

# 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, 8<sup>th</sup> APRIL 2002, AT 7:00 PM.

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**PRESENT:** Cr F R Green (Deputy Chairman for Cr H A Zelones JP)  
Cr V L Clowes-Hollins (Deputy for Cr H A Zelones JP)  
Cr J D Cumming (Deputy for Cr J Everts)  
Cr G M Hodges  
Cr J Knezevich  
Cr L Reynolds JP

**APOLOGIES:** Cr H A Zelones JP Chairman  
Cr R C Stubbs  
Cr D L Hopper JP (Deputy for Cr R C Stubbs)  
Cr J Everts

**OBSERVERS:** Cr J H Munn JP CMC

**IN ATTENDANCE:** Mr J H A Adderley Executive Director Development Services  
Mr I Townson Building Services Manager  
Mr P Meyrick Health Services Manager  
Mr L Fouché Planning Services Manager  
Mr S Arrowsmith Liaison & Compliance Officer (7.05pm – 7.35pm)  
Mr M Handcock Mullins Handcock, Lawyers (7.05pm – 7.35pm)  
Ms N Cranfield Minute Secretary  
Ms V Panetta Environmental Health Student

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***DISCLAIMER***

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

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

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***Cr F R Green***

Proposed Showroom – Lots 1, 2, 24-27 & 100 South Western Highway, Armadale----Page 15

***QUESTION TIME***

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Nil.

***PRESENTATION – “Compliance Matters”***

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Mr Steve Arrowsmith, Liaison & Compliance Officer and Mr Matthew Handcock, Mullins Handcock Lawyers, attended the meeting at 7.05pm to brief Committee on aspects of Town Planning Scheme regulation and compliance.

***Copy of the presentation material is recorded at Attachment “A1” of the Minutes.***

Discussion on aspects of the presentation took place, with particular interest focussed on the level of penalties incurred, relative to the significance of offences and the City’s resources applied to seek appropriate remedy.

*Chairman thanked Mr Arrowsmith and Mr Handcock for a useful and thought provoking briefing.*

*Mr Arrowsmith and Mr Handcock retired from the meeting at 7.35pm.*

***CONFIRMATION OF MINUTES***

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**RESOLVED**

**Minutes of the Development Services Committee Meeting held on 11<sup>th</sup> February 2002, were confirmed.**

MOVED Cr Knezevich  
MOTION CARRIED (6/0)

***ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.7/2002***

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

- ◆ Report on Outstanding Matters – Development Services Committee
- ◆ Health Services Manager’s Report for February 2002
- ◆ Brookdale Liquid Waste Treatment Facility
- ◆ Environmental Officer’s Quarterly Report – December 2001 to February 2002
- ◆ Planning Services Manager’s Report for February 2002
- ◆ Minutes – Community Heritage Advisory Committee Meeting
- ◆ Compliance Officer’s Report for the Month of February 2002
- ◆ PAW Closure Report – significant actions during February 2002
- ◆ Monthly Administrative Approval Report for February 2002
- ◆ Town Planning Scheme No.2 & No.3 – Amendment Table
- ◆ Subdivision Applications – Recommendation Table
- ◆ Building Services Manager’s Report for February 2002
- ◆ Financial Statements for the period ending 28<sup>th</sup> February 2002

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

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***OVERSIZE GARAGE / WORKSHOP LOT 19 FOSTER ROAD, KELMSCOTT***

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WARD : KELMSCOTT  
FILE REF : A80989  
DATE : 2 April 2002  
REF : SLH  
RESPONSIBLE MANAGER : BSM  
APPLICANT : West Coast Sheds  
LAND OWNER : BG Harrison  
FL Thompson  
SUBJECT LAND : Property size 976m<sup>2</sup>  
Map 22.06  
ZONING : Urban/Residential 'R5'  
MRS/TPS No.2

**In Brief:-**

- Proposal to construct an 84m<sup>2</sup> metal-framed garage/workshop with 'Colorbond' (rivergum green) finish wall cladding and roof sheeting.
- Located in the rear of the lot with a 1.00m wide setback from the respective boundaries.
- Recommendation for refusal on the grounds of the likely adverse impact on the adjacent neighbours and streetscape.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle. Development – to balance the needs of development with sustainable economic, social and environmental objectives.

**Legislation Implications**

Metropolitan Region Scheme  
Town Planning Scheme No.2

**Council Policy / Local Law Implications**

Policy 4.5.20 Outbuildings in Residential and Rural Areas

**Budget / Financial Implications**

Nil.

**Consultation**

- ♦ The proposal was advertised to five (5) neighbouring property owners for comment.

## **BACKGROUND**

Under the City's Outbuildings' Policy the maximum aggregate floor area allowable is 73.3 m<sup>2</sup> for this lot being 976m<sup>2</sup>. As the proposed maximum aggregate floor area exceeds this requirement (ie the proposed garage / workshop is 84m<sup>2</sup>), the application requires Council's determination.

## **DETAILS OF PROPOSAL**

The new garage / workshop is proposed to house the owners' 'special vehicles' and small domestic workshop.

## **COMMENT**

Consultation was undertaken with the adjacent landowners who may be affected by the location of the oversize outbuilding. Three (3) responses were received, all of which were 'no objections'.

### **Analysis**

Officers have visited the site and considered that the proposal is likely to have an adverse impact on the streetscape given the proposed location, which is in the rear of the property but not screened from view due to the existence of a 15m wide drainage easement alongside and minimal vegetation.

### **Options**

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

- Option 1    Approve the application as submitted.
- Option 2    Request that the applicant submits amended plans of the garage / workshop with a reduced floor area to comply with Council's Outbuilding Policy.

## **CONCLUSION**

Officers have considered the views expressed by the adjacent owners, however believe that the proposed oversized outbuilding will have an adverse impact on the surrounding properties and the streetscape and therefore recommend refusal.

## **D51/02            RECOMMEND**

**That the application to construct an 84m<sup>2</sup> metal – framed garage / workshop with 'Colorbond' finish wall cladding and roof sheeting located in the rear of Lot 19 (No.29) Foster Road, Armadale be refused on the grounds of the likely adverse impact on the surrounding properties and streetscape.**

MOVED Cr Clowes-Hollins  
MOTION CARRIED (6/0)

***PROPOSED GARAGE - LOT 35 (NO.6) ADAMS COURT, KELMSCOTT***

WARD : WESTFIELD  
FILE REF : A159095  
DATE : 2 April 2002  
REF : SLH  
RESPONSIBLE : BSM / PSM  
MANAGER  
APPLICANT : A & I Davies  
LAND OWNER : A & I Davies  
SUBJECT LAND : Property size 1 900m<sup>2</sup>  
Map 22.06  
ZONING : Urban / Residential 'R15'  
MRS/TPS No.2

**In Brief:-**

- Application for garage was refused by Council at its meeting in November 2001.
- Applicant appealed against Council's refusal to the Town Planning Appeal Tribunal.
- Owner has provided new information, which details the use of face brickwork and a 'Zincalume' roof matching the existing dwelling, in the construction of a 47.95m<sup>2</sup> garage.
- Recommendation to advise the Town Planning Appeal Tribunal that Council supports the revised proposal.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle. Development – to balance the needs of development with sustainable economic, social and environmental objectives.

**Legislation Implications**

Metropolitan Region Scheme  
Town Planning Scheme No.2

**Council Policy / Local Law Implications**

Policy 4.5.20 Outbuildings in Residential and Rural Areas

**Budget / Financial Implications**

Nil.

### **Consultation**

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

### **BACKGROUND**

This matter was considered by Council at its meeting of 19 November 2001 where it was resolved to refuse the application for the following reasons:

*“That the application to construct a 49m<sup>2</sup> metal – framed with ‘Colorbond’ finish garage in the front setback area on Lot 35 (6) Adams Court, Kelmscott be refused on the grounds of the likely adverse impact on the adjacent properties and the streetscape due to the visual intrusion of the combined floor area of the existing garage and proposed new garage together with the usage of non – compatible materials”.*

As a consequence of Council’s decision to refuse the application, the owner appealed to the Town Planning Appeal Tribunal. The first sitting was adjourned to Mediation, which was held on 13 March 2002 but the matter was not resolved.

Since then, discussions have taken place between the owner and the City in an endeavour to reach an acceptable solution rather than return to the Tribunal. The appellant has provided an amended plan to the City in order to address the requirements of the Outbuildings’ Policy.

Council is to respond to the Town Planning Appeals Tribunal prior to 19 April 2002 in relation to its acceptance or otherwise of the appellants’ revised proposal. Should the proposal be acceptable, the Tribunal will determine the Appeal accordingly. Should the proposal not be acceptable, the Appeal will commence on 19 April 2002.

### **DETAILS OF PROPOSAL**

The owner has provided a new plan, which details the use of face brickwork and a ‘Zincalume’ roof to match the existing dwelling for a 47.95m<sup>2</sup> garage located forward of the existing ‘Colorbond’ garage in the front setback area as proposed previously (ie 1.2m from the western side boundary and 2.0m from the front boundary).

### **COMMENT**

Previous consultation was undertaken with the adjacent landowners who may be affected by the location of the proposed new garage and the resultant increased floor area of the outbuildings on the lot. Two (2) responses were received, one of which had ‘no objection’ to the proposal. The other response, which objected to the proposal, highlighted various issues as follows:

- ◆ The concern raised in relation to exceeding the maximum floor area allowed has been resolved with the new outbuilding being reduced in size to accommodate the policy requirement.
- ◆ The issues relating to amenity have been addressed with the proposal to construct the garage with face brickwork and a metal roof to match the existing dwelling together with the retention of vegetation along the front boundary.

- ◆ The problem associated with usage as a workshop and resultant noise has been pursued. The owner has confirmed that the new garage is only intended to house the family vehicles. Any associated mechanical work is to be conducted in the existing garage.

### Analysis

Discussions were held with the owner, prior to reporting to Council, concerning the new proposal, in particular pertaining to the location, utilisation of matching materials, retention of shrubs and the usage of the outbuilding.

Options to relocate the garage to either the rear of the existing garage or in front of the existing residence is made somewhat difficult as there is a 1.5m high bunding to the perimeter of the residence, which contains the on – site effluent disposal system and would require extensive works to relocate and recommission.

Discussions were also held with the adjoining neighbours in relation to the usage of the new garage and the concerns regarding noise as presently the owners' sons utilise the existing garage as a workshop. Should the problem persist, the City's Health Department would be requested to investigate further.

The primary consideration in the assessment of this revised application is to determine whether the building will have an adverse affect on the amenity of the streetscape, particularly in relation to the materials used to construct the building's walls. The 'Objective' of Council's 'Outbuilding Policy' states:

*“All outbuildings in residential and rural areas, particularly those exposed to public view from a street, should be designed, sited and constructed in a manner to be sympathetic in scale and construction with the streetscape and not detract from the amenity of the area.”*

The Policy then refers to specific requirements depending on the building's location. In relation to outbuildings constructed forward of the primary street setback, the Policy states:

*“Outbuildings proposed to be constructed forward of the main dwelling line should be constructed of materials that match the main dwelling or be suitably screened from public view. In any event, an outbuilding should not be located forward of the required primary street boundary setback unless it is constructed of materials that match the main dwelling”.*

Therefore, as the proposed outbuilding complies with these requirements it would be deemed to achieve the Policy Objectives.

### **Options**

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

Option 1 - Not to support the revised proposal.

Option 2 - To support the revised proposal.



## **CONCLUSION**

Officers have considered the views expressed by the adjacent neighbours and believe that with the reduction in size of the new garage together with the utilisation of matching materials, the proposal will not adversely affect the amenity of the surrounding properties and streetscape and therefore recommend support of the proposal.

## **D52/02            RECOMMEND**

**That in relation to Appeal No.7 of 2002 (Ivan Davies -vs- the City of Armadale), Council advise the Town Planning Appeals Tribunal that it supports the amended plans submitted by the appellant to construct a 47.95m<sup>2</sup> garage with face brickwork and 'Zincalume' roof to match the existing dwelling located in the front setback area of Lot 35 (No.6) Adams Court, Kelmscott as per the amended plans received on 2 April 2002 subject to the retention of existing shrubs on the northern lot boundary.**

MOVED Cr Reynolds  
MOTION CARRIED (6/0)

## ***COUNCILLORS' ITEMS***

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Nil.

REF : PRR  
FILE : SUB/118415

CONTEMPLATED SUBDIVISION REFUSAL	WARD - ARMADALE
<b>SUBDIVISION NO.</b>	SUB/118415
<b>LANDOWNER</b>	O & M Moore
<b>APPLICANT</b>	O & M Moore
<b>LOCATION</b>	Lot 37 Mitchell Street, Wungong
<b>ZONE</b>	Rural E
<b>RURAL STRATEGY</b>	Wungong Precinct
<b>LAND SUITABILITY</b>	Level 2 – Fair Potential (some constraints)
<b>LAND CAPABILITY</b>	Class 3 – Fair Capability
<b>STRATEGIC PLAN</b>	Development – “to balance the needs of development with sustainable economic, social and environmental objectives”
<b>PROPOSAL</b>	To subdivide this 1.8664ha property into two (2) lots of 0.925ha and 0.941ha respectively
<b><i>PROPOSED RECOMMENDATION</i></b>	
<b><i>Refusal on the following grounds:-</i></b>	
<ol style="list-style-type: none"> <li>1. The proposal does not meet the minimum subdivision standards of the Rural ‘E’ zone that specifies a minimum lot size of 1ha, with an average lot size of 2ha. The application proposes 0.925ha and 0.941ha, failing to meet the standards outlined under Council’s Town Planning Scheme No.2.</li> <li>2. The proposed subdivision would set an undesirable precedent for subdivision of other lots in the Rural ‘E’ zone surrounding Lot 37, that are of similar size to the subject lot.</li> </ol>	

**D53/02**

**RECOMMEND**

**That the proposed recommendation to refuse Subdivision Application No.118415 be adopted.**

MOVED Cr Green  
MOTION CARRIED (6/0)

***PROPOSED MICRO BREWERY - PIONEER VILLAGE –  
LOT 100 ALBANY HIGHWAY, ARMADALE***

WARD : ARMADALE

FILE REF : A185084

DATE : 2 April 2002

REF : EP

RESPONSIBLE : PSM  
MANAGER

APPLICANT : HTS Consultants Pty Ltd

LAND OWNER : Summer Moon  
Enterprises Pty Ltd

SUBJECT LAND : Lot 100 Albany Hwy,  
Armadale  
Property size 4.00ha  
Map 23-03

ZONING : Urban / Special Use  
MRS/TPS No.2 "Public Amusement"

**In Brief:-**

- The application proposes the development of a micro-brewery associated with the old "Pioneer Village Pub".
- Council has received legal advice from (Minter Ellison Lawyers) stating that the wall between Part Lots 66 and 67 is common property, jointly owned by all strata lot owners and therefore, the MRS Form 1 application should be signed by the other strata lot owners or their authorised representative/s prior to Council considering this application.
- Recommend that the application be recommitted pending receipt of further advice regarding the applicant's future intentions on this matter.

**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**

- ◆ Surrounding Landowners (including Pioneer Village strata owners)
- ◆ Strata Management Company
- ◆ Development Control Unit
- ◆ Minter Ellison Lawyers

### **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.

Council at its meeting on 21 January 2002 considered the application to establish a Micro Brewery associated with the "Pioneer Village Pub" on the above property and resolved as follows:

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.*

After receiving the above information (including legal advice) and subsequent to advertising the application, Council at its meeting on 18 March 2002 reconsidered this matter and resolved that "*The application to establish a Micro Brewery at Lot 100 Albany Highway, Armadale, be recommitted subject to further legal advice and further assessment of submissions received.*"

Council has now received additional legal advice relating to some of the issues raised by submittees.

### **DETAILS OF PROPOSAL**

The applicant proposes to establish a Micro Brewery associated with the "Pioneer Village Pub" on the above property, which was previously in operation on this site and is currently being refurbished.

The Micro Brewery is proposed to be located within three vacant tenancy units adjacent to the Pub. Units 30 and 31 (immediately south) of Strata Lots 66 & 67 are to contain the Micro Brewery operation, whilst the unit immediately to the west of the Pub 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.

Advice received from the applicant details the brewery operations as follows:

- ◆ 60,000 litres of beer will be produced per annum;
- ◆ The beer will be stored in beer tanks and kegs;
- ◆ All beer will be stored within the coolroom;
- ◆ Beer will be sold by the glass over the bar and distribution sales by keg;
- ◆ Hours of operation would be 7 days a week, 10.00am to 10.00pm;

The brewery will form part of the Pub with visitor tours, beer tasting and facility for inspection of the beer brewing process. The applicant advises that the facility would be more of a tourist attraction nature than a pub.

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

The application was advertised for public comment closing on 11 March 2002.

No. of properties advertised -	19	(including the strata owners of Pioneer World and residents on Onyx Road properties abutting the subject site)
No. of submissions received -	4	(including a petition containing 124 signatures)
No objecting to proposal -	4	
No. supporting proposal -	0	

### **COMMENT**

The main issues raised by the objectors are:

- ◆ the body corporate's ownership of the common wall between part Lots 66 and 67;
- ◆ the absence of the body corporate's consent on the application for planning approval for a micro-brewery operation on part Lots 66 and 67;
- ◆ the proximity of licensed premises to a primary school;
- ◆ traffic and parking issues on site.

The summary of legal advice received from Council solicitors with regard to the above issues raised is:

- ◆ *the wall between part Lots 66 and 67 is common property jointly owned by all strata lot owners;*
- ◆ *it is not necessary for the strata company to sign the MRS Form 1 for the Application;*
- ◆ *it is strongly arguable that the MRS Form 1 should be signed by the other strata lot owners, or their authorised representative/s;*
- ◆ *the impact of the hotel on the nearby primary school is not relevant to the City's consideration of the application as the development has already been approved;*
- ◆ *if the development for which approval is currently being sought would have an impact on the primary school it would be relevant to the City's consideration of the application.*

The current MRS Form 1 application submitted for the development of the Micro Brewery is not signed by all strata lot owners. At a site inspection Council officers observed that the internal dividing wall between part Lot 66 (shop 30) and 67 (shop 31) appears to be removed. Given the current circumstances, and as advice received from Council solicitors confirm that the MRS Form 1 application for the establishment of the micro-brewery which involves common property jointly owned by all strata owners has to be signed by all parties concerned, Council is not in a position to progress with this application until such legal requirement is fulfilled.

The applicant has been advised of this situation by City's letter dated 27 March 2002. No response has been received to date.

**D54/02                      RECOMMEND**

**That the application to establish a Micro-Brewery at Lot 100 Albany Highway, Armadale be recommitted pending receipt of further advice regarding the applicant's intentions on this matter.**

MOVED Cr Hodges  
MOTION CARRIED (6/0)

*DEPUTY CHAIRMAN declared an interest in this item on the basis that he is a Shareholder of Harvey Norman Pty Ltd, the proposed showroom tenancy on the subject property. Cr Green vacated the Chair and left the meeting at 7.49pm.*

*Executive Director Development Services called for nominations for the position of Chairman pro tem.*

*Cr Clowes-Hollins nominated Cr Reynolds.*

*There being no further nominations Cr Reynolds was declared elected.*

***REVISED PLAN FOR PROPOSED SHOWROOM WITH INCIDENTAL WAREHOUSE AND OFFICE – LOTS 1, 2, 24 - 27 & 100 SOUTH WESTERN HIGHWAY, LOT 58 & PT LOT 3 CHURCH AVENUE, AND LOTS 893 & 894 JULL STREET, ARMADALE***

WARD : ARMADALE

FILE REF : A206171

DATE : 3 April 2002

REF : JRH

RESPONSIBLE : PSM  
MANAGER

APPLICANT : Broad Constructions

LAND OWNER : Calardu Pty Ltd

SUBJECT LAND : Lots 1, 2, 24 - 27 & 100 South  
Western Hwy, Lots 58 & Pt  
Lot 3 Church Ave, and Lots  
893 & 894 Jull St, Armadale  
Property size 1.2557 ha  
Map 23.03

ZONING : Urban  
MRS/TPS No.3 Mixed Business/Residential

**In Brief:-**

- Council conditionally approved the proposed Showroom, Warehouse and Incidental office development on the subject site at its June 2001 round of meetings.
- Following further investigation of site constraints and economic factors, the applicants have submitted a revised application for Council's consideration. Council is also requested to consider alternative arrangements for access, car parking and funding for traffic works associated with the proposed development.
- Revised proposal is generally consistent with the previously approved application.
- Recommend that Council conditionally approve the revised application, with the City's officers to enter into further discussion with the proponents on issues of car parking and traffic works.

**Tabled Items**

- ♦ Site plan showing proposed land transfer arrangements.
- ♦ Site plan showing extent of works by the proponent.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

### **Legislation Implications**

Town Planning Scheme No.3  
Town Planning & Development Act 1928  
WAPC Notice of Delegation  
Metropolitan Region Scheme

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

Armadale Enquiry-by-Design Report  
Draft Council Cultural Facilities Report

### **Budget / Financial Implications**

- ◆ Positive impact on property values and broadening of rate base
- ◆ Costs associated with the Armadale Road / Jull Street access improvements
- ◆ Potential costs associated with the Church Avenue / Prospect Road access improvements

### **Consultation**

- ◆ Technical Services Directorate
- ◆ Parks & Reserves Department
- ◆ Recreation Services Department
- ◆ Main Roads Western Australia

## **BACKGROUND**

Council considered a development application for a proposed Showroom with incidental office and warehouse at its June 2001 round of meetings, and resolved to conditionally approve the proposal subject to confirmation from Main Roads Western Australia (MRWA) that the proposal was compatible with the primary regional road land requirements for the widening of South West Highway (D149/01). This advice was received from MRWA, and a Form-2 approval for the development was issued by the City in August 2001.

The approved design for the proposal has been subject to further refinement by the proponents in response to the design specifications required by Main Roads WA for the location of the building within the current road reserve for South West Highway. The design has been amended from the application that was approved by Council, and consequently the applicant has submitted a revised plan of the proposal for approval by Council.

## **DETAILS OF PROPOSAL**

### ***Approved Design***

The previously approved building is of two storey design with an undercroft car parking area facing the proposed 'Local Road', and is proposed to have a height of approximately 11 metres to this road. To South West Highway the building will have a height of between 6 and 8.5 metres, and was to encroach approximately 13 metres into the road widening reserve for the Highway.



The approved design proposes a total floorspace of approximately 7100m<sup>2</sup>, consisting of a showroom for ‘Harvey Norman’ of 4491m<sup>2</sup> Gross Floor Area (GFA) with an associated office of 150m<sup>2</sup> GFA, a 1204m<sup>2</sup> GFA showroom, and a warehouse incidental to both showrooms with a floorspace of 1249m<sup>2</sup>. The loading area for the proposed development is to be located in the western portion of the site, with access from the proposed Local Road.

### ***Revised Design***

The revisions to the approved plan are primarily related to the impact of the development on South West Highway. The proposed road widening of 13 metres is maintained, but the revised plan proposes a batter and some retaining within a 5 metre setback from the widening to the eastern frontage of the development. Within the previous approval, the retaining of earthworks for the Highway was incorporated within the eastern wall of the proposed building.

As a result of the repositioning of the building, the proposed Local Road between the Showroom and the Armadale Town Hall is proposed to be relocated north-west, with the road pavement encroaching into the Town Hall reserve by approximately 9 metres. The building has also been reduced in size to provide a total floorspace of approximately 6300m<sup>2</sup> GLA, including a 527m<sup>2</sup> showroom located in the portion of the building, which accommodated undercroft parking in the original application.

The overall height of the building is similar to the approved design. The proposed pitched roof design to the façade adjacent to the Town Hall and Tourist Centre has been retained above the entrance to the building, but is absent along the remainder of the facade.

***Note – Covering correspondence from Broad Construction Services Pty Ltd indicating intention to complete construction and open store for Christmas trading 2002 at Attachment “A1” of the Agenda, (refer Summary of Attachments - yellow page).***

## **COMMENT**

### ***Car Parking***

Council’s approval to the previous design endorsed a car parking shortfall of approximately 10%, representing 22 bays, on the basis that the proponent would be constructing additional bays on Council controlled land. This commitment was endorsed through Item 1(h) of Council’s resolution D149/01, requiring the applicant to construct 28 angle car parking bays within the proposed Local Road reserve. In addition, there were opportunities for the reciprocal use of car parking between the proposed development and Council’s parking for the Armadale Town Hall and Tourist Centre. The revised design requires a total parking provision of 178 bays, in accordance with the following:

Use	Floorspace (GLA)	Required Car Parking Provision	Proposed Car Parking Provision
Harvey Norman Showroom	3844m <sup>2</sup>	1/30m <sup>2</sup> = 128.1 bays	By applicant = 160 bays (including 10 within Council controlled land)
Associated warehouse	1000m <sup>2</sup>	1/100m <sup>2</sup> = 10 bays	
Office 1	136m <sup>2</sup>	1/30m <sup>2</sup> = 4.5 bays	
Office 2	48m <sup>2</sup>	1/30m <sup>2</sup> = 1.6 bays	
Tenancy 2 Showroom	527m <sup>2</sup>	1/30m <sup>2</sup> = 17.6 bays	
Associated warehouse	100m <sup>2</sup>	1/100m <sup>2</sup> = 1.0 bay	
Tenancy 3 Showroom	420m <sup>2</sup>	1/30m <sup>2</sup> = 14 bays	
Warehouse	100m <sup>2</sup>	1/100m <sup>2</sup> = 1.0 bay	
<b>TOTAL</b>	<b>6311m<sup>2</sup></b>	<b>178 bays</b>	<b>160 bays</b>

The revised application proposes the construction of 150 bays within the site area, and 10 bays within Reserve No.21514 accommodating the Town Hall. This provision also assumes that Council will approve a 10% parking shortfall for the revised application. This shortfall is consistent with the car parking provision approved by Council in determining the original application. However in the original application, the proponent provided a commitment for the construction of additional car parking on Council controlled land, which ensured that sufficient bays would be available for patrons of the store.

The proposed site plan demonstrates that approximately 66 bays could be accommodated on Council controlled land within the land area bounded by South West Highway, Church Avenue and Jull Street. This provision includes 27 bays within the Local Road reserve, and the 10 bays to be constructed by the proponent.

It is considered that the proposed car parking provision may be supported, subject to the proponent constructing additional car bays within Council controlled land which represents the 10% shortfall for the proposed development, which equates to an additional 18 bays.

### ***Traffic and Access Issues***

The eastern margin of the development area is reserved as ‘Primary Regional Road’ within the Metropolitan Region Scheme (MRS), to permit the future widening of South Western Highway. The current reservation would result in the loss of approximately 30 metres from the depth of the lots, and the loss of land to the extent proposed by the MRS reserve would not permit the development of the lots in the proposed form.

Consequently, the applicant has liaised with Main Roads Western Australia (MRWA), and reached agreement to reduce the width of the future reserve adjacent to the properties. This design has been subject to review by MRWA, and will require endorsement from the authority prior to any approval to the revised plan being issued by the City.

Officers from Council’s Technical Services Directorate have reviewed the revised plan, and confirm that the proposal is generally acceptable. The proposed access and parking provision will require some modifications to improve access within the precinct, which may be addressed as a condition of Planning Consent for the development.

### ***Elevations/Height of the Proposal***

The proposed building incorporates a maximum total height of 12 metres along the north-western façade facing the Town Hall, and 12 metres along the façade fronting South West Highway. This design incorporates substantial earthworks adjacent to the Highway, and consequently would achieve a height of between 8 and 10 metres above the natural ground surface for much of the highway frontage. The north western façade is largely at natural ground level and the development is single storey in design, with the exception of a 527 m<sup>2</sup> Showroom and Warehouse under the main floor area where the approved plan incorporates an undercroft parking area.

The overall height and scale of the proposed revision is similar to that of the previously approved plan. The design of the approved plan was formulated to complement the surrounding architecture, by breaking up walls with verandahs, archways, extensive window treatments, covered pedestrian ways and pitched roof treatments.

The elevations of the revised design incorporate these features, but the proposed pitched roof along the north-western façade has been confined to the portion above the entrance to the building.

The buildings immediately adjacent to the subject site include the Armadale Town Hall, Tourist Centre and Collyer House. The buildings all incorporate steeply pitched roofs, with much of the design being at single level with highly detailed facades, and is very human in scale. The deletion of the pitched roof to the proposed Showroom/Warehouse would result in a building design that detracts from the established architectural theme of the precinct.

Council's endorsement of the original application specified that the applicant was to liaise with Council's officers to further refine the elevations of the proposed development, to improve the compatibility of the development with the architectural style of surrounding buildings. This requirement was included as a condition of the development approval to the proposal, and the imposition of this condition on the revised application would ensure that the facade of the building complements the surrounding architecture within the precinct.

#### ***Proposed Encroachment of Access/Car Parking into Town Hall Reserve***

The revised design of the proposed building, and the need to contain as much of the required car parking as possible within the applicant's landholding, has resulted in the revised plan incorporating the realignment of the proposed Local Road within Reserve No.21514. This encroachment is approximately 14 metres wide, consisting of a 4.5 metre wide road pavement, 6 metre wide angle parking, and a 4 metre wide median to accommodate four mature trees along the common boundary. The road pavement and car parking in this location will require additional fill as the trees are located at the top of a considerable slope, and the batter associated with this fill represents an additional encroachment into the Reserve.

The revised plan was referred to Council's Recreation Services Department for comment, and advice has been received which confirms that the revised design does not adversely affect the concept plan developed for Reserve No.21514 as part of the Cultural Precinct Study. Council's Parks and Reserves Department have also been consulted, and advice has been obtained which indicates that the filling and road construction adjacent to the existing trees should not adversely affect the trees, provided that suitable construction materials and methods are employed.

#### ***Proposed Land Transfer Arrangements***

To compensate Council for the loss of land encroached upon by the Local Road, which represents an area of approximately 900m<sup>2</sup>, the applicant proposes a land transfer. The land transfer involves Lot 58 and Pt Lot 3 Church Avenue, and Lots 893 and 894 Jull Street, being amalgamated within Reserve No.21514. This represents a land area of 1323m<sup>2</sup>, and the amalgamation of this land into the Reserve will create a more regular shaped land parcel with a greater frontage to Church Avenue.

Car parking and access would be constructed within the land to be amalgamated, and would be subject to a reciprocal rights agreement with the proponents. Notwithstanding this arrangement, it is possible that the land to be amalgamated within the Reserve could be utilised for other purposes at a later stage, should it be determined that satisfactory parking arrangements can be achieved for the land uses within the precinct.

It should be noted that all land involved in the transfer is under the same zoning of 'Mixed Business/Residential', which provides the opportunity for alternative future uses on the site. The proposed land transfer arrangements are considered satisfactory at this stage, although this matter will require further negotiation between Council's officers and the proponent.

### ***Proposed Changes to Construction Arrangements***

As part of Council's final consideration of Amendment No.7, the proponent made commitments to construct the proposed Local Road, and to relocate the Tourist Centre if the building was found to restrict the optimum alignment of the Local Road. The building did not require relocation, and the applicant provided a further commitment during Council's consideration of the development application that the building relocation funds would be expended on the enhancement of the road reserve adjacent to the Tourist Centre and adjoining Council Car Parking areas.

It was also agreed at the development application stage that the applicant would fund the construction of the proposed roundabout at the intersection of Church Avenue, Prospect Road and the proposed Local Road, whilst Council would fund the construction of the proposed roundabout at the intersection of Jull Street and the proposed Local Road. This was subsequently imposed as Item 1(i) in Council's resolution D149/01. In submitting the revised application, the proponent has advised that in preparing a cost schedule for the development, it is not able to construct the roundabout without compromising the economic viability of the project, and has requested that the requirement to construct the roundabout not be included within any approval to the revised plan.

In the event that Council releases the proponent from the obligation to construct the roundabout, the cost would have to be met by Council. This cost has been estimated to be approximately \$52,000. In light of the land transfers to be made by the proponent, and the extent of car parking to be constructed on Council controlled land at the proponent's cost, it is considered that suitable arrangements may be entered into between the City and the proponent to progress this matter. This may be addressed as a condition of planning consent to the revised plan.

### **Options**

Council may determine the revised plan, in accordance with the following options;

1. Resolve to conditionally approve the revised plan for the proposed Showroom, Warehouse and incidental Office development, subject to the conditions included within its previous resolution D149/01 with the exception of Condition 1(i) relating to the construction of the proposed roundabout at the intersection of Church Avenue, Prospect Road and the proposed Local Road, and Conditions 1(a) and 1(c) which may also be deleted as they are no longer applicable. Item 3 of the resolution is also to be modified, to include as conditions that the proponent is to enter into suitable arrangements with the City on the matters of land transfer, and the construction of the proposed roundabout at the intersection of Church Avenue, Prospect Road and the proposed Local Road.
2. Resolve to defer consideration of the revised plan, pending confirmation that the proposal is acceptable to Main Roads WA, and further analysis and discussion between the proponent and the City's officers with respect to the construction of the roundabout at the intersection of Church Avenue, Prospect Road and the proposed Local Road, and the proposed arrangements with respect to land transfers within the precinct.

3. Resolve to not approve the revised plan, with the application approved through Council's resolution D149/01 being Council's preferred design for the proposed Showroom, Warehouse and incidental Office development.

## CONCLUSION

The proposed development on the subject lots represents a minor variation to the proposal previously approved by Council. The revisions to the approved plan are primarily related to the impact of the development on South West Highway.

It is considered that the development may be progressed by Council, subject to minor modification. In this regard Option 1 is recommended.

*Executive Director Development Services referred to the site, elevation and perspective plans displayed and highlighted key aspects of the proposal which varied from Council's earlier approval.*

*Significant factors included:-*

- ◆ *Relocation of the building further from South Western Highway to obviate need for major retaining wall;*
- ◆ *Retention of existing vegetation and trees along South Western Highway frontage;*
- ◆ *Slightly smaller scale of development;*
- ◆ *Incorporation of Sugar Gum trees in median of local road alignment.*
- ◆ *Proposed transfer of land to incorporate into and extend Town Hall precinct.*
- ◆ *Visual quality and colour scheme of development compatible with existing buildings in Town Hall precinct.*

*COMMITTEE considered the proposal at length, noting the importance of securing an attractive visual impact of the development viewed from the Town Hall precinct, South Western Highway and elevated locations from the hills behind.*

*COMMITTEE noted the pitched roof aspect fronting South Western Highway but was concerned to ensure that the decked roof beyond would not be visually obtrusive either in terms of colour or unsightly air conditioning installations / service equipment etc.*

*COMMITTEE acknowledged that in terms of refinement of external appearance aspects of the development, the Armadale Redevelopment Authority should be offered the opportunity to comment and advise its views on appearance issues.*

*Accordingly, a Part 3 was added to the officer's recommendation.*

**D55/02**

**RECOMMEND**

1. That Council approve the revised application for a proposed showroom with incidental warehouse and office on Lots 1, 2, 24 - 27 & 100 South Western Highway, Lot 58 and Pt Lot 3 Church Avenue, and Lots 893 and 894 Jull Street, Armadale subject to Main Roads Western Australia determining compatible Primary Regional Road land requirements and confirming agreement to the proposal, and subject to conditions including the following principal requirements:
  - a) All lots within the application area to be amalgamated.
  - b) The design specification for the proposed Local Road, including details of the proposed construction materials and methods to be employed to ensure that the works do not adversely affect the existing trees within the proposed central median, are to be submitted to and approved by Council's Executive Director Technical Services.
  - c) The design and specification of the proposed accessways to be modified, to permit practical access / egress by commercial vehicles within the site.
  - d) Details of the external colour scheme and textures for the proposed development shall be submitted for consideration and approval. Such colours and textures to be satisfactorily harmonised with and to be complementary to key buildings of the precinct, namely the Armadale Town Hall, Tourist Centre and Collyer House.
  - ~~e) Submission of a comprehensive landscaping plan. Such plan to include the planting of mature trees within road reserves, all paved surfaces, and the integration of the proposed landscaping elements with existing mature vegetation on site. The landscaping plan to depict trickle or similar irrigation and is to be maintained for the duration of use of the development to the satisfaction of Council.~~
  - f) The applicant entering into a deed of agreement with Council for reciprocal rights of access and car parking, within the proposed development and the local road environs within Reserve No's. 21514 & 14682.
  - g) The proposed Local Road and associated car parking extending from Jull Street to Church Avenue is to be constructed, sealed, drained and kerbed at the cost of the developer.



**ZINCALUME ROOF FOR DWELLING HOUSE AND SHED –  
LOT 807 (No.284) CHURCHMAN BROOK ROAD, BEDFORDALE**

WARD : ROLEYSTONE  
FILE REF : A236154  
DATE : 19 March 2002  
REF : PRR  
RESPONSIBLE : PSM  
MANAGER  
APPLICANTS : Shed: Coastline Sheds  
Dwelling House: Mr R Claybrook  
LAND OWNER : Mr R & Mrs J Claybrook  
SUBJECT LAND : Property size 1.0023ha  
Map 25.03  
ZONING : Rural / Special Use No. 82  
MRS/TPS No.2

**In Brief:-**

- Council received two separate applications for the subject property. The initial application proposed the construction of a shed utilising ‘Zincalume’ roof material, which was followed by an application for a dwelling house with a ‘Zincalume’ roof.
- Applications were advertised separately. Advertising yielded 1 submission for the shed. No submissions were received with regard to the dwelling house.
- Recommend that Council approve the applications for shed and dwelling house, conditional upon the roofing material being changed, in both instances, to non-reflective material.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

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

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Nil.



### **Consultation**

- ◆ Department for Planning and Infrastructure
- ◆ Surrounding landowners
- ◆ Development Control Unit

### **BACKGROUND**

Council received two separate applications, for a shed and dwelling house on the subject property, received on 13 December 2001 and 14 February 2002 respectively. In both instances, the use of Zinalume roofing material has been proposed.

Since the proposals involve Council's discretion to approve the use of Zinalume material under Clause 7.1.2 of Town Planning Scheme No.2, the application has been referred to Council for determination. (A dwelling house and outbuilding are permitted land uses in the Special Use No.82 zone.)

### **DETAILS OF PROPOSALS**

#### ***Shed***

The applicant proposes to construct a 7.5 m by 9 m shed with a total floor area of 67.5 m<sup>2</sup>. The shed would be situated in the south-eastern corner of the existing development envelope on the property and set back a minimum distance of 10 m from both the eastern and southern boundaries of the lot. The walls of the shed would be Rivergum (green) Colorbond, with a Zinalume roof, which would be orientated north-south.

#### ***Dwelling House***

The applicant also proposes to develop a single dwelling house within the existing development envelope. The proposed dwelling house would be 12.7 m from the eastern boundary and 23.51 m from the southern boundary. The dwelling house would be 23.99 m by 9.23 m with a total floor area of 221.43 m<sup>2</sup> (422.92 m<sup>2</sup> with verandah included). The proposed dwelling house is to be constructed of brick with a Zinalume roof, which would be orientated east-west.

### **COMMENT**

#### ***Department for Planning and Infrastructure (DPI)***

Both the shed and dwelling house applications were referred for comment to the DPI under Clause 32 of the Metropolitan Region Scheme as the subject property abuts a Regional Parks and Recreation Reserve. Advice from the DPI dated 12 March 2002 states that the DPI has no objections to either of the proposals.

### ***Surrounding Landowners***

Both applications were also referred to the neighbouring landowners for comment due to the use of Zinalume roofing material, and the application for a reduced setback of 10 m instead of 15 m. One (1) submission was received with regard to the shed, stating that no objection was held as long as the roof fell north south, (which it does).

The dwelling house was advertised to the same parties as the shed and no submissions were received.

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

DCU at its meeting held on 21 March 2002 recommended that the application for Zinalume roofing be refused based on the following grounds:

The location of the lot means that the potential visibility of reflective material is high due to the elevated nature of Churchman Brook Estate to the south, as well as a public road (Beeloo Close) abutting the eastern lot boundary.

## **ANALYSIS**

### ***Clause 7.1.2 – Reflective Material***

Clause 7.1.2 of Council's Town Planning Scheme No.2 requires that Council shall have due regard to matters of amenity as outlined under the provisions of the Residential Planning Codes (the R-Codes). Particularly relevant in this instance is Clause 1.7.1(c) of the R-Codes, which stipulates that "*Council may have regard to, and impose conditions relating to – building materials and finishes where these relate to the preservation of local character and the amenity of the area generally*".

The subject property is a battleaxe lot, reducing the visibility from Churchman Brook Road. There are also trees to the south and west of the proposed development, which aids in further screening the proposed structures. Beeloo Close abuts the eastern boundary of the property, and whilst the land to the north and east of the subject property is reserved for Regional Parks and Recreation under Council's Town Planning Scheme No.2 and is heavily vegetated, this street provides access to the Reserved land and increases visibility along the eastern side of the lot for those entering the Reserve. The road is, however, unlikely to be used by a significant number of vehicles, given that it is a no through road.

It should be noted that the land to the south of the proposed development on the opposite side of Churchman Brook Road is elevated, and this factor increases possible visibility from Churchman Brook Estate.

The Zinalume roof material has the potential to also impact on adjoining properties in terms of glare where vegetation screening does not exist.

### ***Special Use Zones / Hills Area***

Special Use No.82, whilst not having restrictive covenants as is the case with Churchman Brook Estate (Special Use No.69), the land is also set aside for rural / residential purposes. Both areas however, are affected by Clause 7.1.2 of Council's Town Planning Scheme No.2. Council's general concern with Zincalume and other reflective material in the hills area is one of impact on amenity (including glare), in terms of the immediate area and vantage points from across valleys and other elevated positions.

The potential for glare in this instance is relatively high. The roof of the residence has been orientated east-west, and given that the house is rectangular in shape, this presents two broad roof faces to morning and afternoon sun. This situation has the potential to impact adversely on any surrounding residents who are in a position to see the roof and the locality in general in terms of reflectivity.

### ***OPTIONS***

#### **Option 1**

Council could approve the applications for dwelling house and shed, including the use of Zincalume roofing material on the subject property. In this respect Council could consider the fact that the lot is a battle-axe lot, and that the proposed structures will be partially screened by existing vegetation on the lot.

Approval of this option, could create a precedent for similar applications where Zincalume roofing material is used in Special Use Rural / Residential zones.

#### **Option 2**

Council could approve the applications for dwelling house and shed, subject to the use of non-reflective roofing material for both the shed and dwelling house on the subject property.

### **CONCLUSION**

It is considered that the proposed use of Zincalume roofing material on the subject property is not appropriate due to several factors:

- ◆ The elevated nature of Churchman Brook Estate with respect to the subject lot;
- ◆ The existence of a public road bordering the eastern lot boundary; and,
- ◆ Areas of the lot where screening vegetation does not exist.

Given that there is no concern with the location and other materials of either the shed or dwelling house, it is recommended that Council approve the applications, subject to the use of non-reflective roofing material for the dwelling house and shed in accordance with Option 2.

**D56/02**

**RECOMMEND**

- 1. That Council approve the applications for shed and dwelling house at Lot 807 Churchman Brook Road, Bedfordale subject to the use of non-reflective roof materials.**
- 2. That the applicant be advised that the proposed use of zincalume roofing material for the dwelling house and shed is inappropriate for the following reasons:-**
  - ♦ The use of Zincalume roofing material in the proposed location would have a detrimental impact on the amenity of the locality due to its reflective nature and subsequent potential for glare.**
  - ♦ The approval of the roofing material will create an undesirable precedent for other similar applications proposing to utilise Zincalume material in areas visible from public roads and other vantage points in this visually sensitive locality.**

MOVED Cr Clowes-Hollins  
MOTION CARRIED (6/0)

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***PEDESTRIAN ACCESS WAY (PAW) AND PUBLIC OPEN SPACE (POS) BETWEEN MORGAN PARK AND WILCANNIA WAY, ARMADALE***

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WARD : WEST ARMADALE

FILE REF : WAY/4/94

DATE : 3 April 2002

REF : MF

RESPONSIBLE MANAGER : PSM

APPLICANT : Council Initiated

LAND OWNER : Various

SUBJECT LAND : Pedestrian access way (PAW) between Morgan Park and Wilcannia Way, Armadale and associated sections of Public Open Space (POS).  
Maps 22-03, 22-04

ZONING : Urban / Residential 'R.15' & MRS/TPS No.2  
Parks & Recreation (Local)

**In Brief:-**

- ♦ Progress in this closure proposal has been hampered because three of the abutting landowners have so far not paid the purchase monies requested, there has been withdrawal of purchase intention by one of the abutting landowners and impending change of ownership of one of the affected properties.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Land Administration Act 1997.

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

\$19,000.00 budgeted.

### **Consultation**

- ◆ Landowners abutting the PAW/POS network.
- ◆ Department of Land Administration (DOLA)
- ◆ Water Corporation

### **BACKGROUND**

At the Ordinary Meeting of Council on 2 April 2002, Cr Munn raised the matter of progress on closure of the PAW between Morgan Park and Wilcannia Way for referral to the Development Services Committee.

### **COMMENT**

The delay in progressing this matter has been caused by three abutting landowners so far not paying the purchase monies requested by Council to progress this matter despite a number of reminders being sent. Another reminder has recently been despatched to these landowners.

In addition, one of the abutting landowners who was originally interested in purchasing a portion of the PAW/POS network has recently withdrawn his intention to purchase the land because of personal reasons. Therefore a portion of the PAW land remains unallocated. DOLA will not agree to this portion of land being established as a 'public utilities reserve' with vesting in Council as the land in question will be landlocked and will not be accessible from public land.

There has also been a change of ownership of one of the affected properties. The settlement date is scheduled for 12 April 2002.

Letters have been sent to all affected landowners to keep them informed about this matter.

*Chairman invited Cr Munn to speak on this matter.*

*Cr Munn advised Committee of concern and anxiety that this particular PAW/POS closure project is in danger of not proceeding because of the complex procedures involved and the apparent delays occasioned through trying to meet the requirements of all the agencies involved. The project has been running for some 5 years and is yet to achieve its objective.*

*COMMITTEE considered the possibility of selectively closing simpler elements of the PAW network. This option could be pursued but it was concluded that before proceeding further, a high level meeting should be convened between representatives of the City, Department of Land Administration (DOLA) and Ward Members to review the project and examine whether there was a strategic way forward.*

### **D57/02**

### **RECOMMEND**

**That arrangements be undertaken to convene a meeting between the City and Department of Land Administration representatives in conjunction with West Armadale Ward Members, in order to seek a strategic way forward for the Morgan Park / Wilcannia Way PAW closure project.**

MOVED Cr Knezevich  
MOTION CARRIED (6/0)

**COMMERCIAL VEHICLE PARKING –  
LOT 113 [34] TAMARIND CRESCENT, KELMSCOTT**

WARD : WESTFIELD  
FILE REF : A138891  
DATE : 14 March 2002  
REF : SA  
RESPONSIBLE MANAGER : PSM  
APPLICANT : JA Blackwell  
LANDOWNER : BE Blackwell  
SUBJECT LAND : Lot 113 Tamarind Crescent, Kelmscott  
Property size 712m<sup>2</sup>; Map 22.06  
ZONING  
MRS / TPS No.2 : Urban/Residential 'R 15'

**In Brief:-**

- Request to park a 4.28 tonne Hino tray top truck on the property.
- Length of vehicle and parking provisions do not comply with the Town Planning Scheme.
- Recommendation that the application be refused.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To balance the needs of development with suitable economic, social and environmental objectives.

**Legislation Implications**

Commercial vehicle parking provisions of Town Planning Scheme No.2.

**Council Policy / Local Law Implications**

Council Policy 4.4.6 Commercial Vehicle Parking

**Budget / Financial Implications**

Nil.

**Consultation**

Applicant canvassed adjoining landowners.

## **BACKGROUND**

In response to a complaint regarding the parking of a commercial vehicle on the subject property, Council Officers advised the occupants that Council approval is required to park a commercial vehicle on the subject property.

## **DETAILS OF PROPOSAL**

The applicant proposes to park a 4.28 tonne Hino tray top truck on the premises between the hours of 6.00pm to 7.00am. The vehicle is 7.4 metres in length and 2.4 metres in height and is parked either in the driveway or on the lawn in front of the residence.

## **COMMENT**

### **Analysis**

The specifications of the truck do not comply with the commercial vehicle parking provisions of the Town Planning Scheme, inasmuch that 6 metres is maximum length permitted on a lot of less than 1000sq. metres. The Scheme also requires a commercial vehicle to be parked behind the front building setback line. It would appear from the construction of the residence that there is little opportunity to accommodate the vehicle behind the front setback line.

The applicant has supplied 10 letters from neighbours, including the immediate neighbours on either side of the subject site, who do not object to the proposal.

### **Options**

1. Given that the length of the vehicle and its intended parking location do not comply with the Scheme provisions, Council may refuse the application.
2. Council has the discretion under clause 7.6 to relax a Scheme standard or requirement where Council is satisfied that approval would be consistent with the orderly and proper planning of the locality and the non-compliance will not have an adverse effect upon the inhabitants or amenity of the area. Should Council decide to approve the application and the applicant fails to comply with the provisions of the Scheme or substantiated complaints are received, Council has the discretion to revoke the approval or decline the annual renewal.

## **CONCLUSION**

It is not known how long the truck has been parking on the premises although Council has received one complaint. The immediate neighbours are those likely to be most affected by the parking of the vehicle have signed a letter stating that they do not object to the vehicle being parked on the premises.

It would appear that it is the intent of the Scheme to protect the streetscape by requiring commercial vehicles to be parked behind the setback line. The subject vehicle parking at the front of the property could be seen as adversely affecting the streetscape.



Given the non-compliance with the Scheme requirements and the possible detriment to the streetscape, it is recommended that the application be refused.

**D58/02                      RECOMMEND**

**That Council refuse the application to park a 4.28 tonne Hino commercial vehicle registration number 7LP 389 at Lot 113 [34] Tamarind Crescent, Kelmscott on the grounds that;**

- ♦ **The vehicle specifications and provision for parking the vehicle on the property do not comply with the commercial vehicle parking provisions of Town Planning Scheme No.2 in that the length of the vehicle (7.4 metres) exceeds the 6 metre maximum and the vehicle cannot be parked behind the front building setback line.**
- ♦ **The parking of the commercial vehicle in front of the building, adversely impacts on the amenity of the street.**

MOVED Cr Cumming  
MOTION CARRIED (6/0)

**COMMERCIAL VEHICLE PARKING –  
LOT 26 [309] RAILWAY AVENUE, ARMADALE**

*The following report was tabled at Committee.*

WARD : West Armadale  
FILE REF : A46870  
DATE : 14 March 2002  
REF : SA/LF  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : BG Brooks  
LANDOWNER : BG Brooks & M Grow  
Lot 26 Railway Ave,  
SUBJECT LAND : Armadale  
Property size 3275m<sup>2</sup>;  
Map 22.04  
ZONING : Urban/  
MRS / TPS No.2 Residential 'R 15/40'

**In Brief:-**

- Council approval to park an 8.1 tonne prime mover on the subject site was granted in October 2001.
- Request to also park an 8m, 5.389 tonne commercial trailer on the property.
- The combined weight and length of prime mover and trailer exceed the provisions of the Town Planning Scheme.
- New application to amend a condition of approval for the Prime mover.
- Recommendation that the application for the trailer be refused and that a new approval for the parking of the prime mover be issued.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To balance the needs of development with suitable economic, social and environmental objectives.

**Legislation Implications**

Commercial vehicle parking provisions of Town Planning Scheme No. 2.

**Council Policy / Local Law Implications**

Council Policy 4.4.6 Commercial Vehicle Parking

**Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Officers canvassed of neighbours in July 2001 for comments on the application to park a prime mover on the property.
- ◆ The applicant canvassed adjoining occupants in February 2002 with regard to the parking of the commercial trailer.

### **BACKGROUND**

An application for approval to park a prime mover and trailer was received in July 2001. The weight and length of the vehicle and trailer exceeded the maximum of 10 tonnes and 11 metres permitted on residential land by the Town Planning Scheme.

The applicant was advised that the vehicle did not satisfy the Town Planning Scheme provisions and was given the option to apply for the prime mover only. The applicant advised Council in writing that he wished to apply for permission to park the prime mover only.

At its ordinary meeting held on 15<sup>th</sup> October 2001 Council conditionally approved the parking of the prime mover on the subject property. One of the conditions of approval restricted the hours of movement to and from the property to between 8am and 6pm.

### **DETAILS OF PROPOSAL**

The applicant has applied to park an 8.1 tonne prime mover and a 5.389 tonne semi trailer as individual entities on the premises. The length of the prime mover is 7.6m and the length of the trailer is 8m, which combined is 15.6m in total length. The combined tare weight of the prime mover and trailer is 13.48 tonnes. The rig is parked well to the rear of the residence and the subject property backs onto a vacant block.

The applicant states that if the trailer has to be parked elsewhere, the hooking and unhooking of the trailer each day is likely to exacerbate his back condition, which will result in time off work. The applicant has presented documentation from his doctor, who advises that his patient has a degenerative back disease, which will be exacerbated by the lifting of trailer latches.

The applicant finds that the hours of vehicle movement from the property imposed on the approval for the prime mover are too restrictive and has lodged a new application for the previously approved prime mover to afford Council the discretion to issue a new approval.

### **COMMENT**

#### **Analysis**

##### ***Parking of Truck and trailer***

The combined specifications of the truck and trailer do not comply with the commercial vehicle parking provisions of the Town Planning Scheme, inasmuch that 11m is the maximum length and 10 tonnes is the maximum weight of commercial vehicles permitted on Residential land. The combined specifications exceed the Scheme provisions by 4.6m and 3.48 tonnes respectively.

The subject property is a relatively large block with sufficient room and manoeuvring space for the truck and trailer to be housed on the premises. The vehicle is driven onto the property and turned around to face the road by forward motion and allowing the prime mover and trailer to remain attached.

The vehicle and trailer had been parked on the premises for six years without Council receiving a complaint. A complaint has however recently been received from an absent landowner regarding the truck and trailer on the property. Compliance with the conditions of approval for the prime mover was also questioned (time restrictions and parking of trailer).

The impact that the truck and trailer has on individual residents may vary, however given the letter of support, it would not appear to adversely affect some neighbours. It should however be noted that land ownership changes over time and that undeveloped lots (including an adjoining lot) in the locality could be further developed, which would increase the number of residents that could be affected by the truck / trailer parking. The general expectation of residents in a Residential zoned area is that their residential amenity will be upheld.

The combined length and tare weight of the truck and trailer are well in excess of the Scheme requirements for a residential property. Clause 5.1.1 iii) clearly stipulates that “a commercial vehicle, rigid or articulated, with or without trailers exceeding 10 tonnes (ctw) and/or 11m in length will not be permitted on any residential zoned property”. A clear precedent will be set for commercial vehicle parking applications not complying with Town Planning Scheme restrictions, if the application is approved.

### ***Parking of truck and time restrictions***

The Town Planning Scheme includes provisions under the “Noise Provisions of the Environmental Protection Act 1986” should any noise created by the vehicle exceed the standards for the area. Instances of non-compliance can be appropriately dealt with by Council’s Health Department should noise from the prime mover adversely affect occupants in the vicinity of the subject property by way of Noise Abatement Notices.

The Noise Provisions of the Environmental Protection Act are quite specific regarding noise levels that are allowable during certain hours of the day/night. It is therefore not necessary to specify these hours in the conditions of approval. The applicant does however need to be aware what these requirements are, which can be done in the form of an advice note on the approval. The re-approval of the truck parking application only is therefore supported, subject to appropriate conditions, including a condition specifically referring to the compliance with the Noise Provisions of the Environmental Protection Act.

### **Options**

1. Given that the combined length and weight of the Prime mover and trailer do not comply with the Scheme provisions, Council can refuse one or both elements of the application.
2. Council has the discretion under clause 7.6 to relax a Scheme standard or requirement where Council is satisfied that approval would be consistent with the orderly and proper planning of the locality and the non-compliance will not have an adverse effect upon the inhabitants or amenity of the area. Should Council decide to approve the application the approval should be for 12 months only and conditioned to comply with the Scheme provisions (and other appropriate conditions if necessary).

3. As the specifications of the prime mover comply with the Scheme provisions, Council has the discretion to approve the parking of the prime mover only, subject to strict adherence with the Scheme provisions (and other appropriate conditions).

## CONCLUSION

The specifications of the prime mover/trailer combination do not comply with the Scheme provisions; therefore it is recommended that the application for the commercial trailer be refused. As Council has previously approved the prime mover, it is recommended that this component of the application be approved subject to appropriate conditions, including a condition referring to the Noise Provisions of the Environmental Protection Act.

## D60/02 RECOMMEND

1. **That Council refuse the application to park a 5.389 tonne semi trailer registration number 6RZ 807 at Lot 26 [309] Railway Avenue, Armadale for the following reasons:**
  - a) **The combined specifications of the prime mover and the semi trailer exceed the maximum weight and length permitted by the commercial vehicle parking provisions of Town Planning Scheme No. 2 on residential property.**
  - b) **The approval of the application will set an undesirable precedent for other commercial vehicle parking applications not complying with the provisions of the Town Planning Scheme.**
2. **That Council approve the application to park an 8.1 tonne International Prime mover registration number GN 19377 on lot 26 [309] Railway Avenue, Armadale subject to strict adherence to the provisions of Town Planning Scheme No. 2 and the following principal conditions;**
  - a) **The vehicle is not permitted to park in the road reserve;**
  - b) **The vehicle must not reverse onto the carriageway in order to access Railway Avenue;**
  - c) **The vehicle must not encroach onto the carriageway when undertaking parking manoeuvres;**
  - d) **Compliance with the Noise Provisions of the Environmental Protection Act 1986.**
3. **That the applicant be advised to take measures to immediately ensure strict compliance with Council's determination as per (1) and (2) above.**

MOVED Cr Clowes-Hollins  
MOTION CARRIED (6/0)

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***PETITION REGARDING THE OPENING OF  
THE JULL STREET MALL FOR TRAFFIC***

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WARD : ARMADALE  
FILE REF : RDJ/016, PSC/30  
DATE : 4 April 2002  
REF : LF  
RESPONSIBLE : PSM / MTS  
MANAGER

**In Brief:-**

- Petition received, signed by 2471 signatories requesting a public referendum in the event that the Jull Street Mall is to be closed.
- Committee to discuss.

LANDOWNER : Crown  
SUBJECT LAND : Jull Street (between Third Road and Commerce Avenue)  
Map 22.03  
ZONING  
MRS / TPS No.2 : Central City Area / Local Road

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

Communication - To achieve dialogue with the community in order to have a clear understanding of the community's needs and expectations.

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Regional Scheme  
Town Planning Scheme No.3  
Land Administration Act.  
Armadale Redevelopment Act

**Council Policy / Local Law Implications**

Draft Jull Street Mall Policy.  
Armadale Enquiry-by-Design Workshop Report

### **Budget / Financial Implications**

Administration / Advertising –

Referendum – \$30,000 to \$50,000 - Indicative cost only (Not fully costed).

Works – Not costed.

### **Consultation**

Nil

## **BACKGROUND**

The possibility of the opening of the Jull Street Mall has been topical for a number of years since the closure of Jull Street between Third Road and Commerce Avenue. Residents, shoppers, traders, the Chamber of Commerce and urban designers have expressed views on the matter in one form or another.

The advertising of the Armadale Enquiry-by-Design Workshop Report also provided all parties the opportunity to comment on this aspect. At its meeting of 15 January 2001 (CS 2/2001), Council considered the Report and received the summary of public consultation and noted recommendations that had universal and/or strong support. The re-opening of the Mall was not considered to have strong universal support and therefore was not included in the recommendations.

## **DETAILS OF PROPOSAL**

Council received a petition signed by 2471 persons on 3 April 2002, the prayer of which reads: *“We the people of Armadale, do not want the Jull Street Mall open to traffic. We call on the Armadale City Council to have a referendum on the issue before reaching any decision”*.

Council Resolved - *“That the petition be received and referred to the Development Services Committee for consideration and eventual referral to the Armadale Redevelopment Authority”*.

## **COMMENT**

### **Analysis**

The Armadale Enquiry-by-Design Workshop Report states that retailers believe that the closure of the mall has effects retail trade in the locality. Opening of the mall will allow vehicle traffic through the current pedestrian mall area.

It is also indicated that further consultation will be required with the community before a decision is made on the opening of the mall for through-traffic. The report acknowledges that opening of the mall in itself will not address retailer concerns and that a complex strategy will be required to address this issue. Issues such as traffic calming, the design and orientation of shops and the Shopping City to the street etc. are also to be further assessed.

As a result of the advertising of the Armadale Enquiry-by-Design Workshop Report in 2000, 35 responses were received in relation to the re-opening of the Jull Street Mall of which 24 (69%) opposed and 11 (31%) supported the re-opening of the mall.

### **Options**

1. To have a referendum on the matter.
2. To further consider the matter with other recommendations of the Armadale Enquiry-by-Design Workshop Report in consultation with the Armadale Redevelopment Authority. (A referendum - if determined appropriate by Council - is only requested by the petitioners in the event that a recommendation is made to re-open the mall).

### **Conclusion**

Given the complexity of the issue, Option 2 is an appropriate way forward on this matter.

*COMMITTEE discussed the petition and noted that the sentiments expressed represented a very substantial body of opinion in the community as to the desirability of retaining the Jull Street Mall.*

**D59/02**

### **RECOMMEND**

1. **That the petition and the future of the Jull Street Mall be further considered in consultation with the Armadale Redevelopment Authority.**
2. **That the petitioners be advised that Council acknowledges the sentiment of the petition as a significant expression of community desire not to re-open the Jull Street Mall to traffic. The petitioners be advised that the message of the petition is being conveyed to the Armadale Redevelopment Authority, which body will be responsible for preparation of a redevelopment plan for the Armadale City Centre in consultation with Council and which will ultimately guide future decisions on the Jull Street Mall.**

MOVED Cr Reynolds  
MOTION CARRIED (6/0)



***COUNCILLORS' ITEMS***

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Nil.

**MEETING DECLARED CLOSED AT 8.37 PM**

# I N D E X

## DEVELOPMENT SERVICES COMMITTEE

8<sup>TH</sup> APRIL 2002

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### BUILDING

OVERSIZE GARAGE / WORKSHOP - LOT 19 FOSTER ROAD, KELMSCOTT .....	4
PROPOSED GARAGE - LOT 35 ADAMS COURT, KELMSCOTT .....	6

### COMMERCIAL VEHICLE PARKING

LOT 26 RAILWAY AVENUE, ARMADALE .....	34
LOT 113 TAMARIND CRESCENT, KELMSCOTT .....	31

### DEVELOPMENT

PROPOSED MICRO BREWERY - PIONEER VILLAGE - LOT 100 ALBANY HWY, A/D .....	11
REVISED PLAN FOR PROPOSED SHOWROOM - LOTS 1, 2, 24 - 27 & 100 SOUTH WESTERN HWY, LOT 58 & PT LOT 3 CHURCH AVE, AND LOTS 893 & 894 JULL ST, A/D .....	15
ZINCALUME ROOF - LOT 807 CHURCHMAN BROOK RD, BEDFORDALE .....	24

### MISCELLANEOUS

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### PAW CLOSURE

P.A.W. & P.O.S. BETWEEN MORGAN PARK AND WILCANNIA WAY, ARMADALE .....	29
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### SUBDIVISION

REFUSAL - LOT 37 MITCHELL ST, WUNGONG .....	10
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