

# CITY OF ARMADALE

## **M I N U T E S**

**OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 14<sup>TH</sup> JANUARY 2002, AT 7:00 PM.**

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**PRESENT:**

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

**APOLOGIES:**

Mr I Townson	Building Services Manager (Annual Leave)
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**OBSERVERS:** Nil

**IN ATTENDANCE:**

Mr J H A Adderley	Executive Director Development Services
Ms S Hillel	Acting Building Services Manager
Mr P Meyrick	Health Services Manager
Mr L Fouché	Planning Services Manager
Ms N Cranfield	Minute Secretary
Public	8

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***DISCLAIMER***

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

***QUESTION TIME***

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**Ms J Wylie – 7 Saffron Court, Kelmscott**

1. Ms Wylie queried whether Councillors were aware of works on the Pioneer Village site which have altered the entrance configuration. A new entrance is being established at the northern boundary of the Village close to the Pioneer Village School entrance?

*Chairman responded that Councillors were aware of works undertaken by new the owner.*

2. Ms Wylie also queried whether Councillors were aware that the proposed micro-brewery development was located close to the Pioneer Village School teaching area?

*Chairman noted the observation and that matters raised by Ms Wylie will be taken into account in considering the development proposal.*

***CONFIRMATION OF MINUTES***

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**RESOLVED**

**Minutes of the Development Services Committee Meeting held on 10<sup>th</sup> December 2001 were confirmed.**

MOVED Cr Green  
MOTION CARRIED (7/0)

***ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.1/2002***

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

- Health Services Manager’s Report for November 2001
- City of Armadale Alcohol Policy
- Fill on Site – Lot 706 Fisher Place, Mt Nasura
- Planning Services Manager’s Report for November 2001
- Compliance Officer’s Report for November 2001
- Town Planning Scheme No.2 & No.3 – Amendment Table
- Monthly Admin Reports for November 2001
- Subdivision Applications – Recommendation Table
- Building Services Manager’s Report for November 2001
- Councillors’ Item Report for November 2001

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

***PIONEER WORLD – PROPOSED MICRO BREWERY WITHIN EXISTING PUB –  
LOT 100 ALBANY HIGHWAY, ARMADALE***

WARD : ARMADALE  
FILE REF : A185084  
DATE : 8 January 2002  
REF : JRH/EP  
RESPONSIBLE : PSM  
MANAGER

**In Brief:-**

- The applicant proposes the development of a micro brewery as an incidental use to the old Pioneer Village Pub.
- The proposal is considered compatible with the “Special Use-Public Amusement” zoning of the subject land.
- Recommendation for approval subject to no sustainable objections being received as a result of advertising.

LANDOWNER : SUMMER MOON ENTERPRISES PTY LTD.  
APPLICANT : HTS CONSULTANTS PTY LTD  
SUBJECT LAND : Lot 100 Albany Highway, Armadale  
Property size 4.0ha; Map 23-03  
ZONING  
MRS / TPS No.2 : Urban / Special Use “Public Amusement”

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

- ♦ Development – to balance the needs of development with sustainable economic, social and environmental objectives.
- ♦ To create an Integrated Regional Centre with a full range of services (Residential, Business, Commercial, Recreational, Civic and Leisure).

**Legislation Implications**

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

**Council Policy / Local Law Implications**

City of Armadale Alcohol Policy.  
Enquiry by Design Workshop Outcomes Report

**Budget / Financial Implications**

Nil.

### **Consultation**

Nil.

### **BACKGROUND**

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

The proposal has not yet been advertised, however in the interest of expediting the processing of the application it is considered that Council may grant delegation to the Planning Services Manager to approve the application, subject to no sustainable objections being received.

### **DETAILS OF PROPOSAL**

The applicant proposes the development of a micro brewery (Ned Kelly Micro Brewery) as an incidental use to the old Pioneer Village Pub (PVP). The Pub was previously in operation and is currently being refurbished. There are no external changes proposed to the PVP.

The micro brewery is proposed to be located within three vacant shops adjacent to the PVP. Shops 30 and 31 (immediately south) are to contain the micro brewery operation, whilst the shop immediately to the west of the PVP will be refurbished as a coolroom for the storage of production. No external alterations are proposed to the buildings that are to be used for the activity. The brewery will form part of the PVP with visitor tours, beer tasting and inspection of processing. No commercial distribution of beer is proposed.

### **COMMENT**

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

DCU considered this proposal at its meeting on 8 January 2002. Given the low scale nature of the business and its compatibility with the "Tourist" theme of the village the application was recommended for approval. It was also recommended that any potential noise odour and waste disposal issues be addressed through conditions of approval.

### **Analysis**

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

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

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

Although the proposed use is not specifically prescribed in the "Special Use" zoning of this land a brewery could be considered as an extension ancillary to the old Pioneer Village Pub and a use that might occur within the 19<sup>th</sup> Century village atmosphere of this complex.

Within the context of the special use zoning, it could be argued that a brewery forms part of the Pioneer Village concept, involving the production and sale of beer from one location rather than being transported from an external plant. Such containment of activities would decrease the requirement for transport/service vehicles to deliver to the village.

### ***Armadale Enquiry by Design Workshop Outcomes Report (EBD)***

The proposal is consistent with the EBD report which proposes the identification of appropriate commercial operators and negotiation with them to develop the east end precinct in a manner that would allow for cultural and tourism elements to be incorporated effectively.

### ***Car Parking***

The proposed micro brewery is unlikely to be a high traffic generator as it represents a tourist attraction incidental to existing facilities and shops within the village. As the Pioneer Village Pub was previously in operation, with adequate parking provided for the operation, car parking is not a concern.

### ***City of Armadale Alcohol Policy***

The previous Pioneer Village pub known as the “Diggers Rest Tavern” was granted a liquor licence in March 1990. As the premises have been closed for a considerable period of time such licence has now expired, and reopening of the facility would require a new liquor licence. Council’s Alcohol Policy requires development applications for construction of, or conversion into, licensed premises to be advertised to provide the opportunity for input by the affected general public and the relevant government agencies to such proposals. Therefore the subject application needs to be advertised prior to approval of this proposal.

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

#### *Noise*

The applicant has advised that the micro brewery will produce all beer sold from the premises. The noise generated by the brewing is likely to be minimal as there is no bottling of beer or after hours activity proposed. No food preparation will be carried out on premises. Only ambient music will be played to create the atmosphere in the pub. Conditions can be imposed to restrict the hours of brewery operation to ensure noise control.

#### *Odour*

Odour produced by the brewing process, as evidenced elsewhere, due to the technology involved is considered to be minimal.

In assessing this application officers have investigated other local authorities’ experiences with similar establishments, in particular the City of Fremantle (“Sail and Anchor” and “Little Creatures”) and City of Perth (“Rail Ale” and “Swan Brewery”). Both Councils have advised that public has not raised any major concerns before or after the establishment of the breweries and that they have been operating without any adverse amenity impact. The Micro Brewery approved at Elizabethan Village in 1991, has been operating without complaints.

*Waste disposal*

The applicant has not provided any details of waste disposal, however, due to the limited size of the operation, the service requirements (i.e. supply of raw material and removal of waste) would be minimal. It is recommended that the applicant further liaise with the EPA in regard to this matter to ensure no accidental spillage or contamination occurs.

**CONCLUSION**

The proposed Micro Brewery is viewed as supplementing the Pioneer Village concept of this site and would be complementary to the “Tourist” image of this development. It is compatible with the “Special Use-Public Amusement” zoning of the land and the Armadale EBD proposals.

The application is required to be advertised to provide opportunity for input by public who may be affected by the proposal as stipulated by Council’s Alcohol Policy prior to any approvals being issued. It is considered that the proposal may be approved, subject to no sustainable objections being received.

***Officer’s report recommends –***

1. That subject to no sustainable objections being received during the advertising period the Planning Services Manager be authorised to issue an MRS Form 2 approval to the application to operate a Micro Brewery as an incidental use to the Pioneer Village Pub at Lot 100 Albany Highway, Armadale subject to conditions including the following principal requirements:
  - a) No bottling processes or commercial export of beer to occur without approval from Council.
  - b) No brewing activities, including storage of both full and empty kegs to occur outside the brewery / pub without approval from Council.
  - c) No outdoor activities such as public amusement to occur without approval from Council.
  - d) A Waste Management Plan indicating methods of disposal of brewery waste to be submitted to and approved by the Health Services Manager prior to the commencement of brewing operations.
  
2. That the applicant be advised that in the operation of the brewery, the operator is required to meet:
  - a) The permitted noise level standards contained in the Environmental Protection (Noise) Regulations 1997.
  - b) The provisions related to odours in the City of Armadale Environment, Animals and Nuisance Local Laws 2002.

*Executive Director Development Services advised Committee of concerns arising out of the status of the submitted MRS Application and that legal advice indicated that the application may need to be endorsed by the relevant strata body. Accordingly, it was suggested that advertising of the proposed micro brewery should proceed only after receipt of a properly authorised MRS Form-1 Application.*

*COMMITTEE considered the matter at some length, noting that the micro brewery function was integrally linked to the licensing of the Pioneer Village Pub. It would be desirable to obtain further advice from the applicant as to throughput volumes anticipated for the brewery.*

**D1/02                      RECOMMEND**

- 1.    That subject to a duly authorised MRS Form-1 Application being received, the proposal to operate a micro brewery as an incidental use to the Pioneer Village Pub at Lot 100 Albany Highway, Armadale be advertised to surrounding landowners for comment for a period of 28 days.**
  
- 2.    That the applicant be advised of additional matters which Council would expect to be addressed in relation to this application, including:-**
  - ♦    Information in respect to overall throughput volumes associated with the brewery;**
  
  - ♦    The need to obtain Licensing Court approval for the brewery and the Pioneer Village Pub;**
  
  - ♦    The reliance of any approval of the brewery on licensing of the Pioneer Village Pub.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

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***PETITION – USE OF PROPERTY - LOT 24 CARRADINE ROAD, BEDFORDALE***

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WARD : ARMADALE

FILE REF : A14497

DATE : 9 January 2002

REF : SA

RESPONSIBLE : PSM  
MANAGER

LANDOWNER : TA & JA Parsons

SUBJECT LAND : Lot 24 Carradine Road, Bedfordale  
Property size 3.083 Ha; Map 24.04

ZONING

MRS / TPS No.2 : Rural; Rural 'C'

**In Brief:-**

- Advertising for sale of subject property is causing concern in the locality regarding permitted and non-permitted uses of the subject land.
- Residents in proximity to the subject site signed a petition disapproving of certain land uses.
- Recommendation to advise residents of Council's actions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

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

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Nil.

## **BACKGROUND**

At its ordinary meeting held on 17<sup>th</sup> December 2001 Council received a petition the prayer of which reads as follows;

*“We would like to bring to your attention Lot 24 Carradine Road, Bedfordale. The above property which is for sale, is advertised as having licenses for a education centre, and is licensed to hold seminars.*

*We, the undersigned wish to register with Council our disapproval of this usage in a Heritage Rural area where we live, regardless whether the property is sold or not.”*

Council resolved that the petition be received and referred to the Development Services Committee. Council has also received two letters from residents voicing their concerns relating to activities occurring on the subject site.

In November 1995 Council granted its approval to conduct an Arts and Crafts Study Centre on the subject property, which, amongst other things, limited the number of students to 20 persons.

The subject property has recently been advertised for sale by tender.

An article that appeared in the Sunday Times newspaper stating that, amongst other things, the property is “...licensed as an education centre...”, “... hall of learning” and “...is licensed to hold seminars....” caused concern and may have prompted the petition.

## **COMMENT**

Allegations have been made that activities have taken place on the subject site that do not conform with the approved use of the land. These allegations have been investigated by Council Officers who have not, to date, been able to conclusively determine that a breach of the Town Planning Scheme has taken place.

In an endeavour to ensure that misunderstandings do not eventuate, the owner of the land and the Real Estate Agent handling the sale of the property, have been provided with documentation detailing the approved use of the land.

## **D2/02**

## **RECOMMEND**

- 1. That Council note the actions of the Liaison and Compliance Officer in informing the owners of the subject property and Real Estate Agent of the limits of land use approved on Lot 24 Carradine Road, Bedfordale.**
- 2. That the petitioners and other persons making submissions on the use of Lot 24 Carradine Road, Bedfordale be advised of the limits of approved uses on the property in question.**

MOVED Cr Stubbs  
MOTION CARRIED (7/0)

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**ZINCALUME ROOF - LOT 27 (30) FLINN AVENUE, KELMSCOTT**

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WARD : KELMSCOTT  
FILE REF : A237629  
DATE : 27 December 2001  
REF : SH/IT  
RESPONSIBLE : BSM  
MANAGER  
APPLICANT : JAXON  
CONSTRUCTION

**In Brief:-**

- Proposal to construct a residence utilising “Zincalume” coated roof sheeting.
- Application advertised and objections received.
- Recommendation for refusal on the grounds of the likely adverse impact on the adjacent properties due to the topography of the land combined with the roof pitch and configuration.
- A precedent has been set whereby highly reflective roof cladding materials have not been approved in an established locality where the predominant roofing material is tiles.

LANDOWNER : M & R WITHERS  
SUBJECT LAND : Lot 27 (No.30) Flinn Avenue, Kelmscott  
Property size 817m<sup>2</sup>; Map 22.05  
ZONING  
MRS / TPS No.2 : Urban/ Residential “R12.5”

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

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

**Council Policy / Local Law Implications**

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

**Budget / Financial Implications**

Nil.

### **Consultation**

The proposal was advertised to seven (7) neighbouring property owners for comment.

### **BACKGROUND**

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

As the application proposes to utilise "Zincalume" – coated materials for the roof sheeting, Council's determination is required.

### **DETAILS OF PROPOSAL**

An application has been received from the builder, on behalf of the owners, requesting Council's approval to amend the roofing finish on the submitted documents from tiles to "Zincalume" coated materials for the residence proposed to be constructed on the subject lot.

### **COMMENT**

Consultation was undertaken with the adjacent landowners who may be affected by the proposed reflective roof sheeting. Three (3) responses were received, all of which objected to the proposal. The concerns raised were in relation to the potential for glare and reflectivity if "Zincalume" coated material was utilised.

### **Analysis**

Officers have visited the site and considered that the proposal is likely to have an adverse impact on the adjacent properties given the prevailing site conditions. There is a moderate fall across the site of approximately 2.0 metres. The roof is a traditional hip style with a pitch of 20 degrees. The proposed location, which is towards the front left-hand side of the property would be visible from the adjacent well-established residences, hence the concerns regarding visual intrusion. Officers are of the view that the new dwelling should harmonise with the surrounding established dwellings, which have been roofed with materials complementary to the natural environment.

Other homes have been approved with "Zincalume" roof sheeting materials in the vicinity of the applicant's home, but these are separated from the older established residences in the area and will not have a significant impact on the amenity of the established area.

The residence under consideration is located on the "interface" between an established residential area and a recent subdivision where some of the landowners with residences under construction have chosen to roof their homes with "Zincalume" roof sheeting in keeping with a trend to use this material in modern design.

### **Options**

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

- Option 1 – Support the application to utilise “Zincalume” coated roofing materials.
- Option 2 – Revert to the original proposal to utilise a tiled roof finish.

### **CONCLUSION**

Officers concur with the concerns expressed by the adjacent neighbours about the potential glare problems if highly reflective roofing materials were used and therefore recommend reverting to the original proposal to utilise a tiled roof finish.

**D3/02**

### **RECOMMEND**

**That Jaxon Construction’s request for Planning Consent to allow the use of highly reflective roofing materials on the proposed residence on Lot 27 (No.30) Flinn Avenue, Kelmscott be refused because:**

- a) **Of the likely adverse impact on the amenity of the adjacent properties due to the roof pitch and roof configuration.**
- b) **A precedent has been established whereby highly reflective roof cladding materials have not been approved in an established locality where the predominant roofing material is tiles.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

**INADEQUATELY FENCED PRIVATE SWIMMING POOLS - PROSECUTIONS**

WARD : ALL  
FILE REF : BLD/4  
DATE : 7 January 2002  
REF : IT  
RESPONSIBLE : BSM  
MANAGER

**In Brief:-**

- Report on the outcome of the City's inspection of Private Swimming Pools to ensure that pools are fenced in accord with the Regulations.
- The listed property owners, or residents, have not met their obligations to secure their private pools, despite many site visits to assist and advise.
- Recommendation that legal proceedings be instigated.

**Owner and Property Details**

Resident	Lot	No	Street	Assessment Number
BV & PI Richards	320	52	Blackwood Drive, Mt Nasura	A5672
A & C Williams	327	28	Lofties Street, Forrestdale	A38520
G Evans	201	42	Contour Road, Roleystone	A230382
A Cantrell	2	17	Natasha Way, Westfield	A92124
A Krishnan	16	2600	Albany Highway, Kelmscott	A65773
T & K Gliddon	150	110	Westfield Road, Kelmscott	A138724

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Local Government (Miscellaneous Provisions) Act 1960  
Building Regulations 1989

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Cost of legal proceedings (Allocation included in adopted budget)

## **Consultation**

Council's Private Swimming Pool Inspection Contractor

### **DETAILS OF PROPOSAL**

As Councillors are aware the City is required to inspect every Private Swimming Pool in the City at least once every four years. Council has commissioned C E Nicholls and Son Pty Ltd to undertake the inspections on its behalf to ensure all private pools are adequately fenced to assist with the protection of young children in the community.

A varying number of visits to approximately 1000 properties each year are undertaken to advise residents on how to ensure that their pool fencing meets the requirements of the current legislation.

The vast majority of residents contacted during these visits have diligently maintained their fencing at the required standards or quickly correct any deficiency brought to note by the visit.

However, as a result of the inspections twenty-two properties have been identified where the pool enclosure remains in a non-conforming status despite several visits. On each visit a detailed written advice clearly laying out what actions are needed to bring the pool enclosure into compliance.

Of the twenty-two properties, there are six residents who despite the best efforts of the contractor will not bring their pool enclosure into compliance with the legislative provisions.

Other residents within the twenty-two "problem" sites might have to be the focus of enforcement actions later, but at this time it is believed that the five residents, highlighted in the report, are the most serious cases and the ones that should be pursued in the first instance.

A letter has been written to each of the five residents advising that a report is being presented to Council in which it is to be recommended that legal proceedings be instigated for not enclosing the swimming pool on their property in accord with the legislative requirements.

### **COMMENT**

It is considered that legal proceedings should be instigated against the nominated residents to ensure that the City fulfils its legal obligations to ensure that all Private Swimming Pools are inspected regularly and that any non-compliance noted by the inspections are rectified in a reasonable time.

Prompt enforcement action will lead quickly to a resolution of the safety issue, and will be in keeping with the recent recommendations of the Coroner's Office that all efforts to avoid delays in "follow-up" actions when safety of the public is involved should be minimised.

**Options**

- Option 1 - Instigate proceedings against the nominated residents who have failed to ensure their private pool is enclosed by fencing conforming to the regulations.
- Option 2 - Take no formal action at this time, and commission Council's Swimming Pool Inspection Contractor to revisit the sites again with the aim of enlisting the resident's cooperation. (At additional cost to the City in accord with the contract provisions)
- Option 3 - Take no action.

**CONCLUSION**

Officers are of the view that legal proceedings should be commenced against the nominated residents for failure to maintain adequate and safe pool security on their properties and therefore recommend that Option 1 be pursued.

Council's previous similar actions have quickly resulted in the residents involved making appropriate modifications to the pool enclosures.

**D4/02 RECOMMEND**

1. **That the Building Services Manager be authorised to instruct Council's solicitors to instigate legal proceedings against the following residents for failure to enclose a swimming pool at the lot on which they reside in compliance with the requirements of Part 10 of the Building Regulations 1989.**

RESIDENT	LOT	NO.	STREET
BV & PI Richards	320	52	Blackwood Drive Mt Nasura
A & C Williams	327	28	Lofties Street Forrestdale
G Evans	201	42	Contour Road Roleystone
A Cantrell	2	17	Natasha Way Westfield
A Krishnan	16	2600	Albany Highway, Kelmscott
T & K Gliddon	150	110	Westfield Road, Kelmscott

2. **That the residents listed above be advised of actions being instigated.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

***COUNCILLORS' ITEMS***

Nil.

### **LOCAL LAWS**

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WARD : ALL  
FILE REF : LAW/13  
DATE : 3 January 2002  
REF : PM  
RESPONSIBLE : HSM  
MANAGER

#### **In Brief:-**

- Council resolved on 22 October 2001 to advertise for public comment, in accordance with the provisions of the *Local Government Act 1995*, the proposed *City of Armadale Environment, Animals and Nuisance Local Laws 2002* and the *City of Armadale Health Local Laws 2002*.
- Advertising has been completed and no comments necessitating any significant changes to the proposed local laws have been received.
- Recommendation that the local laws be adopted.

### **Tabled Items**

Nil.

### **Officer Interest Declaration**

Nil.

### **Strategic Implications**

Strategic Plan Aims:-

- ◆ to maintain Armadale as a place where the average family can enjoy a good lifestyle;
- ◆ to achieve a better quality of living for the people of our City; and
- ◆ to enhance the qualities and benefits of our natural and built environment.

### **Legislation Implications**

Power to adopt local laws provided under Section 3.5 of the *Local Government Act 1995* and Sections 134, 158, 172, 190, 199, 249 and 342 of the *Health Act 1911*.

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

Proposed adoption of a new set of *City of Armadale Environment, Animals and Nuisance Local Laws 2002* under the *Local Government Act 1995* and a revised set of *City of Armadale Health Local Laws 2002*, which will incorporate repeal of the *City of Armadale Control of Refuse on Building Sites Local Law 2001* and the *City of Armadale Health Local Laws 1996*.

### **Budget / Financial Implications**

Advertising costs estimated to be in the order of \$2,500 - \$3,000. Budget provision has been made.

### **Consultation**

There has been consultation with all Directorates, as well as the Department of Environmental, Water and Catchment Protection and a number of other local governments. Advertising in accordance with the provisions of the *Local Government Act 1995* did not result in any public comment. Comment has been received from the WA Department of Health.

### **BACKGROUND**

At its meeting of 22 October 2001 Council resolved:

*“That the draft City of Armadale Environment, Animals and Nuisance Local Laws 2002 set out in Attachment “A1” of the Minutes and the draft City of Armadale Health Local Laws 2002 as set out at Attachment “A2” of the Minutes be advertised for public comment in accordance with the requirements of the Local Government Act 1995.”* (Part 2 of Resolution D249/01)

***Both sets of draft local laws, subject to some minor modifications as indicated below, are at Attachment “A1” and “A2” of the Minutes.***

### **COMMENT**

#### **Analysis**

Only one comment was received from a member of the public, that arriving after the close of the public comment period and arguing essentially, with respect to the proposed Environment, Animals and Nuisance Local Laws, that control of cats is an Environmental rather than Planning matter. The proposed local laws refer to the City’s Town Planning Scheme No.2 only in defining the area in which cats may not be kept, and the letter does not present an argument as to whether or not the provisions should exist. No change to the draft is recommended.

Minor modifications have been made to the original draft to reflect some recent regulatory changes, most notably in Clause 49, where provisions relating to incinerators and burning have been altered to attain consistency with soon to be promulgated regulations under the *Environmental Protection Act 1985* relating to atmospheric discharges.

Comment from the WA Department of Health has resulted in some minor changes to the draft Health Local Laws originally considered by Council, primarily within the definitions area and the provisions relating to piggeries, where some clauses were deemed to be animal welfare provisions and *ultra vires* the Act.

#### **Options**

Council may elect to:

- accept in full;
- amend; or
- not proceed with

either or both drafts.

## CONCLUSION

For the sake of consistency, convenience of administration and efficiency it is considered that the proposed local laws should now be adopted.

*Correspondence received from Mr R Harvey of 57 Hawkstone Road, Roleystone was tabled for information of Committee.*

*The correspondence presenting argument against the prohibition on keeping a cat in Special Use Zones 69, 73 and 81 was not considered by Committee to warrant any change to the proposed City of Armadale Environment, Animals and Nuisance Local Laws, because the local laws sought only to impose a more effective means of control rather than impose new restrictions.*

*Committee was of the view that, for the sake of removing any uncertainty, the definition of "sand" in the proposed Local Laws ought include gravel. **The draft at Attachment "A1" to the Minutes has therefore been amended accordingly.***

*Committee also noted that Clause 55, relating to the starting or driving of trucks on land in residential areas, represented a fundamental change in approach to this issue and would need to be widely publicised.*

## D5/02

## RECOMMEND

1. **That pursuant to its powers under the *Health Act 1911* and the *Local Government Act 1995*, the Council of the City of Armadale hereby adopts the *City of Armadale Health Local Laws 2002* and the *City of Armadale Environment, Animals and Nuisance Local Laws 2002*, as set out at Attachment "A1" and "A2" of the Minutes.**
2. **That pursuant to the provisions of Section 9.10(1) of the *Local Government Act 1995*, with respect to the *City of Armadale Environment, Animals and Nuisance Local Laws 2002* any persons holding the offices of:**
  - **Environmental Health Officer;**
  - **Building Surveyor;**
  - **Ranger;**
  - **Liaison and Compliance Officer;**
  - **Executive Director, Technical Services; and**
  - **Manager Technical Services**

**to the City of Armadale be authorised for all purposes of enforcement, including the issue of Infringement Notices.**

3. **That pursuant to the provisions of Section 9.17(1) of the *Local Government Act 1995*, with respect to the *City of Armadale Environment, Animals and Nuisance Local Laws 2002*, any person holding the office of Cashier be authorised for purposes of receiving payment of modified penalties.**

4. That pursuant to the provisions of Section 9.19 and 9.20 of the *Local Government Act 1995*, with respect to the *City of Armadale Environment, Animals and Nuisance Local Laws 2002*, any person holding the office of Chief Executive Officer be authorised to:
- extend the period for payment of modified penalties; and
  - withdraw Infringement Notices.

\* SPECIAL MAJORITY REQUIRED

MOVED Cr Stubbs  
MOTION CARRIED (7/0)

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***ANNUAL MEETING OF ELECTORS –  
BROOKDALE LIQUID WASTE TREATMENT FACILITY***

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WARD : FORREST  
FILE REF : A61266 & MTG/2  
DATE : 14 December 2001  
REF : PM  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:-**

- Consideration has been given to the decisions made at the Annual General Meeting of Electors on 29<sup>th</sup> November, particularly in light of a recent joint press release by the Ministers for Planning & Infrastructure and the Environment.
- Many of the recommendations of the Electors meeting have been overtaken by subsequent events. The success of community and Council actions to date render some of the recommendations unnecessary.
- Notwithstanding that, recommendation that the decisions not be endorsed or acted upon by Council, because they do not satisfy criteria of effectiveness, the broader community interest and financial responsibility and accountability.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Communication:

Communication is the key to the community understanding Council's role, participating in Council activities and being aware of the services and facilities available in the community.

Aim - to achieve dialogue with the community in order to have a clear understanding of its needs and expectations.

**Legislation Implications**

Local Government Act 1995 – Sections 5,26 to 5.33

Local Government (Administration) Regulations 1996 – Regulations 15, 17, 18 & 35.

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting, or, if that is not practicable –
  - (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose,whichever happens first.

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for that decision are to be recorded in the minutes of the council meeting.

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

Nil.

### **Budget / Financial Implications**

Considerable, running into tens, possibly even hundreds of thousands of dollars if all decisions of the electors' meeting were adopted by Council.

### **BACKGROUND**

At its meeting of 17<sup>th</sup> September 2001 Council reiterated and affirmed its longstanding objection (since 1994) to the treatment of hazardous wastes at the Brookdale Liquid Waste Treatment Facility. It also formally determined its response to the Consultative Environmental Review (CER), as well as endorsing a supplementary report dealing with matters outside the CER's ambit. The CER response was forwarded to the Environmental Protection Authority on 19<sup>th</sup> September, and appropriate Ministers and Members of Parliament have since been made aware of Council's position.

The Annual General Meeting of Electors was held on 29<sup>th</sup> November, and at its meeting of 3<sup>rd</sup> December Council resolved that a number of decisions relating to the Facility made at that meeting be referred to the January meeting of the Development Services Committee for a report and recommendation to Council.

### **RECENT DEVELOPMENTS**

1. On 3<sup>rd</sup> December, samples of water and sludge were taken from the perimeter drain around the Facility by members of a protest group and submitted to a NATA accredited analytical laboratory for examination. The laboratory report indicated presence of some PCBs, as well as higher than acceptable levels of cadmium, although it should be noted that the level of cadmium detected was below the DEP's Ecological Investigation and Health Investigation levels. While it is known that sampling was not conducted in accordance with protocols necessary to ensure integrity of results, the laboratory report does raise some concerns, and consequently water samples from some nearby bores have been submitted for analysis. At the time of writing no results have been received.
2. There was a break in a main sewer pressure line which runs under (but does not service) the LWTF on 10<sup>th</sup> December. Sewage overflowed into the perimeter drain, and samples were submitted for analysis by Council's officers to determine whether any other contaminants were carried from the Facility. Other than low levels of two hydrocarbons, results received have not indicated presence of any materials at levels beyond normal expectations. It should be noted that a range of hydrocarbons typically find their way into stormwater drains as a result of road runoff of various petrochemical deposits.

3. On the same day, a meeting was convened by the Member for Southern River, Mr Paul Andrews, MLA, and representatives from the City, DEP, commercial waste operators and the local community attended. At that meeting:
  - ◆ the DEP provided an assurance that the overflow had not impacted on hazardous waste storage at the Facility;
  - ◆ the DEP also advised that it was undertaken sampling to determine the extent of the effect of the sewage spill. They would also be sampling the drain and on site monitoring bores to test for PCBs and heavy metal contaminants not associated with the spill;
  - ◆ it was indicated that the proposed ToxFree site in Kwinana would be able to accept virtually all of those wastes being accepted or proposed to be accepted at Brookdale, although DEP officers cautioned against any presumption of certainty, and the consequent assumption that the Brookdale site would close.
4. Since the meeting, the Town of Kwinana has granted a Development Approval for the ToxFree project.
5. The following sampling and analysis programs have been or will be undertaken:
  - ◆ The DEP has collected and submitted samples in respect of the sewage overflow, and results have indicated that there was no impact north of Armadale Rd, and that rectification action taken by the Water Corporation and Cleanaway has been successful in minimising any environmental or health impact.
  - ◆ Samples of sediment taken from the perimeter drain by an independent agent on 11<sup>th</sup> December found no PCBs, and although mercury was detected in one sample, the level was significantly below the DEP's Ecological Investigation and Health Investigation levels. Nevertheless, the DEP will be undertaking further sampling in the drain to verify these findings.
  - ◆ A number of bores in Hanlin, Twelfth, Forrest and Ranford Roads have been sampled by the City's officers and submitted for examination against the Australian Drinking Water Guidelines and for PCBs. Preliminary results been received indicate that there are no issues of health concern with the waters sampled. There are, however, a several elements of non compliance of untreated water from the bores for "aesthetic" considerations, including:
    - hardness;
    - salinity;
    - high iron content; and
    - total dissolved solids.

These shortcomings are fairly typical of bores in the area, and indeed over much of the Swan Coastal Plain.

- ♦ The Western Australian Department of Health will be undertaking bacteriological monitoring of bores in Hanlin Rd to ensure that there is no impact from the sewage spill.
6. The Environmental Protection Authority is scheduled to release its assessment and recommendation on the proposal in mid January, with the Minister for the Environment anticipated to make a determination in February. In the meantime, however, the Minister, together with the Minister for Planning and Infrastructure, has issued a joint press statement which appears, to some extent at least, to pre-empt the Ministerial determination. The statement says:

*A new State Government strategy will end the handling of hazardous waste at the Brookdale waste treatment facility. Environment and Heritage Minister Dr Judy Edwards and Planning and Infrastructure Minister Alannah MacTiernan announced today that the strategy aimed to divert all hazardous waste from the Brookdale site within a six-month timeframe.*

*"From today, no more Perchloroethylene (dry cleaning waste) will be able to go to Brookdale," Dr Edwards said. "By the end of January, all PCB wastes which have been a key concern of the local community will also be diverted to ToxFree Solutions in Kwinana. ToxFree now has appropriate environmental approvals and capacity to begin taking some of the hazardous waste - with the site well buffered as part of the Kwinana industrial strip.*

*Other components of the hazardous waste stream now going to Brookdale such as pesticides and paint thinners will be diverted as soon as other options become available.*

*"The Government does not believe that the Brookdale facility represents a long-term solution for hazardous waste management. For the last eight years, the ad hoc approach to waste management has resulted in a mess - which we are determined to fix up. With this comes the clear recognition that the community must be involved from the outset and that the process must provide for a proper consideration of the social impacts of such operations."*

*Ms MacTiernan said that hazardous waste treatment was a key planning issue which required strategic consideration.*

*"Ending the treatment of hazardous waste at Brookdale will be an important boost to the local community and help relieve community anxieties," she said. "The concern that the Brookdale issue has attracted only reinforces the negative effects of years of neglect of the South-East Corridor. Now that this decision has been made we can get on with implementing the Government's commitment to revitalising the economy and image of Armadale and the region generally.*

*Dr Edwards said the strategy was only the first step in developing a range of long-term solutions to hazardous waste management in Western Australia. She said the announcement came after the completion of a study, which she had ordered, to determine what alternatives existed for the safe treatment and disposal of the hazardous waste currently going to Brookdale.*

*"I will be convening a round table with other Government agencies to select candidate sites which will be eligible for a purpose-built hazardous waste facility," the Minister said. "Once a range of sites has been selected I will be seeking advice as to how the community can play a more direct role in the final site selection process."*

*Dr Edwards acknowledged that to undertake an intensive, community-based site selection process for a hazardous waste facility, as well as the required environmental approvals process, would take around two years.*

*The Environmental Protection Authority is expected to continue its current assessment to ensure any outstanding environmental issues are addressed while the plant continues to operate.*

7. Finally, a further meeting was held at the office of Mr Paul Andrews, MLA, on 4<sup>th</sup> January, and attended by the Minister for Planning and Infrastructure and Member for Armadale, the Hon Alannah MacTiernan, MLA, an officer from the Minister for the Environment's Office, and representatives from the DEP, Department of Health, Waters and Rivers Commission and the local community. The City was represented by the Executive Director Development Services and the Health Services Manager. The most significant features of that meeting are set out below.
- ◆ An outline of all sampling of waters from private bores, monitoring bores on site and surrounding drains undertaken to date was provided.
  - ◆ Community representatives presented a list of requests of the Government, a copy of which is at **Attachment "A3" of the Agenda**. Of those requests, probably the more practicable, and more likely to bring the issue to a reasonably satisfactory conclusion, are the provision of:
    - a letter by the Minister for the Environment outlining a time frame for the reduction of hazardous materials over a period of six months from 23<sup>rd</sup> December 2001;
    - a written commitment that the Facility will never revert to receiving hazardous wastes;
    - a list of those substances considered hazardous; and
    - a time frame for the remediation of and soil in and around the Facility.
  - ◆ The City requested a letter from the Minister addressing these issues and the Minister's representative agreed that one would be forwarded. (The City's request has since been confirmed in writing).
  - ◆ The Hon Alannah MacTiernan indicated that she would convene a further community meeting following release of the EPA's report later this month.

## COMMENT

### *Analysis*

Council obviously shares the concerns of the local community and is not supportive of either any expansion of the Facility's activities, acceptance of wastes beyond those for which it is licensed or indeed its long term tenure in its current location. It is important, however, that any action by Council:

- ◆ is effective in working towards its objectives;
- ◆ takes into account the interests of the entire City when any expenditure is proposed; and
- ◆ is balanced by the need to protect both the local and broader communities' interests irrespective of the immediate outcome of the current CER process.

The decisions of the Annual General Meeting of Electors have been examined in light of these principles, as well as the press release from the Ministers for the Environment and Planning and Infrastructure, and the following comments are offered for Committee's consideration.

**1. That Council call a public meeting in the Armadale Town Hall regarding the Brookdale Liquid Waste Treatment Facility.**

Although this issue is clearly one of wide public interest, it is unlikely, particularly in light of the recent Ministers' statement and the discussions with Government representatives, that there is to be anything gained by the holding of another public meeting. The reasons for this are:

- ◆ it now seems that the State Government is aware and has taken heed of community and Council concerns;
- ◆ there have been a number of public meetings and rallies held by the local community, most of which have been attended by the City's Councillors and Officers;
- ◆ the local community was well represented at the AGM of Electors;
- ◆ as a consequence of these meetings and other communications, the prevailing view of the community in general, and the local community in particular, is clear;
- ◆ community concerns are shared by Council;
- ◆ Council has clearly expressed its position formally through the Consultative Environmental Review (CER) process, and has also made political representations with respect to those matters which are beyond the scope of the CER;
- ◆ Council minutes are available to the public, and copies of Council's submissions have been, and continue to be, made widely available; and
- ◆ action taken by Council has been conspicuously advertised in the local press.

**2. That Council send a letter to every household in Armadale outlining its concern with the facility and inviting residents to attend the public meeting.**

As indicated above, in view of recent developments it is doubtful whether a further public meeting would serve any purpose. Were one to be held, sending invitations to every household is not practicable because:

- ◆ to do so would be very demanding of resources;

- ◆ the postage cost alone would exceed \$8,000;
- ◆ it is doubtful whether there would be widespread interest in attending such a meeting beyond those residents who see themselves as directly affected; and
- ◆ in any event, the occupancy capacity of the Main Hall is limited to 315 persons.

Were Council of the view that such a meeting should be held, it would be prudent to hold it outdoors to allow for the possibility of high attendance numbers.

3. **That Council appoint an independent environmental scientist to conduct a risk assessment of the Brookdale site; and**
4. **That Council appoint an independent environmental scientist to test the water, soil and air in the surrounding area of Brookdale.**

There is a degree of risk in almost every human activity, and what is under assessment in this instance is whether measures taken to control and minimise that risk are adequate in light of any ensuing public benefit. Essentially, there is always an element of value judgement which will vary widely even among specialists. In any event, the Ministerial statement to which reference is made above seems to negate the necessity for further risk analysis of the proposal subject of the CER.

Nevertheless, the history of the Facility, the perceived closeness of the relationship between the operator (Waste Management WA, an operational arm of the Department of Environmental Protection) and the regulator (the regulatory arm of the Department) and consequent potential for conflict of interest have clearly undermined the community's confidence in the objectivity of any work undertaken or contracted by the Department in terms of environmental risk assessment. The State Government is not necessarily going to accept the findings of a Council initiated assessment and, quite appropriately, should conduct its own.

The DEP in 1994 recognised the potential for conflict of interest, which it saw as extending to the CEO and even the Minister and as including the capacity for the regulatory arm to create an operating monopoly for its operational arm. It therefore proposed a protocol for the operation of the Facility which focussed upon public openness, a key feature of which was that any significant decision or technical assessment conducted by the Pollution Prevention Division, and any substantial piece of advice provided to either the EPA or the Government, should be subject to a peer review by a consultant acceptable to the Minister for the Environment, and that in both cases the review should be made public.

These issues have been covered in detail in Council's Submission on the CER, and its final two conclusions urged that:

- ◆ a comprehensive and current soil, ground water and surface water assessment be undertaken to determine whether there has been a deterioration in circumstances since the last such survey a year ago; and
- ◆ this assessment report and the CER Report by a consultant acceptable to both the Minister and Council.

This, together with the additional monitoring activities mentioned earlier is seen as the preferable approach to the matter. Engagement of a consultant by Council is likely to be extremely costly and of doubtful benefit in terms of achieving the ultimate objective of both Council and the local community.

**5. That Council establish a formal committee to liaise with interested community groups to move forward on this issue.**

While the suggestion that a purpose specific committee be established to liaise with community groups is not without merit, the recent Government announcement seems to have taken the issue as far as could reasonably be hoped at this stage. Any Committee formed by Council must operate under the auspices of the Local Government Act and can only make recommendations to Council for determination. Clearly, any determinations by Council (or recommendations of its committees) are made in the context of the broader community interest and the long-term strategic interest of the whole City. It remains appropriate that the City Strategy Committee continue to deal with this matter.

Both officers and Ward Councillors have been and continue to be accessible to community groups and individuals, and while there may be some advantage gained in a little formalising of arrangements (such as regular briefings) it is not recommended that a special committee be established at this time.

**6. That Council support in every way possible; i.e. finance and assistance in the conduct of a health assessment of the community within 2km of the LWTF and the surrounding schools, to find out if the health of residents and schoolchildren in the area is already suffering.**

Subjecting any group of people to a comprehensive comparative health assessment from which reliable and meaningful conclusions may be drawn is always a complex process, demanding:

- ◆ accurate baseline data;
- ◆ a study over an extended period of time;
- ◆ absolutely objective questioning;
- ◆ comparison to a control group; and
- ◆ detailed medical understanding and diagnosis of any symptoms identified.

Council's Supplementary Report, has urged the Government to undertake a Health Impact Assessment of the proposal, as is consistent with the approach recommended by the National Environmental Health Strategy. The Strategy document does not limit its application to physical health effects, but also takes into account community and social factors.

Given that Council has neither conducted nor condoned the activities which are subject to community protest, it is not appropriate that it should undertake responsibility for the undertaking of a community health assessment.

Council's Report also includes among its conclusions that there should be no contemplation of any change of status to the LWTF without completion of comprehensive Environmental Health and Social Impact Assessments, each of which should be subject to review by an independent consultant acceptable to both Council and the proponent.

A university student is undertaking a health study in the area as part of a doctorate paper, and where possible assistance has been given to her. Other help, such as provision of the results of bore sampling, with the acquiescence of property owners, is also proposed.

### Options

Council is free to agree or otherwise to any or all of the decisions of the Meeting of Electors, but reasons for any determination made must be recorded in the Council minutes.

### Conclusion

On balance, while the objectives apparent in the decisions of the Meeting of Electors are supported, the decisions themselves have to a large extent been superseded by the recent Ministers' statement. Further, elements of the decisions are either financially impracticable or unlikely to contribute materially to Council's campaign with respect to the Liquid Waste Treatment Facility.

*The Executive Summary of the Report and Recommendations of the Environmental Protection Authority on the Proposal to Change Processes and Waste Acceptance Criteria at the Brookdale Waste Treatment Facility was tabled for information of Committee.*

*Although the officer's report refers to the release of the EPA's report later this month, the report was received on 14<sup>th</sup> January 2002. A copy of the Summary is at **Attachment "A5 of the Minutes"**.*

*COMMITTEE requested that the report be examined against the joint statement issued by the Minister for the Environment and Heritage and the Minister for Planning and Infrastructure prior to Christmas. The following table has therefore been prepared:*

<b>Material</b>	<b>Ministers' Stated Date Receipt at Facility to Cease</b>	<b>EPA's Recommended Date Receipt at Facility to Cease</b>
Perchloroethylene (PERC)	23.12.01	No later than 28.02.02
Polychlorinated biphenyls (PCBs)	31.01.02	No later than 28.02.02
Chlorinated pesticides	No date stated – "As soon as other options become available".	30.6.02
Acids & bases, free cyanide and hexavalent chromium	No date stated – "As soon as other options become available".	30.6.02

Material	Ministers' Stated Date Receipt at Facility to Cease	EPA's Recommended Date Receipt at Facility to Cease
Remainder of hazardous waste	No date stated, but statement acknowledged finalisation of an alternative site would take around 2 years.	As soon as practicable, but no later than 31.12.03.

*It should be noted that the EPA's report presents only recommendations. It is now for the Minister to make a formal determination on the proposal.*

*Committee also noted that the Hon Alannah MacTiernan, MLA, had indicated that she would convene a further community meeting following the release of the EPA's report. Given that a similar undertaking has been given by a representative from the office of Minister for the Environment, clarification was sought as to whether separate meetings were proposed or whether reference in each case was to the same meeting. Contact with the office of the Member for Armadale's office has confirmed that only one meeting is proposed.*

*Part 6 of the officer's report was: "That the Minister for the Environment and the Minister for Planning and Infrastructure be advised of Council's appreciation of the recent public announcement". Committee felt that Council would wish to specifically thank both the Member for Southern River and the Member for Armadale for their support in this matter, and so the recommendation was amended accordingly.*

*With respect to Part 7 of the officer's recommendation, namely: "That the Minister for the Environment be asked to confirm the Government's proposed action plan and advise of the anticipated timeframe for diversion of all hazardous waste for the Brookdale LWTF and eventual closure and remediation of the site", the EDDS advised that this had been done following the meeting at the office of Mr Paul Andrews, MLA. That part of the recommendation is therefore deleted.*

**D6/02                      RECOMMEND**

- 1. That Council reiterates its long-standing objection to the treatment of hazardous waste at the Brookdale Liquid Waste Treatment Plant.**
- 2. That Council recognises its obligations to its entire community to:**
  - ♦ be effective in its decision making;**
  - ♦ ensure that any action it takes is balanced by the need to protect both the local and broader communities' interests irrespective of the immediate outcome of the current CER process; and**
  - ♦ be accountable and responsible in its expenditure of funds**

**and consequently cannot endorse the decisions taken at the Annual General Meeting of Electors on 29<sup>th</sup> November 2001 in view of recent Ministerial announcements.**

- 3. That Council considers the suggested actions inappropriate.**
- 4. That in accordance with (3) above and action previously taken in connection with and subsequent to the CER process, Council does not propose at this time to:**
  - ♦ hold a public meeting to which every household within the district is invited;**
  - ♦ engage environmental consultants to conduct a risk assessment or assessment of air, soil or water in the vicinity of the Facility;**
  - ♦ establish a formal Committee to liaise with interested community groups; or**
  - ♦ provide financial or other direct assistance to a health assessment of the community within a 2 km radius of the Facility.**
- 5. That Council continue to provide appropriate information and practical assistance to interested individuals or community groups, with regard to the Brookdale LWTF.**
- 6. That the Minister for the Environment be advised of Council's appreciation at the recent public announcement, and that particular thanks be extended to the Member for Armadale, Ms Alannah MacTiernan, MLA, and the Member for Southern River, Mr Paul Andrews, MLA, for their support and help in this matter.**

MOVED Cr Hodges  
MOTION CARRIED (7/0)

*The Executive Director Development Services acknowledged the continued good work of the Health Services Manager, Mr P Meyrick in relation to the Brookdale LWTF and Committee concurred with his comments.*

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***COUNCILLORS' ITEMS***

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Nil.

***PROPOSED REZONING FROM “RURAL C” TO “RURAL D1” –  
LOTS 10-15 CANNS ROAD, BEDFORDALE***

WARD : ARMADALE  
FILE REF : A13530  
DATE : 27 December 2001  
REF : SG  
RESPONSIBLE : PSM  
MANAGER

**In Brief:-**

- Proposal to rezone six lots fronting Canns Road from “Rural C” to “Rural D1”.
- Proposal is consistent with Council’s Rural Strategy.
- Inclusion of all lots within the immediate area is appropriate in the interests of consistency.
- Recommend that Council initiate the rezoning.

APPLICANT : DYKSTRA & ASSOCIATES  
LANDOWNERS : Hofferberth, Napier, Paterson, Bertei, Herbwill Pty Ltd, Ireson  
SUBJECT LAND : Lots 10 – 15 Canns Road, Bedfordale  
Property sizes 4.044ha – 4.375ha; Map 24.04  
ZONING  
MRS / TPS No.2 : Rural / Rural “C”

**Tabled Items**

Enlarged aerial photo of the subject area.

**Officer Interest Declaration**

Nil

**Strategic Implications**

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

**Legislation Implications**

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

**Council Policy / Local Law Implications**

City of Armadale Rural Strategy

**Budget / Financial Implications**

Nil

## **Consultation**

- ◆ Development Control Unit (DCU)

## **DETAILS OF PROPOSAL**

The application proposes the rezoning of Lots 10-15 Canns Road, Bedforddale from “Rural C” to “Rural D1”. The rezoning is proposed on the basis that the current lot sizes of approximately 4 ha are too large to manage for rural living purposes, but too small and unsuited for agricultural purposes. Details of the proposal are as follows:

- ◆ The rezoning of Lots 10-15 would result in the creation of six additional lots with an overall minimum lot size of 2 ha, as indicated on the Subdivision Guide Plan (SGP).
- ◆ A battleaxe configuration is proposed for five of the six lots in order to retain the existing wide lot frontages. Shared driveways with reciprocal rights of access are proposed with one additional crossover intended on Canns Road.
- ◆ Proposed development envelopes indicate six potential house sites, primarily on cleared or parkland-cleared land. Two potential residences will be partially visible from Canns Road through existing vegetation, with the four remaining house sites located to the rear of existing residences.
- ◆ The subject lots are located within a distinct precinct within the wider “Rural C” area.
- ◆ Electricity and telecommunications are available to the site and water is available from bores and rainwater tanks. Effluent disposal and stormwater drainage are proposed for on-site disposal on soil types that are phosphate absorbing.
- ◆ A strategic fire access is proposed around the periphery and through the centre area of the lots, dividing the land into two separate cells for fire fighting purposes.
- ◆ An environmental assessment report provides information on landform, soils, slope, hydrology, wastewater disposal, and remnant vegetation. The report concludes that the proposal will not lead to significant increased environmental impact.

## **EXISTING SITUATION**

There are existing single residences on each of Lots 10-15 Canns Road, with various rural sheds and improvements on all the properties. Vegetation cover varies on the lots from relatively dense native bush with mature trees to more cleared agricultural land.

## **COMMENT**

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

The DCU, at its meeting on 3 January 2002, recommended initiation of the rezoning subject to submission of a revised Subdivision Guide Plan indicating alternative access arrangements in order to better utilise existing driveways.

## **Analysis**

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

Under TPS No.2, the subject land is zoned “Rural C” with a minimum lot size requirement of 4ha and an average of 5ha. The application proposes rezoning to Rural D1 with a minimum lot size requirement of 2ha.

### ***City of Armadale Rural Strategy (Strategy)***

The land is located within the Canns Rural Planning Area. The principal policy objective for this precinct is “*to preserve the scenic and environmental quality of the area*”. The site is identified as having the following characteristics:

- ◆ Major values/qualities are valley landforms and scenery, productive agricultural land and secluded nature of the valleys.
- ◆ The front of the lots are of secondary landscape quality.
- ◆ Land capability – generally the areas indicated on the Subdivision Guide Plan (SGP) for proposed residences have fair to high capability for rural residential development. A portion of Lot 14, over which a battleaxe driveway is proposed, has very low land capability.
- ◆ Land suitability – the lots have fair to high potential for rural residential development with portion of Lot 14 being unsuitable with major environmental constraints.

### ***Surrounding land uses***

The subject lots are generally located between the Elizabethan Village and the former Boral quarry site on Canns Road. The land overlooks Canns Road and the creek lined valley opposite. Surrounding land uses are generally large lot rural residential. A Bed and Breakfast and the Lakeside Country Resort are located to the west of the land.

### ***Subdivision Guide Plan (SGP)***

The SGP indicates battleaxe subdivision and development envelopes on each additional lot proposed. A landscape buffer is indicated on Lot 12 to screen the existing residence from the road. The practicality of the design of the crossovers/battleaxe driveways is, in some instances, questionable. The number of crossovers appears appropriate, however more careful consideration should be given to the location of the battleaxe legs in order to utilise existing, constructed driveways.

Should the rezoning be initiated, an amended SGP would be required to demonstrate that the proposed battleaxe legs are designed to minimise earthworks, disturbance to vegetation and visual impact. In addition, the applicant would need to demonstrate that the SGP complies with Council’s Erosion Prevention and Sediment Control Policy prior to advertising of the amendment.

Council's Fire Services Department does not endorse the proposal for strategic firebreaks indicated on the SGP and requires a 3-metre firebreak around the perimeter of all properties. This is considered acceptable in terms of disturbance to existing vegetation and visual impact as all existing properties already have perimeter firebreaks and additional breaks would generally be required only along the centre boundaries of the battleaxe lots in areas not visible from the road.

### ***Visual Impact***

Canns Road is currently characterised by low scale rural residential housing and land use, with houses on the low, north side of Canns Road intermittently visible from the road, and only two houses openly visible on the southern side (subject land). Generally the area is well vegetated and provides an open rural aspect from the road.

The proposed rezoning would result in two additional residences being intermittently visible from Canns Road through existing vegetation. The remaining potential residences would be located at the rear of the properties, out of view from public vantage points. A proposed visual landscape buffer is indicated on the SGP at the front of Lot 12 in order to screen the existing, highly visible residence on that lot.

Given the above, the proposal is not considered to compromise the objectives of the Rural Strategy to preserve the scenic and environmental quality of the area, nor to impact significantly on the existing rural amenity of the area.

### ***Planning precincts***

The wider "Rural C" area can be classified into three separate precincts, each with different area characteristics as follows (see Precinct Plan):

- ◆ Precinct 'A' is characterised by long, narrow, relatively steep, vegetated lots which generally conform to the minimum 4ha lot size, with a creekline running through the front of the lots parallel to Canns Road. The precinct is distinguished by water features associated with the creekline and the lots back on to a Regional Reserve to the north.
- ◆ Precinct 'B' contains clusters of lots ranging from 0.5ha – 3.4ha in area either side of the subject lots. The precinct is characterised by wider lot frontages and less steep slopes, on land unaffected by creeklines. The precinct is generally well vegetated.
- ◆ Precinct 'C' fronts Carradine Road and is characterised by a creekline valley system traversing the front of the lots and generally steeper topography. The precinct is generally well vegetated and is separated from other parts of the Rural "C" zone by a ridgeline and tableland.

Should Council determine to initiate the rezoning, it is considered appropriate to rezone all lots within Precinct 'B' to Rural "D1" as suggested by the applicant for the following reasons:

- ◆ All lots within Precinct 'B' not included in the rezoning proposal, with the exception of one property (Lot 9 - 4ha in area), are less than 4ha and would not have subdivision potential under a "D1" coding (2ha minimum lot area).

- ◆ Inclusion of all lots in Precinct ‘B’ achieves greater consistency in the area and minimises ad-hoc zoning.
- ◆ Potential arguments for closer subdivision of Precincts ‘A’ and ‘C’, based on the precedent which may be set by this proposal, would not be sustainable. Site inspection confirms that, in comparison to Precinct ‘B’, Precincts ‘A’ and ‘C’ have greater environmental constraints for further subdivision, with creeklines traversing the properties and generally steeper topography. Precinct ‘A’ also has long, narrow lots which further constrain subdivision. Rezoning of Precinct ‘B’ therefore may be based on the unique characteristics of the particular precinct which provide for further rural residential development, in comparison to the surrounding areas which have greater environmental constraints for further development.

### *Services*

The land is considered capable of sustaining an additional six residences in terms of effluent disposal (provided nutrient removal systems are used), provision of independent water supplies and general residential services.

### **Options**

The following options are provided to assist Council in its determination of the proposal:

1. Council may decline to initiate the rezoning on the basis that the additional visual impact of two residences and long, wider battleaxe driveways visible from Canns Road, together with additional activity and traffic generated by the additional lots, would erode the current open landscape quality of the area.
2. Council may initiate the rezoning for the following reasons:
  - ◆ The proposal is consistent with Council’s Rural Strategy as the land generally has a fair to high capability and suitability for rural residential development and the addition of six possible future residences will not significantly compromise the scenic and environmental quality of the area, given that only two new residences would be intermittently visible from Canns Road.
  - ◆ The subject land is capable of sustaining additional development.
  - ◆ Rezoning of lots within Precinct ‘B’ (see Precinct Plan) would not create a precedent for closer subdivision of other nearby Rural “C” areas, as the area of land contained within Precinct ‘B’ is more suited to further rural residential development, in comparison to the surrounding areas which have greater environmental constraints for further development.

### **CONCLUSION**

The rezoning proposes the creation of an additional six lots. If Council were to initiate the rezoning, it is appropriate to also include those lots within the area of land identified as Precinct “B” on the Precinct Plan in the Rural “D1” zone, which would provide for the creation of one further lot in the precinct. The proposal is considered appropriate for reasons outlined in Option 2 above and it is recommended that the amendment be initiated.

**D7/02 RECOMMEND**

1. **That Council initiate a Scheme Amendment to Town Planning Scheme No.2 pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) by:**
  - a) rezoning Lots 52, 53, 212, 200, 201, 9, 10, 11, 12, 13, 14, 15, 104, 105 and 100 Canns Road, Bedforddale and Lots 50 and 51 Redcap Rise, Bedforddale from “Rural C” to “Rural D1”;
  - b) amending the Scheme maps accordingly.
2. **That Council further resolves:**
  - a) that the Scheme Amendment is consistent with those purposes for which Schemes may be made in accordance with the First Schedule of the Town Planning and Development Act (1928) and therefore will proceed directly to advertising;
  - b) to advertise the proposal in accordance with the Town Planning Regulations 1967 (as amended) for a period of 42 days including referral to the Environmental Protection Authority for environmental assessment; and
  - c) to forward a copy of the amendment to the Western Australian Planning Commission for information.
3. **That the Mayor and Chief Executive Officer be authorised to execute Amendment documents.**
4. **That prior to advertising of the Amendment:**
  - a) a revised Subdivision Guide Plan is to be submitted to the satisfaction of the Planning Services Manager indicating alternative access arrangements in order to better utilise existing driveways, minimise earthworks and disturbance to vegetation, and deletion of the Strategic Firebreak; and
  - b) the applicant is required to demonstrate that the Subdivision Guide Plan complies with Council’s Erosion Prevention and Sediment Control Policy.
5. **That Council receive the revised approved Subdivision Guide Plan with a view to advertising the Subdivision Guide Plan simultaneously with the Scheme Amendment by: -**
  - a) notifying all affected landowners in the area by mail;
  - b) an advertisement being placed in the local newspaper circulated in the district; and
  - c) a sign being erected on the lot to advise surrounding landowners of proposed changes.

MOVED Cr Zelones  
MOTION CARRIED (7/0)

***ENVIRONMENTAL REVIEW ASSOCIATED WITH AMENDMENT NO.143 TO TPS NO.2 & ASSOCIATED SUBDIVISION GUIDE PLAN – CONSIDERATION OF SUBMISSIONS RECEIVED***

WARD : FORREST  
FILE REF : SCH/2/143  
DATE : 27 December 2001  
REF : JRH  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : THE PLANNING  
GROUP

**In Brief:-**

- Amendment 143, the associated Subdivision Guide Plan and Environmental Review have been advertised for comment.
- Council is required to advise the EPA of its views on and response to the public submissions to enable the Minister for the Environment to set statutory Environmental Conditions for the development.
- Council recommend its response to the submissions received during the advertising period of the Environmental Review, and endorse the proposed modifications to the Amendment and Subdivision Guide Plan resulting from the submissions.

LANDOWNER : VARIOUS  
SUBJECT LAND : Lots 6, 7 & 8 Wolfe Road  
Pt Lot 421 and Lot 449 Taylor Road  
Lots 432 & 501 Oxley Road  
ZONING  
MRS : Rural  
TPS No.2 : Rural – Groundwater Protection, General Rural

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

- ♦ Town Planning & Development Act 1928
- ♦ Town Planning Regulations 1967
- ♦ Environmental Protection Act 1986
- ♦ Amendment No.143 has been subject to a formal Environmental Review by the EPA. The City of Armadale is identified as the “Proponent” or Responsible Authority for the rezoning amendment, whereby, under the Environment Protection Act 1986, the City is responsible for preparing the Environmental Review document and ensuring the commitments made for environmental protection are maintained in perpetuity.

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

Nil.

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Surrounding residents
- ◆ Signs on site
- ◆ Advertisements in ‘The West Australian’ and the ‘Government Gazette’
- ◆ Western Australian Planning Commission
- ◆ Department of Environmental Protection
- ◆ Water & Rivers Commission
- ◆ Department of Conservation & Land Management
- ◆ Conservation Council of WA
- ◆ Water Corporation
- ◆ Western Power
- ◆ Alinta Gas

### **BACKGROUND**

At its meeting of September 1998, Council initiated the proposed Amendment for advertising purposes. Advertising of the proposal was delayed, as the Department of Environmental Protection determined that the application should be subject to a formal Environmental Review, which resulted in further changes to the Amendment. These changes resulted in Council considering a revised resolution to initiate the application at its April 2001 meeting, in accordance with the following resolution:

1. *That resolution D409/98 be rescinded.*
2. *That Council adopt the following modified version of resolution D409/98 (modifications in italics and deleted portions shown with a strikethrough) in place:*

*The Armadale City Council under and by virtue of the powers conferred upon it in that behalf by the Town Planning & Development Act (1928), and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended), hereby amends the above Town Planning Scheme by:*

- a) *rezoning Part Lot 449 Taylor Road and Lot 501 Oxley Road, Forrestdale from “General Rural” to “Special Use - Rural/Residential”;*
- b) *amending the Scheme maps accordingly; and*
- c) *amending the Scheme text by inserting,*
  - i) *in appropriate numerical order, a new entry in the Special Use Development Table;*
  - ii) *in Schedule Two, Part Two, various Environmental Conditions relating to the Special Use Provisions.*

Following Council's resolution the Amendment, Subdivision Guide Plan and Environmental Review were advertised for public comment. The provisions of the Environmental Protection Act 1986 do not permit Council to determine any application which is subject to an Environmental Review, until the review has been endorsed by the Minister for the Environment. Council is requested to consider the submissions received during the advertising period and forward its recommendation to the Department of Environmental Protection, to permit finalisation of the Environmental Review.

## **DETAILS OF PROPOSAL**

### ***Amendment No.143***

The Scheme Amendment proposes to rezone Lot 501 Oxley Road and a portion of Lot 449 Taylor Road, Forrestdale from General Rural to Special Use – Rural Residential.

### ***Subdivision Guide Plan***

The proposed Subdivision Guide Plan (SGP) applies to Lots 432 & 501 Oxley Road, Lot 421 and a portion of Lot 449 Taylor Road, and Lots 6, 7 & 8 Wolfe Road, Forrestdale. This includes the lots subject to rezoning, and lots within the Rural – Groundwater Protection zone. Subdivision of lots to a minimum of two hectares is permitted within the Rural – Groundwater Protection zone, subject to demonstration that the proposal will not result in adverse affects to the groundwater resource.

The SGP proposes the creation of 46 lots with a minimum area of two hectares. Development envelopes have been identified to maximise the retention of existing vegetation, and avoid constraints such as wetland areas, the existing Poultry Farm on Lot 434 Taylor Road, and the Natural Gas Pipeline through Lot 432 Oxley Road.

### ***Public Advertising of Amendment No.143, Subdivision Guide Plan and Environmental Review***

The proposed Amendment, SGP and Environmental Review were advertised from 21 August 2001 to 23 October 2001. The advertising consisted of affected property owners being notified by mail, signs on site, notification to external authorities and advertisements in 'The West Australian' and the 'Government Gazette'.

### ***Submissions on the proposed Amendment, SGP and Environmental Review (submissions received relate to Amendment, SGP and Environmental Review)***

Total No. of responses received	:	10
No. opposed to the proposal	:	3
No. of submissions of no objection	:	7

***A copy of the Schedule of Submissions is at Attachment "A3" of the Minutes.***

## **ISSUES ARISING FROM SUBMISSIONS**

### ***Impact of the poultry farm at Lot 434 Taylor Road Forrestdale on the adjacent proposed Rural Residential lots.***

During the advertising period, the operator of the poultry farm at Lot 434 Taylor Road objected to the proposal on the basis that the 'State Industrial Buffer Policy' would require a buffer of 500 metres around the poultry farm, and that it should be measured from the property boundary rather than the poultry sheds.

This policy is not applicable to the subject application, as the development of poultry farms and surrounding land is covered within the 'Poultry Farms Policy'. The Poultry Farms Policy imposes a 300 metre buffer between poultry farms and Rural Residential development. An assessment of the impact of the existing poultry farm at Lot 434 Taylor Road is incorporated within the Environmental Review for Amendment 143, and proposes a 300 metre buffer distance between the poultry sheds and proposed development envelopes to avoid negative impacts.

Consequently, the proposed buffer distance of 300 metres is acceptable. However since the Environmental Review was prepared, Council and the Western Australian Planning Commission have approved extensions to the poultry farm, which will enlarge the extent of the buffer within Amendment 143. This matter may be addressed through the submission of a revised Subdivision Guide Plan, which incorporates a 300 metre buffer measured from the approved extensions to the poultry farm.

It was also noted by the poultry farm operator that during the advertising period of the proposed poultry farm extensions, several surrounding residents objected to the proposal due to noise, odour, traffic and amenity concerns. Whilst surrounding residents may have objected to the operation of the poultry farm, the farm is an existing approved use and expansion may occur in accordance with the requirements of Council's Town Planning Scheme and Statement of Planning Policy No.5 - Poultry Farms Policy. In addition, the proposed extensions and upgrades to the operation would result in most of the sheds being sealed and incorporating evaporative air conditioning, which would reduce odour impacts to surrounding residents.

Nevertheless, the policy requires that Memorials be imposed on lots created within 500 metres of the poultry farm, advising of the existence of the poultry farm and the potential for development on the lot to be affected by the operation. This requirement would be imposed as a condition of subdivision, and would ensure that prospective residents are informed of the potential for negative impacts, prior to purchasing any affected lots.

***Subdivision and development within the application area would not comply with the 'Government Sewerage Policy'***

The Health Department of Western Australia objected to the Subdivision Guide Plan, as the proposed Lots 26-29 and Lot 38 are not able to achieve the required 500mm separation between the winter water table and the natural ground surface. This requirement is specified within the Government Sewerage Policy.

The Environmental Review of Amendment No.143 incorporates a survey of water table levels for Lot 449. This lot was recognised as having a high water table, and incorporates the proposed Lots 26-29 identified by the Health Department. The findings of the survey indicate that the proposed lots within the application area are capable of achieving the minimum 500mm separation. The survey was however based upon a previous subdivision design over the area which is now superseded.

To ensure that the concerns of the Health Department are addressed, the applicant must provide further information to demonstrate compliance with the Government Sewerage Policy. This information is to be to the satisfaction of the Health Department of WA, and submitted prior to Council considering final approval to the Amendment and SGP. If the applicant is unable to obtain this information, the portion of land which is not capable of complying with the Government Sewerage Policy shall be excluded from the Scheme Amendment and Subdivision Guide Plan.

## Keeping of Horses

In their assessment of the application, Agriculture Western Australia (AgWA) have recommended that horses be prohibited from lots within the application area, due to the soil types and environmental sensitivity of the application area.

Should Council resolve to grant final approval to the proposed Amendment and Subdivision Guide Plan, the approval should be conditional upon the proposed use of 'Stabling and keeping of horses' being deleted from the Special Use Development table. In addition, Requirement 10 relating to the management of horses on the proposed lots is to be modified to state that no livestock including horses are permitted on lots within the Subdivision Guide Plan Area.

## Other Issues

An assessment of the proposal by the Water & Rivers Commission (W&RC) identified several minor matters in the Scheme Amendment document which the authority has requested be corrected as part of Council's final adoption to the proposal.

The Subdivision Guide Plan for the application identifies a subdivision layout over Lot 27 Oxley Road, however this lot has been excluded from the application as it is a Bush Forever site. W&RC are opposed to the subdivision of Lot 27, and modification to the SGP to remove the proposed subdivision layout should satisfactorily address this matter.

Requirement 13 of the Scheme Amendment text refers to the Water Corporation being the responsible authority for groundwater licences, however licences are actually regulated by the Water & Rivers Commission. Council's final adoption to the Amendment must incorporate this correction.

The authority has also requested that references to 'Alternative Treatment *Units*' (ATU) be modified to refer to Alternative Treatment *Systems*' (ATS). Their reasoning is that the term ATU's refers to alternatives to deep or reticulated sewerage and includes septic tanks, whilst ATS's covers alternatives other than septic tanks. Council's Health Section have disputed this, as the Health Department of WA refers to Alternative Treatment Units. The **Health (Treatment Of Sewage And Disposal Of Effluent And Liquid Waste ) Regulations 1974** define an ATU as - "*an apparatus for treating sewage either wholly or partially by aerobic means and includes any associated effluent disposal system.*"

ATU's are distinct from septic tanks in that they work wholly or partially by aerobic bacteria. Septic tanks work on anaerobic bacteria. ATU's and septic tanks have different specifications and regulations. The regulations specifically refer to ATU's rather than ATS's. Regardless of the term used, neither ATU's or ATS's includes the use of standard septic systems.

In view of the above, it is appropriate to retain the term "Alternative Treatment Unit" within the Special Use Zoning table.

## COMMENT

### **Statutory Procedure for the Environmental Review**

At the current stage in the formal environmental assessment of this rezoning, Council is required to consider the submissions and advise the EPA on how the environmental issues can be dealt with. The Minister for the Environment will then set the Environmental Conditions. Under a protocol agreed between the Ministry for Planning and DEP, summarised statutory Environmental Conditions will be included within the Town Planning Scheme and more detailed Conditions will be included in the Minister's 'Statement that a Scheme can be Implemented'.

Council has a further right to request a review of any of the Environmental Conditions set by the Minister and will need to further resolve whether it intends to proceed with the rezoning following finalisation of the Environmental Conditions by the Minister. Under the regulatory time frames for setting of Environmental Conditions, Council could expect to be addressing the final adoption stage of Amendment 143 within the first half of 2002.

The flow chart of the formal Environmental Assessment process, with current stage highlighted, is referred to in the report.

## CONCLUSION

The subject Amendment 143 has been underway since 1996, and has taken considerable time due to the need to investigate and address constraints associated with the site. The constraints range from the presence of rare flora, parts of the site being poorly drained, the operation of a poultry farm adjacent to the application area and a natural gas pipeline traversing the site.

The formal Environmental Review associated with Amendment No.143 is comprehensive in its identification of environmental constraints located within the application area and in formulating measures which address the constraints and permit development to occur. Advertising of the Environmental Review to interested parties and government agencies has not identified any significant concerns with the document. Matters which require further attention may be suitably managed through revisions to the Amendment and Subdivision Guide Plan, as a condition of Council's adoption.

It is therefore recommended that Council determine the submissions received on the Amendment, Subdivision Guide Plan and Environmental Review in accordance with the attached Schedule of Submissions, and recommend that the Minister for the Environment finalise the Environmental Review.

**D8/02**

### **RECOMMEND**

- 1. That Council proceed to the next stage of Ministerial setting of statutory Environmental Conditions, prior to Council finalising its decision on the adoption of Amendment No.143.**
- 2. That Council advise the EPA that the responses of Council to the submissions raising environmental issues are recorded by the Recommendations contained in the *Schedule of Submissions at Attachment "A3" of the Minutes.***

3. That Council advise the EPA that, in order to manage potential environmental impacts of the proposed development within the application area of the Environmental Review, Amendment No.143 and the associated Subdivision Guide Plan (SGP) applicable to the development, the Amendment and SGP should be modified and additional information provided as detailed below:
- a) subdivision Guide Plan
    - i) The 300 metre buffer around the existing poultry sheds on Lot 434 Taylor Road, Forrestdale is to be enlarged to reflect all approved extensions to the poultry farm;
    - ii) The proposed subdivision layout within Lot 27 Oxley Road is to be removed, as this lot has previously been removed from the application.
  - b) Amendment No.143
    - i) The Prescribed Special Use of ‘Stabling and keeping of horses’ being removed from the Special Use Development Table;
    - ii) Modification to Requirement 10 of the Special Use Zoning Table, relating to the management of horses on the proposed lots, to state that no livestock including horses are permitted on lots within the Subdivision Guide Plan Area.
    - iii) Modification to Requirement 13 of the Scheme Amendment text to refer to the Water & Rivers Commission being responsible for groundwater licences.
  - c) The applicant is to provide further information to demonstrate that the proposed lots within the application area will comply with the Government Sewerage Policy, to the satisfaction of Council and the Health Department of Western Australia. Any lots which are not supported by the Health Department of Western Australia on this basis are to be excluded from the Amendment and Subdivision Guide Plan.
4. That the EPA be advised that Council considers the above modifications to be satisfactory in addressing concerns arising from the advertising of the Environmental Review, and request that the authority incorporate this information in its report to the Minister for the Environment.

***EXTENSION OF ADVERTISING PERIOD – PROPOSED CLOSURE OF PORTION OF RESERVE NO.36180 McNEILL ROAD, ARMADALE (PALOMINO PARK)***

WARD : SEVILLE  
FILE REF : A184078  
DATE : 8 January 2002  
REF : JRH  
RESPONSIBLE : PSM  
MANAGER

**In Brief:-**

- Proposed closure of a portion of Palomino Park is currently being advertised for public comment.
- Following requests for an extension of time, the advertising period has been extended to 1 February 2002.
- Recommend Council note extension of advertising period and report be submitted to Council subsequent to closure of advertising period.

LANDOWNER : Crown (Vested in City of Armadale)  
SUBJECT LAND : Reserve 36180 McNeill Road / Palomino Way, Armadale  
(Palomino Reserve)  
ZONING:-  
MRS : Reserve (Parks & Recreation)  
TPS No.2 : Regional Reserve (Parks & Recreation)

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Physical Infrastructure – “to achieve a whole of government approach in the provision of infrastructure to our community – ie. transport, water management systems, regional facilities”

**Legislation Implications**

Town Planning & Development Act 1928  
Metropolitan Region Scheme Act 1959  
Town Planning Scheme No.2  
Land Administration Act 1897

**Council Policy / Local Law Implications**

Nil.

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Sign on site and written notification to surrounding landowners
- ◆ Palomino Reserve Catchment Group

### **BACKGROUND**

At its meeting of August 1999, Council resolved to support the request by the Water Corporation to close part of Reserve No.36180 McNeill Road, Armadale for the development of a sewer pump station. Following consultation with the Department of Land Administration and the Western Australian Planning Commission regarding the procedure for the disposal of the reserve, a valuation for the land was obtained from the Valuer General's office and the proposed closure advertised for comment.

The submission period for the proposal commenced on 4<sup>th</sup> December 2001 and was to close on 4<sup>th</sup> January 2002. Following requests by Cr Everts and the Chairperson of the Palomino Reserve Catchment Group, the advertising period for the proposal has been extended to **1 February 2002**. Affected persons who were previously notified of the proposal have been advised of the time extension.

**D9/02**

### **RECOMMEND**

- 1. That Council note the extension of the advertising period for the proposed closure of a portion of Reserve No.36180 McNeill Road, Armadale from 4<sup>th</sup> January 2002 to 1<sup>st</sup> February 2002.**
- 2. That a report regarding the proposed closure of a portion of Reserve No.36180 McNeill Road, Armadale be presented to Council for consideration following closure of the advertising period.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

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***GEOGRAPHIC NAMES COMMITTEE SEEKING MEETING ON RENAMING ISSUES  
WITH THE DEVELOPMENT SERVICES COMMITTEE***

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WARD : ALL  
FILE REF : NAM/6  
DATE : 21 December 2001  
REF : HC  
RESPONSIBLE : PSM  
MANAGER

**In Brief:-**

- Geographic Names Committee (GNC) has not made a decision on Champion Lakes locality renaming but seeks to meet with Development Services Committee.
- Recommendation that an invitation be extended to GNC to meet with Development Services Committee to discuss relevant renaming matters.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To foster ownership, pride and a supportive and caring community.

**Legislation Implications**

Land Administration Act 1997.

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Nil.

**Consultation**

Geographic Names Committee

**BACKGROUND**

The Geographic Names Committee (GNC) of the Department of Land Administration has further considered Council's request to reconsider its refusal to rename a portion of Armadale to Champion Lakes (Council Resolution D 206/01 refers). The GNC has advised in discussion that it has not made a decision on the request but seeks an opportunity to discuss with the Development Services Committee that issue and other renaming issues currently being undertaken by Council.

## DETAILS OF PROPOSAL

Issues to be discussed include:

- ◆ Champion Lakes locality;
- ◆ Armadale/ Gosnells Local Government boundary;
- ◆ Other proposed locality/name changes in the City.

## COMMENT

### Analysis

To enable a flexible and free flowing exchange of views within a reasonable timeframe (perhaps an hour), it is suggested that an invitation be extended to the GNC officers to meet the Development Services Committee on a more informal basis than would be available at an ordinary Development Services Committee meeting.

### Options

Options appear to be:

- ◆ Invite GNC members to an ordinary Development Services Committee meeting early in the New Year.
- ◆ Arrange a special meeting of Development Services Committee to discuss the matters with representatives of the GNC.

### *Officer's report recommends –*

That Council extend an invitation to members of the Geographic Names Committee to meet with the Development Services Committee at a date and time to be arranged to discuss the Champion Lakes locality renaming and other relevant renaming issues affecting the City.

*COMMITTEE was of the view that the meeting with Geographic Names Committee representatives should occur in conjunction with an ordinary Development Services Committee Meeting.*

**D10/02**

**RECOMMEND**

**That Council extend an invitation to members of the Geographic Names Committee to meet with the Development Services Committee at its next ordinary meeting, commencing at 5:15pm rather than the usual 7:00pm start time.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

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***DRAFT POLICY “SEA CONTAINERS, RAILWAY CARRIAGES AND OTHER DECOMMISSIONED TRANSPORT CONVEYANCES”.***

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WARD : ALL  
FILE REF : PSC/1  
DATE : 8 January 2002  
REF : SG  
RESPONSIBLE : PSM/BSM  
MANAGER

**In Brief:-**

- A draft policy on sea containers, railway carriages and other decommissioned transport conveyances is proposed to restrict the location of such structures primarily to rural and industrial areas only and to provide guidelines for assessment of applications.
- Recommend that the Policy be advertised in accordance with Scheme requirements.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Town Planning and Development Act 1928  
Town Planning Scheme Nos. 2 and 3

**Council Policy / Local Law Implications**

- ♦ Policy 4.3.12 - Industrial Design Guidelines
- ♦ Draft Policy - Forrestdale Industrial Business Park Development Guidelines
- ♦ Policy 4.5.20 - Outbuildings in Residential & Rural Areas

**Budget / Financial Implications**

Advertising of the policy can be accommodated in Planning Services budget for 2001-2002 financial year.

**Consultation**

- ♦ Development Control Unit (DCU)
- ♦ Other Local Governments

## **BACKGROUND**

At its meeting on the 16<sup>th</sup> July 2001, Council resolved that a Development Control Policy governing the location of sea-containers and railway carriages on Commercial, Rural and Residential zoned land be drafted for consideration by the Development Services Committee.

## **DETAILS OF PROPOSAL**

In recent months there has been an increased demand for the location of decommissioned sea containers on land within the City. Due to the ‘industrial’ appearance and relatively large size, there is a concern that they have the potential to detract from the visual amenity of the locality. A Policy is therefore proposed to regulate the location of such structures and to provide guidelines for the assessment of applications.

There has not been a high demand for the use of goods or passenger/sleeper railway carriages for storage or habitation purposes respectively, however their inclusion in the Policy is considered appropriate due to the similarity of visual amenity issues relating to such structures. The proposed Policy also includes other decommissioned transport conveyances, such as trams or aeroplanes, for use as novelty entertainment/restaurant venues in commercial areas.

A copy of the Draft Policy appears at *Attachment “A4” of the Minutes*. Consistent with Clauses 5.9.1 and 9.2.1 of Town Planning Schemes No’s.2 and 3 respectively, it is proposed to seek Council’s preliminary endorsement and approval to advertise the Policy for public comment.

## **COMMENT**

### *Consultation*

- ◆ After consultation with other Local Governments within the metropolitan area, the Cities of Swan and Gosnells have provided copies of their policies on sea containers and railway carriages, the intent and provisions of which are similar to those contained in the proposed Policy. Most of the other Local Governments advised that they have not developed a policy dealing with this issue.
- ◆ The DCU, at its meeting on 8 January 2002, recommended that a Policy on Sea Containers and Railway Carriages be adopted to regulate the location and potential for visual impact of the structures in all zones within the City.

### *Comments*

The use of decommissioned sea containers and railway goods carriages, primarily for storage purposes, is considered an acceptable option for use in association with rural and industrial uses within the City, in instances where the structures can be adequately screened from public view. Use of the structures in residential and commercial areas is not considered appropriate due to the potential to adversely impact on the visual amenity of such areas.

The use of railway passenger/dining carriages, trams, aeroplanes and other decommissioned transport conveyances may be appropriate in commercial areas for specific cafe/restaurant/entertainment type uses, provided the structure is appropriately integrated into surrounding development to a high standard of quality. Passenger/sleeper carriages may also be acceptable in rural areas for habitation/studio uses, provided adequate visual screening and services are provided.

## CONCLUSION

A new draft Policy on sea containers, railway carriages and other decommissioned transport conveyances has been developed to restrict the location of such structures primarily to rural and industrial areas only, with criteria provided to guide assessment of applications.

*Mention was made of the need to accommodate temporary use of containers eg. for construction site office or delivery purposes, within the framework of the Policy. **The Draft Policy at Attachment “A4” of the Minutes has been amended accordingly.***

## D11/02                      RECOMMEND

**That Council give preliminary endorsement to the Draft Policy for Sea Containers, Railway Carriages and Other Decommissioned Transport Conveyances as contained at Attachment “A4” of the Minutes and advertise the Policy in accordance with the requirements of Clauses 5.9.1 and 9.2.1 of Town Planning Scheme No’s.2 and 3 respectively.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

**VACANCY – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION MEMBER – NATIONAL TRUST OF AUSTRALIA (WA) COUNCIL**

FILE : GOV/27

REF : HC

Notification has been received from the Western Australian Local Government Association inviting Council to submit nomination/s for appointment of Western Australian Local Government Association Member – National Trust of Australia (WA) Council.

<b>QUALIFICATIONS</b>	Elected Member or Serving Officer with experience and understanding of heritage issues including those found in both the built and natural environment. The person should be willing to commit at least two hours per week and be able to attend monthly meetings in Perth. All the work is of a voluntary nature.
<b>TERM</b>	Two years.
<b>COMMENCES</b>	Upon appointment.
<b>REASON FOR VACANCY</b>	Resignation of previous member.
<b>NAME OF PRESENT MEMBER</b>	Cr Jan Star is the interim representative
<b>MEETINGS</b>	Meetings - Monthly Location - The Old Observatory, 4 Havelock St, West Perth Day/Time - Second Monday of each month at 5.30pm. Duration - Approx – 2 hours Meeting Fee - No meeting fee or travel expenses paid.
<b>TERMS OF REFERENCE</b>	The National Trust of Australia (WA) Council is the governing body of the Trust, responsible for the enforcement of the By-Lays of the National Trust of Australia (WA) Act, 1964-1970.
<b>COMMITTEE MEMBERSHIP</b>	The Committee will comprise the following representatives:- <ul style="list-style-type: none"> <li>◆ Premier/Treasurer nominee;</li> <li>◆ Senate of UWA nominee;</li> <li>◆ Royal Western Australian Historical Society nominee;</li> <li>◆ Royal Australia Institute of Architects (WA) nominee;</li> <li>◆ Country Women’s Association of Western Australia nominee;</li> <li>◆ The Tree Society nominee;</li> <li>◆ Western Australian Local Government Association nominee;</li> <li>◆ Western Australian Tourist Authority nominee.</li> </ul>

**D12/02**

**RECOMMEND**

1. That there be no nomination from Development Services Committee for the position of Western Australian Local Government Association Member – National Trust of Australia (WA) Council.
2. That the matter be referred to full Council in the event that any member wishes to be nominated.

MOVED Cr Zelones  
MOTION CARRIED (7/0)

**VACANCY – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION MEMBER – DEPARTMENT OF LAND ADMINISTRATION (DOLA) CUSTOMER SERVICE COUNCIL**

FILE : GOV/27  
REF : HC

Notification has been received from the Western Australian Local Government Association inviting Council to submit nomination/s for appointment of Western Australian Local Government Association Member – Department of Land Administration (DOLA) Customer Service Council.

<b>QUALIFICATIONS</b>	Elected Member or Serving Officer interested in influencing DOLA's policies and priorities, and with some knowledge of technological advances, land use planning and the land registration system.
<b>TERM</b>	Anticipated to be 2 years, subject to current review.
<b>COMMENCES</b>	Upon appointment.
<b>REASON FOR VACANCY</b>	Resignation of previous member.
<b>NAME OF PRESENT MEMBER</b>	Cr Richard Doye – Town of Northam
<b>MEETINGS</b>	Meetings - Quarterly Location - DOLA, 1 Midland Square, Midland Day/Time - 2 <sup>nd</sup> Tuesday of March, June, Sept & Dec at 5.00pm Duration - 2 hours Meeting Fee - Members who are not employed in the Public Sector will be paid the appropriate allowances in recognition of their out of pocket expenses incurred in attending meetings.
<b>TERMS OF REFERENCE</b>	The Council provides DOLA's customer representatives with a forum for discussion, raising of concerns, and feedback, to improve DOLA's relations with its customers, and to enhance the provision of a quality service that is subject to continuous improvement. The Council's focus is on providing advice to DOLA to enhance the quality of its services.
<b>COMMITTEE MEMBERSHIP</b>	The Committee will have representation from:- <ul style="list-style-type: none"> <li>◆ Local Governments (nominated by the WALGA)</li> <li>◆ Surveying industry;</li> <li>◆ Urban Development Institute of Australia;</li> <li>◆ Conveyancing, Real Estate and Mining industries;</li> <li>◆ Landcare, Pastoralism/Farming sectors;</li> <li>◆ Aboriginal interests;</li> <li>◆ Other relevant industry group or person;</li> <li>◆ WALIS;</li> <li>◆ DOLA representative nominated by DOLA's Chief Executive.</li> </ul>

D13/02

**RECOMMEND**

1. That there be no nomination from Development Services Committee for the position of Western Australian Local Government Association Member – Department of Land Administration (DOLA) Customer Service Council.
2. That the matter be referred to full Council in the event that any member wishes to be nominated.

MOVED Cr Zelones  
MOTION CARRIED (7/0)

***COUNCILLORS' ITEMS***

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***Cr Everts***

**1. Car Wrecks & Illegal Businesses**

Cr Everts expressed concern at the apparent proliferation of car wrecking and other inappropriate activities in residential areas.

**D14/02            RECOMMEND**

**That Council focus its compliance resources towards addressing the problem of car wrecking and similar inappropriate activities in the City's residential areas. Action to include strongly pointed media advertising and firm enforcement.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

***Cr Stubbs***

**1. Seatainer**

Cr Stubbs advised Committee that a seatainer located in Orchard Drive, Roleystone had not been removed as required by Council.

**D15/02            RECOMMEND**

**That the Liaison & Compliance Officer be authorised to instigate legal action on the basis of non-compliance with the requirement to remove the seatainer at Lot 98 Orchid Drive, Roleystone by the due date assigned by Council.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

**2. Araluen Covenants**

Cr Stubbs noted that Araluen Country Club Estate Covenants would expire in 2004, possibly before introduction of new District Scheme provisions.

**D16/02            RECOMMEND**

**That officers report on measures appropriate to ensure that relevant Armadale Country Club Estate Covenant provisions can be maintained beyond 2004.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

**MEETING DECLARED CLOSED AT 8:28 PM**

# DEVELOPMENT SERVICES COMMITTEE

## I N D E X

14<sup>TH</sup> JANUARY 2002

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