Community Heritage Advisory Committee for their comments. No objections to the use of Zinalume were raised, and comments were received stating that the use of Zinalume is consistent with the appearance of materials used at the time of construction.

### **ANALYSIS**

#### ***Heritage Listing***

The subject property (Oaklands Old Homestead) is listed a Category "B" under Council's Municipal Heritage Inventory. It is noted that the property is not listed on the State Register of Heritage Places.

In the Municipal Heritage Inventory the property is described as:

*"A red brick home with tin roof, built approximately 1910. First owners – James. A row of oak trees lined the driveway to the house from Forrest Road. Only one tree remains just off Forrest Road."*

The Heritage significance the residence is described as:

*“One of the State’s leading market growers lived there from 1922-1940, cultivating 40 ha around his home and drawing water from Neerigen Brook which passed through the property. The oak tree was planted in approximately 1910, one of several that lined the driveway to the house.”*

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

Council’s Town Planning Scheme No.2, Clause 5.10.4 under its sub clause 5.10.4.5 states that:

*“Notwithstanding any other provision of the Scheme, no person shall do any act or thing in relation to any building, object, structure or place entered in the Heritage List or contained within a Heritage Precinct that:-*

- a) is likely to change the character of the place or the external appearance of any building; or*
- b) would constitute an irreversible alteration to the fabric of any building;*

*without first having applied for and obtained the planning approval of the Council pursuant to the provisions of clauses “7.1” and “7.2” of the Scheme.”*

### ***Clause 7.3 Matters to be considered by Council***

The recent appeal against the Town of Cottesloe (Moullin v Town of Cottesloe) in relation to an application involving heritage issues demonstrates that heritage should not be the only consideration in assessing the proposed development. Clause 7.3 of TPS No.2 lists certain criteria that should be considered in examining an application. Whilst all criteria are relevant in some way, of particular importance to the application is the following:

*“The existing and likely future character and amenity of the neighbourhood, including the question of whether the proposed development is likely to cause injury to such character and amenity”.*

The existing roofing material is corrugated iron, which at some stage has been painted green. The existing roof is deteriorating and would require ongoing maintenance were it to be retained. The applicant proposes to use Zinalume roof sheeting in order to replace the ageing roof.

The dwelling roof has a relatively steep pitch and is visible from a number of surrounding residential properties, however the potential for glare is minimised due to the flat nature of the topography of the locality. In addition, the residence is situated opposite a reserve and the separation distance from a number of surrounding properties is therefore increased. Trees situated on the reserve also assist in screening the residence from surrounding properties.

Whilst there are no other properties with Zinalume roofs in immediate proximity to the subject property, there are numerous examples in nearby streets of buildings utilising Zinalume roof sheeting.

Given the above, the proposed use of Zinalume roof sheeting is not expected to cause injury to the character and amenity of the neighbourhood. The use of Zinalume is also consistent with the heritage values of the dwelling and the appearance of original materials used in its construction.

### **OPTIONS**

1. Council could approve the application to use Zinalume roof sheeting, as the proposal is consistent with the Heritage character and significance of the residence, and is not considered to adversely impact on the amenity of the area.
2. If Council considers that the use of Zinalume may negatively impact on the amenity of the area, Council could approve the application to re-roof the residence, with a condition that 'Colorbond' or a similar 'non-reflective' material in a suitable colour is utilised instead of Zinalume.

### **CONCLUSION**

It is recommended that Council adopt Option 1 and approve the application given the favourable advice from members of the Heritage Advisory Committee that the use of Zinalume is consistent with the appearance of roofing materials used in the era and that likely impact on the amenity of the area is expected to be minimal.

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

That Council approve the application to remove the existing roof sheeting on the main roof and bull-nosed verandahs at Lot 68 Benjamin Street, Armadale and replace it with Zinalume sheeting.

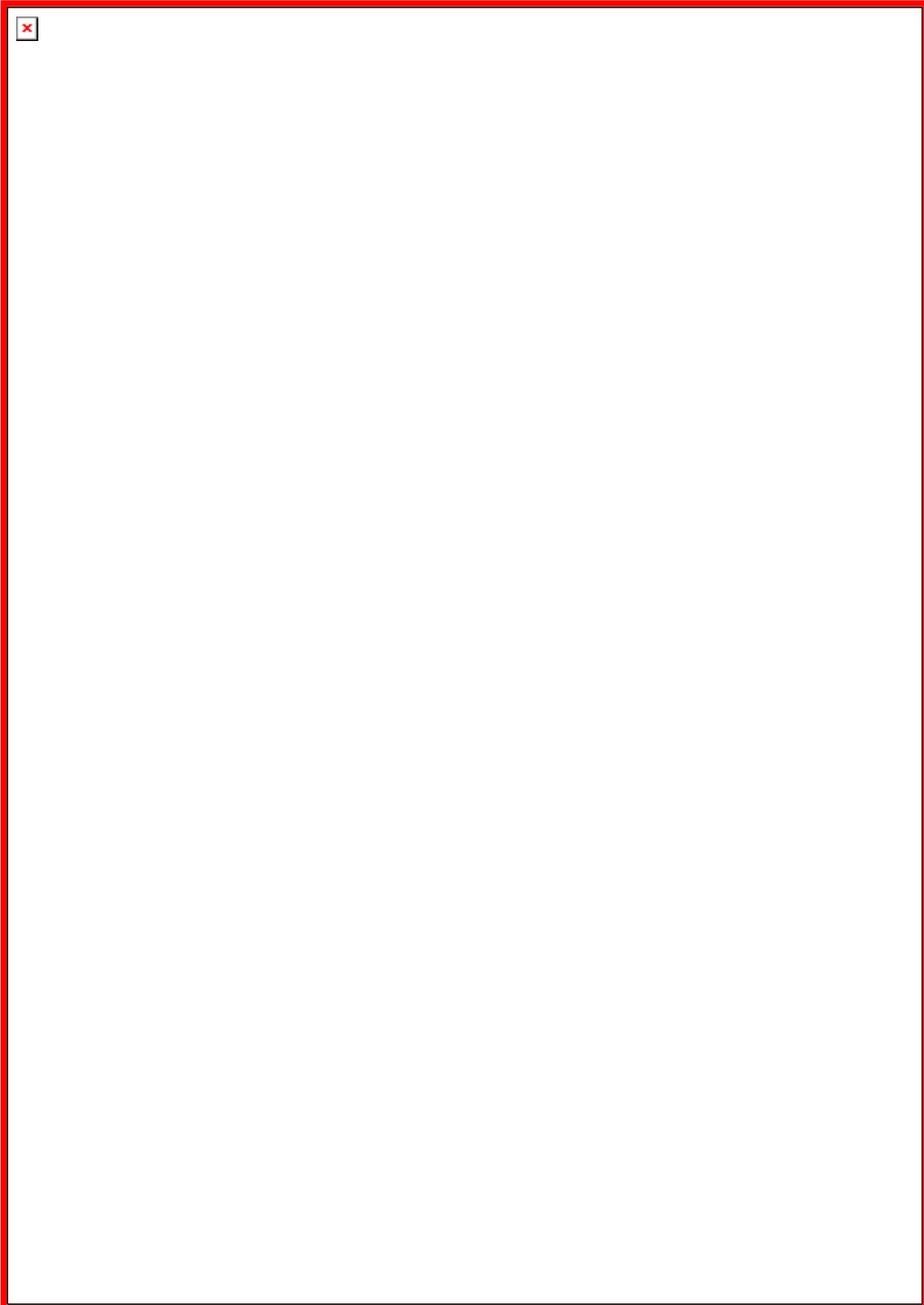
*COMMITTEE was of the view that the existing roof sheeting should be replaced with galvanised corrugated sheeting to be consistent with the Heritage character of the residence.*

*COMMITTEE also requested that prior to renovations officers liaise with the applicant to obtain photographs of the residence for inclusion the Municipal Heritage Inventory database.*

### **D61/4/03          RECOMMEND**

1. **That Council approve the application to remove the existing roof sheeting on the main roof and bull-nosed verandahs at Lot 68 Benjamin Street, Armadale and replace it with galvanised corrugated sheeting.**
2. **That prior to renovations the applicant be requested to allow photographs to be taken of the building for inclusion in the Municipal Heritage Inventory database.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)



*With regard to this item Cr Everts disclosed that he has an association via a family member with the applicants of the proposed application under discussion. As a consequence, there may be a perception that he impartiality on the following matter may be affected, but declared that he would disregard this association, consider the matter on its merits and vote accordingly.*

**PROPOSED USE OF ZINCALUME ROOF SHEETING IN PLACE OF ‘COLORBOND’ ON APPROVED SECOND RESIDENCE – LOT 6 CARRADINE ROAD, BEDFORDALE**

WARD : ARMADALE  
FILE REF : A361  
DATE : 4 April 2003  
REF : JEH  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Mr G Heys  
LAND OWNER : Mr G & Mrs D Heys  
SUBJECT LAND : Lot 6 Carradine Road,  
Bedforddale  
Property size 29.0199 ha  
Map 24.03  
ZONING : Rural / Rural X  
MRS/TPS No.2

**In Brief:-**

- Council received application to use Zincalume roofing material in place of ‘Colorbond’ on an approved second residence.
- Advertised to four (4) surrounding landowners and no submissions received.
- The application is not considered to detract from the existing rural amenity of the area.
- Recommend approval of the application.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

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



**SITE PLAN**  
**LOT 6 CARRADINE ROAD, BEDFORDALE**

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

Two houses on one lot in the Rural zone  
Rural Strategy

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit
- ◆ Surrounding Landowners

### **BACKGROUND**

At its meeting of 18 June 2001 Council resolved to approve a second residence on the subject property (D146/01). The approval included the use of both tiles and ‘Colorbond’ as roofing materials on separate sections of the dwelling. The applicant on 19 February, 2003 submitted an application to use Zinalume roof sheeting on a section of the house in place of the previously approved ‘Colorbond’.

Since the proposal involves Council’s discretion to approve the use of Zinalume material under Clause 7.1.2 of Town Planning Scheme No.2, the application has been referred to Council for determination.

### **DETAILS OF PROPOSAL**

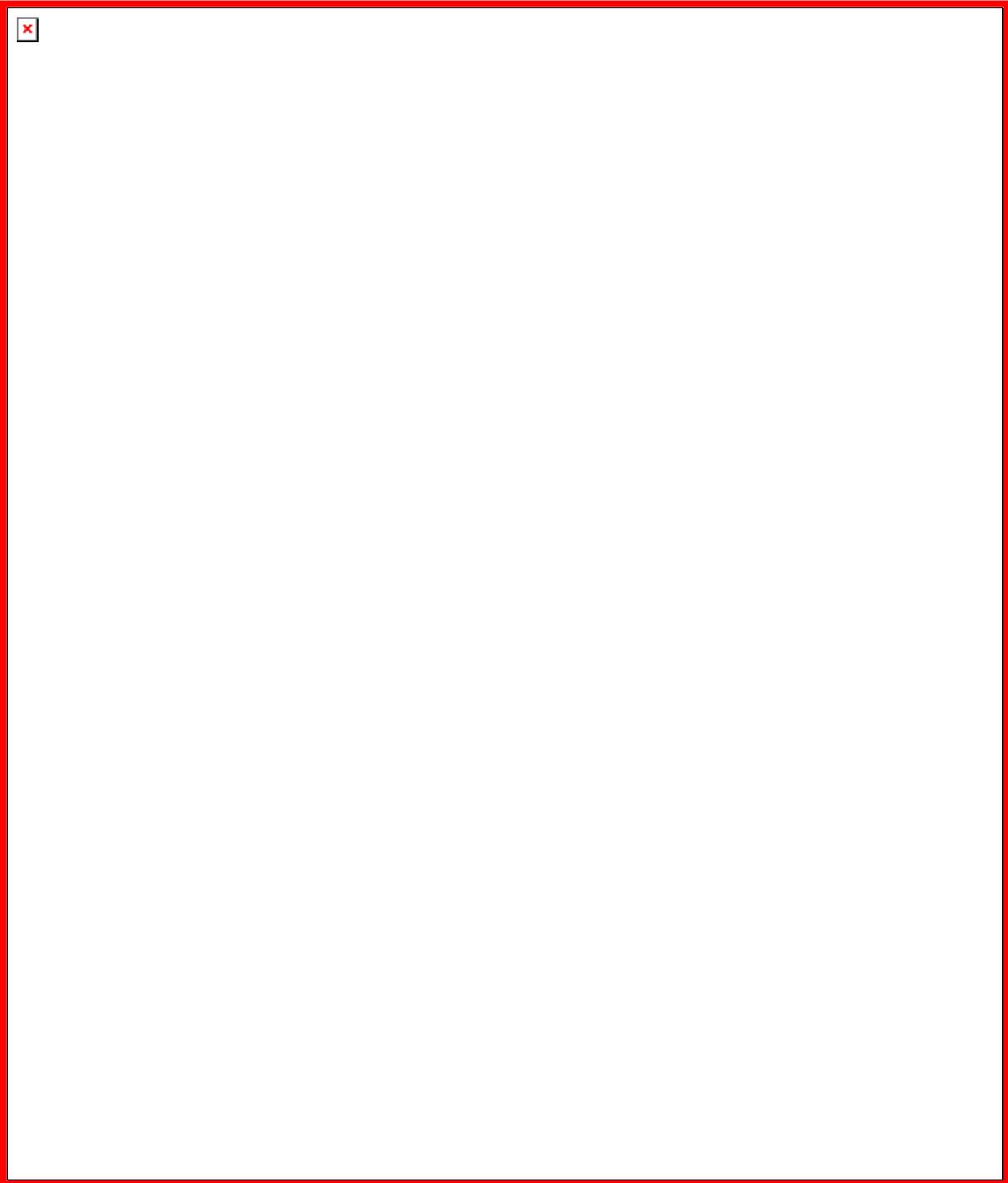
The applicant is seeking approval for the use of Zinalume on the roof of an upper section of the residence which has been designed to appear different from the remainder of the house. The split-level design of the residence gives the appearance of two distinct sections consisting of the upper section, primarily designed as a games room and to accommodate visiting friends and family, and a lower section incorporating the bulk of the dwelling. The roofing material on the lower section is currently approved as slate tile.

The area of roof in question has a total area of approximately 180m<sup>2</sup> and is pitched at 30 degrees. The proposed Zinalume roof consists primarily of two adjoining sections. The main area of roof is approximately 15 metres in length and 8 metres in width, with the long axis orientated north-east and south-west, so the Zinalume roof falls approximately north-west and south-east. An adjoining roof area approximately 9 metres long and 7 metres wide extends at right angles from this section with the Zinalume roof falling approximately to the north-east and south-west.

### **COMMENT**

#### ***Surrounding Landowners***

The proposal was referred to four (4) neighbouring landowners for comment for a period of two (2) weeks due to the reflective nature of Zinalume roofing material. During this period, no submissions were received.



**ELEVATION PLAN  
LOT 6 CARRADINE ROAD, BEDFORDALE**

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

At its meeting held on 8 April 2003, DCU supported the proposal and recommended that the item be referred to Council for approval.

### **ANALYSIS**

The approved second residence is located in an elevated position approximately 130 metres from the existing homestead and adjacent to an approved ‘Colorbond’ shed, ‘Mist Green’ in colour. Whilst there is a relationship between the shed and the residence, the majority of the shed will not be visible from Carradine Road and surrounding properties once construction of the second residence is complete. The proposed Zincalume roof on the residence will be visible from sections of Carradine road and neighbouring properties.

The impact of the Zincalume roof is reduced by the distance of the residence from Carradine Road and adjoining lots. The subject lot is approximately 29 ha in size and the approved second residence is situated in the centre of the lot, approximately 250 metres from the closest neighbouring residence and 450 metres from Carradine Road at the closest vantage point.

### ***Two houses on one lot in the Rural zone Policy***

Council’s policy ‘Two houses on one lot in the Rural zone’ encourages the use of non-reflective natural colours and materials which blend with the landscape. The use of Zincalume is considered reflective, however the impact on the landscape in this instance is minimal due to the distance of the residence from the existing residence and other vantage points.

### ***Council’s Rural Strategy***

The subject property falls within the Canns Rural Planning Area in Council’s Rural Strategy. There is an assumption that visual impact of development will be an overriding concern in this area, particularly along major transport linkages and along steeper valley sections. The careful siting and control of visual impact buildings is of primary importance. It is noted that the approved second residence is situated on an elevated portion of the property in order to take advantage of valley and city views. However, the use of Zincalume in this instance is considered to pose minimal visual impact from surrounding properties and public roads due to the distance of the property from lot boundaries and Carradine Road, and due to the partial screening effect of vegetation on the subject and adjoining properties.

### **OPTIONS**

1. Council could approve the application to use Zincalume roof sheeting on the second residence at Lot 6 Carradine Road, Bedforddale, given the mitigating circumstances reducing the likelihood of potential impact on the surrounding area.
2. Council could refuse the application to use Zincalume roof sheeting on the second residence at Lot 6 Carradine Road, Bedforddale, if it is of the view that the proposal will have a detrimental impact on the amenity of the locality.

## **CONCLUSION**

In view of the distance of the residence from Carradine Road and adjoining properties, and the mitigating effect of existing screening vegetation, it is considered that the proposed use of Zinalume on the approved second residence would not unduly compromise the existing environment and rural amenity of the area. In this regard, it is recommended that the development be approved.

## **D62/4/03          RECOMMEND**

**That Council approve the application to utilise Zinalume roof sheeting in place of ‘Colorbond’ on the approved second residence at Lot 6 Carradine Road, Bedfordale.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)



**LOCATION PLAN  
LOT 500 FOURTH ROAD,  
ARMADALE**

***PROPOSED ENCLOSURE OF PEDESTRIAN ARCADE TO ACCOMMODATE  
ADDITIONAL RETAIL FLOORSPACE - LOT 500 FOURTH ROAD, ARMADALE***

WARD : ARMADALE  
FILE REF : A30178  
DATE : 4 April 2003  
REF : GIW  
RESPONSIBLE MANAGER : PSM  
APPLICANT : B Cousins  
LAND OWNER : Tarsao Investments Pty Ltd  
SUBJECT LAND : Lot 500 Fourth Road,  
Armadale  
Property size 6070m<sup>2</sup>  
Map 22.02  
ZONING : Central City Area / Shopping  
MRS/TPS No.2

**In Brief:-**

- Application is made to enclose an existing private arcade to facilitate 126m<sup>2</sup> of additional retail floorspace on the subject site.
- Relaxation of Town Planning Scheme No.3 car parking requirements proposed.
- Recommend approval subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Town Planning & Development Act 1928  
Metropolitan Region Scheme Act 1959  
Town Planning Scheme No.3

**Council Policy / Local Law Implications**

Armadale Enquiry-by-Design 1999

**Budget / Financial Implications**

Nil.



**SITE & FLOOR PLANS  
LOT 500 FOURTH ROAD, ARMADALE**

### **Consultation**

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

### **BACKGROUND**

Council received the application to enclose an existing pedestrian arcade to accommodate additional retail floorspace on 26 February 2003.

The subject arcade forms part of a private showroom / retail development that was approved by Council on 15 December 1987 and provides pedestrian access between the rear car park on site and Fourth Road.

The proposed increase in retail floorspace requires additional car parking in accordance with Town Planning Scheme No.3, however a relaxation of these standards is proposed and therefore the application has been referred to Council for determination.

### **DETAILS OF PROPOSAL**

#### ***Details pertaining to the application include the following:***

- ◆ Enclosing an existing pedestrian arcade to increase the retail floorspace of an adjoining tenancy (Toyworld) by 126m<sup>2</sup>;
- ◆ Proposal is to match existing building in terms of materials and colour scheme.

### **COMMENT**

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

DCU at its meeting held on 3 April 2003 recommended approval of the proposal on the grounds that alternative convenient pedestrian access is available to service the existing car park and showroom / retail development on site.

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

ARA advised that it has no objection to the proposal subject to the following:

1. *Adequate improvements being made to the car park at the western and eastern end pedestrian access to the Fourth Road shop fronts including:*
  - ◆ *Directional signs on the rear wall of the development and pavement markings in the car park to indicating the location of the pedestrian access;*
  - ◆ *Lighting marking the start and course of the pedestrian access routes;*
  - ◆ *Repositioning of any landscaping features that otherwise detract from the security of the pedestrian environment.*



**ELEVATION PLAN**  
**LOT 500 FOURTH ROAD, ARMADALE**

2. *Replacement of the mall opening on to the car park with other wall apertures such as doors and windows that provide access and overlooking from the expanded shop floorspace, with consideration being given to customers having access to the tenancies through the shop utilising the mall space.*

### **Analysis**

#### ***Response to ARA's Submission***

With regard to the first point raised, pedestrian accessways do not usually require delineation when they are clearly visible at street level. Additional signage delineating the car park would be more beneficial to promote awareness of its location behind the existing development. The requirement for lighting of these areas however is considered onerous and inappropriate as no existing lighting has been removed or new pedestrian accessway is proposed to justify imposing additional lighting on site. It should be noted that recent case law stated local governments need to impose conditions that reasonably relate to the development being assessed and avoid imposing conditions that seek to fulfil an unrelated planning purposes.

With regard to point two, it is noted that incorporating openings such as a window or rear entrance door to the proposed addition could provide opportunities for passive surveillance of the car park. This however is also likely to be construed as a potential security risk by shop owners and subsequently has been blocked off. This scenario has already occurred along the existing arcade.

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

The proposed increase in retail floorspace is classified as “Shop”, which is a permitted use (“P” Use) within the “Shopping” zone under TPS No.3.

The “Shopping” zone is *“primarily for retailing with maximum consideration for customer needs relative to pedestrian access, comfort and convenience...particular attention should be given to linkages of main nodes of activity by strong pedestrian movement systems.”*

Cash in-lieu payment for shortfall in car parking spaces may be required in accordance with Clause 7.8 of TPS No.3.

#### ***Car Parking***

The existing showroom / retail development on site was originally approved with a shortfall of 7 car parking bays on site in 1987. Car parking requirements applied to this development were based on a ratio of 70% showroom / 30% retail. It should be noted however that in association with this original approval the applicant contributed to the provision of 31 additional public car parking bays on the adjoining site.

If Council were to apply the car parking requirements within TPS No.3 of 1 parking bay per 15m<sup>2</sup> GLA for the proposed increased retail floorspace of 126m<sup>2</sup>, the application would require a minimum provision of 9 additional bays in association with the development. The application includes two (2) additional bays, therefore a shortfall of 7 bays is proposed. The imposition of the TPS No.3 car parking requirements is considered to be unwarranted in this instance, based upon the following:

- ◆ The existing car park servicing the development is significantly under-utilised;
- ◆ The proposed increase in the floorspace is relative minor and is merely an extension of an existing tenancy. No new tenancy is proposed and therefore it is unlikely to generate additional patronage;
- ◆ The applicant's previous contributions towards the construction of 31 additional public car parking bays associated with the original development approval of the showroom / retail development over compensates for the shortfall. In this regard, the applicant has provided a total surplus of 15 bays on the adjoining site.

In this regard, the proposal poses minimal demand on existing car parking within the City Centre. Consequently, a cash-in-lieu payment for the proposed shortfall would also be unwarranted and a relaxation of the parking provision is considered appropriate.

### ***Pedestrian Accessibility***

Whilst the existing pedestrian arcade provides the most direct and convenient access between the car park situated towards the rear of the showroom/retail development and Fourth Road, there are two other alternative access points located along both ends of the exiting building, which provide sufficient pedestrian access through to Fourth Road. Both pedestrian thoroughfares are within approximately 100m walking distance from the centre of the car park. In this regard, closure of the existing arcade will not significantly inconvenience pedestrian movements with the locality or isolate the existing car park and therefore the proposal is considered acceptable.

The existing car park is not visible through the arcade from Fourth Road given the drop in level between the arcade and Fourth Road and the car park. In this regard, the pedestrian arcade does not offer any beneficial passive surveillance of the existing car park. In addition, the existing tenancies abutting the arcade do not actively address or access the arcade, further limiting opportunities for passive surveillance. It is recommended however that appropriate signage be erected to clearly delineate the existing car parking area.

### ***Design***

The proposal is to complement the façade of the existing showroom / retail building with matching fascia and shop front windows. It should be noted however that the domed feature of the arcade that provides a level of interest to the streetscape would be lost. The rear portion facing the car park is also to be finished in matching brickwork to complement the existing building.

***Armadale Enquiry-by-Design 1999 (AEBD)***

The subject arcade is identified as being developed for potential retail floorspace under the AEBD.

**OPTIONS**

***Option 1 (a)***

Council may approve the application on the grounds that pedestrian movements and access will not be inconvenienced given the existence other alternative access points, without requiring cash in-lieu payments for car parking.

***Option 1 (b)***

Council may approve the application on the grounds that pedestrian movements and access will not be inconvenienced given the existence other alternative access points, subject to requiring cash in-lieu payments for car parking.

***Option 2***

Council may refuse the application if it is of the view that closure of the pedestrian arcade may reduce accessibility and inconvenience pedestrian movements with the locality.

**CONCLUSION**

The proposal is unlikely to adversely impact on pedestrian accessibility within the locality given the presence of other convenient access points between the existing car park and the showroom / retail building. A relaxation of car parking standards under TPS No.3 without a cash in-lieu contribution is also considered warranted. In this regard, it is recommended that Council adopt option 1(a) above and approve the application.

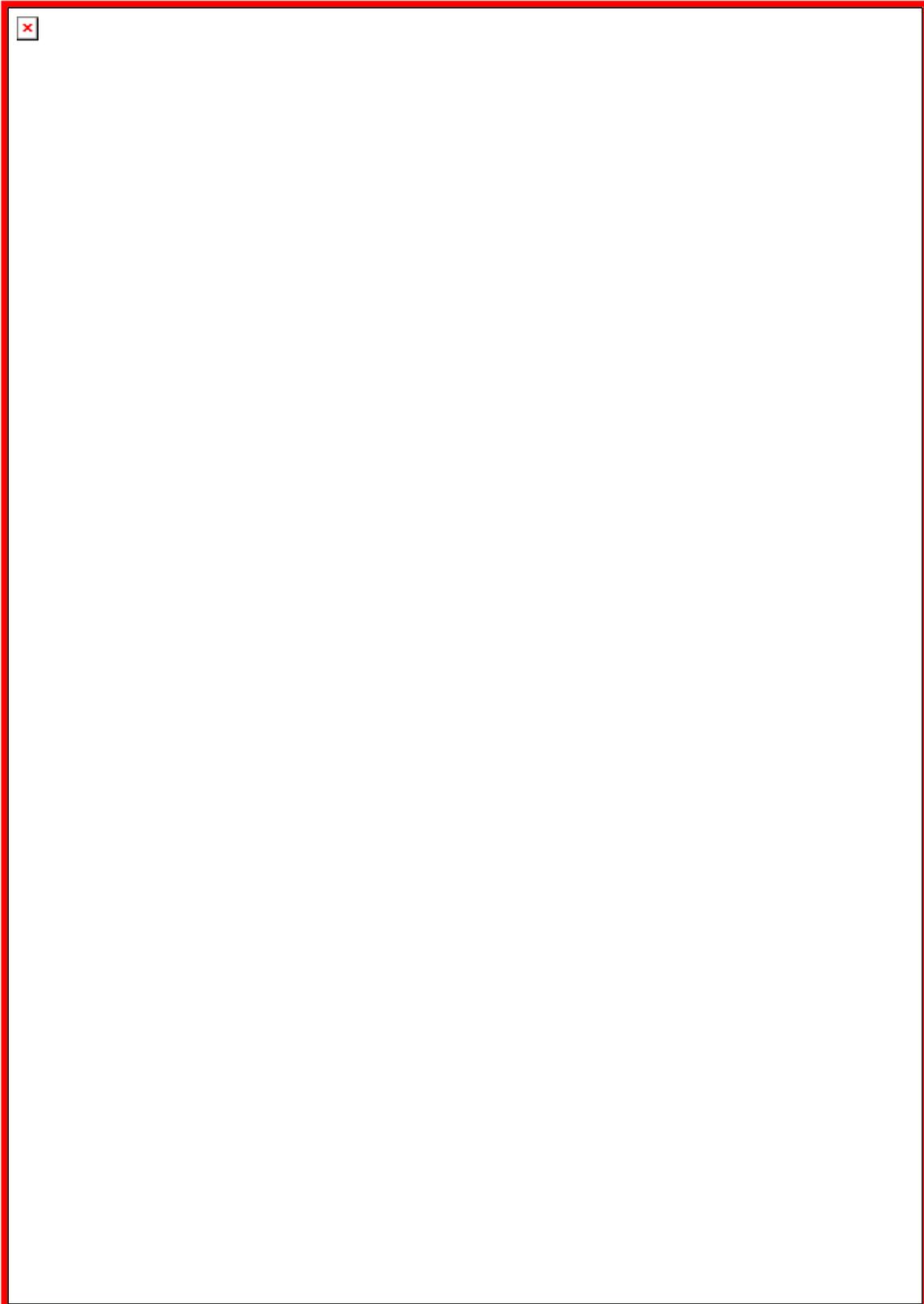
**D63/4/03**

**RECOMMEND**

**That Council approve the application to enclose the existing pedestrian arcade to accommodate additional retail floorspace at Lot 500 Fourth Road, Armadale subject to the following condition:**

- ♦ **Appropriate signage is to be erected on site to clearly indicate the location of the existing car park from Fourth Road and William Street to the satisfaction of the Executive Director Development Services.**

MOVED Cr Knezevich  
MOTION CARRIED (7/0)



***PROPOSED ADDITIONAL UNIT WITHIN GROUPED DWELLING DEVELOPMENT-  
LOT 7 (No.176/178) STREICH AVENUE, KELMSCOTT***

WARD : KELMSCOTT  
FILE REF : A102163  
DATE : 4 April 2003  
REF : GIW  
RESPONSIBLE MANAGER : PSM  
APPLICANT : S Bishop  
  
LAND OWNER : S Bishop & T J Terpstra  
SUBJECT LAND : Lot 7 Streich Avenue,  
Kelmscott  
Property size 1596m<sup>2</sup>  
Map 22.05  
  
ZONING : Urban / Residential R10  
MRS/TPS No.2

**In Brief:-**

- Application is made to develop an additional grouped dwelling (unit) and retention of two (2) existing dwellings on the subject site.
- Density increase from R12.5 to R20 is proposed.
- No submissions received during the 14-day advertising period.
- Recommend approval subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

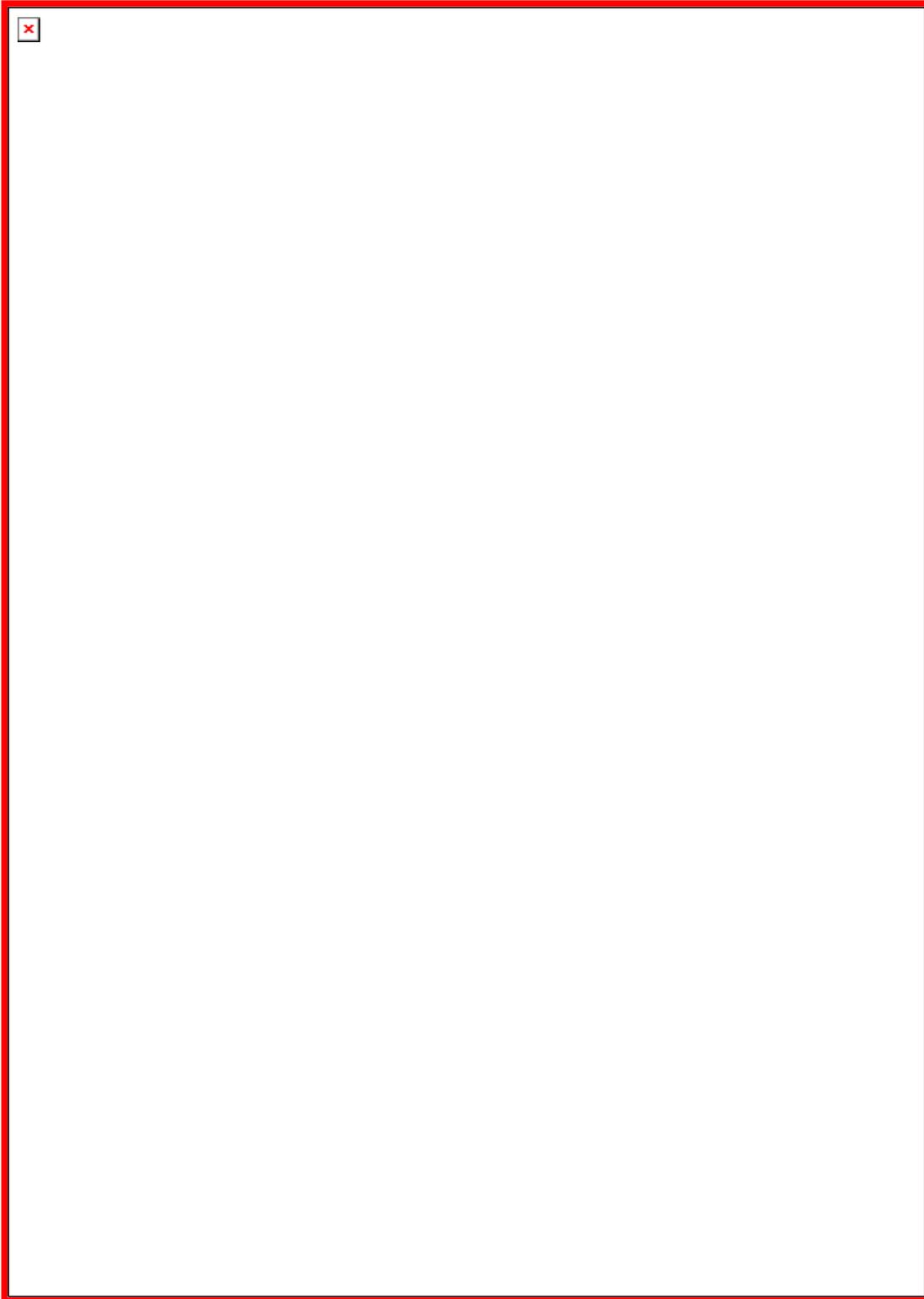
Development- “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

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

**Council Policy / Local Law Implications**

Grouped Housing Policy 4.3.13



**SITE PLAN**  
**LOT 7 STREICH AVENUE, KELMSCOTT**

### **Budget / Financial Implications**

Nil.

### **Consultation**

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

### **BACKGROUND**

Council received the application to erect a grouped dwelling on the subject site on 4 December 2002.

As “Grouped Dwellings” are a discretionary use (“AA Use) under Town Planning Scheme No.2, the application has been referred to Council for determination. It should be noted that while Council Officers have delegated authority to determine two (2) unit developments under Council’s Grouped Housing Policy as this proposal involves three units requires it Council’s determination.

### **DETAILS OF PROPOSAL**

Details pertaining to the application include the following:

- ◆ Retain two (2) existing units fronting Streich Avenue;
- ◆ Develop the northern portion of the site to accommodate one (1) additional four-bedroom dwelling;
- ◆ A density increase from R12.5 to R20 is proposed;

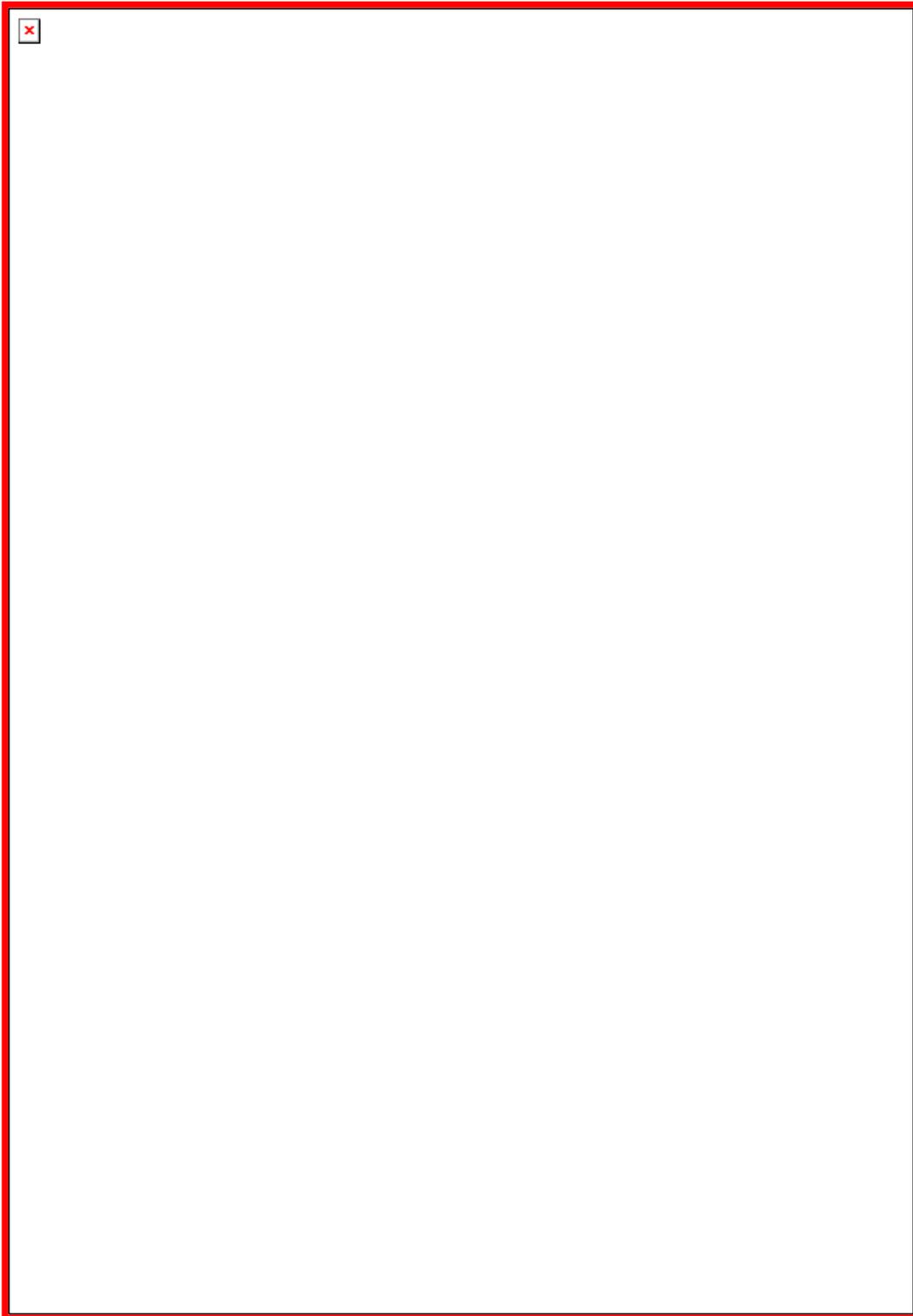
The applicant has provided the following justification in support of the proposal:

- ◆ The subject site is strategically located within close proximity to public transport including Challis and Sherwood railway stations; public open space (Creyk Park and Bob Blackburn reserve); local footpath/cycle paths; Kingsley Primary School and the Armadale-Kelmscott District Hospital;
- ◆ The proposal complies with Council’s Grouped Housing Policy;
- ◆ The proposed dwelling complements the existing units on site.

### **COMMENT**

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

DCU at its meeting held on 3 April 2003 raised no objection to the proposal, however noted that the proposal could encourage future ad hoc development of the remaining site. In this regard, future development proposals must adequately demonstrate that both the Streich Avenue and Pearson Street streetscapes will not be compromised.



**FLOOR PLAN**  
**LOT 7 STREICH AVENUE, KELMSCOTT**

### ***Referral to Neighbours***

The proposal was advertised to the adjoining landowners for a 14-day period for comment. No submissions were received.

### **ANALYSIS**

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

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

The prevailing residential density code of the subject site is R12.5 under TPS No.2, however the proposal represents a density of R20 and can be considered by Council under the abovementioned provision of TPS No.2.

#### ***Residential Design Codes (R Codes)***

The development complies with privacy, private open space and car parking requirements in accordance with the R20 density provisions of the R Codes.

#### ***Storage Area***

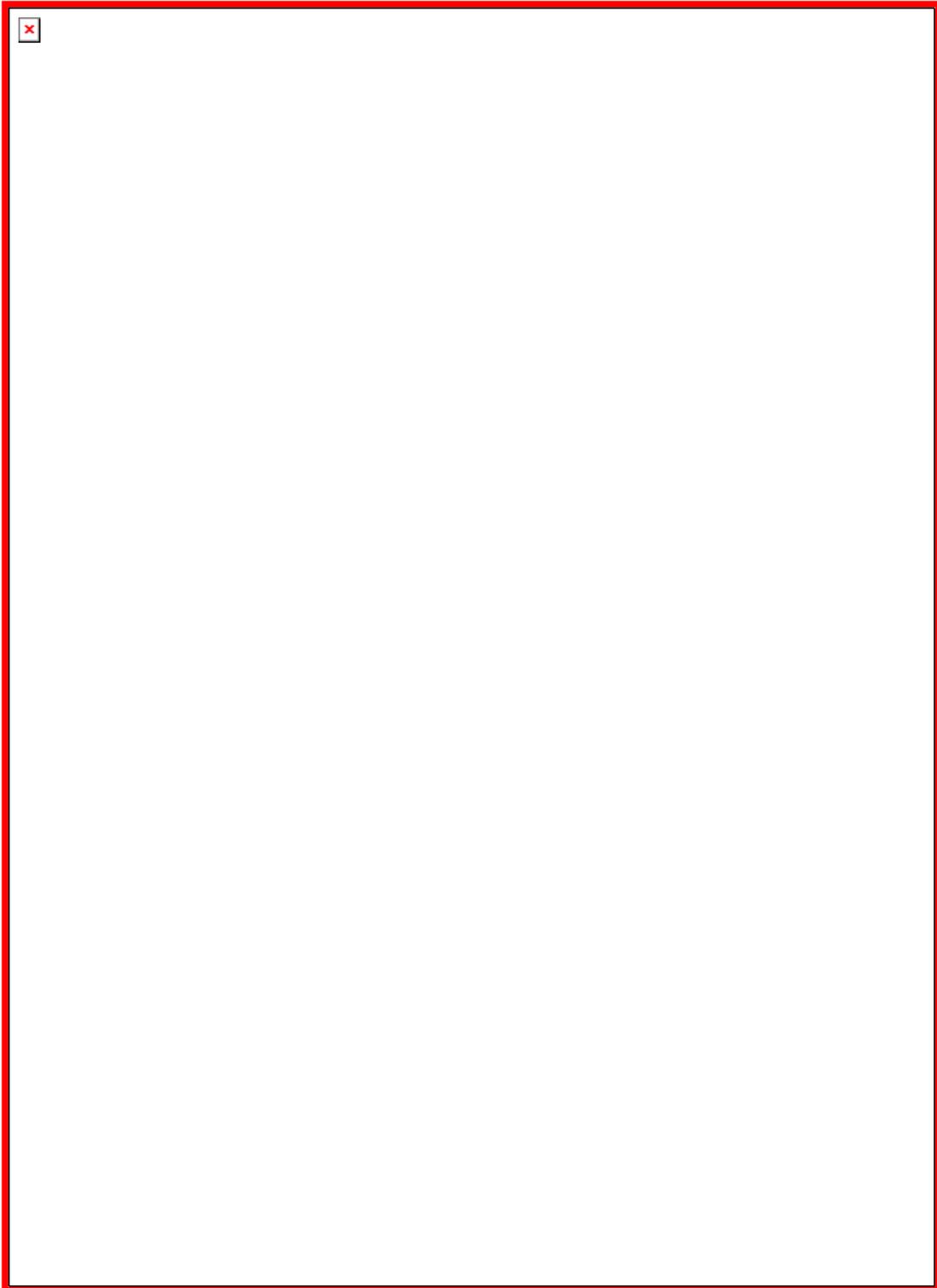
A storage room with a minimum area of 4m<sup>2</sup> is required in accordance with Clause 3.10.3 of the R Codes. No storage room has been provided on site however this can be imposed as a condition of approval.

#### ***Setbacks***

With regard to setback requirements, the R Codes stipulate that setbacks between grouped dwellings on the same lot are to be determined as there was a boundary between each dwelling. In this regard, the required setback between the existing and proposed unit should be a minimum of 2.5m in accordance with the “Acceptable Development” provisions of the R Codes.

Whilst the minimum prescribed setback of 2.5m between each dwelling has not been achieved (1.5m provided), there is provision for the proposal to meet the “Performance Criteria” of the R Codes relating to the protection of privacy, limiting building bulk and adequacy of sunlight and ventilation. The proposal meets the performance criteria for the following reasons:

- ◆ Privacy between each unit will be maintained provided a 1.8m high fence is erected (to be imposed as a condition of approval);
- ◆ Southwesterly winds will be unobstructed and provide sufficient ventilation to each dwelling. In addition, the patio and carport attached to the existing unit will further assist ventilation;



**ELEVATION PLAN  
LOT 7 STREICH AVENUE, KELMSCOTT**

- ◆ Access to sunlight is unaffected by the proposed reduced setback. It should be noted that a patio attached to the existing unit already limits solar access to winter sunlight;
- ◆ The potential impact of building bulk between each unit is insignificant given the open (unenclosed) nature of the patio and carport of the existing unit.

Notwithstanding the above, it should be noted that there is provision for the proposed unit to be shifted onto the northern boundary to gain the required additional 1m, however this would represent a variation to the R Codes and require referral to the adjoining neighbour for comment. This option is not considered appropriate as the proposal complies with the relevant performance criteria as outlined above.

In this regard, the proposal is consistent with the “Performance Criteria” (P1) of the R Codes and therefore a relaxation of setback between each unit is considered warranted.

### ***Grouped Housing Policy (GHP)***

#### ***Building Design and Layout***

The proposed unit represents a relatively high standard of architectural design. The dwelling is to be constructed from brick with partial rendered finish and tiled roof. The proposed dwelling will replace an existing outbuilding and is to be situated between the existing unit and the northern property boundary. The proposed dwelling is completely screened from the adjoining property to the north by a solid fence and established vegetation along the boundary.

The proposed orientation of the existing units within the centre of subject site has resulted in areas of undeveloped land (common property) on either side of the dwellings. The area on the southern side of the existing unit is screened by fencing along the Pearson Street and Streich Avenue boundaries, therefore there is no interruption or visible “gap” in the Streich Avenue streetscape. The location of the proposed dwelling however is not fenced or screened from Streich Avenue and there is an obvious “gap” or separation between the existing unit and the northern boundary. In this regard, the proposal will merely fill this “gap” to provide a consistent and continuous streetscape along Streich Avenue.

It should be noted that approval of this proposal is likely to encourage future development of the remaining vacant southern portion of the site facing Pearson Street. For this to occur, a density bonus above R20 would first need to be granted by Council to permit additional dwellings on site. Prior to considering future development proposals on site, the applicant would be expected to prepare an overall concept plan for the site to prevent ad hoc development of the site, and also to ensure that the Streich Avenue and Pearson Street streetscapes will be maintained.

### Retention of Existing Dwellings

The two existing brown brick and red tiled dwellings are in relatively good condition and are of an acceptable standard in terms of their design, hence no upgrading is required. The proposed dwelling complements the existing dwellings in terms of roof pitch, colour scheme and materials. The proposed architectural design does not match the existing dwellings, however the design is considered to be an improvement and provides a level of interest to the Streich Avenue streetscape.

### Site and Location

The site is situated within close proximity to public transport including Challis and Sherwood railway stations; public open space (Creyk Park and Bob Blackburn reserve); local footpath/cycle paths and other community facilities including Kingsley Primary School and the Armadale-Kelmscott District Hospital. The subject site meets the locational criteria of Council's GHP to warrant the proposed density bonus.

### Density Requirements

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

## **OPTIONS**

1. Council may approve the application on the grounds that the proposal is consistent with TPS No.2, Council's Grouped Housing Policy and R Code requirements.
2. Council may refuse the application if it is of the view that the proposal has the potential to compromise the Streich Avenue streetscape.

## **CONCLUSION**

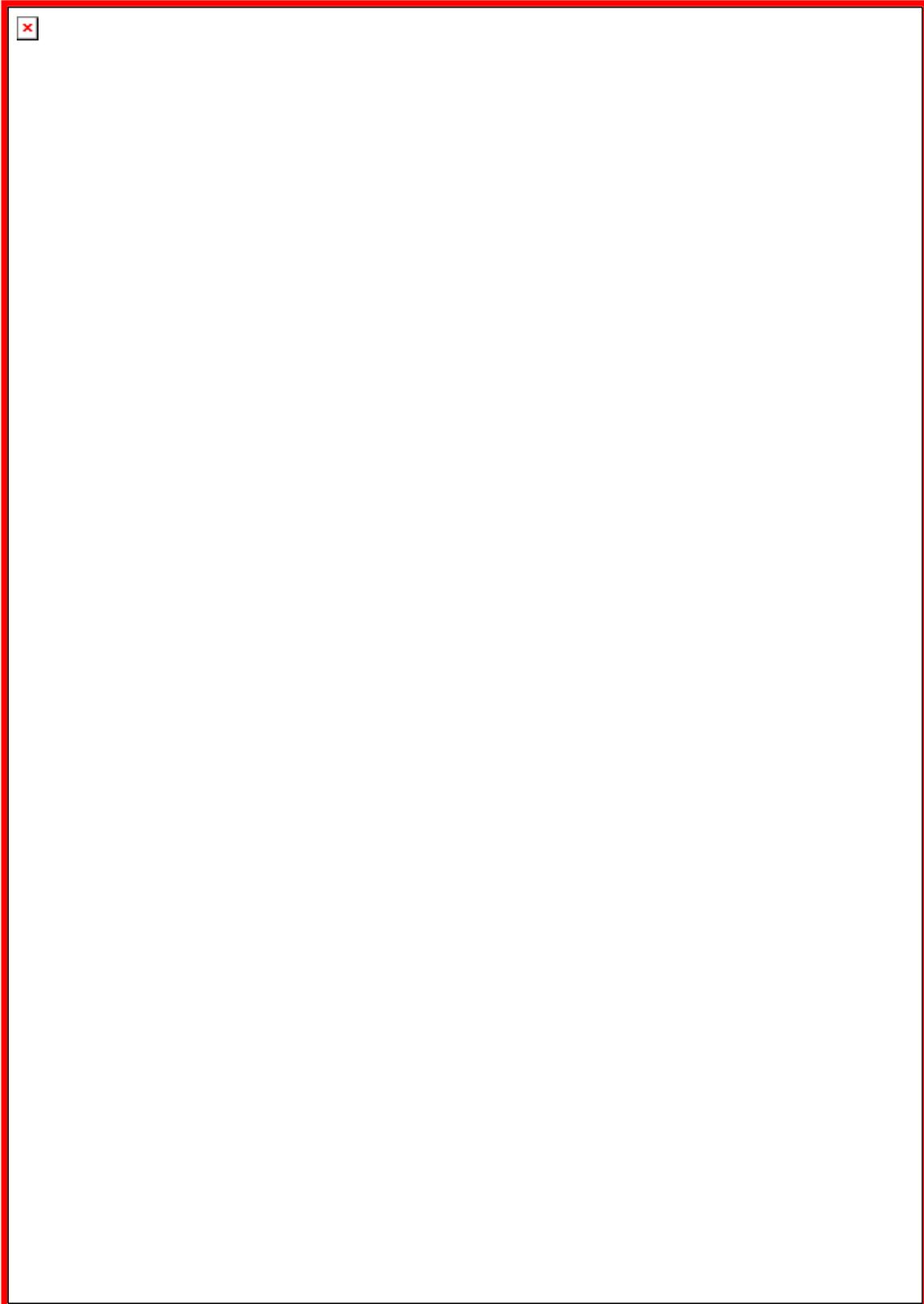
The proposal is consistent with the intent of the Residential Design Codes, Town Planning Scheme No.2 and Council's Grouped Housing Policy. The proposed dwelling is of an acceptable design to complement the existing dwellings on site and is consistent with the Streich Avenue streetscape. In addition, it is also noted that no objections were received with regard to the proposal. In this regard, it is recommended that Council adopt option 1 above and approve the application.

**D64/4/03**

**RECOMMEND**

- 1. That Council approve the application to erect one (1) additional grouped dwelling at Lot 7 Streich Avenue, Kelmscott subject to the following conditions:**
  - a) Fencing is to be erected between the proposed and existing dwelling on site to the satisfaction of the Executive Director Development Services.**
  - b) The proposed dwelling is to be provided with a storage room in accordance with the Residential Design Codes. A revised site and elevation plan (including colour schedule) depicting the storage room to complement the proposed dwelling is to be submitted to the satisfaction of the Executive Director Development Services.**
  - c) A schedule of colours and materials for the proposed development (including fencing) shall be submitted to the satisfaction of the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved colour schedule.**
  
- 2. That the applicant / landowners be advised that any future development proposals of the subject site for the purpose of grouped dwellings are to be supported by an overall concept plan to demonstrate that proper and orderly planning of the subject lot can be achieved.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)



***PROPOSED PRIVATE TROTTING TRACK –  
LOT 9 (No.182) ANSTEY ROAD, FORRESDALE***

WARD : FORREST  
FILE REF : A186860  
DATE : 4 April 2003  
REF : GIW  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : S WHITEFORD  
LAND OWNER : S WHITEFORD  
SUBJECT LAND : Lot 9 Anstey Road,  
Forrestdale  
Property size 4.6ha  
Map 19.40  
ZONING : Rural / Rural C  
MRS/TPS No.2

**In Brief:-**

- Application is made to formalise a private (makeshift) trotting track that has been constructed on the subject site without Council approval.
- One (1) submission noting a concern and one (1) indicating no objection has been received.
- Recommend approval subject to appropriate dust suppression methods being implemented.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

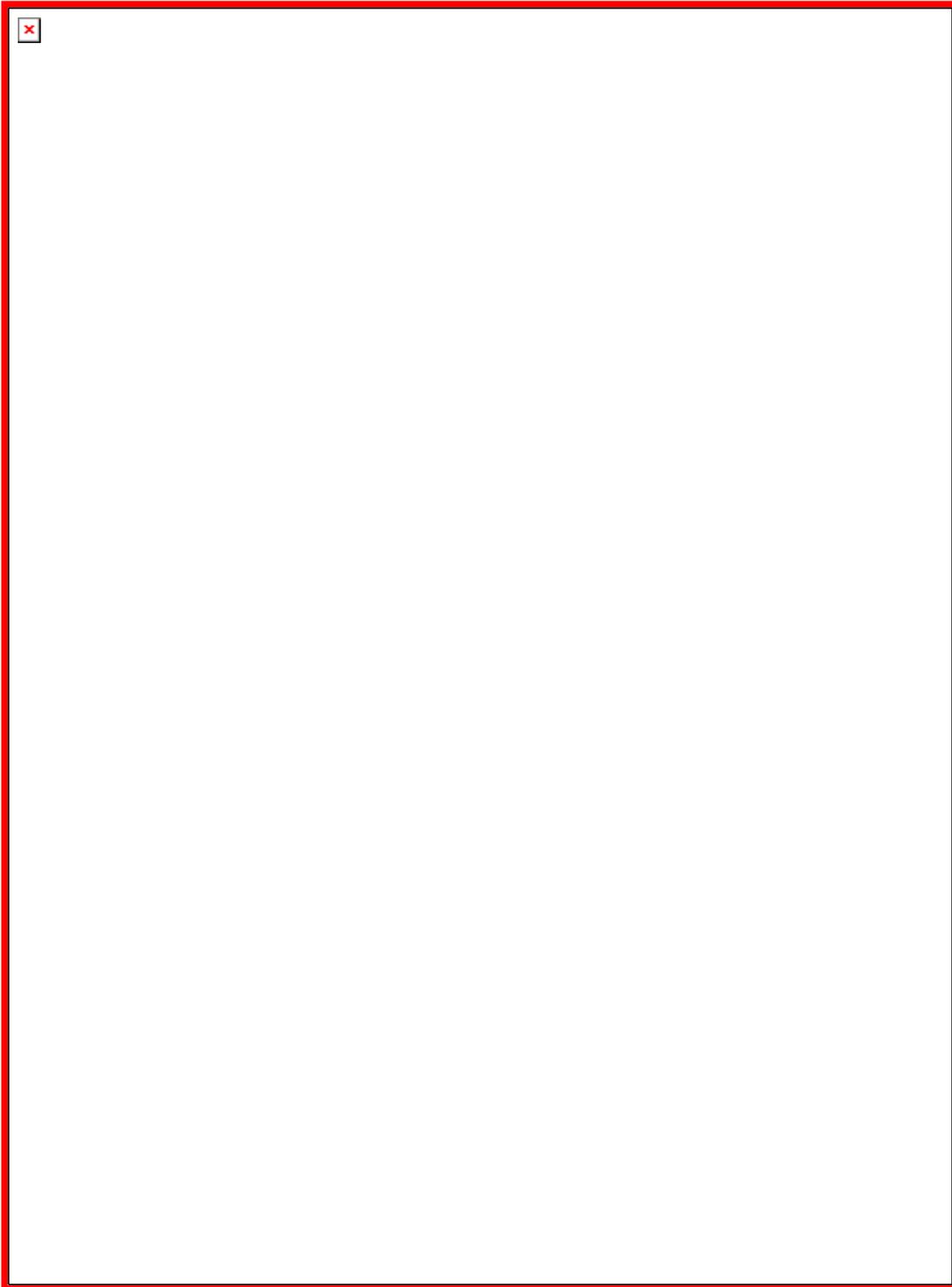
Development- “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

Town Planning & Development Act 1928  
Metropolitan Region Scheme Act 1959  
Town Planning Scheme No.2  
Dampier to Bunbury Pipeline Act 1997

**Council Policy / Local Law Implications**

Rural Strategy



**SITE PLAN**  
**LOT 9 ANSTEY ROAD, FORRESTDAL**

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit (DCU)
- ◆ Surrounding Landowners
- ◆ Epic Energy (Operators of Dampier-Bunbury Gas pipeline)

### **BACKGROUND**

Council issued a previous approved for the keeping of four horses on the subject property on 19 June 2001.

In response to a complaint received by an adjoining landowner concerning dust emissions, Council Officers attended the subject site and observed that a makeshift track had been developed on site. The complainant advised that the source of dust emissions is a result of horses being worked on the track. Consequently, the applicant was requested to submit a formal development application for determination.

Council received the application on 22 January 2003 to formalise a private trotting track that has been constructed on the subject site without Council approval. As a submission noting a concern was received from an adjoining landowner during the advertising period, the application has been referred to Council for determination.

### **DETAILS OF PROPOSAL**

Details pertaining to the application include the following:

- ◆ Construction of a 500m (makeshift sand based) track to exercise horses being kept on the subject site;
- ◆ Subject track is situated approximately 6m from northern boundary, 5m from the southern boundary and extends along the firebreak adjoining the eastern boundary.
- ◆ Horses being kept on site are to be exercised for approximately 20-25 minute duration between the hours of 5:00am - 9:00am or 4:00pm - 8:00pm;
- ◆ Subject track is to be watered down by sprinklers and water tank prior to use.

### **COMMENT**

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

DCU at its meeting held on the 3 April 2003 advised that the proposed track is considered to be incidental to the keeping of horses on the subject property and noted that concerns relating to potential dust emissions could be mitigated through appropriate dust suppression methods.

#### ***Surrounding Landowners***

The application was advertised to surrounding landowners for 14-day period for comment. A total of two (2) submissions were received, including one (1) noting concern and one (1) indicating no objection.

### ***Epic Energy***

Epic Energy advised that the applicant will be required to lodge a separate application to the Department for Land Administration in accordance with the *Dampier to Bunbury Pipeline Act 1997* for approval to conduct such activities on or near the gas pipeline, which runs along the rear (western) property boundary of the subject site.

### **ANALYSIS**

#### ***Response to Submissions***

The working of horses on the subject site has generated ongoing dust emissions. Dust suppression methods have recently been implemented on site with the installation of 6 sprinklers, however they only cover a portion of the track. More dust is generated when the track is graded.

The applicant has advised that sprinklers have been erected along the front portion of the track (closest to the residence) and is also watered down by hand prior to use in order to control dust emissions. It is considered that to effectively control dust levels, the entire track should be serviced by a more permanent and reliable water supply such as sprinklers and implemented prior and during use of the track as required to mitigate dust.

***A copy of the location plan re submissions received is at Attachment “B3” of the Agenda.***

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

The proposed trotting track can be considered under the “Rural Use” definition of TPS No.2, which is a discretionary (“AA” Use) within the “Rural” zone. A rural use includes the stabling, agistment and training of horses. A trotting track is consistent with such uses. There are no setback requirements for rural uses under TPS No.2. In this regard, there are no physical structures associated with the track to warrant any setback.

#### ***Rural Strategy***

The subject site is situated within the West Armadale Rural Planning Area in which the agistment and stabling of horses is identified as compatible land uses. In this regard, the propose track is associate with such activities and is therefore considered to be consistent with the intent of the Rural Strategy.

#### ***Land Use Compatibility***

The applicant has provided an undertaking that the track is for private use only. In this regard, the proposed scale and makeshift nature of the track is considered to be consistent and ancillary to the keeping of horses on the subject site.

It is acknowledged however that the track has the potential to generate dust emissions and therefore appropriate dust suppression methods would need to be implemented in order to prevent nuisance to surrounding residents.

The nearest adjoining residence is situated approximately 100m from the northeastern side of the track in the direction of the prevailing winds (south westerly). The adjoining residence to the southwest is situated approximately 120m in the direction of the easterly winds. Whilst these properties have the most potential to be adversely affected by dust emissions due to their position down wind, the significant separation between the subject track and these residences is considered to be sufficient to further mitigate such concern.

With regard to the location of the Dampier to Bunbury Gas Pipeline in relation to the proposed track, the applicant is required to obtain a separate approval from the Department of Land Administration in accordance with the *Dampier to Bunbury Pipeline Act 1997*, and must be advised accordingly.

### OPTIONS

1. Council may approve the application on the grounds that concerns relating to potential dust emissions can be appropriately mitigated.
2. Council may refuse the application if it is of the view that the proposal will adversely impact on the rural amenity of the locality.

### CONCLUSION

Whilst the track has the potential to generate dust emissions, it is considered that the implementation of appropriate dust suppression methods, including the installation and of a permanent reticulation system would sufficiently mitigate this concern and therefore protect the amenity of adjoining properties. In this regard, it is recommended that Council adopt option 1 above and approve the application.

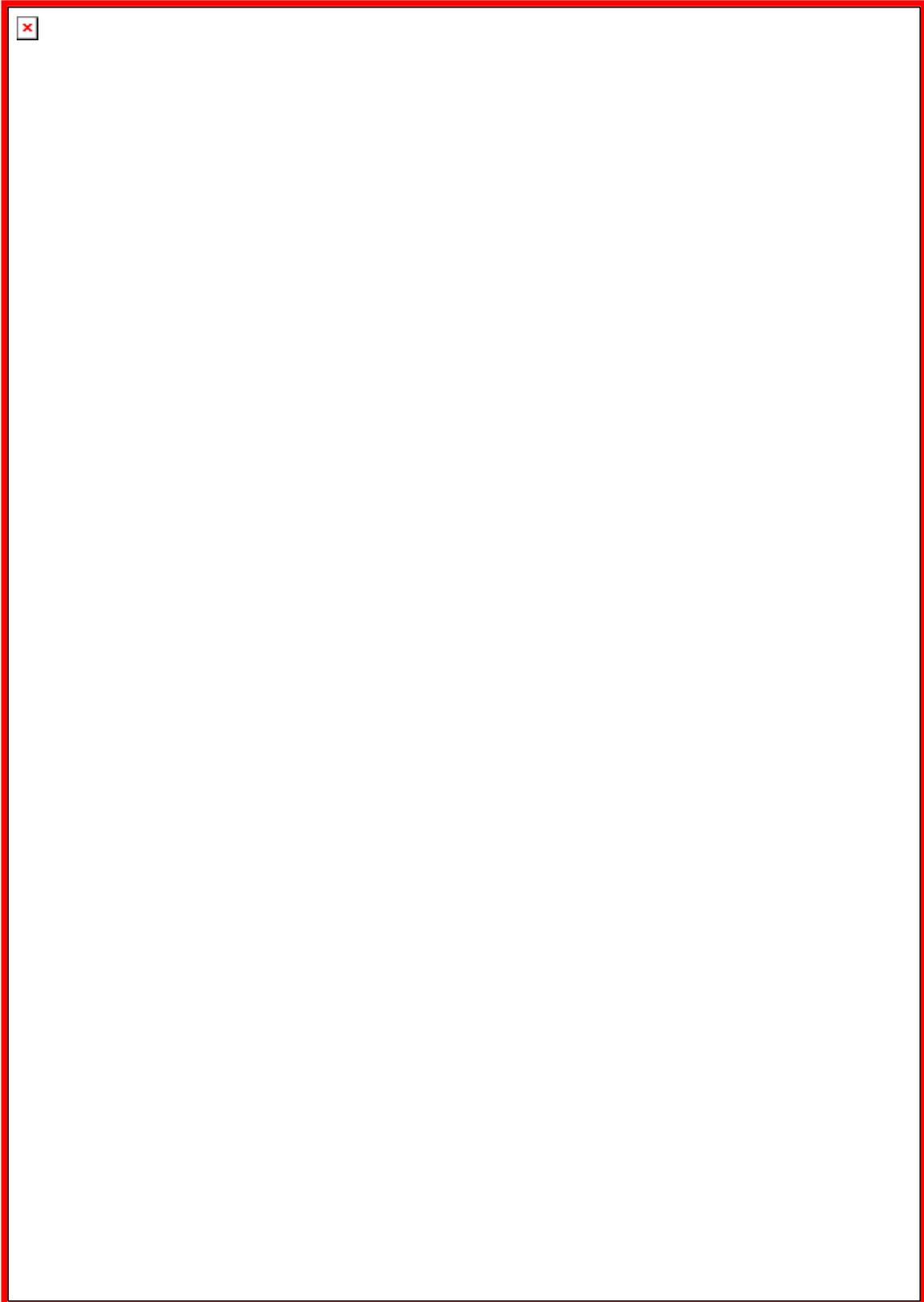
*COMMITTEE recommended that alternative dust suppression measures be installed and implemented. Accordingly, Part (1) of the Recommendation was amended.*

**D65/4/03**

### RECOMMEND

1. **That Council approve the application to operate a private trotting track at Lot 9 Anstey Road, Forrestdale subject to the following condition:**
  - ♦ **Dust suppression measures to be installed and implemented to the satisfaction of the Executive Director Development Services.**
2. **That the applicant be advised that a separate approval for the track must be obtained from the Department of Land Administration in accordance with the Dampier to Bunbury Pipeline Act 1997.**

MOVED Cr Cominelli  
MOTION CARRIED (7/0)



***PROPOSED CAR WRECKING BUSINESS –  
LOT 140 (No.7) STONE STREET, ARMADALE***

WARD : ARMADALE  
FILE REF : A54332  
DATE : 3 April 2003  
REF : GIW  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Steven Hutton  
LAND OWNER : S & J Hutton  
SUBJECT LAND : Lot 140 (No.7) Stone Street,  
Armadale  
Property size 2014m<sup>2</sup>  
Map 22.40  
ZONING : Industrial / General Industry  
MRS/TPS No.2

**In Brief:-**

- Application is made to conduct an incidental car wrecking business from an existing used car sales yard on the subject site.
- No objections received during the advertising period.
- Recommend approval subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

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

**Council Policy / Local Law Implications**

Industrial Design Guidelines.



**SITE PLAN**  
**LOT 140 STONE ST, ARMADALE**

### **Budget / Financial Implications**

Nil.

### **Consultation**

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

### **BACKGROUND**

Council received an application on 24 December 2002 to operate a car wrecking business in conjunction with an existing used car sale yard business which is currently operating on the subject site.

As car wrecking is a discretionary land use (“AA” Use) under Town Planning Scheme No.2 (TPS No.2) and a relaxation to the “Other Requirements” of TPS No.2 (which prohibits such activities on lots located on the periphery of the zone) is also proposed, the application has been referred to Council for determination.

### **DETAILS OF PROPOSAL**

Details pertaining to the proposal include the following:

- ◆ Vehicles are to be dismantled and stored within the enclosed storage yard located behind the existing workshop building on site;
- ◆ Vehicle parts are to be offered for sale from the existing workshop building;
- ◆ The existing used car sales yard is to remain in operation;
- ◆ Car wrecking is to be incidental to the existing used car sales yard business (10% of business);
- ◆ Vehicles will not be stacked on site.

### **COMMENT**

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

DCU at its meeting held on 3 April 2003 raised no objection to the proposal on the grounds that the proposed activities will be screened from public vantage points and therefore poses no adverse impacts on the visual amenity of the locality.

#### ***Surrounding Landowners***

The proposal was advertised to the surrounding landowners for a 14-day period. No submissions were received.

### **Analysis**

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

Car wrecking is classified as a discretionary use (“AA” Use) within the “General Industry” zone under Town Planning Scheme No.2.

The Development Standards table of TPS No.2 also stipulate several “Other Requirements” relating to car wrecking activities including the following:

- ◆ Car wrecking is a use not permitted on lots located on the periphery of the zone;
- ◆ Vehicle bodies shall not be stacked more than two high;
- ◆ Wrecking and stacking area is to be screened.

In accordance with Clause 7.6 of TPS No.2, Council may relax any development standard or requirement prescribed by the Scheme if it is satisfied that the proposal is consistent with the proper and orderly planning of the locality and will not adverse impact on the amenity of the surrounding locality

### ***Visual Amenity***

The existing storage yard is well screened from Stone Street by the existing workshop building on site and a section of solid fencing between the building and the eastern boundary. The storage yard is enclosed by a chain-mesh link fence and abuts adjoining industrial properties towards the side and rear. A small portion of the storage yard will be visible along the western boundary from the corner of Keates Road and Stone Street, however this area can be sufficiently screened by a solid fence or landscaping. The applicant has provided an undertaking that no vehicles will be stacked on site and excess car bodies will be removed off site. In this regard, the proposal poses no adverse impact on the visual amenity of the locality.

### ***Land Use Compatibility***

Whilst the subject lot is located on the periphery of the “General Industry” zone, which is subject to the “Other Requirements” of TPS No.2 prohibiting car wrecking, the proposed activity will be well screened from public vantage points and therefore poses no impact on the visual amenity of the rural properties situated on the opposite side of Stone Street.

The proposed scale of car wrecking activities and sale of parts is also considered to be relatively minor in nature given the applicant’s undertaking that such activities will only occupy 10% of the overall business, with the predominant activity on site being the existing used car sales yard.

In this regard, as the proposal is considered to be consistent with the proper and orderly planning of the locality and is unlikely to adversely impact on the amenity of surrounding properties, a relaxation of the “Other Requirement” of TPS No.2 prohibiting car wrecking on the subject site in accordance with Clause 7.6 of TPS No.2. is considered warranted

### **OPTIONS**

1. Council may refuse the application on the grounds that car wrecking is a use not permitted on periphery lots under Town Planning Scheme No.2
2. Council may approve the application on the grounds that the proposal poses no adverse impacts on the amenity of the surrounding locality and relax the prohibition on car wrecking in accordance with Clause 7.6 “Relaxation of Standard” of TPS No.2.

## CONCLUSION

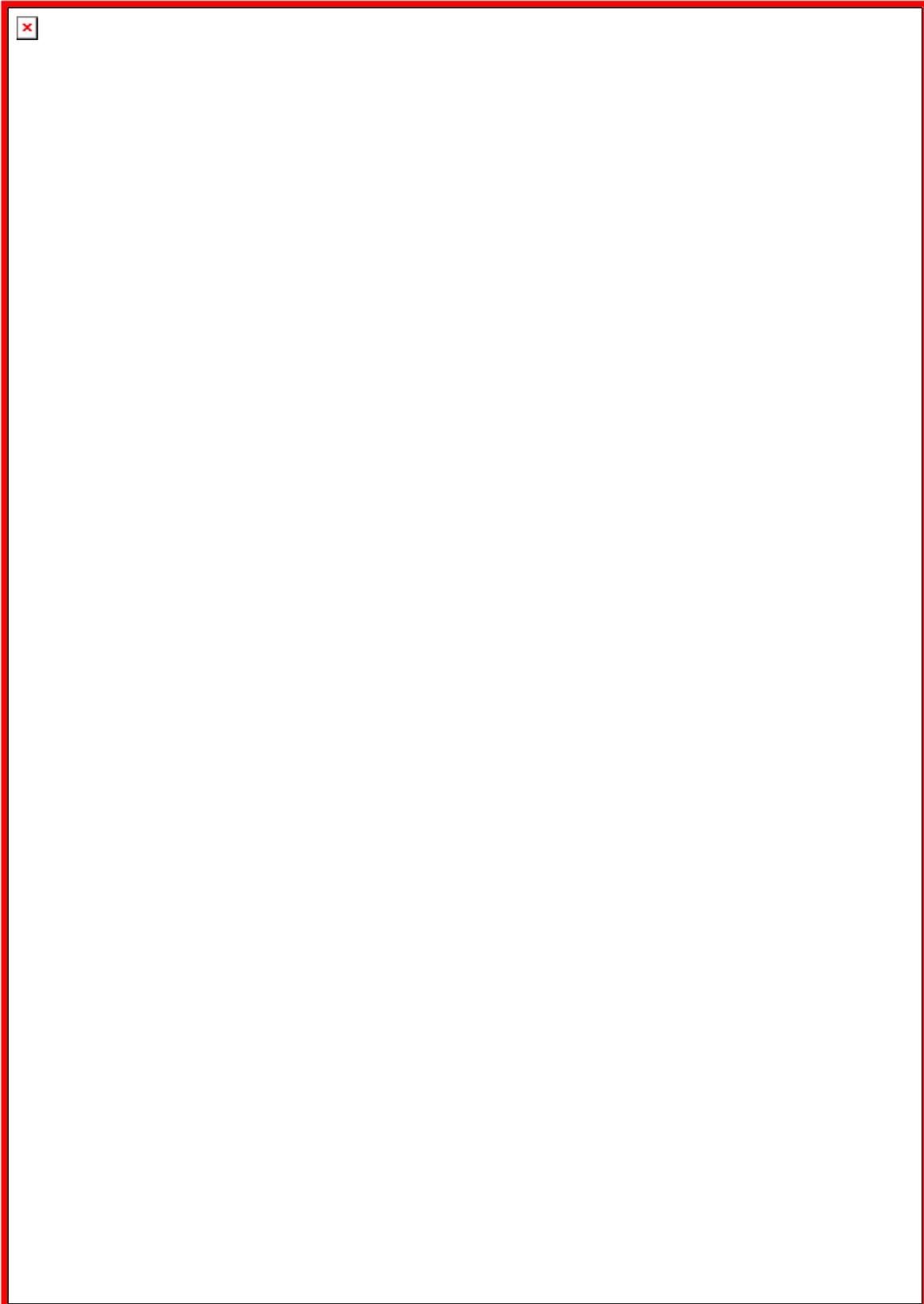
The proposal is considered to be incidental to the predominant used car sale yard being operated on the subject site. The proposed car wrecking activities are screened from public vantage points and therefore the proposal poses no adverse impact on the visual amenity of the surrounding locality. In addition, no objections were raised by surrounding landowners. In this regard, it is recommended that Council adopt option 2 above and approve the application in accordance with Clause 7.6 of TPS No.2.

*COMMITTEE requested that the applicant submit a management plan for the site to describe the manner in which oil and other materials be collected and disposed of off site. Additionally, a Part 2(d) was added to the Recommendation.*

## D66/4/03      RECOMMEND

1. **That Council determine that the application for relaxation of the “Other Requirement” restricting car wrecking activities on peripheral lots as noted in the Development Standards Table of the “General Industry” zone is in accordance with Clause 7.6 of Town Planning Scheme No.2.**
2. **That Council approve the application to conduct car wrecking at Lot 140 (No.7) Stone Street, Armadale subject to the following conditions:**
  - a) **Car wrecking activities are to be confined to the existing workshop building and storage yard on site.**
  - b) **Car wrecking activities shall be incidental to the approved use on site to the satisfaction of the Executive Director Development Services.**
  - c) **The storage yard is to be appropriately screened from Stone Street to the satisfaction of the Executive Director Development Services.**
  - d) **That the applicant submit a management plan for the site to describe the manner in which oil and other materials be collected and disposed of off site to the satisfaction of the Executive Director Development Services.**

MOVED Cr Everts  
MOTION CARRIED (7/0)



***APPLICATION FOR HOME OCCUPATION APPROVAL TO CONDUCT A BUSINESS ADMINISTRATION OFFICE (FOR A REGISTERED CHARITY – LEPROSY MISSION) AT LOT 2 (14) BERNARD STREET, KELMSCOTT***

WARD : KELMSCOTT  
FILE REF : A69555  
DATE : 4 April 2003  
REF : MF  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Mr Peter Warren  
LAND OWNER : As above  
SUBJECT LAND : Lot 2 (14) Bernard Street,  
Kelmscott  
Property size 1011m<sup>2</sup>  
Map 24-06  
ZONING : Urban / Residential R10  
MRS/TPS No.2

**In Brief:**

- Application lodged with Council following receipt of complaint of business being conducted without prior Council approval.
- Council considered the application at its Meeting on 17 March 2003 and resolved that the proposal be recommitted for further consideration in conjunction with additional background information regarding the Home Occupation and the proponent's connection with his employer, Leprosy Mission based in Melbourne, Victoria.
- Proposal advertised to the 7 surrounding property owners for comment. Five responses received – with four supporting and one objecting to proposal.
- Recommendation for approval, subject to conditions contained in the Home Occupation provisions of Council's Town Planning Scheme No.2.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Town Planning Scheme No.2.

**Council Policy / Local Law Implications**

4.4.7 – Home Occupations.

**Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Surrounding neighbours

### **BACKGROUND**

Council, at its Meeting on 17 March 2003, resolved that the application for a Home Occupation to conduct a Business Administration Office (for a Registered Charity – Leprosy Mission) at Lot 2 (14) Bernard Street, Kelmscott be recommitted for further consideration in conjunction with additional background information regarding the Home Occupation and the proponent's connection with his employee, Leprosy Mission based in Melbourne, Victoria.

### **DETAILS OF PROPOSAL**

The applicant is employed by the Leprosy Mission based in Melbourne, Victoria and seeks Council approval:

1. To conduct a Business Administration Office (for a Registered Charity – Leprosy Mission) at the subject property and
2. To waive the initial application fees of \$150.00 on the grounds that he is operating an office for a registered charity.

Two members of the household are involved in the business and the hours of operation are 9.00 a.m. to 5.00 p.m. Mondays to Fridays only. Approximately two volunteers per day on average visit the property to assist the applicant in some administrative aspect of the business. These volunteers attend the property by prior arrangement. Parking is available at the property for up to 4 vehicles.

### **NEW INFORMATION SUBMITTED BY APPLICANT**

*Additional background information provided by the applicant is at Attachment "B4", including a letter from the applicant's employers is at Attachment "A3" of the Agenda.*

The additional information is summarised below:

- ◆ The applicant is employed by the Leprosy Mission as Director for Western Australia and is a salaried Officer of the Organisation.
- ◆ The Leprosy Mission is a registered charity and exists to raise funds for and supply personnel to the Mission's international work in 29 developing countries. It also provides public education on leprosy to the Australian public.
- ◆ Most work is conducted in Victoria but the Mission employs a Director in each State to oversee fundraising and public education. Each State Director is required to work from home in order to minimise expenses and maximise funding to overseas medical programmes.

- ♦ Much of applicant's work is conducted away from home. Applicant visits churches, schools and community groups to undertake public speaking engagements.
- ♦ The Office is used to prepare talks and carry out various administrative tasks. The applicant carries out most of this work and is sometimes assisted by his wife.
- ♦ Volunteers assist the applicant on occasion. In practice, there is seldom more than one volunteer at the office at any one time and such work is usually limited to one or two days per week.

The letter from the applicant's employers (The Leprosy Mission Australia) confirms as follows:

- ♦ The applicant is the Western Australia State Director for the Leprosy Mission Australia and the nature of his responsibilities enable him like all other State Directors to operate from a home office.
- ♦ Much of the work is akin to that of an itinerant minister or organization representative in that his home office is the base from which he does all his visiting throughout the State.

## COMMENT

The application was assessed in terms of Council's Home Occupation Policy and scored 19 on the compatibility scale. A score of 20 and above requires a report to be submitted to Council for determination. However, in this particular case, in view of an objection being received and the applicant's request to Council to waive the initial application fees of \$150.00, this matter is submitted to Council for determination.

### *Results of Advertising*

The proposal was advertised for a period of two weeks to seven neighbouring property owners for comment. Five responses were received of which one objected to the proposal and four supported the proposal. (*Refer to Confidential Attachment "B4" of the Agenda*).

## ANALYSIS

### *Resumé of Objections*

The objector has raised several issues regarding the applicant's property. However, the following matters relate directly to the applicant's business operations:

- (1) *The objector is currently building a home next door to the applicant and has indicated that privacy will be affected because the office is within one metre of the external walls of the proposed home. The objector also states that:*

*"In reference to the hours of business 9.00 a.m. to 5.00 p.m. Mondays to Fridays only, we do not believe this to be the case. Over the months we have on many occasions noticed that Mr Warren is still working in his office well into the night. The Office lights are regularly on in the evenings with Mr Warren noticeably present throughout weeknights and weekends."*

Response

Currently there are many Home Business Administration Offices successfully operating within the City of Armadale. To date, no complaints have ever been received regarding the operation of this type of business from an applicant's home. This business is considered low key, generates no noise, has minimal visitors and is very innocuous in terms of the amenity issues of the Town Planning Scheme.

With regard to the statement that the applicant is "still working well into the night" and that the "Office lights are regularly on in the evenings with Mr Warren noticeably present throughout weeknights and weekends", it is suggested that this will have little impact on the amenity of the area. Lighted windows and occupied rooms are common in residential areas at night. The applicant states that he uses the office at times at night to prepare talks or catch up on administrative matters. However, he and other family members also use his office for other purposes such as personal finances or personal matters.

- (2) *The objector disputes the attendance of 2 customers on average per day and states that: "We have noted several cars in Mr Warren's driveway. (These appearing not to belong to the Warren household). In particular we have noticed cars with Registration Plates reading 'The Truth' in Mr Warren's driveway, we believe this possibly relates to a religion/sect of some sort! It is obvious that a business such as Mr Warren's DOES increase the local traffic into the street and again the issue of privacy for us must be considered."*

Response

The Home Occupation application indicates an average of 2 customers per day. Council Officers have subsequently interviewed the applicant and the information obtained confirms that an average of 2 volunteers per day attend the property to assist the applicant in some administrative tasks. However, these volunteers attend the property by invitation only. It could be noted that the HOP provisions do not allow for the employment of people outside the family at the site and should this application be approved, this should be underlined in the conditions. Volunteers could call to pick up or drop material but should not be involved in day to day work at the office.

In addition, the applicant states that there are occasions, albeit a very few, when people visit the property to make a donation to the charity. It is suggested that this should not have a detrimental effect on the privacy of the objectors or the amenity of the area.

- (3) *The objectors state that if Council approves this application, it will set a precedent for other business administration offices to be set up and operating in the same street or surrounding area. "Council must be aware that Bernard Street is Residential and must remain that way."*

Response

Council's objective in terms of the Home Occupation Policy is to provide the opportunity for residents (in residential and/ or rural areas) to work from their homes in small/domestic scale family businesses within strict guidelines such that the amenity of the area is not compromised by the approval of the use.

There are many Business Administration Offices being operated successfully from residential properties within the City of Armadale and therefore the setting of a precedent is not applicable.

***Resumé of Support***

The four letters of support give a favourable character reference for the applicant and describe the Business Administration Office as being unobtrusive in terms of the amenity issues such as noise and/or increases in vehicle movements to and from the property.

***Request to waive initial application fees***

The applicant has also requested that Council consider waiving the initial application fees of \$150.00 on the grounds that he is operating a Business Administration Office for a registered charity. Council has previously resolved (June 1998) to waive the initial application fees of \$150.00 for those long term unemployed applicants seeking to establish themselves in the work force under the Federal Government's New Enterprise Incentive Scheme (NEIS) programme. Whilst the two scenarios cannot be considered the same in terms of their application, Council may nevertheless consider waiving the initial application fees in the current application in recognition of the charity work being conducted by the applicant.

Alternatively, Council may consider that the waiving of the initial application fees of \$150.00 may not be appropriate on the grounds that Council has in the past declined requests of this nature because of the possibility of creating an undesirable precedent.

**OPTIONS**

In regard to the Home Occupation application, Council has two options:

*Option 1*

Resolve not to approve the application for a Business Administration Office on the grounds that the operation of the business will adversely affect the amenity of the area.

*Option 2*

Resolve to approve the application, subject to the conditions contained in the Home Occupation provisions of the Town Planning Scheme No.2. on the grounds that the business generates no noise, has minimal visitors and is considered innocuous in terms of the amenity issues of the Town Planning Scheme.

With regard to the applicant's request to Council to consider waiving the initial fees of \$150.00, Council has two options:

*Option 1*

Waive the initial application fees of \$150.00 in recognition of the charitable work being conducted by the applicant.

*Option 2*

Decline the request to waive the initial fees of \$150.00 on the grounds that this may create an undesirable precedent. Council has in the past declined requests from Charitable Organisations to waive application fees.

**CONCLUSION**

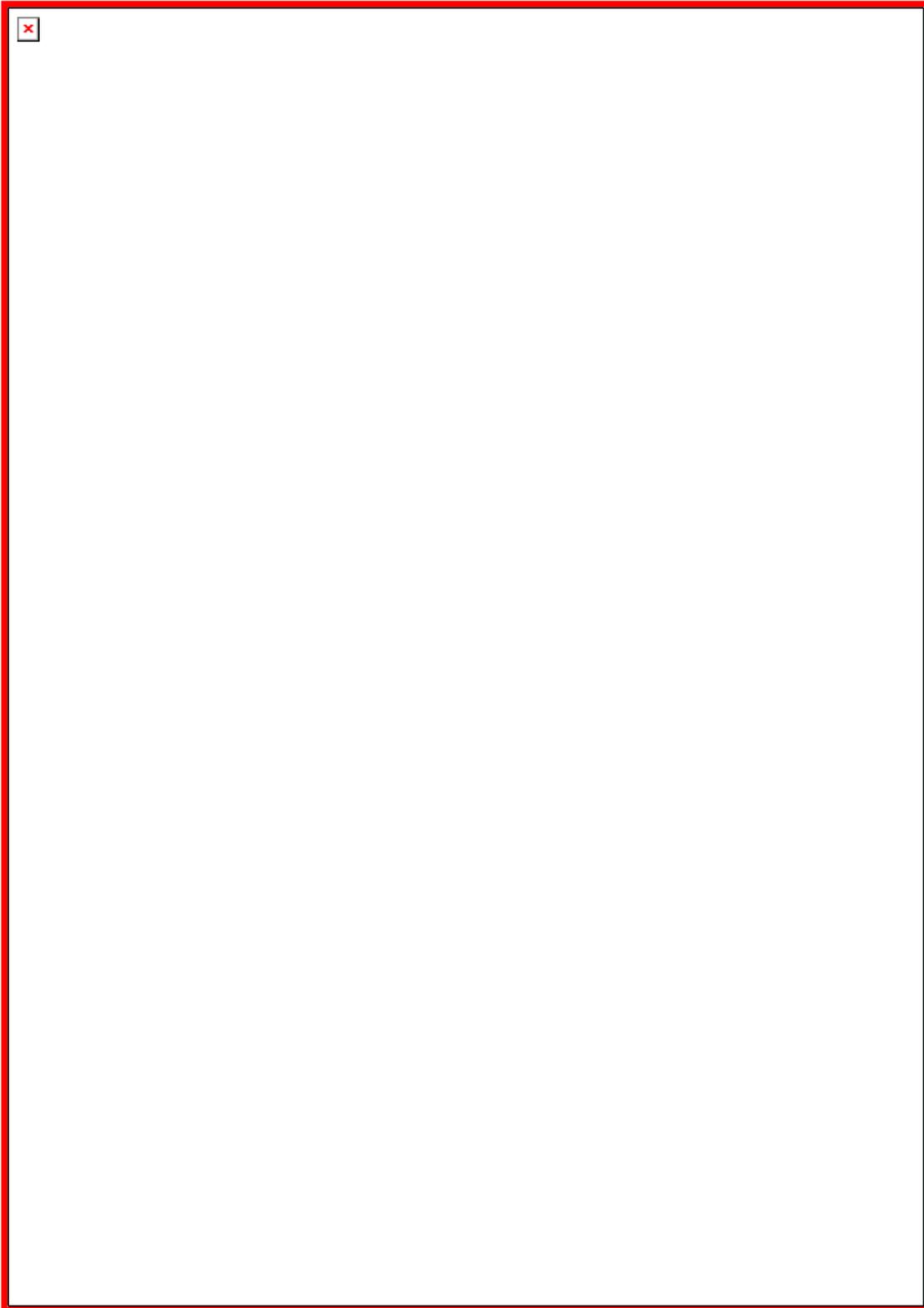
It is recommended that Council adopt Option 2 in both cases for the reasons stated. With regard to the request to waive the initial application fees, it is suggested that the applicant may consider making an application for a Grant from Council.

**D67/4/03**

**RECOMMEND**

1. **That Council approve the application for a Home Occupation to conduct a Business Administration Office (for a Registered Charity – Leprosy Mission) at Lot 2 (14) Bernard Street, Kelmscott, subject to the conditions contained in the Home Occupation provisions of Town Planning Scheme No.2.**
2. **That Council decline the request to waive the initial application fees of \$150.00 on the grounds that this may create an undesirable precedent.**
3. **That applicant and respondents be advised of Council's determination.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)



***PEDESTRIAN ACCESS WAY (PAW)  
BETWEEN LOTS 61 (24) & 62 (22) EDGEROI WAY, ARMADALE***

WARD : WEST ARMADALE  
FILE REF : WAY/5/02  
DATE : 1 April 2003  
REF : MF/HC  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : Mr T Crowe & Ms V Jarrett  
LAND OWNER : As above  
SUBJECT LAND : Pedestrian access way (PAW)  
between Lots 61 (24) & 62  
(22) Edgeroi Way, Armadale;  
Map 22-03  
ZONING : Urban / Residential 'R.15'  
MRS/TPS No.2

**In Brief:**

- Application to close the PAW due to house break-ins and anti-social behaviour.
- Proposal advertised for public comment with no objections being received.
- Recommend that the PAW be closed and the land amalgamated with one of the abutting properties.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Land Administration Act 1997.

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Technical Services Directorate
- ◆ Department for Planning & Infrastructure
- ◆ Public advertising
- ◆ Service Authorities (Water Corporation, Telstra, Western Power & Alinta Gas)

### **DETAILS OF PROPOSAL**

The applicants have requested Council to consider closing the PAW on the grounds of increased problems associated with it including:

- ◆ A number of house break-ins with the perpetrators using the PAW to make their escape;
- ◆ Damage to property;
- ◆ Anti-social behaviour;
- ◆ Rubbish being thrown into applicant's property from the PAW.

The Applicants are prepared to purchase the entire area of PAW. The other adjoining landowner at Lot 62 Edgeroi Way is not interested in purchasing any of the PAW area.

### **COMMENT**

The proposal was advertised in the Comment News and to the surrounding landowners, service authorities and the Department for Planning & Infrastructure for comment.

Advertising period extended from 12 September to 18 October 2002.

### ***Results of advertising***

No. of landowners/occupiers notified -	18
No. of service authorities notified -	4
No. of submissions received -	11
No. objecting to closure	
- Private	0
- Service authorities	0
No. supporting / not objecting to closure	
- Private	7
- Service Authorities	4

***The Department for Planning & Infrastructure*** has indicated no objection to the closure on the basis that alternative routes are located nearby that provide suitable access to the nearby recreational facilities and services in Reserve 34073.

*The Water Corporation* indicates the presence of a sewer manhole towards the reserve end of the PAW and states that no objection is lodged provided that proposed boundaries around access chambers are at least 1 metre clear from the outside edge of access chambers. No fence, retaining wall or structure should be built over the existing access chamber cover and operating staff and/or contractors should have guaranteed quick and easy access to the access chamber.

## **ANALYSIS**

Given that there are alternative access routes to Reserve 34073, closure of the PAW should not have an adverse effect on the entry or use of the area of Public Open Space. There is also support for closure by the Department for Planning & Infrastructure and the 7 responses received from local residents all support closure. There has been no objection to proceeding to closure of this PAW.

## **OPTIONS**

1. Decline the proposal to close the PAW on the grounds that access to the nearby Reserve No. 34073 may be compromised by having one less access point.
2. Resolve to close the PAW on the grounds that there is alternative and convenient access to Reserve No. 34073 for residents as well as the fact that no objections to closure were received during the advertising process and support for closure was received from the Department for Planning & Infrastructure and 7 neighbouring property owners.

## **CONCLUSION**

It is recommended that Council adopt Option 2 on the grounds that the closure of this PAW is unlikely to affect neighbouring property owners because convenient alternative access to the Reserve is available and closure may assist in curbing antisocial behaviour associated with the PAW.

**D68/4/03**

## **RECOMMEND**

1. **That Council request the Department of Land Administration (DOLA) to close the pedestrian access way (PAW) between Lots 61 (24) and 62 (22) Edgeroi Way, Armadale with the land being amalgamated with the applicants' property at Lot 61 (24) Edgeroi Way, Armadale.**
2. **That the applicants be advised of Council's decision and the requirements of the Water Corporation in terms of the sewer manhole situated towards the reserve side of the pedestrian access way.**
3. **That respondents be advised of Council's decision.**

MOVED Cr Knezevich  
MOTION CARRIED (7/0)



**LOCATION PLAN  
LOT 251 THIRD AVENUE,  
KELMSCOTT**

***DIRECTION SIGNS FOR FUNERAL PARLOUR –  
LOT 251 (138) THIRD AVENUE, KELMSCOTT***

WARD : WESTFIELD  
FILE REF : A168923  
DATE : 20 February 2003  
REF : SA  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : Simplicity Funerals  
LAND OWNER : Service Corporation  
International Australia  
SUBJECT LAND : Property size 1500m<sup>2</sup>  
Map 22-06  
ZONING  
MRS Industrial  
TPS No.2 Showroom

**In Brief:-**

- Proposal to locate 4 direction signs in road reserves at various locations.
- Council Policy does not permit commercial advertising in road reserves.
- Recommend that the proposal be refused.
- *Committee recommended that the application be approved on the basis that it recognises the need to guide the public attending such facilities.*

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To foster a distinctive character for the City based on good design principles.

**Legislation Implications**

Local Government Act 1995  
Activities and Trading in Thoroughfares and Public Places Local Law

**Council Policy / Local Law Implications**

Advertising Signs Policy.

**Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Technical Services Directorate

### **BACKGROUND**

An application has been received from a local funeral parlour seeking approval to locate four direction signs in selected road reserves.

### **DETAILS OF PROPOSAL**

The application proposes to locate four blue and white direction signs inscribed ‘Simplicity Funerals’ in the road reserves, at the following locations:

1. Intersection of Seville Drive and Gillam Drive, Kelmscott.
2. Intersection of Gillam Drive and Bruns Drive, Kelmscott.
3. Intersection of Railway Avenue and Gillam Drive, Kelmscott.
4. Intersection of Seville Drive and Armadale road, Armadale.

### **COMMENT**

#### **Analysis**

- ◆ Council’s Local Law relating to Activities and Trading in Thoroughfares and Public Places 3.2 (1) (a) requires that a person shall not, without a permit erect or place an advertising sign (the definition of ‘Advertising sign’ includes direction signs) on a thoroughfare.
- ◆ Council’s Advertising Signs Policy states ‘no commercial advertising signs or hoardings shall be permitted in Road Reserves’. Whilst direction signs are not usually construed as advertising signs, in this instance the inscription on the proposed signs advertises a commercial enterprise.
- ◆ The intent of direction signs is to draw attention to various community facilities e.g. sporting facilities, churches, schools and the like. The applicant’s place of business, whilst not located on a main commercial thoroughfare, is clearly a commercial entity and not a community facility.
- ◆ The business premise is not on the main thoroughfare of Gillam Drive but fronts a busy residential feeder road (Third Avenue) and is therefore not without exposure.
- ◆ Other advertising options are open to such businesses including media advertising.
- ◆ Permitting such a proposal is likely to set a precedent that could lead to an uncontrollable proliferation of non-community related direction signs being erected.
- ◆ Council’s Technical Services Directorate has recommended refusal based on non-compliance with Council Policy.

## OPTIONS

1. Council could refuse the application given Council's Advertising Signs Policy precludes advertising signs in road reserves.
2. Council could approve the application despite its Policy not affording the discretion to relax standards, but to do so is likely to set an undesirable precedent with the likely result of numerous business requesting similar consideration.

## CONCLUSION

The application as presented does not comply with Advertising Signs Policy and the intent of a direction sign is to direct the public to a community facility. It is therefore recommended that Council refuse the application.

### *Officer's report recommends –*

That Council refuse the application from Simplicity Funerals to place four direction signs in the Road Reserves at the following locations:

- a) Intersection of Seville Drive and Gillam Drive, Kelmscott;
- b) Intersection of Gillam Drive and Bruns Drive, Kelmscott;
- c) Intersection of Railway Avenue and Gillam Drive, Kelmscott;
- d) Intersection of Seville Drive and Armadale road, Armadale;

on the grounds that the placement of direction signs advertising commercial entities in road reserves contravenes Council's Advertising Signs Policy and would set an undesirable precedent.

*COMMITTEE was of the view that variation from Council's policy was justified given the need to guide the public attending such facilities.*

## **D69/4/03            RECOMMEND**

**That Council, recognising the need to guide the public attending the facility, approve the application from Simplicity Funerals to place three directional signs in the Road Reserves at the following locations:**

- a) Intersection of Seville Drive and Gillam Drive, Kelmscott;**
- b) Intersection of Gillam Drive and Bruns Drive, Kelmscott;**
- c) Intersection of Railway Avenue and Gillam Drive, Kelmscott;**

MOVED Cr Reynolds  
MOTION CARRIED (7/0)



***PROPOSED CANCELLATION OF RESERVE 34252 – BRIGADE ROAD,  
FORRESTDAL - FORRESTDAL INDUSTRIAL BUSINESS PARK***

WARD : FORREST  
FILE REF : A183472  
DATE : 3 April 2003  
REF : HC  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Council  
LAND OWNER : Crown  
SUBJECT LAND : Property size 997m<sup>2</sup>  
Map 20.03  
ZONING : Industrial / Industrial  
MRS/TPS No.2 : Business Development

**In Brief:-**

- Council resolved (5 June 2001) to close Reserve 34252 Brigade Road, Forrestdale as part of the development of the Forrestdale Industrial Business Park.
- Advertising has been carried out under Department of Land Administration (DOLA) guidelines.
- There were no objections to the proposal. Two submissions supporting the proposal have suggested that any monies received by Council from sale of the Reserve should be allocated to the Forrestdale Business Park Infrastructure Cost Sharing Agreement rather than POS Trust Funds.
- Recommend that Council support cancellation of the Reserve and seek DOLA's permission to allocate any funds from sale to the Forrestdale Business Park Infrastructure Cost Sharing Agreement.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Fits with the long term strategic planning aim to complete the preliminary planning requirement for the Forrestdale Business Park.

**Legislation Implications**

Land Administration Act 1997  
Town Planning & Development Act 1928

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Possible positive outcome for Cash-in-Lieu of POS Trust Funds.

### **Consultation**

- ◆ Letter drop to nearby property owners.
- ◆ Newspaper advertising and sign on the reserve.
- ◆ Department of Land Administration (DOLA).

### **BACKGROUND**

At its meeting of 5 June 2001 Council resolved that as part of the development of the Forrestdale Business Park that Council approve the closure of Reserve 34252, which is reserved for public recreation.

The Department of Land Administration (DOLA) has advised that Reserve 34252 was created as a condition of subdivision under Section 20A of the Town Planning and Development Act and any proposed disposal must be carried out under specific DOLA guidelines to demonstrate to the Minister the level of ratepayers' support, including:

- ◆ Signposting of the reserve to indicate the intended change;
- ◆ Advertising in the local newspaper; and
- ◆ Canvassing nearby landholders by mail.

### **DETAILS OF PROPOSAL**

Reserve 34252 is required to be closed to enable redistribution of property boundaries to accommodate the proposed structure plan for the Forrestdale Industrial Business Park.

### **COMMENT**

The proposed closure was advertised by signpost on site and newspaper advertisement. A letter drop to twelve nearby landowners was also undertaken.

### **Analysis**

The sign and letters followed DOLA guidelines and advised that any monies Council may receive from future sale of the land by DOLA will be held in trust for the future purchase or development of POS in the general area.

Two submissions were received, both supporting the closure of the Reserve. They both strongly disagreed with the proposition that any monies that Council may receive from the sale of the reserve be allocated to Trust Funds for Public Open Space. It is stated in the submission that:

*“Any monies so found should be allocated to the Forrestdale Business Park Infrastructure Cost Sharing account. The area has not been allocated with Public Open Space, and it is a travesty of protocol to take funds from a significant development such as the Business Park.”*

Telephone discussions with DOLA staff indicate that DOLA usually abides strictly by the guidelines for the disposal of Section 20A reserves. However, if they are presented with a good case to vary the procedure, it can be considered on its merits.

While it is understood that the landowners within the Forrestdale Business Park seek to reduce the costs of developing the estate by using the funds recouped from the sale of the open space, it would be a difficult case to argue to DOLA. It would be more expedient to accept the DOLA policy and utilise the funds to purchase or improve land identified for public open space and drainage on the Forrestdale Industrial Park Policy Precinct Plan. This would have the benefit of complying with DOLA guidelines while reducing those costs associated with the establishment of the open space components of the estate.

### **OPTIONS**

1. Support the cancellation of Reserve 34252 to progress the Forrestdale Industrial Business Park concept.
2. Decline to support the cancellation of Reserve 34252.

### **CONCLUSION**

It is recommended that Council support the cancellation of Reserve 34252 to progress the Forrestdale Industrial Business Park.

**D70/4/03**

### **RECOMMEND**

**That Council support the cancellation of Reserve 34252 Brigade Road, Forrestdale to progress the Forrestdale Industrial Business Park and advise the Department of Land Administration accordingly.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

***DELEGATED AUTHORITY TO DETERMINE APPLICATIONS INVOLVING  
PROPERTIES LISTED ON THE MUNICIPAL HERITAGE INVENTORY***

WARD : All  
FILE REF : PCY/2  
DATE : 3 April 2003  
REF : PRR  
RESPONSIBLE : PSM  
MANAGER

**In Brief:-**

- Development Applications associated with properties listed on the Municipal Heritage Inventory require consideration and determination by Council under Town Planning Schemes No.2 and No.3.
- In some instances, the applications can be more efficiently processed administratively.
- Recommend that delegated authority be granted to the EDDS / PSM to determine such applications.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Heritage of Western Australia Act 1990  
Town Planning Regulations 1967  
Town Planning Schemes No.2 and No.3

**Council Policy / Local Law Implications**

Municipal Heritage Inventory

**Budget / Financial Implications**

Nil.

**Consultation**

- ♦ Development Services Directorate

**BACKGROUND**

Council’s Planning Department receives various applications involving properties listed on its Municipal Heritage Inventory (MHI) that require consideration and determination by Council under the provisions of Town Planning Schemes No.2 and No.3 (TPS No.2 and No.3).

The process requires considerable officer time in preparing an agenda item and also occupies the time of elected members, which could be better utilised in considering more complex or significant issues.

### **DETAILS OF PROPOSAL**

In the interests of efficiency, it is proposed that Council provide delegation to the Executive Director Development Services and / or the Planning Services Manager (EDDS / PSM) to determine applications involving properties listed on the MHI.

### **ANALYSIS**

#### ***Town Planning Scheme Provisions***

Clause 5.10.4 and 9.9.4 of TPS No.2 and No.3 respectively provide that development affecting properties listed on the MHI requires Council determination.

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 deal with an application for development approval.

Further to the above Clauses, the recent appeal against the Town of Cottesloe (Moullin v Town of Cottesloe) in relation to an application involving heritage issues demonstrates that heritage should not be the only consideration in assessing the proposed development. Clauses 7.3 and 11.4 of TPS No.2 and No.3 respectively list certain criteria that should be considered in examining an application. Accordingly, Council and its officers should be satisfied that the requirements and provisions of the relevant Town Planning Scheme are fulfilled in assessing and determining any application.

#### ***Municipal Heritage Inventory (MHI)***

The MHI is a list of properties, objects, structures and places that are deemed to have heritage value. Each listing is given a category rating, from 'A' descending in significance through to 'F'. When an application is made for development that is relevant to a property or building listed in the MHI, the application is subject to heritage Clauses of Council's Town Planning Schemes that are in place to ensure the conservation of properties, objects, structures and places that have been listed. Changes to the listed item could therefore potentially threaten its heritage value and as a result, approval from Council is required.

#### ***Community Heritage Advisory Committee (CHAC)***

If delegation were to be given to Council officers to determine applications involving heritage listed properties, consultation with the CHAC would be undertaken for each application to ensure heritage issues are adequately addressed.

#### ***Heritage Commission of Western Australia (HCWA)***

The HCWA is the state heritage authority, responsible for the state register of heritage places. Whilst few items listed in the City of Armadale's MHI are on the state heritage list, those places listed in the MHI under a category 'A' rating are deemed to potentially have enough significance to be listed on the state register in the future.

As such, in assessing any application involving a category ‘A’ property, officers should refer the application to the HCWA for further advice before making a determination.

### ***Types of Applications***

The term ‘development’ can take many forms. With regard to heritage properties, the development applications the Planning Department deals with usually involve minor extensions, alterations and occasionally demolitions. The difference in the category rating is seen to be an important guiding factor in this regard. Properties with an ‘A’ category listing have the highest heritage value and should be considered as such. It is noted that these properties, structures or objects can be highly valued by the community and that delegation should only be granted in certain circumstances. Listings that are given a category rating from ‘B’ through to ‘F’ will not require guidelines to be as strict however and delegation could be granted for a wider range of development.

### ***Determination of Applications***

It is noted that qualified heritage architects are able to provide relevant services with respect to properties listed on the MHI. It should be noted that where applications involve contributions of these professionals, their contributions will enable Planning Services to consider relevant heritage issues more effectively. Therefore, it should be noted that where applications are submitted by, or are accompanied by reports from qualified heritage architects, this will contribute to the favourable consideration of such applications.

It is believed that in consultation with the CHAC and the HCWA, Council officers would be able to reach an informed decision regarding applications on properties listed in the MHI. The delegation has been split into two areas based upon the interpretation of heritage value. It is the intention that with respect to Category ‘A’ listed properties, objects, structures and places only minor applications will be determined by Council officers. It is therefore requested that Council provide delegated authority to the Executive Director Development Services / Planning Services Manager to determine such applications that satisfy the following criteria:

#### *Applications for development on properties listed as Category ‘A’ in the Municipal Heritage Inventory:*

- ◆ The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant;
- ◆ Consultation with the Heritage Council of Western Australia is undertaken and favourable advice is received;
- ◆ Consultation with the Community Heritage Advisory Committee is undertaken and favourable advice is received; and,
- ◆ Advertising is undertaken as appropriate and no sustainable objections are received.

#### *Applications for development on properties listed as Categories ‘B’ through ‘F’ in the Municipal Heritage Inventory:*

- ◆ The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant; and,
- ◆ Consultation with the Community Heritage Advisory Committee is undertaken and favourable advice is received.

Development that, in the opinion of the Executive Director Development Services / Planning Services Manager, is of a significant scale (including demolition) does not form part of this delegation.

Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such professions, this will contribute to the favourable consideration of the application.

## **OPTIONS**

1. Council may grant delegated authority to the Executive Director Development Services / Planning Services Manager to determine applications involving properties listed under the MHI, if certain criteria are met.
2. Council could continue to determine applications for applications involving properties listed on the MHI.

## **CONCLUSION**

In order to avoid unnecessary time delays in the processing of planning applications and in some instances duplication of Council consideration, it is recommended that Council provide delegation to the Executive Director Development Services / Planning Services Manager to determine applications involving properties listed under the MHI. Approvals may be issued where the proposal complies with the criteria outlined in this report and refusals may be issued if the proposal is not consistent with the current Town Planning Scheme and any relevant Policy provisions, or if the proposal would have a detrimental effect on the integrity or heritage value of the site or if the advice received from the heritage referral agencies is not favourable.

## **D71/4/03 RECOMMEND**

1. **That Council grant delegated authority, in accordance with Clauses 7.10 and 11.14 of Town Planning Schemes No.2 and No.3 respectively to the Executive Director Development Services and the Planning Services Manager to determine applications involving properties listed on the Municipal Heritage Inventory, provided certain criteria are met.**
2. **That the following Delegation of Authority be added to Council's Delegation of Authority Register:**
  - *Authority to determine applications involving properties, objects, structures and places listed on the Municipal Heritage Inventory.*

## **APPROVALS:**

**The Executive Director Development Services and / or Planning Services Manager is delegated authority to approve applications involving properties listed on the Municipal Heritage Inventory subject to the application satisfying the following criteria:**

*Applications for development involving properties, objects, structures and places listed as Category 'A' in the Municipal Heritage Inventory:*

- The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant;
- Consultation with the Heritage Council of Western Australia is undertaken and favourable advice is received;
- Consultation with the Community Heritage Advisory Committee is undertaken and favourable advice is received;
- Advertising is undertaken as appropriate and no sustainable objections are received.

*Applications for development involving properties, objects, structures and places listed as Categories 'B' through 'F' in the Municipal Heritage Inventory:*

- The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant; and,
- Consultation with the Community Heritage Advisory Committee is undertaken and favourable advice is received.

**REFUSALS:**

The Executive Director Development Services and / or Planning Services Manager is delegated authority to refuse applications involving properties listed on the Municipal Heritage Inventory if any of the following apply:

- The proposal is not consistent with the current Town Planning Scheme and any relevant Policy provisions;
- The proposal would have a detrimental effect on the integrity or heritage value of the site;
- The advice received from the heritage referral agencies is not favourable.

**NOTES:**

Development that, in the opinion of Executive Director Development Services / Planning Services Manager, is of a significant scale (including demolition of Category 'A' structures) does not form part of this delegation.

Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such professional, this will contribute to the favourable consideration of the application.

***COUNCILLORS' ITEMS***

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Nil.

***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS***

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♦ ***Proposed Cinema Complex***

The Executive Director Development Services advised Committee members that a Development Application for the proposed Cinema complex on the Armadale Plaza site would be submitted shortly.

The Executive Director Development Services also reminded Committee of the Cinema Working Group meeting which will be held prior the Councillors Workshop meeting (re 5 Year Plan & Budget 2003/04) on Wednesday, 16<sup>th</sup> April 2003 at 4.30pm in the Committee Room. All Councillors were welcome to attend.

The Cinema architects, Meyer Shircore & Associates, will be in attendance to discuss the proposed Cinema design.

**D72/4/03            RECOMMEND**

**That the Executive Director Development Services report for the month of April 2003 be received.**

*The CHAIRMAN acknowledged that this was the last meeting prior to Council elections. He thanked all Councillors for their contribution, cooperation and constructive involvement.*

*CHAIRMAN conveyed best wishes to those Councillors standing for election and paid special tribute to Cr Stubbs for his 18 years of service, particularly with Development Services Committee.*

*Cr Stubbs thanked the Chair for his comments and expressed to Committee and Staff his enjoyment and gratification as a Development Services Committee member over the past years.*

*Cr Green also thanked Cr Stubbs and wished him all the best for the future.*

**MEETING DECLARED CLOSED AT 8:50 PM**

# I N D E X

## DEVELOPMENT SERVICES COMMITTEE

14<sup>TH</sup> APRIL 2003

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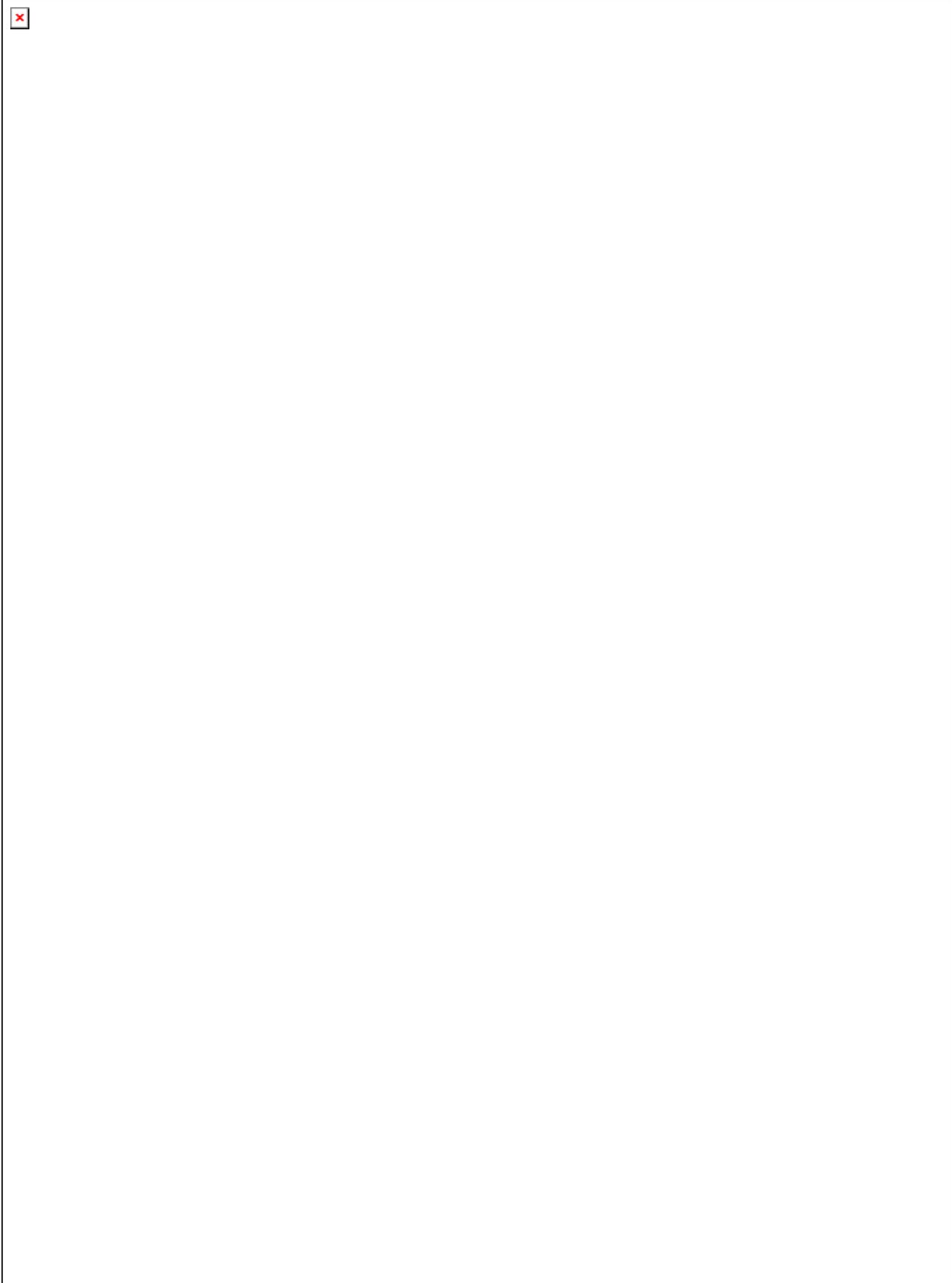
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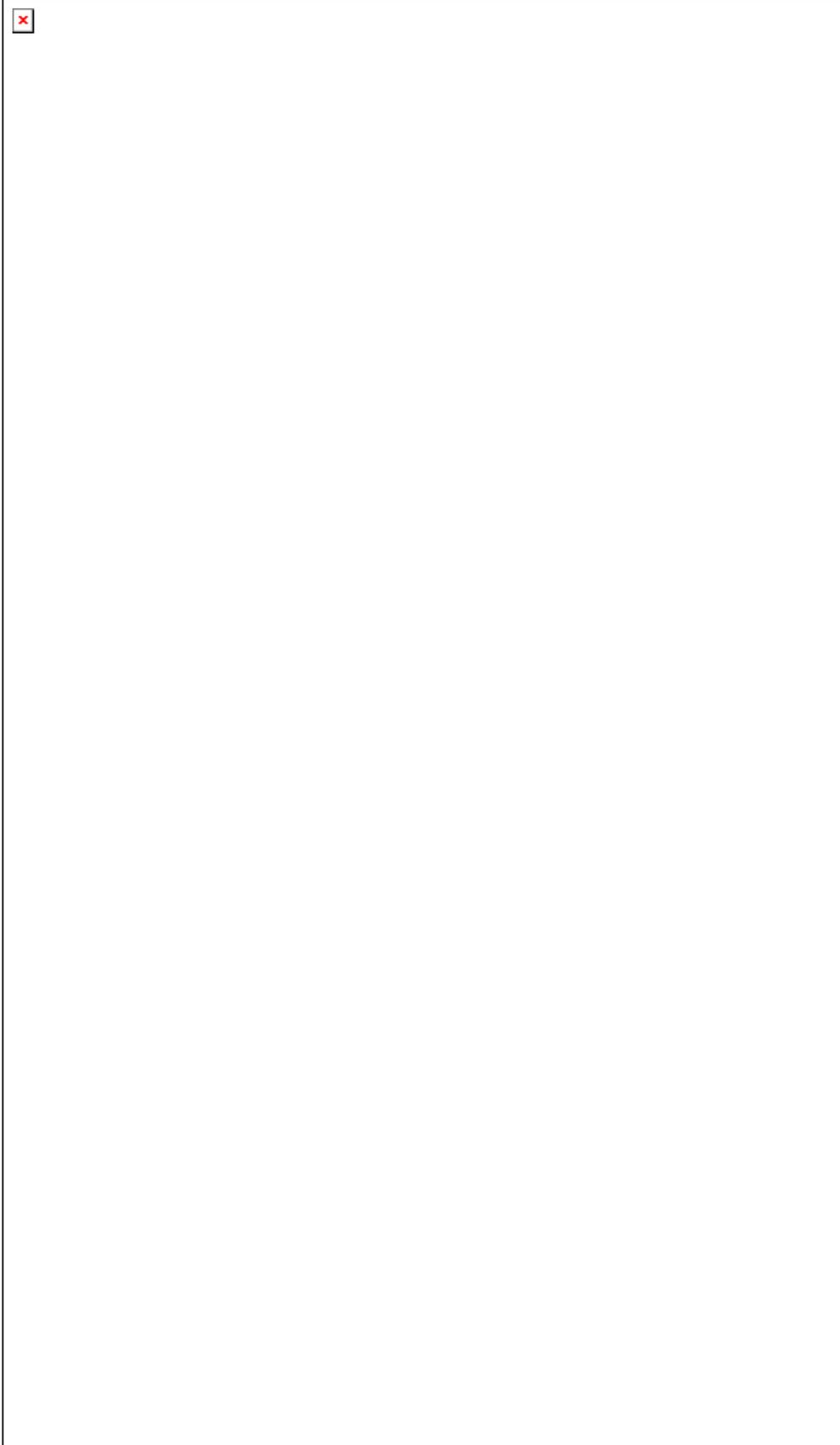
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PLN 3.7

ARALUEN RESIDENTIAL ESTATE

## 1. INTRODUCTION

The Araluen Country Club is a low-density residential development integrated with a golf course located within the Darling Ranges east of the Armadale City centre. The estate was developed initially with specific design guidelines and covenants and under the provisions of Town Planning Scheme No. 2. The estate will continue to develop and requires similar, if less extensive, guiding principles to those originally prepared.

In view of the exposed nature of the development and potential to be viewed from Roleystone it is necessary to ensure that siteworks and building design and siting is undertaken with sensitivity. This policy is prepared to assist developers and the Council in guiding development.

This policy is based on the *Design Guidelines and Covenants* January 1994 prepared by Hames Sharley for the Araluen Country Club modified to take account of the provisions of the *Residential Design Codes*, the provisions of Town Planning Scheme No.4 and the extent to which special planning controls are now appropriate for the estate.

Town Planning Scheme No. 4 requires that buildings within the Araluen, and other, Special Residential zones are to accord with the same setbacks, building height, bulk, open space and landscaping requirements as those for development to which the Residential Design Codes apply. Accordingly, this policy provides additional guidance in matters not adequately addressed in the Residential Design Codes.

## 2. APPLICATION OF POLICY

The policy applies to the development of residential dwellings, outbuildings and associated siteworks within the Araluen Country Club estate.

## 3. POLICY OBJECTIVES

- To ensure that development enhances the residential amenity for existing and future Araluen residents.
- To protect and enhance the natural environmental features of the locality.
- To provide clear guidance to Council in the exercise of its discretion to approve development.

## 4. POLICY STATEMENT

### 4.1 Streetscape

4.1.1 Garages should be integrated with the dwelling. Flat roof carports, patios and garages are not permitted.

4.1.2 Parking areas for boats, caravans and commercial vehicles are not permitted forward of the rear building line.

4.1.3 Clothes drying, service and storage areas shall not be visible from public areas.

4.1.4 Air conditioning units and storage tanks for solar water heaters shall not be constructed to be visible from a public areas.

4.1.5 Maximum driveway width shall be 3.6 metres.

4.1.6 Driveways should be comprised of materials complementary in colour to the estate roads, or other earthy colours appropriate to the site.

## **4.2 Site Works and Vegetation Removal**

4.2.1 Building sites should, as far as practicable, be restored to their original state after development.

4.2.2 Removal of existing trees and bushes shall only occur to provide to the siting of a dwelling, to provide dwelling access and to accommodate the construction of necessary fire-breaks.

## **4.3 Building Design**

4.3.1 Dwelling designs shall incorporate elements of Australian vernacular character such as verandahs and porches.

4.3.2 Roofs shall be constructed to a pitch of between 25 and 45 degrees. A roof form providing highly articulated slopes with hips, gables, or other forms shall be used.

4.3.3 Transportable or kit homes are not permitted.

4.3.4 On sloping sites, split level designs are encouraged.

## **4.4 Building Materials**

4.4.1 Roofs should be comprised of tiles or colourbond custom orb.

4.4.2 Walls should be comprised of exposed or rendered masonry, rammed earth, or timber cladding.

4.4.3 The use of reflective material should be avoided - materials used for roofs and walls should not have a absorption index of less than .6.<sup>1</sup>

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<sup>1</sup> Solar absorption values are set out for various colours in Table 7 of the Energy Efficiency Measures of the Building Code of Australia, Volume 2, 2002.

#### **4.5 Building Height**

4.5.1 The maximum height of any part of a dwelling shall be 7.5 metres above natural ground level.

#### **4.6 Boundary Fencing**

4.6.1 For lots less than 1 hectare in area, boundary fencing may be erected provided it is constructed of post and wire in accordance with the following specifications:

- Post materials: CCA Treated Pine – Homestead
- Strainer posts: RR6 x 2.1m with dome tops
- Intermediate posts: RR5 x 1.8m with dome tops at 4m centres, 1.1m above ground
- Struts: RR4 x 2.4m
- Wire: 2 white AWI horse siter wires with end strainers, top wire as 1050mm level on post – bottom wire at 975mm
- Ringlock – 8/90/15

4.6.2 For lots greater than 1 hectare in area, boundary fencing may be provided where it is constructed of post and wire in accordance with the following specifications:

- Post materials: CCA Treated Pine
- Strainer posts: RR6 x 2.1m
- Intermediate posts: RR5 x 1.8m at 4m centres, 1.2m above ground
- Struts: RR4 x 2.4m
- Wire: 2 plain wires with end strainers
- Ringlock – 8/90/30

4.6.3 Fences to courtyards and private areas shall be constructed with the predominant materials used in the walls of the associated dwelling.

#### **4.7 Outbuildings**

In addition to the requirements of Council’s policy “The Siting and Scale of Outbuildings in Residential and Rural Areas” –

4.7.1 Outbuildings shall be constructed with materials conforming to the predominant materials used in the construction of the roofs and walls, respectively, of the associated dwelling.

4.7.2 Outbuildings should be integrated with the dwelling.



