

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 9TH SEPTEMBER 2002, AT 7:00 PM.

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

APOLOGIES: Cr L Reynolds JP (Leave of Absence)

OBSERVERS: Nil

IN ATTENDANCE: Mr J H A Adderley Executive Director Development Services
Mr I Townson Building Services Manager
Mr I Watt A/Health Services Manager
Mr L Fouché Planning Services Manager
Ms N Cranfield Minute Secretary

DISCLAIMER

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

DECLARATION OF MEMBER'S INTERESTS

Executive Director Development Services

Proposed Rezoning And Subdivision Guide Plan - Lots 2, Pt 3, 4, 500, 503 and 502 Albany Hwy, Bedfordale, Lots 1, 106 and 501 Springfield Rd, Bedfordale and Lot 50, 51, 52 And Pt Lot 53 Cross Road, Bedfordale ----- *Page 67*

Cr Knezevich

ERADE Village – Proposed Incidental Café / Deli ----- *Page 76*

Cr Stewart

Proposed Extension to Cash Converters – Lot 6 Jull St, Armadale ----- *Page 120*

Cr Hodges

Proposed Aged Person Dwelling Development – Albany / Fancote / Mahara Rd, Kelmscott ----- *Page 162*

QUESTION TIME

Mr Boris – 32 Clenham Way, Kelmscott

1. Mr Boris queried progress of proposed closure of pedestrian access way (PAW) between Lots 191 & 194 Clenham Way and between Lots 1012 & 1022 Kidbroke Place, Kelmscott ?

Planning Services Manager and Executive Director Development Services responded to the effect that consultation has been undertaken with adjoining landowners and responsible government agencies. Report to be presented to the Development Services Committee Meeting in October 2002.

Ms J Rowles – 287 Vermilion Boulevard, Brookdale

2. Ms Rowles questioned Council option to refuse “off-white” roof colour on premises at Lot 287 Vermilion Boulevard, Brookdale, given the presence of “off-white” roof colour on the dwelling located immediately next door ?

Chairman responded that circumstances raised by the questioner will be considered in the course of the meeting.

Mr Boris – 32 Clenham Way, Kelmscott

3. Mr Boris queried the nature of communication between Council and government agencies regarding pedestrian access way (PAW) between Lots 191 & 194 Clenham Way and between Lots 1012 & 1022 Kidbroke Place, Kelmscott ?

Mr Boris noted the lengthy delay in reaching a conclusion on the closure process.

Executive Director Development Services responded that communication is undertaken by formal correspondence and that the City's communications have been undertaken expeditiously.

CONFIRMATION OF MINUTES

RESOLVED

**Minutes of the Development Services Committee Meeting held
on 12th August 2002, were confirmed.**

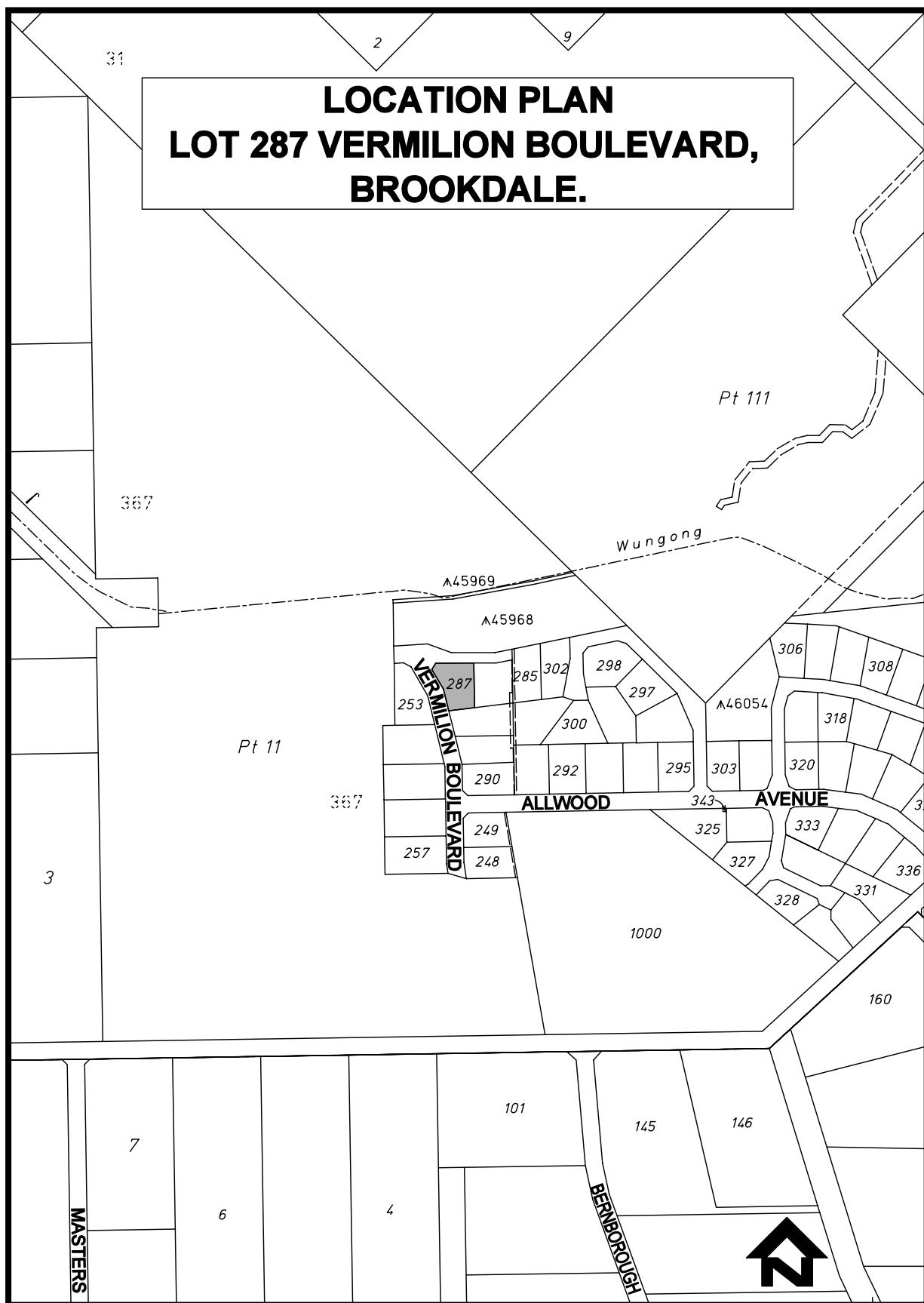
MOVED Cr Everts
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.17/2002

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 July 2002
- Minutes – Brookdale Liquid Waste Treatment Facility
- Planning Services Manager’s Report for July 2002
- PAW Closure Report – significant actions during July 2002
- Monthly Admin Report for July 2002
- Compliance Officer’s Report for July 2002
- Town Planning Scheme No.2 & No.3 – Amendment Table
- Subdivision Applications – Recommendation Table
- Building Services Manager’s Report for July 2002
- Financial Statements for the period ending 31st July 2002

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



ROOFING MATERIAL – RESIDENCE AND GARAGE, LOT 287 (No.21) VERMILION BOULEVARD, BROOKDALE

WARD : FORREST
FILE REF : A233766
DATE : 22 August 2002
REF : PRR
RESPONSIBLE MANAGER : PSM
APPLICANT : Highline
LAND OWNER : M & J Rowles
SUBJECT LAND : Property size 2050m²
Map 21.40

ZONING : Urban / Special Use No.72
MRS/TPS No.2

In Brief:-

- Council received an application for the use of 'off-white' roofing material for an approved residence and proposed garage on the subject lot on 16 July 2002.
- The proposal was advertised to surrounding landowners for a period of two weeks, resulting in two submissions of objection.
- Recommend that Council approve the application for off-white roofing material for the residence and garage on the subject lot.
- *Committee additionally recommended the inclusion of a condition to reflect undertaking by the applicant to establish a vegetative screen.*

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

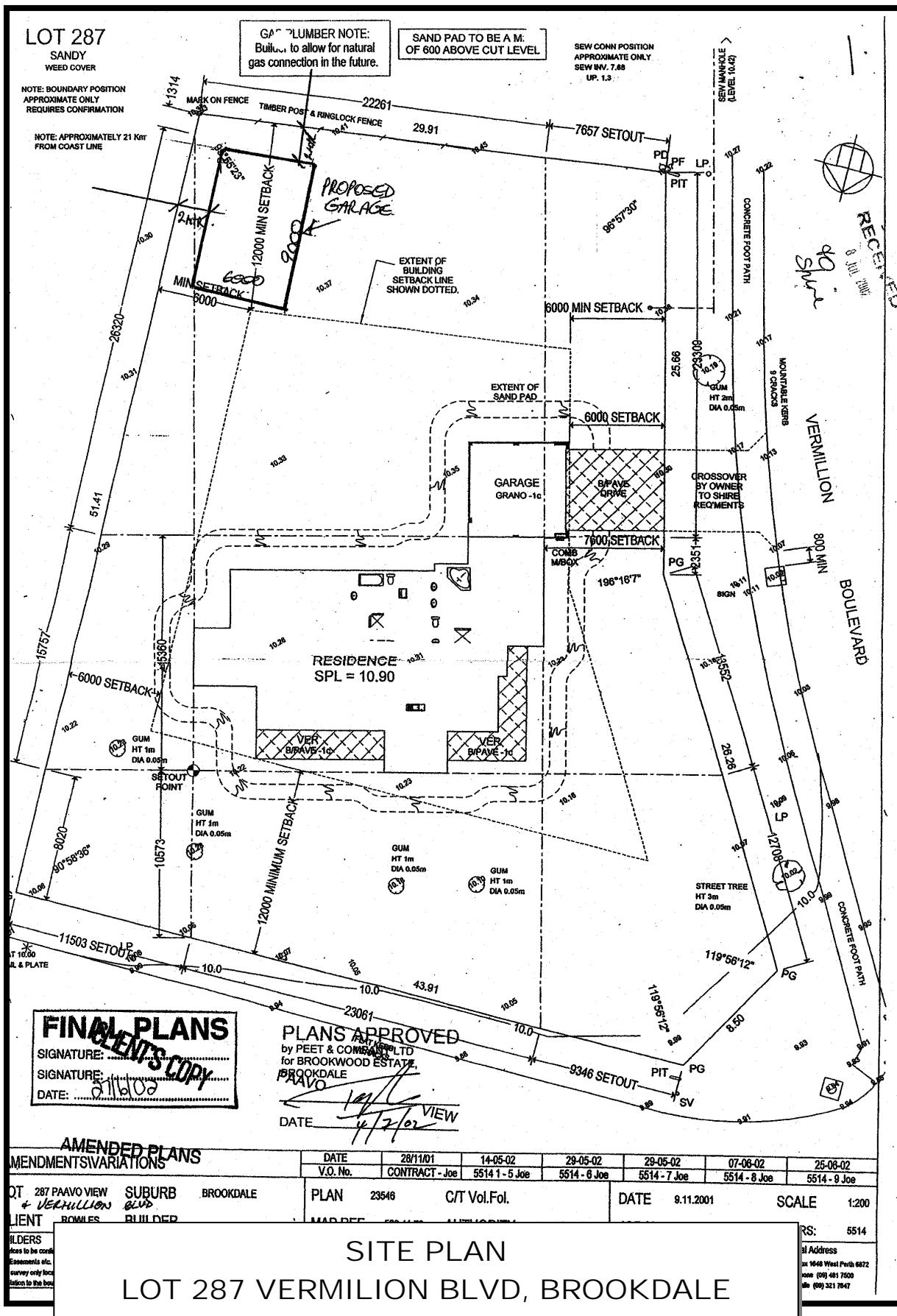
Town Planning and Development Act 1928
Metropolitan Region Scheme Act 1959
Town Planning Scheme No.2
Brookwood Estate Covenants

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.



Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners
- ◆ Brookwood Estate Developer

BACKGROUND

The use of reflective materials must be specifically applied for under the provisions of Council's Town Planning Scheme No.2 and the matter has been referred to Council for consideration.

DETAILS OF PROPOSAL

The applicant proposes to utilise off-white 'Colorbond' material for the roofing material of an approved residence and proposed garage. The residence, with an approximate floor area of 230m², and a roof pitch of 24.4°, is located in the centre of the lot. The garage is to be located in the south-east corner of the lot, 2m from respective boundaries with a floor area of 54m² and a roof pitch of 12°. The walls of the garage are proposed as 'Colorbond' merino, which would complement the beige limestone brickwork to be used for the residence.

The owners have noted the fact that the City granted approval for off-white roofing material on Lot 286 Paavo View, after receiving no objections from advertising. The owners have also stated that whilst they wish to maintain the off-white roof for their residence, they would be willing to change the roofing material of the garage to merino, but only as a last resort. They also maintain that landscaping will be undertaken, and that this could involve screening trees.

A technical bulletin from BHP has been submitted, which points out that the most likely situation for glare is to the south.

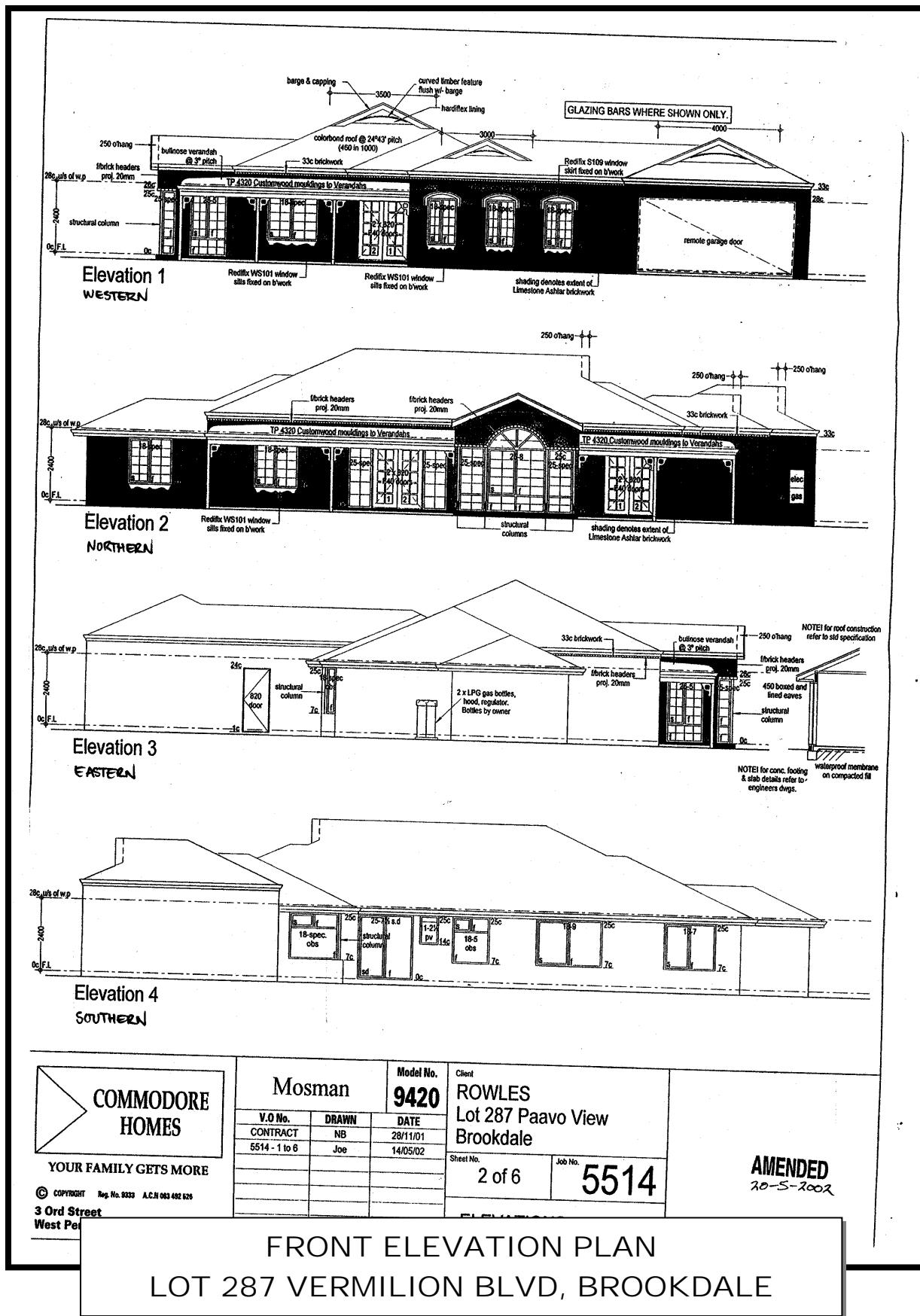
COMMENT

Development Control Unit (DCU)

At its meeting held on 27 August 2002, DCU recommended that the item be referred to Council for approval, given the fact the site is flat and a similar application has been approved within close proximity.

External Comments and Advice

The application was advertised to surrounding landowners for a period of two weeks. Submissions were received from two property owners, objecting to the reflectivity of the roof material. The issues raised are addressed in the analysis section.



ANALYSIS

Submissions

The comments raised in the two submissions from surrounding landowners opposing the application are analysed as follows:

The reflection from the afternoon sun will cause glare to properties situated to the east of the proposal.

The roof of the approved residence will predominantly fall north – south, as is demonstrated by the elevations. Whilst the roof of the shed falls east – west, the pitch is much lower than that of the residence. It is acknowledged that some glare may result from the roofing material, however it is likely to be of less concern to properties to the north, east and west than those situated to the south, as outlined in BHP's technical bulletin TB28. Those properties to the south could be screened from reflection through the planting of screening trees, should Council consider it necessary.

The reflection from the approved roof on Lot 286 is currently causing discomfort as living areas have been given a northern aspect, and a similar roof on Lot 287 will only compound the problem.

Whilst this is the case currently, future development will occur between the objectors' property and Lots 286 and 287, potentially reducing the glare from the roof through additional built form. It is noted that the property on which such future development will occur has not objected to the proposal.

A residence on the property to the south of Lots 286 and 287 will not block the existing reflections from the roof on Lot 286.

The roof on Lot 286 has already been approved and is not the subject of the current application. It is pointed out however that 'Colorbond' material does fade with weathering and the reflection will reduce with time.

Estate Developer / Covenants

The estate covenants (which Council is not a party to) do not have any restrictions on reflective material other than stating outbuildings constructed of 'Zincalume' should be painted. Further to this, the estate developer has outlined that no objection is held to the proposed use of off-white roofing material but indicated suitable landscaping would be appropriate.

Impact on Amenity

Clause 7.1.2 of Town Planning Scheme No.2 outlines that Council must be satisfied that an application for reflective material does not compromise the objectives of the Residential Planning Codes of Western Australia (the R-Codes) in relation to the matters of amenity as identified. Clause 1.7(c) of the R-Codes relates to the proposal in terms of amenity as follows:

Building materials and finishes where these relate to the preservation of local character and the amenity of the area generally.

Given that a similar roof has been approved on the neighbouring property, the proposed material will be compatible with the character of the area. Whilst the material may be initially reflective, this would lessen with weathering. Given that the Brookwood estate is situated on flat land, the proposal would not have the opportunity of being overlooked. Appropriate planting of trees to screen the roof could be considered to lessen impacts, but it is felt that this is not necessary, as the design of the roof is well articulated and does not present excessive unbroken areas to any elevation.

OPTIONS

1. Council could approve the application for off-white roofing material for the residence and garage on Lot 287 Vermilion Boulevard.
2. Council could approve the application for off-white roofing material for the residence and garage on Lot 287 Vermilion Boulevard, subject to a condition with regard to appropriate planting to screen the roof.
3. Council could refuse the application for off-white roofing material for the residence and garage on Lot 287 Vermilion Boulevard, on the grounds that the material will have a detrimental impact on the surrounding area. In this regard, the garage itself could be approved subject to conditions with regard to alternative roofing material.

CONCLUSION

In conclusion, it is felt that because:

- ♦ the topography of the area is relatively flat;
- ♦ there is opportunity to screen the roofing material if necessary; and,
- ♦ the fact that another application for the same material has been approved in close proximity to the current proposal,

the proposal will not have a detrimental impact on the surrounding area. It is therefore recommended that Council approve the application for off-white roofing material in accordance with Option 1.

Officer's report recommends –

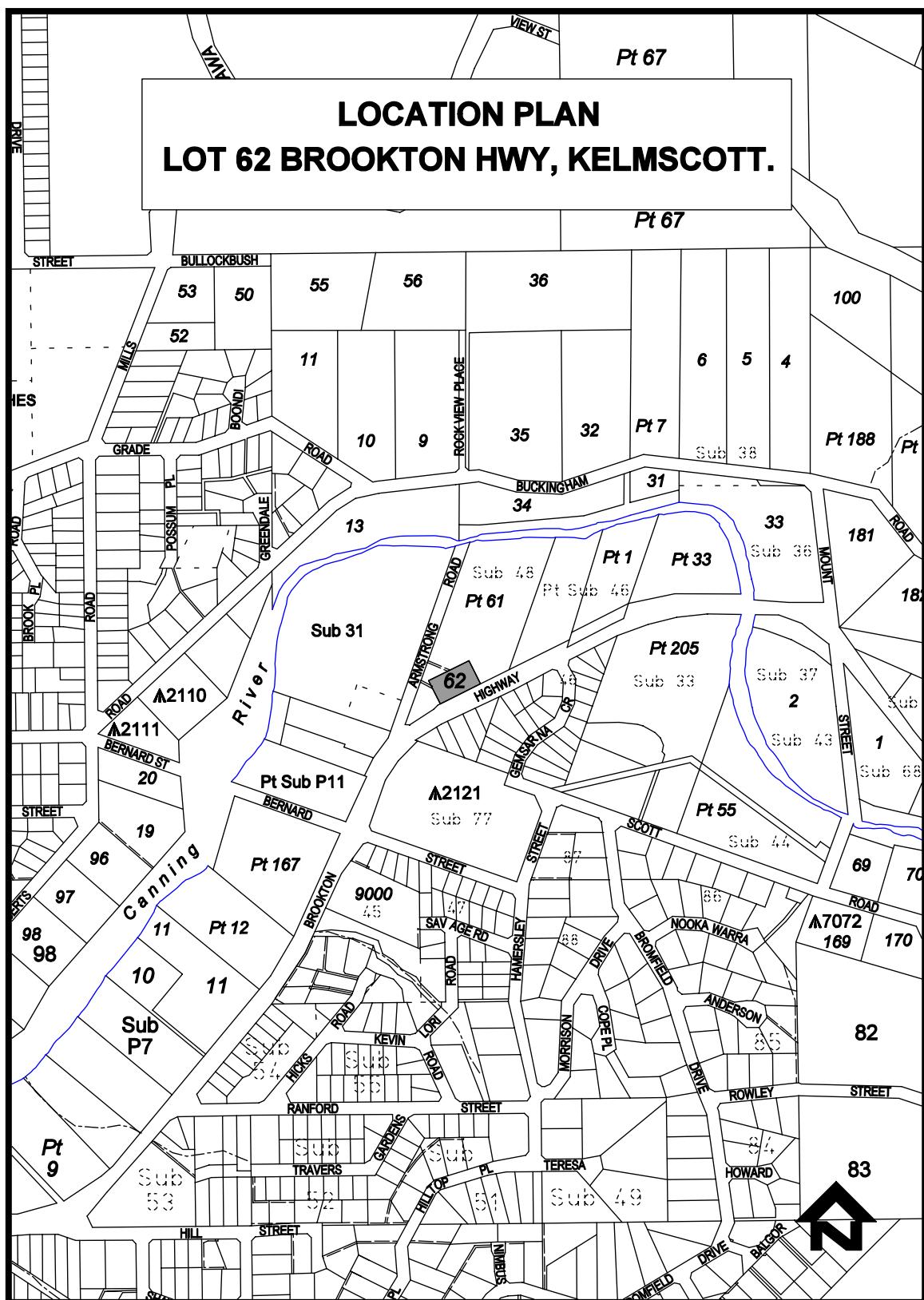
That Council approve the application for off-white roofing material for the residence and garage on Lot 287 Vermilion Boulevard, Brookdale.

COMMITTEE noted the undertaking by the applicant to establish a vegetative screen and accordingly included an appropriate condition to reflect that undertaking within the Recommendation.

D145/02 RECOMMEND

That Council approve the application for off-white roofing material for the residence and garage on Lot 287 Vermilion Boulevard, Brookdale, subject to a requirement to establish appropriate planting on the site for the purposes of screening the roof.

MOVED Cr Stubbs
MOTION CARRIED (7/0)



***PROPOSED RETAIL LIQUOR OUTLET –
LOT 62 BROOKTON HIGHWAY, KELMSCOTT***

WARD	:	KELMSCOTT
FILE REF	:	A227456
DATE	:	1 August 2002
REF	:	SG
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	P Gangemi
LAND OWNER	:	P Gangemi
SUBJECT LAND	:	Property size 3058m ² Map 24.06
ZONING MRS/TPS No.2	:	MRS – Rural TPS 2 - Shopping

In Brief:-

- Proposal to sell liquor from an area in an existing shop.
- Concerns expressed by surrounding residents and the Alcohol & Drug section of Cannington Police.
- Proposal is consistent with “Shopping” zone and small scale nature of proposal is not considered to significantly increase activity on site.
- Proposal is inconsistent with the intent and objectives of Council’s Alcohol Policy.
- Recommend refusal.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

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

Legislation Implications

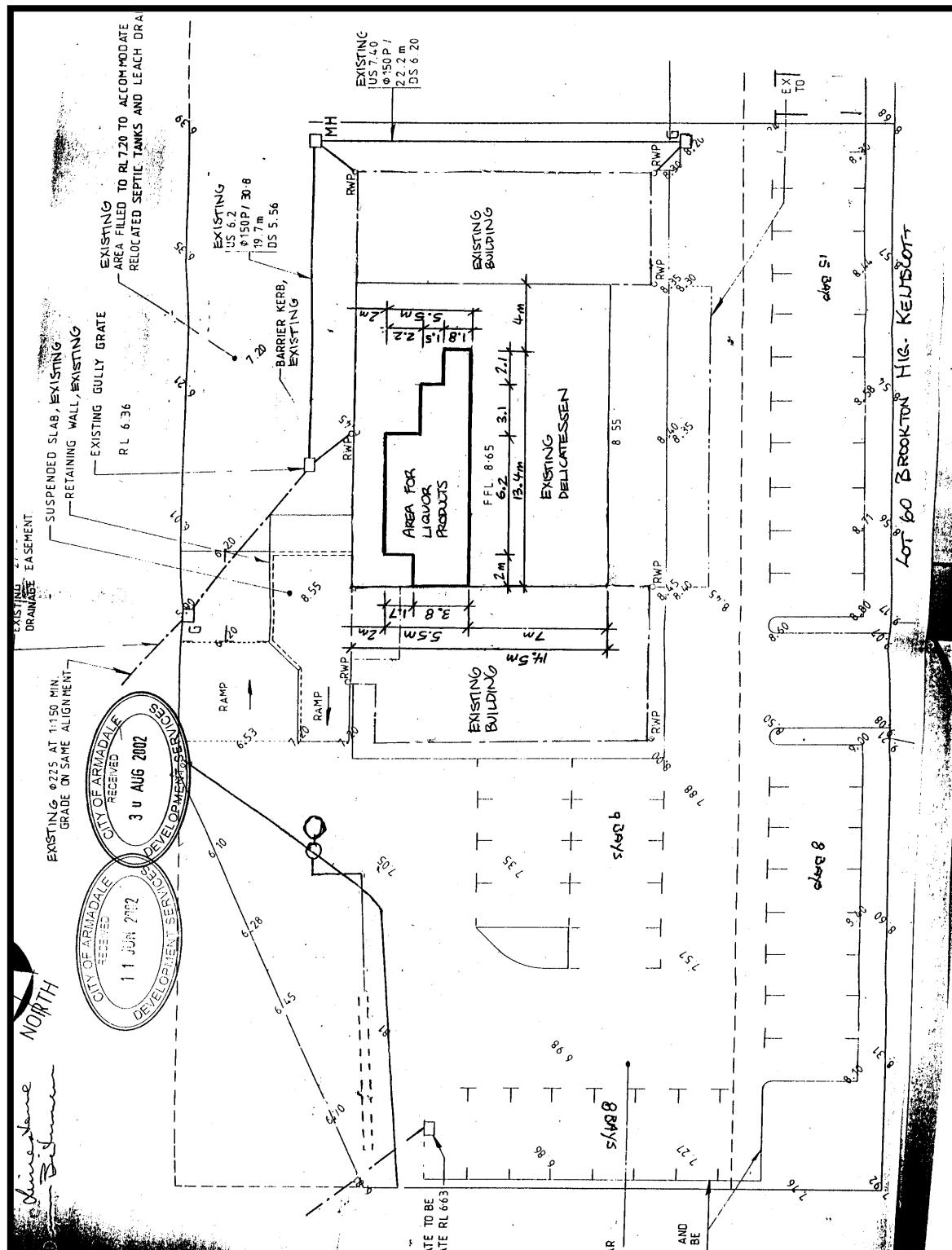
Town Planning and Development Act 1928
Town Planning Scheme No.2

Council Policy / Local Law Implications

Policy 4.6.10 - Alcohol Policy & Alcohol Management Plan

Budget / Financial Implications

Nil



**PROPOSED RETAIL LIQUOR OUTLET
LOT 62 BROOKTON HWY, KELMSCOTT**

Consultation

- ◆ Main Roads Western Australia
- ◆ Development Control Unit
- ◆ Surrounding land owners

BACKGROUND

Development Approval was issued in 1996 for extensions to an existing shop, including offices. Council has considered various signage applications for the site. The existing uses on site include a vacant office, a hairdresser, a shop/deli and a tea room/cafe.

In January 1997 the Western Australian Planning Commission approved an application for subdivision/amalgamation which provided sufficient land area for additional car parking required due to future road widening of Brookton Highway.

DETAILS OF PROPOSAL

The applicant proposes to utilise an area to the rear of the existing shop (55m² out of the 252m² total deli area) as an ancillary retail liquor outlet. No external or internal construction is proposed. Hours of operation are proposed to be 8am to 9pm Monday to Saturday.

COMMENT

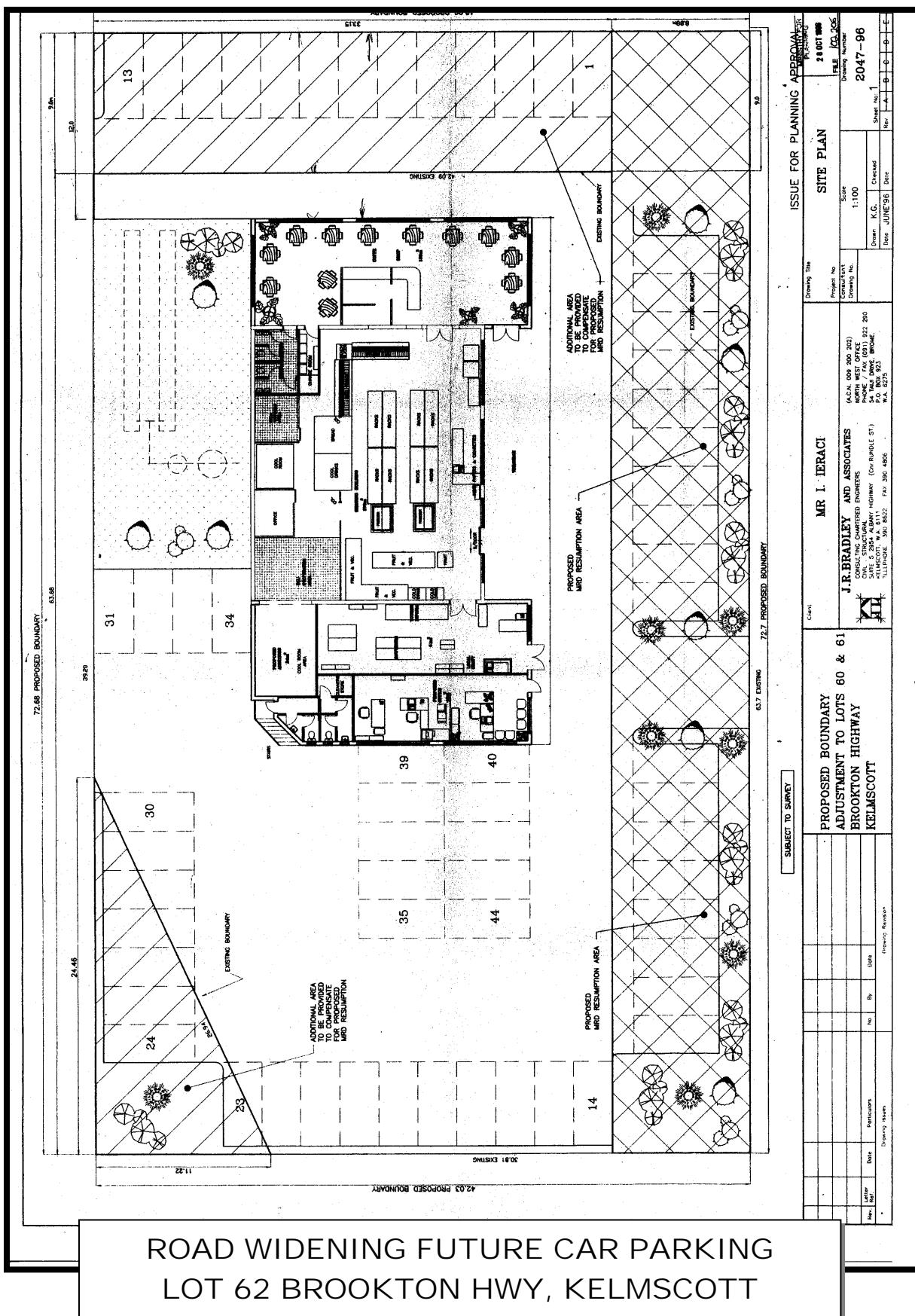
Development Control Unit (DCU) Comments

The DCU, at its meeting on 23 July 2002, recommended approval of the application subject to compliance with Council's Alcohol Policy and the provision of additional car parking to replace bays located within the Primary Regional Road reservation for the widening of Brookton Highway.

Comments from Main Roads WA

Main Roads WA has no objections to the proposal subject to the following conditions being imposed in the event of an approval by Council:

- ◆ The existing car parking bays within the land shown required for future road purposes shall not be included in the parking requirements for the development.
- ◆ The applicant shall enter into a deed of agreement with the Commissioner of Main Roads that indemnifies the Commissioner against any compensation claim for removal of the existing car parking bays within the Brookton Highway reservation and any resulting loss of business, when the land is ultimately required for road purposes. The deed of agreement shall be binding upon current and future owners of the property and shall be registered on the certificate of title for the property.



Comments from South East Metropolitan Drug & Alcohol Office of Cannington Police

Cannington Police has provided comment on the application in accordance with Council's Alcohol Policy for the purpose of minimising the potential harm that may result from the availability of alcohol at the site. The following issues were raised in regard to the application:

- ◆ The location of the shop is well known, attractive to, and utilised by juveniles. Young people are an at risk group for alcohol-related harm.
- ◆ The area already experiences anti-social behaviour with juveniles. Numerous complaints have been received over the summer months concerning the drinking of alcohol in the hills area.
- ◆ Increasing the availability of alcohol increases consumption, which in turn increases alcohol-related harm.
- ◆ The boundaries of the proposed licensed area, alongside the existing shop, are critical in regards to the possibility of juveniles being able to access alcohol.
- ◆ If the application is approved, a management plan should be developed to address underage drinking, safety management in regards to the service of alcohol, drink driving and general responsible service principles. All persons serving alcohol should be trained to know their obligations under the Liquor Licensing Act, to identify under-age people and to prevent the continued service of alcohol to intoxicated patrons.
- ◆ The *public interest* involves satisfying the reasonable requirements for the public to have liquor outlets consistent with good order and propriety in relation to the distribution and consumption of liquor and the proper regulation of such order and propriety.

Results of advertising

The application was advertised to eleven surrounding property owners in accordance with TPS No.2 provisions. Three letters of objection and one petition containing twenty signatures were received. Objections raised are analysed below.

	Statement	No. Submittees holding view
1	<p><i>Heavy trucks using Brookton Highway create a noise nuisance and current patrons of the deli cause litter. The sale of liquor will generate additional nuisance in the form of litter and unruly behaviour.</i></p> <p>In light of the existing traffic noise levels, additional noise nuisance caused by the proposal is considered minimal. Site inspections revealed the shopping area is tidy with minimal evidence of litter. It is not proposed that liquor will be consumed on the premises, however any increase in the availability of liquor may create a greater potential for unruly behaviour in the general community.</p>	1
2	<p><i>There are sufficient local liquor stores elsewhere and the shop should sell fresh produce.</i></p> <p>In light of a recent ruling from the Town Planning Appeal Tribunal, "need" is not an appropriate planning consideration for private land uses</p>	2

	<i>There has been a substantial increase in noise levels at the shops relating to delivery trucks early in the morning, music from the Bella Vista café and noisy patrons. The café appears to be a BYO restaurant. Additional signage for the retail liquor outlet will be unsightly. Additional traffic will create additional noise and headlight glare. A liquor outlet may attract more use of the car park at night.</i>	
3	Issues relating to the café are not directly relevant to this application. The café operating next to the deli does not have the appropriate licences to permit the consumption or sale of alcohol to patrons. Should the owners wish to serve alcohol or permit BYO in the café, an application to the Liquor Licensing Board is required. The proposed use is not expected to greatly increase patronage of the shop as it is ancillary to the main shop/deli use. Also see 1 above.	1
4	<i>The sale of liquor from the premises will make the area a more attractive target for criminal activity and antisocial activity such as burnouts in the car park. The liquor outlet will increase traffic and create additional traffic hazards for motorists and pedestrians. There are already sufficient liquor stores in the area.</i>	1 (Petition – 20 signatures)
	The proposal is for a small scale liquor outlet within the existing neighbourhood deli. Although the concerns raised are understandable, a direct correlation with criminal or anti-social behaviour does not necessarily exist, however the potential for greater anti-social behaviour may be created by increased availability of alcohol. In addition, the anticipated traffic levels and patronage are consistent with expectations for a retail activity in respect to the “Shopping” zoning of the site.	

Analysis

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

The site is zoned “Shopping” under TPS No.2. “Retail Liquor Outlet” is an “AA” use in the “Shopping” zone, requiring determination by Council.

Policy 4.6.10 - Alcohol Policy & Alcohol Management Plan

Council’s Alcohol Policy aims to address concerns as to the health, social and economic costs associated with the abuse of alcohol in at risk sectors of the community, for example youth. The Policy promotes the role of Council in developing initiatives which aim to influence the use and availability of alcohol and attitudes to it, as well working with the Police, the Liquor Licensing Board and the Health Department of WA in co-ordinating efforts to reduce alcohol related problems in the community.

Section 5 of the Policy relates to Town Planning Development Applications for Licensed Premises and calls for assessment of applications to include:

- ◆ The opportunity for input by residents who may be affected by the proposal.
- ◆ If objections are received from affected residents, whether there are reasonable Town Planning grounds to support them.

- ♦ Whether people living or working in the vicinity are likely to experience undue offence, disturbance or inconvenience.
- ♦ The opportunity for input by the Cannington District Police Service.
- ♦ Consideration of the public benefit.
- ♦ Any other Town Planning factors that Council determines from time to time ought be taken into account in order to meet the objectives of this Policy.

Comments from Health Services Manager

With regard to comments provided by Cannington Police, Council's Health Services Manager (HSM) advises that he is aware of issues of alcohol consumption by young people (including reportedly under aged persons) in Cross Park and in the vicinity of Roleystone Shopping Centre, however he has not been made aware of any specific problem in the area in question.

The HSM also advises that appropriate training for proprietors is available through the Liquor Licensing Division of the Office of Racing and Gaming. The Alcohol Policy includes a guideline for preparation of a House Management Plan that can be adapted for the subject application and can incorporate reference to the training issue.

Alcohol issue

Clause 7.3.2(d) of TPS No.2 provides for Council to consider the existing and likely future character and amenity of the neighbourhood, including the question of whether the proposed development is likely to cause injury to such character and amenity, in making its decision of an application.

Submissions received from local residents express concerns relating to the potential for unruly and anti-social behaviour due to alcohol consumption. The Cannington Police imply a connection between the location of the shop and anti-social behaviour relating to juvenile consumption of alcohol. The Police also state that an increase in the availability of alcohol leads to increased alcohol-related harm.

In respect to the matter of access by juveniles to the licensed area, the applicant has modified the plans to locate the liquor sales area to the rear of the store (previously it was proposed alongside the entry to the shop) which would assist in reducing the incidence of juveniles entering the liquor storage area. The applicant also advises that the liquor area will be partitioned off from the general shop area and would be locked outside the licensed operating hours.

The Policy does not relate solely to under-age drinking, but also to general alcohol related problems in the community. In this regard, the Policy calls for assessment of submissions on "reasonable Town Planning grounds". "Reasonable" may be defined as "having sound judgment". In this instance, concerns relating to the potential for anti-social behaviour as a result of the availability of alcohol are unproved until such time as the liquor outlet is operational.

However, in light of comments from local residents and the Police, it is considered "sound judgment" that approval of the application would increase the potential for undue offence, disturbance or inconvenience in the locality which is identified by the Police as experiencing complaints concerning the drinking of alcohol.

Clause 7.3.2(d) of TPS No.2 provides for the “*likely future* character and amenity” of a neighbourhood. Should Council wish to refuse the application on the basis that it may prejudicially affect the likely future character and amenity of the neighbourhood, Clause 7.3.2(d) provides statutory support for such a determination.

With regard to ‘public benefit’ as outlined in the Policy, the convenience to be gained from patrons of the shop purchasing an alcoholic item as a convenience item along with other deli goods should be weighed against the potential for the wider community to experience disturbance from anti-social, alcohol related activities. In light of Council’s Policy, it is considered that the interests of the wider community should take preference over the convenience of individuals.

Car parking requirements / Brookton Highway road reserve

TPS No.2 refers to “Shopping” standards for parking requirements for a “Retail Liquor Outlet”. Forty four (44) car parking spaces are required for a “Shopping” use. There are currently 40 spaces provided on site. Brookton Highway road reserve encroaches 7.25m into the front of the property, thereby deleting 23 existing car parking spaces. The plan of subdivision / amalgamation approved by the WAPC in January 1997 indicates the provision of 44 car parking spaces exclusive of the road reserve area. This confirms that should the road reserve be required by Main Roads, there is sufficient area for future parking requirements on site.

General comments

The existing shop area is currently very spacious and is large enough to accommodate the additional retail liquor outlet use without reducing the existing operational capacity of the deli. The hours of operation are controlled by the Liquor Licensing Board.

The concerns expressed by residents relating to increased levels of traffic and attendant noise and safety problems are considered to be addressed by the small scale nature of the proposal which is not expected to create significantly increased levels of traffic.

With regard to concerns expressed in a submission about the existing café premises which adjoins the shop, it is appropriate that the applicant be reminded that licences are required to either sell or provide BYO services in the café.

Options

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

1. Council may wish to support the application as it is consistent with the existing retail operation and the small scale nature of the proposal is not expected to significantly increase activity on the site.
2. Council may wish to refuse the application in accordance with the aims of its Alcohol Policy as the proposal could be argued to increase the potential for undue offence, disturbance or inconvenience in the locality and cause negative impact on the likely future character and amenity of the neighbourhood.

CONCLUSION

The proposal for the sale of liquor products in a small area of the existing shop is consistent with the existing retail operation on site. Location of the liquor sales area to the rear of the shop and the ability to partition and lock the area would reduce the potential for juveniles to enter the area. Council's Alcohol Policy seeks to reduce alcohol related problems in the community by aiming to influence the use and availability of alcohol. Concerns about the proposal have been expressed by surrounding residents and the Cannington Police. It is considered that the proposal creates the potential for increased unruly and anti-social behaviour in the locality. The application is therefore recommended for refusal in accordance with Option 2 above.

COMMITTEE discussed this application at length with some members indicating that there was a case for approval on grounds that there was not necessarily a link between the acquisition of liquor from a well managed outlet and the circumstances of antisocial behaviour inferred from submissions received on this matter.

It was argued that a retail liquor outlet was a legitimate business within commercial premises which will allow the convenience for customers to simply acquire liquor, take it home and consume on their own premises.

It was MOVED Cr Stewart, SECONDED Cr Everts, that the officer's recommendation be not adopted, foreshadowing that a new recommendation be adopted in support of the proposal.

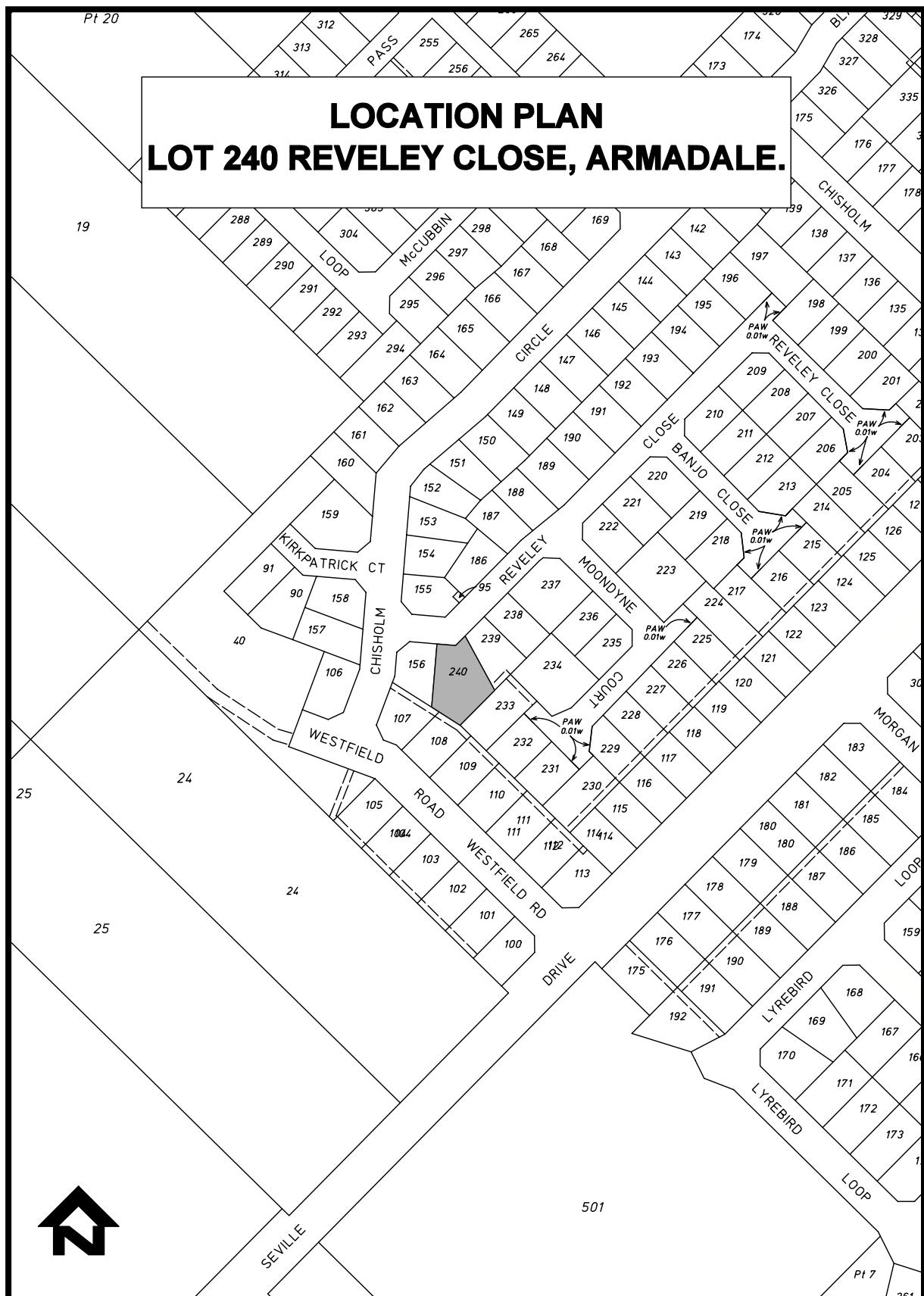
OPPOSED Cr Zelones

Subsequent to further discussion the MOTION was put and lost (3/4).

D146/02 RECOMMEND

- 1. That Council refuse the application for a Retail Liquor Outlet at Lot 62 Brookton Highway Kelmscott for the following reason:**
 - ♦ **The application is inconsistent with the intent of Council's Alcohol Policy as the proposal would increase the potential for undue offence, disturbance or inconvenience in the locality and cause negative impact on the likely future character and amenity of the neighbourhood.**
- 2. That the applicant be advised that appropriate licences are required for the consumption of liquor in the existing café on site.**

MOVED Cr Zelones
MOTION CARRIED (4/3)



***GARAGE CONSTRUCTED WITHOUT LICENCE –
LOT 240 (No.3) REVELEY CLOSE, ARMADALE***

WARD : SEVILLE
FILE REF : A216461
DATE : 2 September 2002
REF : IT
RESPONSIBLE MANAGER : BSM
LANDOWNER : Mr B Smylie
SUBJECT LAND : Lot 240 (No.3) Reveley Close, Armadale.
Property size 916 m²
Map 21-05
ZONING : Residential Dev Area
MRS/TPS No.2 : R10

In Brief:-

- Report advising of the existence of an unauthorised structure on the lot
- Recommend that notice under Section 401 of the (Miscellaneous Provisions) Act be served requiring the removal of the structure.

Tabled Items

Photographs

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

Nil.

Consultation

N/A

BACKGROUND

It has been brought to the City's attention via a letter from an adjacent resident that a garage has been constructed on this lot using second-hand materials. The City has confirmed by inspection of the lot that a garage outbuilding has been constructed on the lot without appropriate approvals, utilizing second-hand materials. The owner of the property has been requested to apply for all appropriate approvals or remove the offending structure from the lot.

The City has not received an application for the necessary approvals and a recent inspection has confirmed that the building remains on the lot.

DETAILS OF PROPOSAL

Recognising that the structure continues to detract from the streetscape and amenity of adjacent properties and that it is unlikely that the City will achieve an appropriate outcome without pursuing a formal resolution of the matter it is considered to be appropriate that notices under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 be served on the owner of the land.

Options

1. Serve notice under the Local Government (Miscellaneous Provisions) Act 1960 requiring the removal of the structure.
2. Take no further action.

CONCLUSION

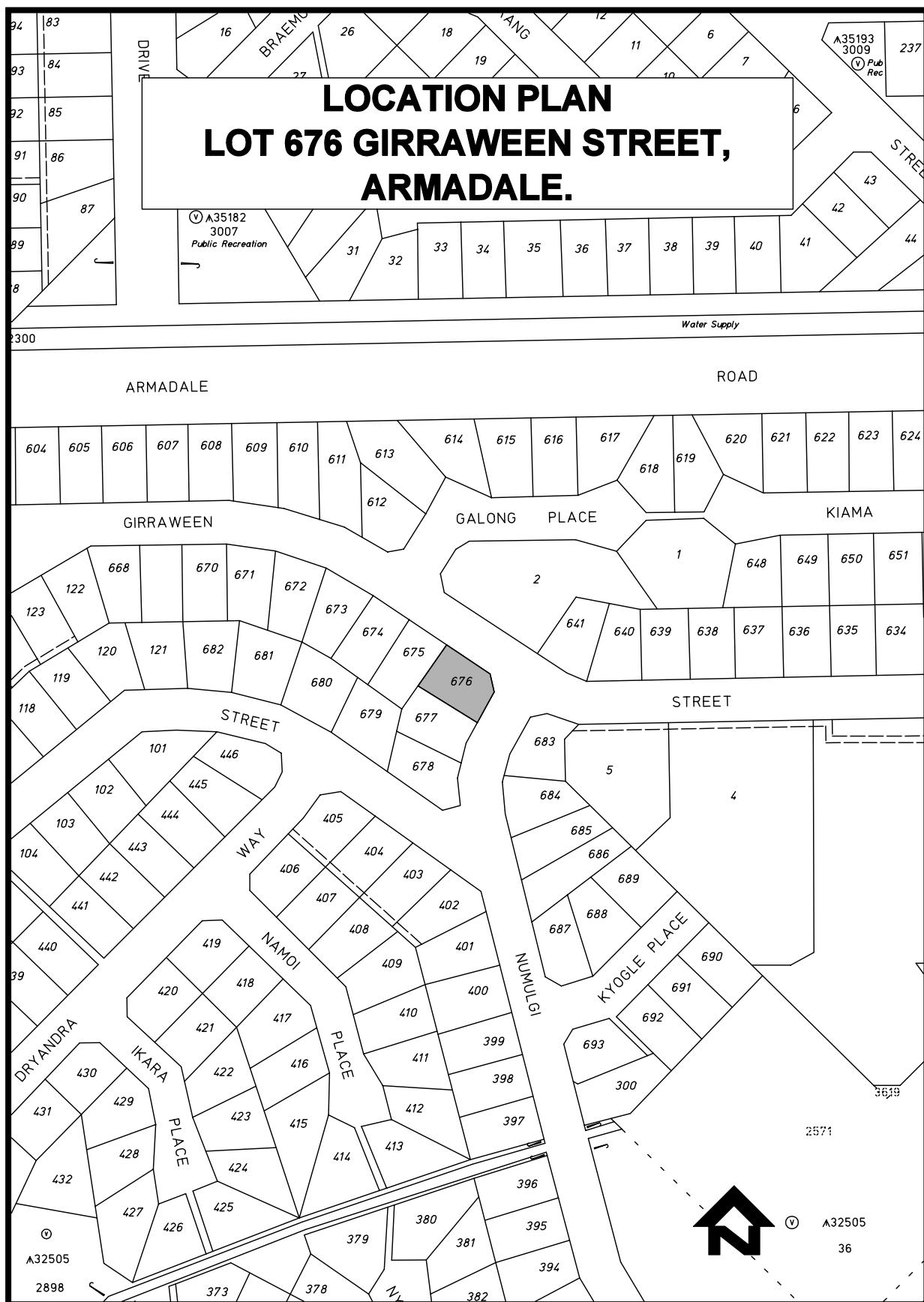
It is considered to be appropriate to serve notices in order to pursue the resolution of a situation that is adversely impacting on the locality. On this basis Option No.1 is recommended.

D147/02

RECOMMEND

1. That notice under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960, be served on the owner of Lot 24 (No.3) Reveley Court, Armadale, requiring that a garage outbuilding constructed from second-hand materials be dismantled and removed from the lot within 28 days of the notice service date.
2. At the expiration of the notice period, a further inspection of the property be undertaken to determine if compliance with the notice has occurred. If the structure have not been removed a complaint in accord with Section 401 (7) of the Local Government (Miscellaneous Provisions) Act 1960, be made to the Court of Petty Sessions.

MOVED Cr Zelones
MOTION CARRIED (7/0)



**UNAUTHORISED STRUCTURES -
LOT 676 (No.52) GIRRAWEEN STREET, ARMADALE**

WARD : WEST ARMADALE

FILE REF : A31580

DATE : 2 September 2002

REF : IT

RESPONSIBLE
MANAGER : BSM

LAND OWNER : Mr W FIJOLEK

SUBJECT LAND : Lot 676 (No.52) Girraween
Street, Armadale
Property size 679m²
Map 21-03

ZONING : Residential R15
MRS/TPS No.2

In Brief:-

- Report advising of the existence of unauthorised structures on the lot
- Recommend that notice under Section 401 of the (Miscellaneous Provisions) Act be served requiring the removal of the structures.

Tabled Items

Photographs

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

City of Armadale Local Laws Relating to Fencing

Budget / Financial Implications

Nil.

Consultation

Nil.



PHOTOGRAPHS
LOT 676 (52) GIRRAWEEN ST, ARMADALE



BACKGROUND

In response to concerns expressed by residents living in close proximity to the above property, officers have inspected the lot and have noted the existence of various unauthorised structures. The structures consist of a steel framed carport in the front setback, a timber framed verandah and a substandard front boundary fence.

Officers have verbally requested the removal of the offending structures and have written to the landowner twice to formally request the removal of the structures. No response or has been received, nor have the structures on the site been removed as directed in the City's correspondence.

DETAILS OF PROPOSAL

Recognising that the structures continue to detract from the streetscape and amenity of adjacent properties and that it is unlikely that the City will achieve an appropriate outcome without pursuing a formal resolution of the matter it is considered to be appropriate that notices under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 be served on the owner of the land.



PHOTOGRAPH
LOT 676 (52) GIRRAWEEN ST, ARMADALE



PHOTOGRAPHS
LOT 676 (52) GIRRAWEEN ST, ARMADALE



Options

1. Serve notice under the Local Government (Miscellaneous Provisions) Act 1960 requiring the removal of the structures.
2. Take no further action.

CONCLUSION

It is considered to be appropriate to serve notices in order to pursue the resolution of a situation that is adversely impacting on the locality. On this basis Option No.1 is recommended.

D148/02

RECOMMEND

1. That notice under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960, be served on the owner of Lot 676 (No.52) Girraween Street, Armadale, requiring that unauthorised structures comprising a steel framed carport, a timber framed verandah and a non-conforming front boundary fence be dismantled and removed from the lot within 28 days of the notice service date.
2. At the expiration of the notice period a further inspection of the property be undertaken to determine if compliance with the notice has occurred. If the structures have not been removed a complaint in accord with Section 401 (7) of the Local Government (Miscellaneous Provisions) Act 1960, be made to the Court of Petty Sessions.

MOVED Cr Zelones
MOTION CARRIED (7/0)



ZINCALUME ROOF - LOT 6 (No.9) PALM ROAD, ROLEYSTONE

WARD : ROLEYSTONE
FILE REF : A127707
DATE : 3 September 2002
REF : SLH
RESPONSIBLE MANAGER : BSM
APPLICANT : Ashby Home Improvements
LAND OWNER : E.L. Collis
SUBJECT LAND : Property size 2 031m²
Map 26.08
ZONING : Urban / Residential 'R5'
MRS/TPS No.2

In Brief:-

- Proposal to re-roof residence with 'Zincalume' roof sheeting'.
- Proposal to construct an addition to the rear of the dwelling utilising 'Zincalume' roof sheeting.
- Application advertised and 'No objections' received.
- Recommendation for refusal on the grounds of the likely adverse impact on the adjacent properties and streetscape due to the extent of the roof together with the topography of the land.

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

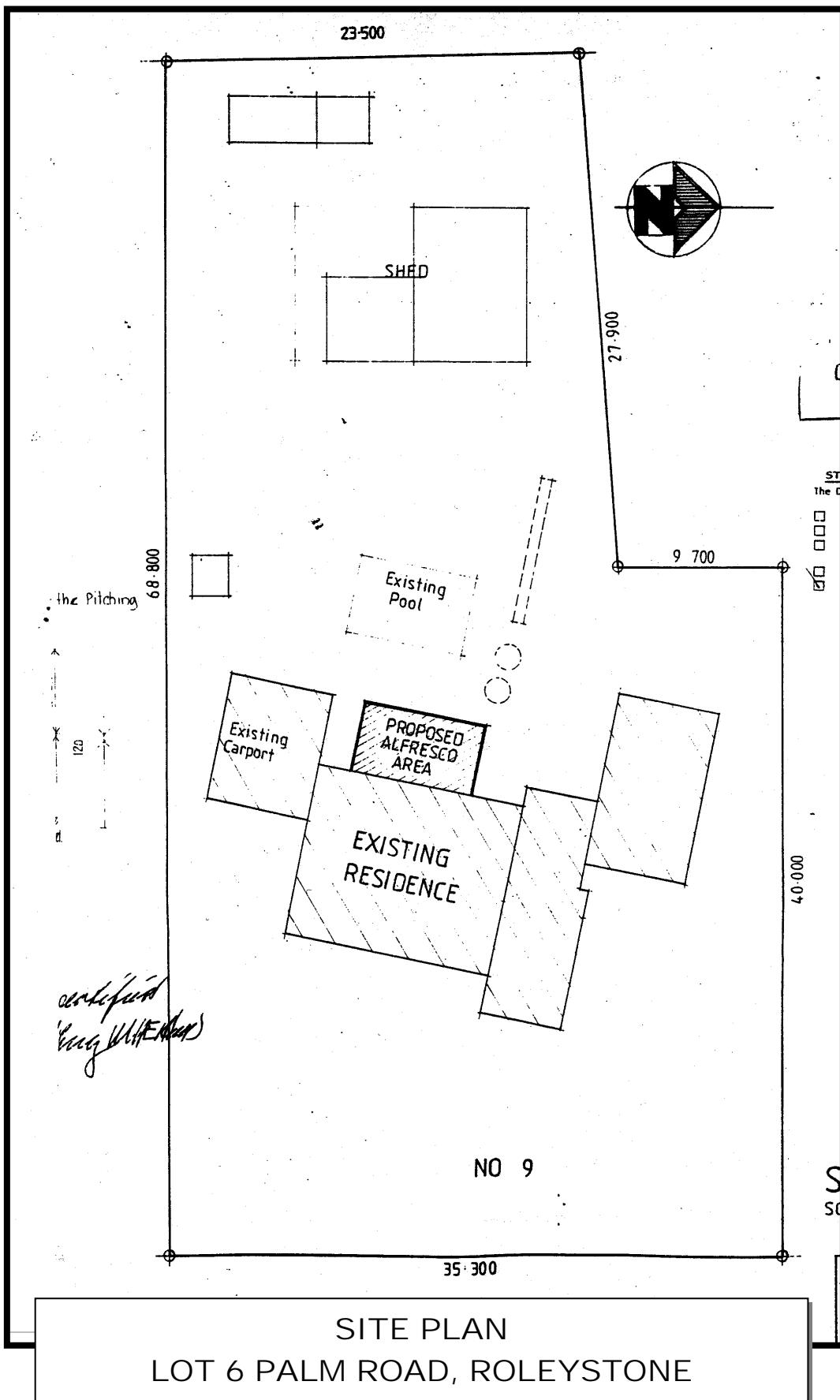
Town Planning and Development Act 1928
Metropolitan Region Scheme
Town Planning Scheme No.2

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 ten (10) 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.

DETAILS OF PROPOSAL

An application has been received from the builder, acting on behalf of the owner of the above property, requesting Council's approval to re-roof the existing residence with 'Zincalume' roof sheeting in conjunction with constructing an addition to the rear of the dwelling utilising 'Zincalume' roof sheeting.

COMMENT

Consultation was undertaken with the surrounding landowners who may be affected by the proposed reflective roof sheeting. Five (5) responses were received, all of which were 'No objections'.

Analysis

Officers have visited the site and considered the following;

- ◆ The property is partially cleared given the extent and type of existing development (ie residence, additions, sheds and swimming pool area), however, the remaining area is natural bushland.
- ◆ The existing residence is single storey with 'Decramastic' roof tiles whilst the existing attached additions are double storey with 'Zincalume' roof sheeting.
- ◆ The surrounding properties are all residential developments.

The primary concern with this application was whether the reflective roof sheeting material would have an adverse affect on the amenity of the adjoining property owners and streetscape.

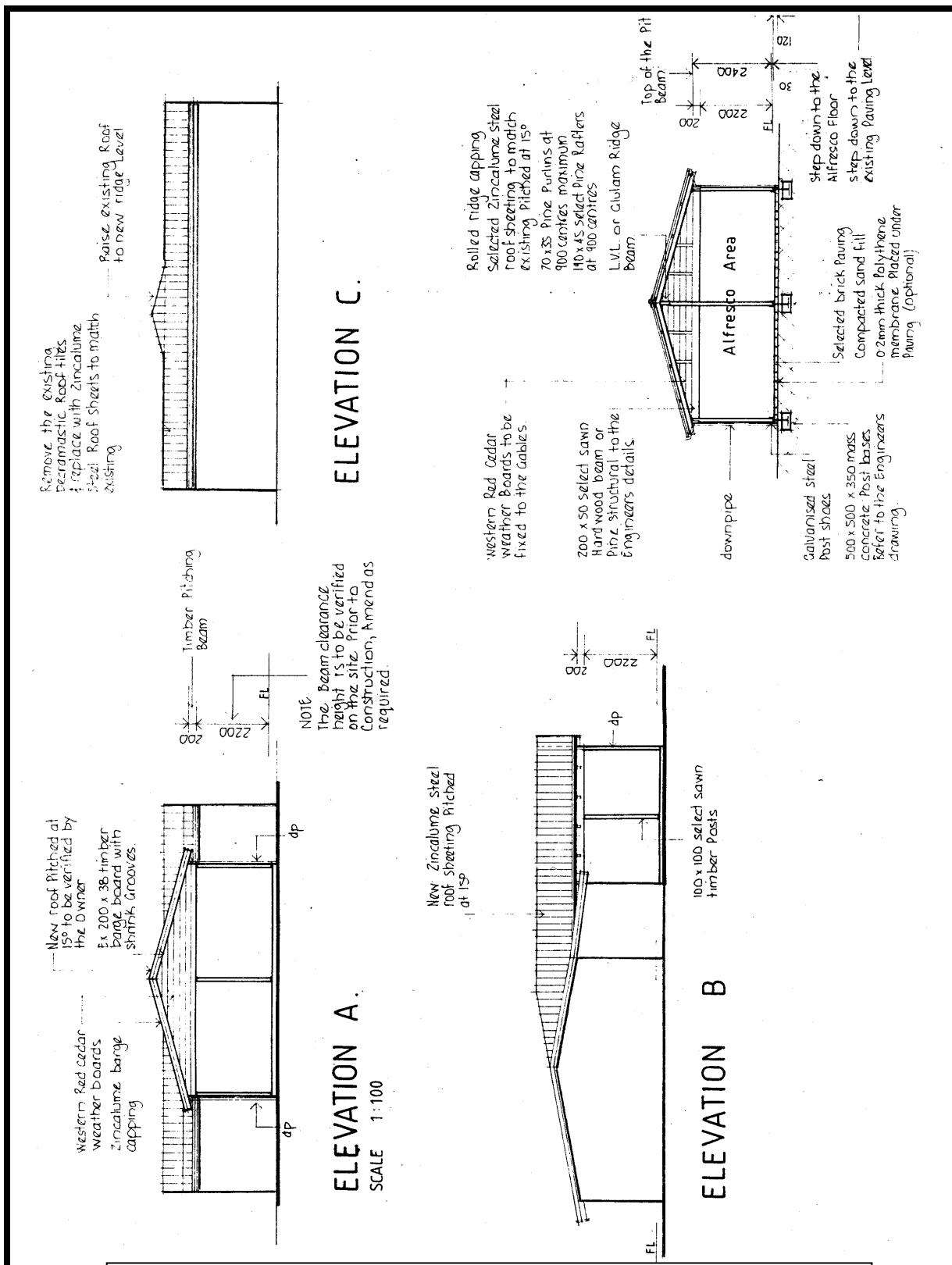
Concerns were in relation to the topography of the site and also that the area is well established with landowners having selected alternative roofing materials.

Options

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

Option 1 To support the application

Option 2 To amend the roof sheeting materials to a non-reflective finish.



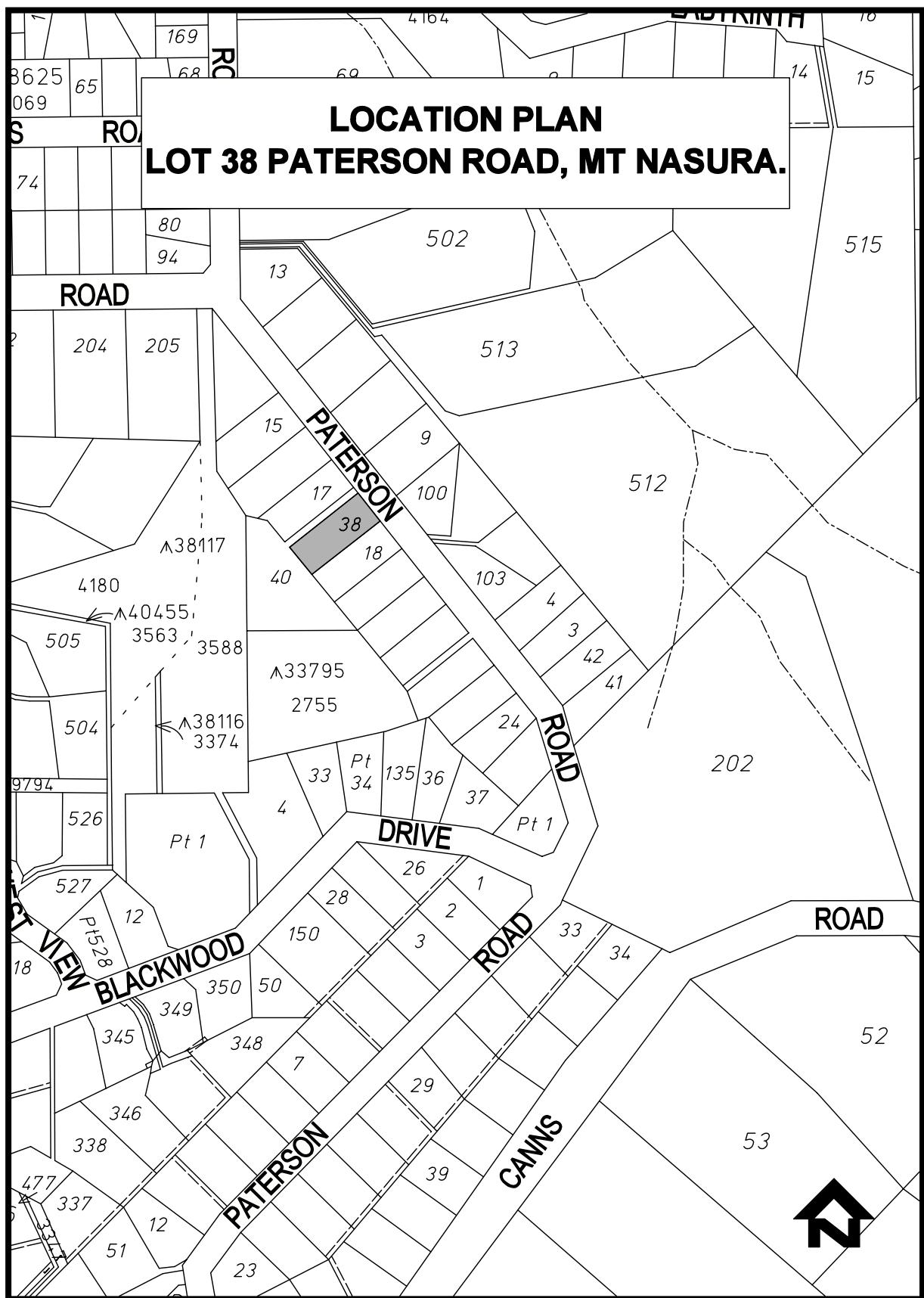
CONCLUSION

Officers are concerned about the potential glare problems if highly reflective materials were used to replace the existing roofing materials particularly because of the undulating topography and being a well established area with the existing dwellings surrounding the subject lot roofed with alternative types of roofing materials and therefore recommend refusal.

D149/02 RECOMMEND

That the builder's request to re-roof the existing residence with 'Zincalume' roof sheeting and construct an addition to the rear of the dwelling utilising 'Zincalume' roof sheeting on Lot 6 (9) Palm Road, Roleystone be refused on the grounds of the likely adverse impact on the surrounding properties and streetscape due to the extent of the roof and the topography of the land.

MOVED Cr Zelones
MOTION CARRIED (7/0)



PROPOSED GARAGE – LOT 38 (NO.49) PATERSON ROAD, ARMADALE

WARD : ARMADALE
FILE REF : A94687
DATE : 2 September 2002
REF : SH
RESPONSIBLE MANAGER : BSM
APPLICANT : Heritage Outdoor
LAND OWNER : J. Joynes
SUBJECT LAND : Property size 1 515m²
Map 23.04
ZONING : Urban / Residential 'R5'
MRS/TPS No.2

In Brief:-

- Proposal to construct a 46m² metal-framed garage with 'Colorbond' finish cladding and roof sheeting.
- Located in the front setback of the property (ie 5.4m from the left-hand side boundary and 16.9m from the front boundary.)
- Recommendation for approval on the grounds of the minimal impact on the streetscape conditional upon the cladding / roofing materials and roof pitch matching the existing residence.

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

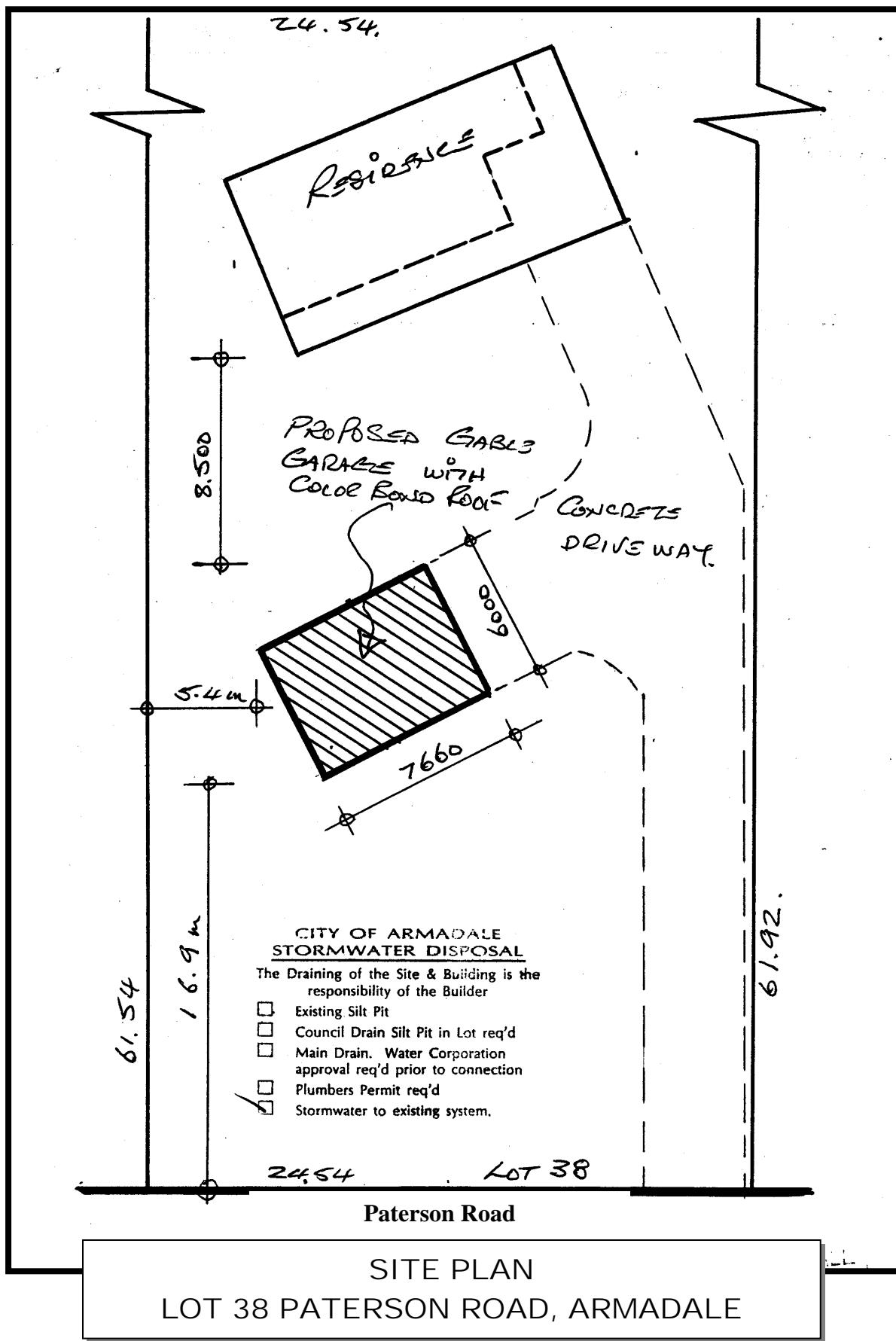
Policy 4.5.20 Outbuildings in Residential and Rural Areas.

Budget / Financial Implications

Nil.

Consultation

- ♦ The proposal was advertised to four (4) neighbouring properties for comment.
- ♦ Comments were also sought from the Development Control Unit.



BACKGROUND

Under the City's 'Outbuildings' Policy', outbuildings proposed to be forward of the main building line should be constructed of materials that match the main dwelling or be suitably screened from view.

As the proposed garage is located forward of the primary street boundary setback and the materials do not match those used to construct the main dwelling, the application requires Council's determination.

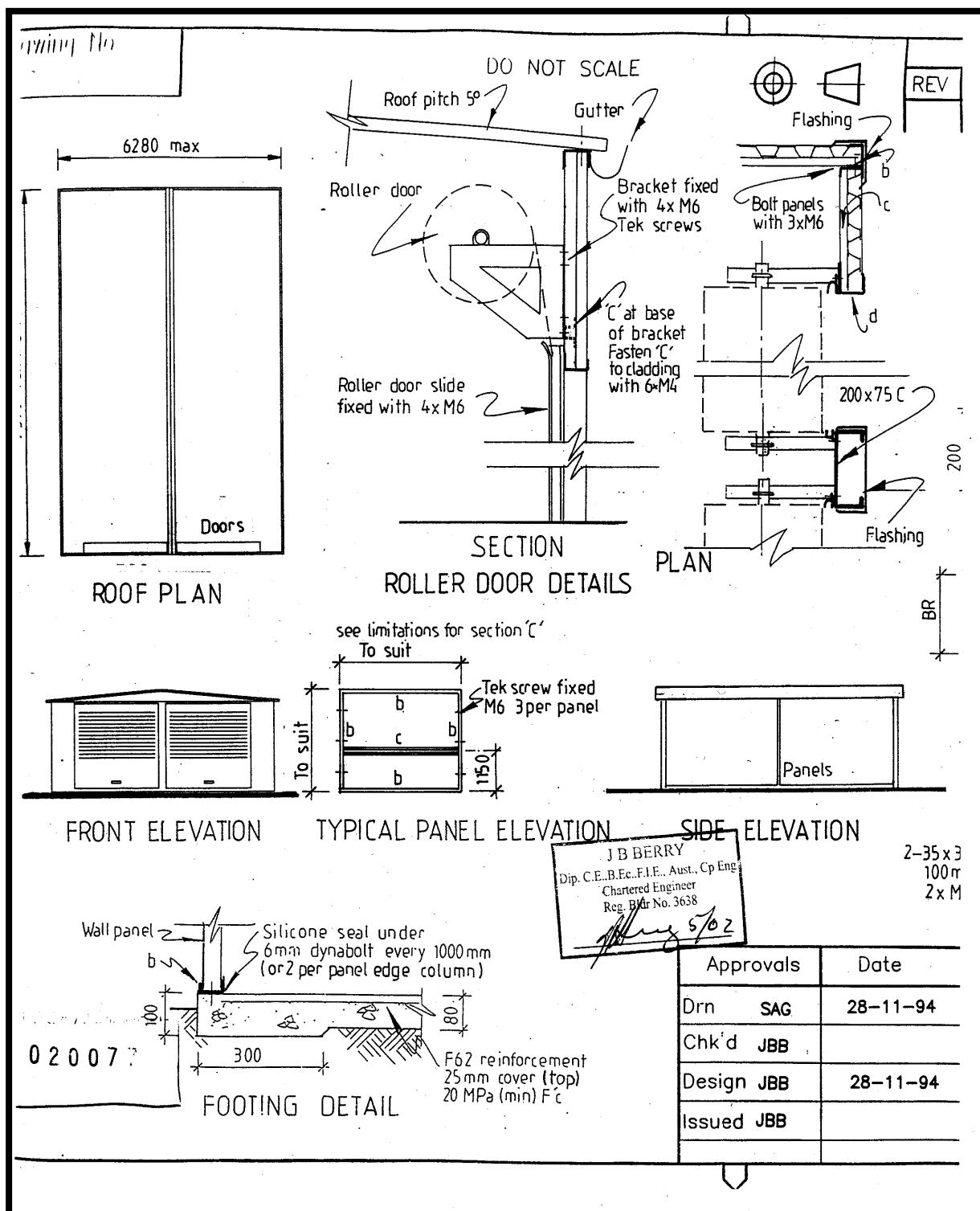
It should also be noted that the proposed new RD Codes, which are to be introduced in October 2002, permit outbuildings that comply with the siting and design requirements of the dwelling but do not permit outbuildings within the primary street setback unless the new development meets the Performance Criteria (ie does not detract from the streetscape or the visual amenity of the residents or neighbouring properties.)

DETAILS OF PROPOSAL

The applicant proposes to construct a 46m² metal-framed garage with 'Colorbond' (Torres blue) finish cladding and (Birch grey) finish roof sheeting with 5° roof pitch located in the front setback area of the property (ie 5.4m from the left-hand side boundary and 16.9m from the front boundary.)



LOT 38 PATERSON ROAD, ARMADALE



ELEVATION PLAN
LOT 38 PATERSON ROAD, ARMADALE

COMMENT

Consultation was undertaken with adjacent landowners who may be affected by the outbuilding. One submission indicating 'No objection' was received. Two neighbours however, objected to the proposal specifically relating to the impact on their properties and the choice of colours.

Analysis

Officers have visited the site and confirmed that the existing residence is of framed construction with 'Hardiplank' blue cladding and a galvanised corrugated roof with exposed rafters. It is located in the rear portion of the site with the suspended front verandah and entrance facing towards the valley views.

The elongated configuration of the lot combined with the substantial gradient, which falls towards the front approximately 20.0m, restricts access to the property and any intended development hence the proposal to locate the garage within the front setback area.

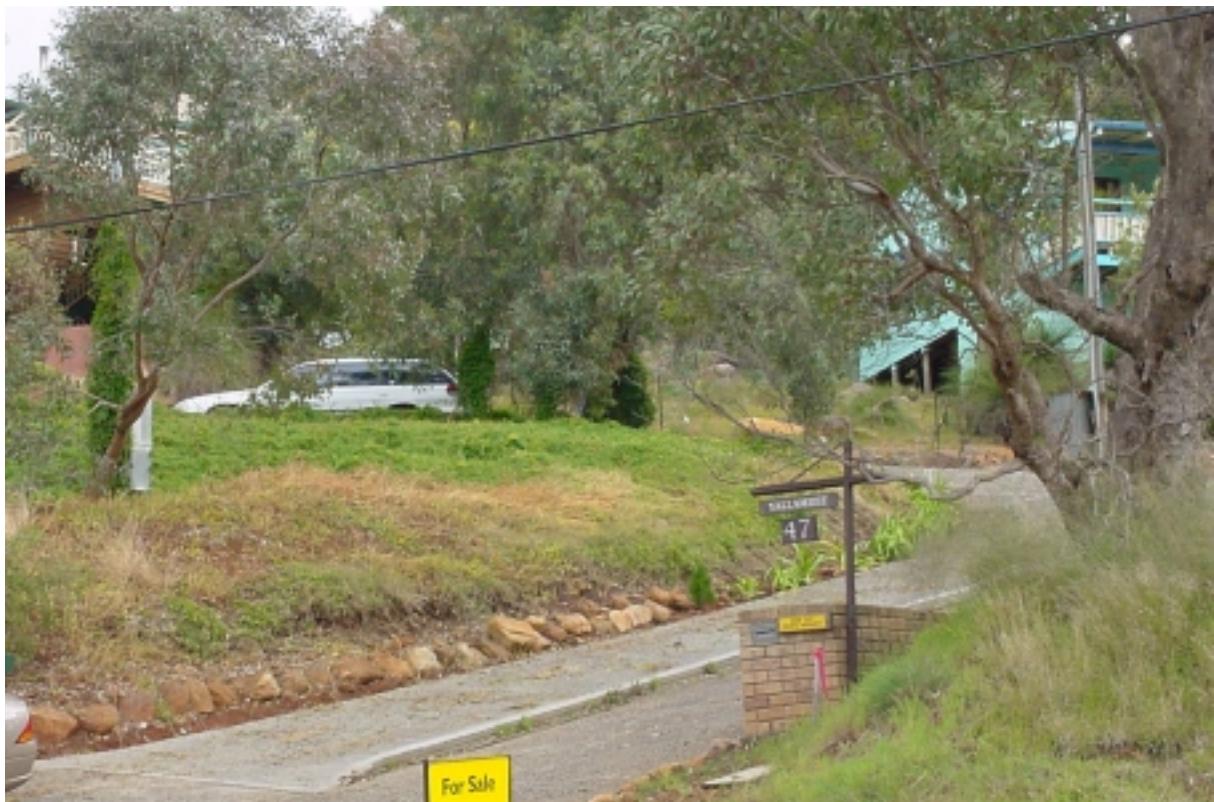
The owner presently parks her car where she intends constructing the proposed garage. There is provision for a turn-around bay and being able to drive forward rather than reverse onto Paterson Road, which is considered a very steep and relatively busy thoroughfare through the Armadale Hills.

Discussions were held with the owner in relation to the setback and also regarding utilising matching materials. It was considered to be cost-effective to use a framed method of construction, similar to the existing residence, given the prevailing site conditions, however, the cladding selected was 'Colorbond' rather than to match exactly.





LOT 38 PATERSON ROAD, ARMADALE



The usage of 'Hardiplank' cladding would be somewhat cumbersome and require additional strengthening of the steel framework. The alternative lightweight material was selected in a complimentary colour to that which has been used for the dwelling. Officers have suggested that the metal-cladding be fixed horizontally to achieve an effect similar to the 'Hardiplank' cladding.

The owner has demonstrated that with the planting of additional vegetation the outbuilding would be partially screened and consequently would be unlikely to have an adverse impact on the adjacent neighbours and streetscape.

Options

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

1. Refuse the application.
2. Approve the application, which details the use of horizontally sheeted cladding with colours and roof pitch to match the existing dwelling.
3. Request that the applicant submits an amended proposal, which details the use of 'Hardiplank' cladding material in the construction of the garage.

CONCLUSION

Officers are of the opinion that the proposal will have a minimal impact on the surrounding properties and streetscape with the inclusion of complimentary materials, colours, roof pitch and additional vegetation and therefore recommend approval.

D150/02 RECOMMEND

That the application to construct a 46m² metal-framed with 'Colorbond' finish garage, located within the front setback area on Lot 38 (No.49) Paterson Road, Mt Nasura, be approved conditional upon the planting of additional screening vegetation and the utilisation of materials, design and colours to match the existing surrounds.

MOVED Cr Green
MOTION CARRIED (7/0)

***OUTBUILDING – RUBIDA RISE ROLEYSTONE**

WARD : ROLEYSTONE
FILE REF : A236429
DATE : 4 September 2002
REF : IT
RESPONSIBLE MANAGER : BSM
LAND OWNER : Mr & Mrs Hooper
SUBJECT LAND : Lot 122 (No.32) Rubida Rise Roleystone
Property size 2001m²
Map 26-09
ZONING : Residential R10
MRS/TPS No.2

In Brief:-

- Report outlining actions taken in regard to an over-height outbuilding on Lot 122 Rubida Rise, Roleystone.
- The City has been considering building additional storage facility at the Depot.
- The shed removed from Lot 122 is suitable to Council's needs and would be acquired to resolve both issues.
- The Chief Executive Officer has commenced action following Council's resolution of 6th August 2002.
- Recommendation that the Chief Executive Officer's action to purchase be authorised to purchase the building for storage use by the City be endorsed.
- Recommendation that appropriate budget variations be approved.

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

Policy 4.5.20 Outbuildings in Residential & Rural Areas

Budget / Financial Implications

Funding of proposal by budget variation. No additional costs incurred.

Consultation

- ◆ Owners of Lot 122 Rubida Rise, Roleystone.
- ◆ Builder
- ◆ All Directorates

BACKGROUND

Council at its meeting held on the 6th of August 2002 resolved:

“That the Chief Executive Officer be authorised to take any steps necessary, including halting construction, in order to resolve the issue of the construction of a shed with a wall height of 4.5 metres at 32 Rubida Rise, Roleystone”.

The shed has been dismantled in accordance with Council’s direction and the owner seeks reimbursement of expenses incurred.

DETAILS OF PROPOSAL

The owner of Lot 122 Rubida Rise has cooperated with Council’s requirements, but in doing so has incurred considerable expense which the owner believes should be reimbursed.

Council has not indicated that compensation would be forthcoming, but an opportunity exists to resolve the issue to both party’s satisfaction.

The City has been examining the prospect of increasing dedicated storage space at the Depot. Currently storage space is rented from private storage premises.

The favoured option was the erection of a purpose built shed, relieving other storage space at the Depot for storage of archives and documents.

Funding options involving contribution from all Directorates has been considered and supported by officers from each Directorate.

Consequently, it is proposed that the City purchase the shed removed from Lot 122, for installation at the Depot, costed as follows:-

Costs of establishing the building at the Depot	
Purchase	\$9,000
Erection of the structure at the Depot	\$1,600
Concrete Floor	\$2,000
Electrical connection	\$2,000
Total	\$14,600

It is proposed that half of the funding required for a new storage facility at the Depot would be provided by redirecting “record storage purpose” recurrent expenditures within the current years budget, ie. the funds currently budgeted to rent storage and produce micro-film records for the building department, can be either redirected or deferred with little if any consequence.

The same funding capability exists in the 03-04 year of the 5 Year Financial Plan and indeed each year thereafter, the \$4,000 currently estimated for storage rental will not be required if the proposed building acquisition is supported.

The funding options for the balance of \$8,600 are:

- ◆ over-expend current “record storage” purpose recurrent budgets in anticipation of corporate budget savings to be achieved during the remainder of the current year – not recommended.
- ◆ increase the current years deficit budget on the basis of there being a confirmed commensurate deficit budget decrease next year – not recommended on account of Council’s recent decision to reduce the budgeted deficit to levels contained in the 5 Year Plan.
- ◆ vary the current years recurrent budget via a mix of achievable expenditure reductions and deferrals that will not impact adversely on subsequent years of the 5 Year Plan.

The third option is preferred and three areas have been identified for potential Budget reduction.

- ◆ M31 – Vehicle operation

An amount of \$2600 can be provided from this area due to the reduced overlap of new Executive Director Development Services and current incumbent.

- ◆ M32 – Microfilm Printer

Change of storage arrangements allows deferral of microfilm printer maintenance.

- ◆ M102 – Kelmscott Hall

Glazing work scheduled as part of the specific maintenance regime could be deferred for a year in lieu of the improved storage proposition for the Depot.

Given the urgency of this matter following Resolution of 6th August 2002, the Chief Executive Officer has made the necessary arrangement and now seeks Council endorsement of the resultant Budget variation.

Consequently, the recommendation is as follows:-

D151/02 RECOMMEND

- 1. That the Chief Executive Officer's action to undertake to acquire the 4.5 metre high, 67.5m² from Mr and Mrs Hooper of 32 Rubida Rise Roleystone for the sum of \$9,000 be endorsed.**
- 2. That Council amend the 02/03 Budget as follows:-**

Particulars	Sch	Current Budget	Variation	Revised Budget
Records Storage	M3	4,000	-3,000	1,000
Micro film Records -Blg Dep't	M32	3,000	-3,000	0
Vehicle Operation	M31	34,780	-2,600	32,180
Microfilm Printer Maintenance	M32	1,000	-1,000	0
Kelmscott Hall Maintenance	M102	34,565	-5,000	29,565
Storage Facility Depot	M122	0	+14,600	14,600
Total			0	

*** ABSOLUTE MAJORITY REQUIRED**

MOVED Cr Zelones
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Nil.

*** LOCAL LAWS**

WARD	:	ALL
FILE REF	:	LAW/13
DATE	:	20 August 2002
REF	:	IW
RESPONSIBLE MANAGER	:	HSM

In Brief:-

- Council resolved on 17 June 2002 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 Amendment Local Laws 2002*.
- Advertising has been completed and no comments have been received.
- Recommendation that the local laws be adopted.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Nil

Legislation Implications

Section 3.12 of the Local Government Act 1995 specifies the procedure for making local laws.

Council Policy / Local Law Implications

Proposed amendments to the *City Of Armadale Environment, Animals And Nuisance Local Laws 2002*.

Budget / Financial Implications

Nil

Consultation

Advisory Officer to the Parliamentary Joint Committee On Delegated Legislation.

BACKGROUND

At its meeting of 17 June 2002 Council resolved to advertise for public comment, as required by the Local Government Act 1995, a draft set of Amendment Local Laws which:

- ♦ at the request of the Parliamentary Joint Standing Committee on Delegated Legislation, removed from two clauses of the recently adopted Environment, Animals And Nuisance Local Laws inconsistencies with the nuisance provisions of the *Health Act 1911*; and
- ♦ corrected two typographical errors within the adopted local laws.

Advertising has been completed and no comments have been received.

CONCLUSION

Given the completion of advertising and because no issues arise thereafter, it is appropriate for Council to adopt the Amendment Local Laws.

D152/02 RECOMMEND

That pursuant to its powers under Part 3 of the *Local Government Act 1995*, the Council of the City of Armadale hereby adopts the following local laws:

City Of Armadale Environment, Animals and Nuisance Amendment Local Laws 2002.

Citation

1. These Local Laws may be cited as the *City Of Armadale Environment, Animals and Nuisance Amendment Local Laws 2002*.

Principal Local Laws

2. In these Local Laws, the *City Of Armadale Environment, Animals And Nuisance Local Laws 2002* (published in the Government Gazette (Special) No.36 of March 1, 2002) are referred to as the principal local laws.

Clause 9 amended

3. Section 9(b)(iii) of the principal local laws is amended by including the words “of the” immediately preceding the word “Act”.

Clause 20 amended

4. Section 20(2)(c) of the principal local laws is amended by deleting the words “the *Health Act 1911*” and substituting them with “these local laws”.

Clause 29 amended

5. Section 29(1)(a) of the principal local laws is amended by deleting the words “or the *Health Act 1911*”

Schedule 3 amended

6. Schedule 3 to the principal local laws is amended by deleting the words “IN A RURAL ZONE” appearing in its heading and replacing them with the words “ON A LOT OF AREA NOT LESS THAN 2000 SQUARE METRES.”

* SPECIAL MAJORITY REQUIRED

MOVED Cr Zelones
MOTION CARRIED (7/0)

***LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE –
REVISED SCHEME PROPOSAL***

WARD : ALL
FILE REF : HLT/2
DATE : 8 August 2002
REF : IW
RESPONSIBLE MANAGER : HSM

In Brief:-

- Following the commissioning of a review of its function and operation of food analytical services last year, the Local Health Authorities Analytical Committee has proposed development of a new format for State wide food monitoring operations.
- Before proceeding further, the support of local government is sought.
- Recommendation that Council support the proposal and the Committee be advised accordingly.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Related to Strategic Plan aim – to have in place the range of services to enhance the well being and safety of the community.

Legislation Implications

The Local Health Authorities Analytical Committee is a statutory committee, established under the auspices of the Health Act.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil: (A small increase or decrease in expenditure (\$1000 - \$2000) possible after two years).

Consultation

Metropolitan and country local government Health Managers.

BACKGROUND

The Local Health Authorities Analytical Committee (LHAAC) is established under the Health Act for the purpose of provision of a food analytical scheme for member local governments. The Act prescribes that, in essence, local governments are bound to participate in the scheme unless the Executive Director, Public Health consents to their withdrawal.

The current Scheme operates on a model formulated many years ago, its essence being:

1. Local governments contribute funds according to a population based formula.
2. Those funds are used to engage the services of an approved food analyst.
3. Individual contributions made by each local government result in an allocation of sampling "units" which are used to pay for analytical work performed by the laboratory for the particular local government.

Recognising that the Scheme had never operated a particular sampling strategy, during 2001 the Committee commissioned a review by the Research & Evaluation Unit of the Health Department of Western Australia of its structure and function. The Terms of Reference included examination of current food sampling and analysis activities undertaken through the Committee and recommendation of strategies to improve the efficiency and effectiveness of such functions state wide.

The Report's findings have guided the LHAAC in reaching its decision in respect to the form of its proposal. It now seeks the support of local governments for a revised Scheme, considered to be more appropriate to current circumstances and complementary to existing food monitoring arrangements conducted at the State and Commonwealth levels. It hopes to complete consultation with local governments by the end of September, with a view to, if there is substantial agreement, development of the Scheme in time for implementation on 1 July 2003.

COMMENT

Analysis

The current Scheme was created with the intention of ensuring that Local Governments sampled and analysed foods manufactured and sold locally. Today, however, the majority of food is produced and distributed on a state or nation wide basis. Most sampling is undertaken within the retail market and in recent times there have been attempts to rationalise this activity by encouraging local governments to participate in broad based food sampling surveys as part of the WA Food Monitoring Program.

Because the sampling effort is largely unplanned and unrelated to any specific monitoring objective it is considered that the current Scheme is:

- ♦ outdated and can not achieve a satisfactory monitoring outcome;
- ♦ leading to duplication and cost inefficiency; and
- ♦ inappropriate to the prevailing conditions in the food industry.

It has been difficult to introduce competitive tendering to the purchase of analytical services, the Scheme still operates with the same analyst and laboratories originally appointed, and declining usage in recent years has seen samples submitted by only 83 of 142 member local governments (although all make a statutory contribution) during the 2000/2001 financial year.

The LHAAC proposes an alternative program based on the scheduled sampling, at point of manufacture by the host local government, of food manufactured by businesses whose product distribution is metropolitan, state or nation wide.

The underlying principles of the proposed Scheme are that:

- ◆ costs associated with the pre-planned scheduled sampling and analysis of products of these manufacturers, advisory services to local governments and overheads associated with the Committee's operation will be funded centrally by the LHAAC;
- ◆ the Committee and its Program Co-ordinator will determine an appropriate sampling regime for each manufacturer will determine the most appropriate analyses;
- ◆ local governments commit to regular sampling programs for manufacturers within their districts, and costs will be met from LHAAC funding;
- ◆ programmed sampling would be coordinated with the WA Food Monitoring Program and other programs undertaken by government departments to avoid duplication and be able to respond to emerging problems; and
- ◆ local governments will independently sample and have analysed, at its own cost, products manufactured within their area for local consumption and foods submitted as a result of purchaser complaint.

It is proposed that the future role of the Committee expand to include planning, co-ordination and management of all elements of the program. Contribution to the Scheme will remain mandatory, and the Committee will require the support of a technical advisory group to meet its responsibilities. In summary, the LHAAC's functions are envisaged to be:

- ◆ management of Scheme funds, sourcing and contracting of the necessary analytical services and allocation of sufficient program funds to individual local governments;
- ◆ determination of a sampling program for every manufacturer or class of manufacturer within the program, and planning, funding and conducting food quality surveys;
- ◆ analysis, reporting and disseminate of the results of the principal program; and
- ◆ engagement of consultants to assist the committee in its work.

In order to link with the WA Food Monitoring Program the Committee has proposed that the Department of Health undertake the secretarial and administrative support functions for the Scheme. It is difficult to estimate the resources that this would require on an ongoing basis, but it is anticipated that it would be approximately 0.25 to 0.33 FTE. Whether the ongoing resource costs will be absorbed by the Department of Health or whether there will be some cost sharing with the LHAAC is yet to be determined.

Establishment of the proposed Scheme will be fairly complex and will require engagement of a coordinator by the Committee. The Department of Health has been engaged in negotiations with a view to the coordinator being housed within the Department, using its equipment and systems to establish the Scheme's operating resources. The Committee does have sufficient reserve funds to support such a position for up to 12 months if necessary.

Local government contributions will be calculated from budget estimates, paid in advance at the commencement of the financial year (as is currently the case) and calculated according to a similar population based formula to that now used in allocating analytical units. Any surplus funds minus committed expenditure will be carried forward into the next year's program.

The cost impact of the proposed Scheme upon some smaller local governments may be a concern because the Committee does not as yet have knowledge of the number of manufacturers existing and the likely cost of routine monitoring of their products. Recognising this, the Committee has proposed that the initial program be designed to fit within the current 2002/2003 level of contributions, and at least for the first two years of operation any deficits in meeting the Scheme objective being met from current reserve funds.

To put this matter in context, however, it is noted that Council's entire Analytical Expenses Budget allocation for 2002/3 is \$10,700. Given that there are very few actual manufacturers of food products within the district producing food for local consumption only, and manufacturers outside the district selling product within it will no longer be subject to sampling by the City's program, overall food sampling costs may be reduced, and it is equally as likely that a net saving will result as it is that expenditure will increase.

Options

Council may support the development of a new Scheme along the lines proposed, or may wish to continue with the current Scheme. In the latter case, however, as pointed out above, there is increasing doubt as to its capacity to achieve satisfactory monitoring outcomes, avoid duplication and cost inefficiency and to otherwise meet its original objectives.

CONCLUSION

The proposed Scheme, although at this stage difficult to cost with any certainty, is unlikely to impose significant additional costs upon local government and has the potential to establish a comprehensive, coordinated and properly funded food monitoring regime within the State which is likely to be national leader. Its support is therefore recommended.

D153/02

RECOMMEND

- 1. That Council support the concept of the revised food sampling and analytical program proposed by the Local Health Authorities Analytical Committee.**
- 2. That the Local Health Authorities Analytical Committee be advised accordingly.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

***EXTENDED TRADING PERMIT APPLICATION –
HARVEST LIQUORS, ROLEYSTONE***

WARD : ROLEYSTONE
FILE REF : A134334
DATE : 26 August 2002
REF : PM
RESPONSIBLE MANAGER : HSM

In Brief:-

- Harvest Liquors has sought an Extended Trading Permit to allow trading from noon to 8.00pm on Sundays.
- Because of time constraints, an objection to the application has been lodged administratively rather than the matter being referred to Committee.
- Recommendation that action taken be endorsed

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Strategic Plan: Aim – to encourage community participation and responsibility;
Indicator of success – levels of safety and well being.

Legislation Implications

The right to object to an application is conferred by Section 73 of the *Liquor Licensing Act 1988*.

Council Policy / Local Law Implications

Assessment of the application has been undertaken in accordance with Council's Alcohol Policy.

Budget / Financial Implications

Nil.

Consultation

- ♦ Ward Councillors
- ♦ Cannington District Police Alcohol and Drug Branch
- ♦ Surrounding residents

BACKGROUND

Harvest Liquors, located in Roleystone Shopping Centre, has applied for an Extended Trading Permit to allow trading from noon to 8.00pm on Sundays. Although Council's Alcohol Policy requires an assessment of such applications to form the basis of a report and recommendation to the Development Services Committee, in this instance, because objections needed to be lodged by 3rd September, the matter was dealt with administratively and Council's endorsement is sought.

COMMENT

Analysis

Council's Alcohol Policy requires that, in the case of applications for Extended Trading Permits, an assessment by the Health Department will take into account known history of the facility (if applicable) with respect to noise, vandalism and anti-social behaviour and include consultation with the Cannington District Police Service, Ward Councillors and, residents who may be affected.

Advice from Ward Councillors and Cannington Police, as well as the District Environmental Health Officer, identified an ongoing problem with consumption of alcohol and apparently resultant antisocial behaviour by young people (including those reportedly under age) in nearby Cross Park and in the immediate vicinity of the Roleystone Shopping Centre.

Letters were forwarded to 35 nearby residences seeking the householders' comments. There were only two responses, both in support of the application. One of these was from a business within the Roleystone Shopping Centre and the other from the proprietors of that business as private residents.

Nevertheless, because both Ward Councillors and Cannington Police had expressed strong opposition to the application on the basis of its potential negative social impact, an Objection was lodged administratively with the Director of Liquor Licensing.

Options

Council may choose either to endorse the administrative action taken or not to do so. Should Council choose the latter option, the objection may be withdrawn.

Conclusion

Because of the:

- ♦ history of drinking and anti social behaviour by young people in and around the Roleystone Shopping Centre and nearby Cross Park;
- ♦ evidence of ill effects upon the health of young people caused by abuse of alcohol; and
- ♦ relatively minor inconvenience to residents in not having an alcohol outlet available on Sundays

it is considered appropriate to oppose the application, and the endorse the administrative action taken.

D154/02

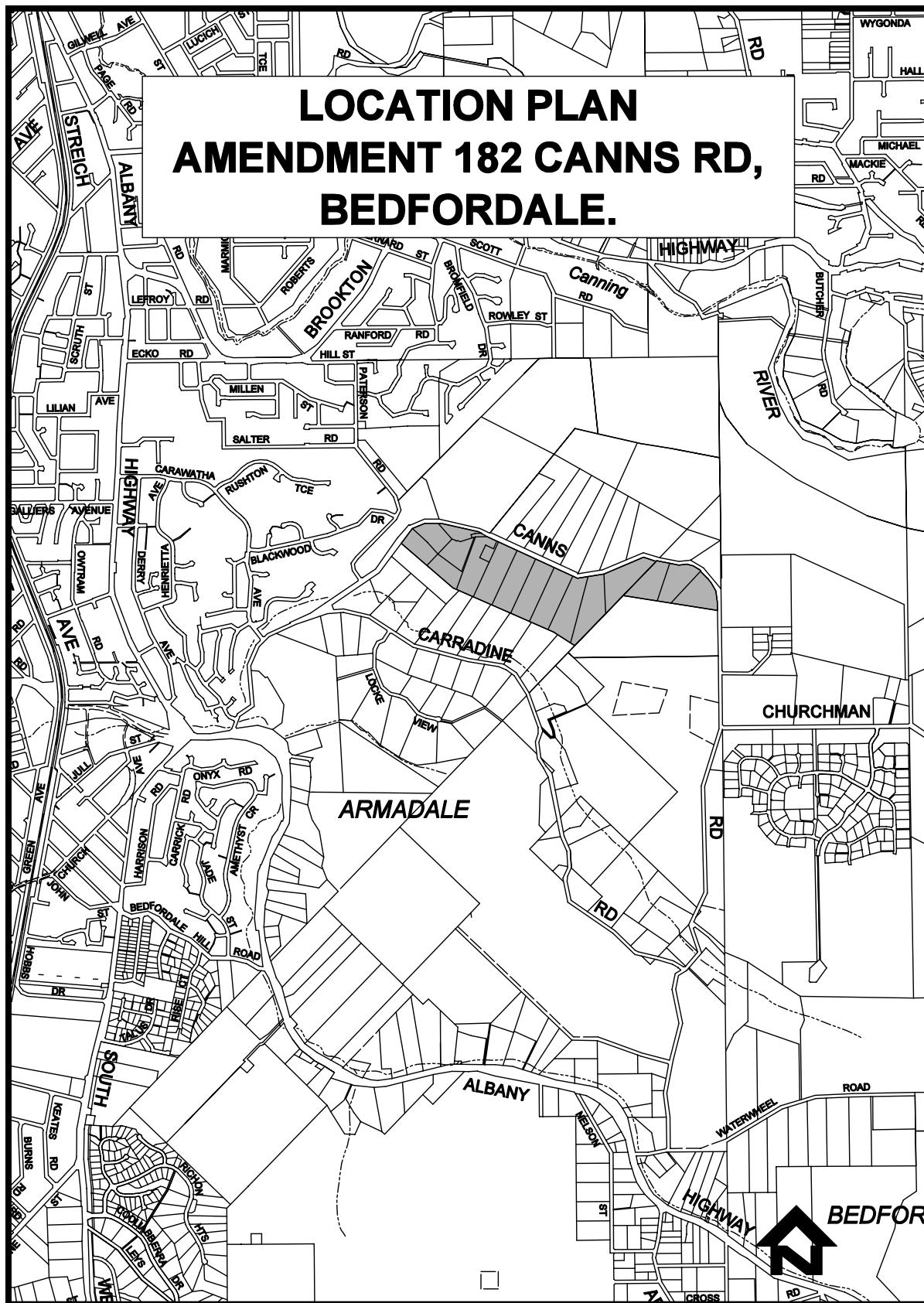
RECOMMEND

That the administrative action taken in lodging an objection with the Director of Liquor Licensing against the application for an Extended Trading Permit by Harvest Liquors, Roleystone be endorsed.

MOVED Cr Zelones
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Nil.



***PROPOSED REZONING OF LOTS 52, 53, 212, 200, 201, 9, 10-15, 104, 105 AND 100
CANNS ROAD, BEDFORDALE AND LOTS 50 AND 51 REDCAP RISE,
BEDFORDALE FROM “RURAL C” TO “RURAL DI”***

WARD : ARMADALE
FILE REF : SCH/2/182
DATE : 19 August 2002
REF : GIW
RESPONSIBLE MANAGER : PSM
APPLICANT : Dykstra & Associates
LAND OWNER : Various
SUBJECT LAND : Lot 52, 53, 212, 200, 201, 9-15, 104, 105 and 100 Canns Road & Lots 50 and 51 Redcap Rise, Bedfordale; Map 24.04
ZONING : Rural / Rural C
MRS/TPS No.2

In Brief:-

- Council initiated the proposed amendment at its meeting held on 21 January 2002.
- Council to consider submissions received during the advertising period.
- Recommend that the amendment and associated Subdivision Guide Plan be finally adopted.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

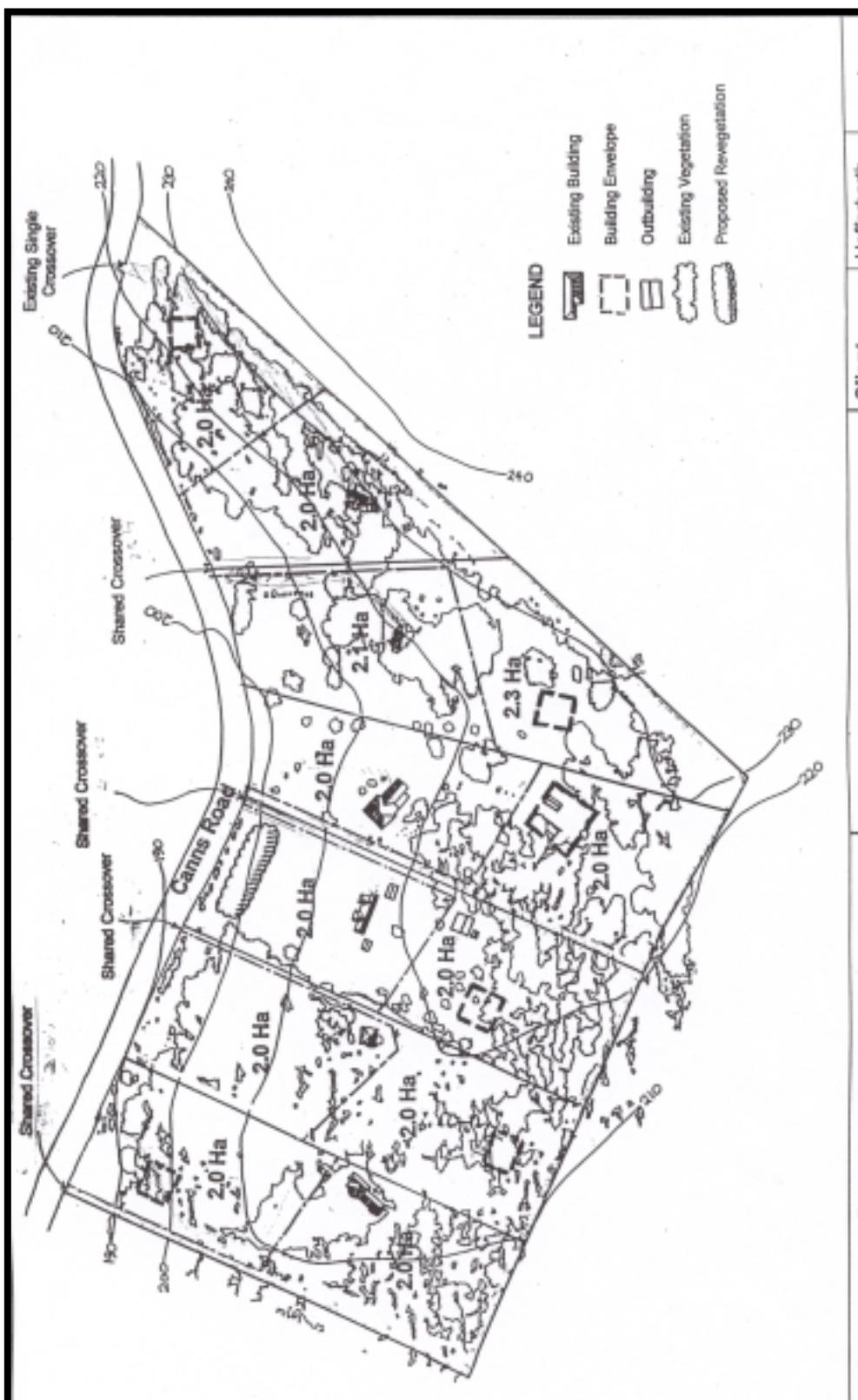
Development- “To balance the need of development with sustainable economic, social and environmental objectives”.

Legislation Implications

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

Council Policy / Local Law Implications

Local Rural Strategy



SUBDIVISION GUIDE PLAN
LOTS 10-15 CANGS ROAD, BEDFORDALE

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU)
- ◆ Surrounding landowners and Government Agencies
- ◆ Advertisement in West Australian newspaper

BACKGROUND

At its meeting held on 21 January 2002, Council resolved to initiate the proposed Scheme Amendment and associated Subdivision Guide Plan (SGP) subject to minor modifications being made to the SGP prior to commencement of advertising. Council also resolved to incorporate surrounding lots within this amendment to reflect a consistent pattern of zoning within the locality.

The applicant submitted a revised SGP in accordance with Council's resolution and the proposed amendment was subsequently advertised for public comment.

As the advertising period has now been finalised, Council is requested to determine the submissions received and consider final adoption of the proposed Amendment and associated SGP.

EXISTING SITUATION

The subject land comprises 17 lots ranging from 0.5ha–4.0ha in size. The precinct is characterised by wider lot frontages and less steep slopes, on land unaffected by creeklines. Vegetation cover varies on the lots from relatively dense native bush with mature trees to cleared agricultural land.

DETAILS OF PROPOSAL

The amendment proposes to rezone six parcels of land (Lots 10-15 Catts Road) within a precinct comprising 17 Lots from "Rural C" to "Rural D1" to facilitate further subdivision into 2ha lot holdings.

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 29 August 2002 recommended Amendment No.182 be finally adopted.

Public Advertising of Amendment No.182 and associated Subdivision Guide Plan

The proposed Amendment and associated SGP was advertised from 24 June 2002 to 7 August 2002. Advertising involved notifying surrounding landowner and external authorities by mail, a sign on site and advert in the 'West Australian' newspaper.

Total No. of responses received : 5 (including Government Agencies)
No. opposed : 1
No. in favour / no objections : 4

A copy of the schedule of submissions is at Attachment “A1” of the Minutes.

Analysis

Landfill Site

The Environmental Protection Authority raised no objection to the amendment, however, provided advice that it would not support subdivision of Lots 13-15, 100, 104 and 105 Cangs Road as they are situated within a recommended 150 metres buffer zone from the adjoining Cangs Road landfill site.

It should be noted however that only Lots 13 – 15 Cangs Road are capable of further subdivision into 2ha lots under the proposed Scheme Amendment. There are two existing residences on Lots 14 & 15 and the proposed subdivision of these lots, including Lot 13 will produce three additional residences within the recommended 150 metre buffer zone.

The subject landfill site only caters for inert material such as assorted garden waste / building rubble and contains no putrescible products. Such a facility has the potential to generate dust and noise emissions, hence a buffer zone is recommended by the EPA to limit these potential adverse impacts on surrounding landowners.

The applicant has provided the following arguments in support of further subdivision within the proposed buffer:

- ◆ An existing 50 – 150m wide vegetation strip between the adjoining lots and the landfill site provides a buffer to minimise potential noise and dust emissions;
- ◆ The adjoining landfill site is elevated above the adjoining properties and conducted in an excavated area that further mitigates any dust and noise emissions;
- ◆ The landfill site is well managed and no complaints have been received from surrounding landowners.

The applicant's arguments are supported and in addition, compliance with EPA licensing requirements and existing conditions of planning approval will further mitigate these potential adverse impacts on the proposed lots. Such potential impacts are also likely to be short-term as the landfill site has a limited life expectancy until its approval lapses in April 2006. The current landowners are also pursuing a possibility of rezoning the site to accommodate Rural Residential development.

Although potential dust and noise emissions from the landfill site may be appropriately mitigated and are unlikely to significantly impact on the proposed lots, the potential nevertheless remains and prospective landowners should be advised accordingly. In this regard, it is recommended that the Western Australian Planning Commission be advised that Memorials be placed on Certificates of Title for newly created lots as a condition of subdivision approval.

Subdivision Guide Plan (SGP)

Modifications required to the SGP prior to advertising included providing alternative access arrangements to better utilise existing driveways and minimise disturbance of vegetation, deletion of the Strategic Firebreak, and demonstrated compliance with Council's Erosion Sediment Control Policy. These issues have been satisfactorily addressed in the revised SGP.

The SGP identifies the proposed battle-axe lot configuration, location of development envelopes on each additional lot proposed (Lots 10-15 Canns Road), and areas to be revegetated. The battle-axe legs are situated to provide maximum utilisation of existing crossovers and driveways on site, providing opportunity for reciprocal rights of access. The proposed shared crossovers will restrict the number of access points along Canns Road to preserve scenic quality and reduce potential traffic conflicts.

With regard to compliance with the SGP, it is expected that relevant conditions will be imposed at the subdivision stage to secure reciprocal rights of access and ensure a comprehensive landscaping plan will be implemented prior to subdivision clearance.

Land Use Suitability

An adjoining landowner raised an objection to the proposal on the grounds that further subdivision will compromise the environment and adversely impact the availability of ground water.

Environmental issued raised by the EPA relating to the adjacent landfill site and protection of remnant vegetation has been satisfactorily addressed. The Waters & Rivers Commission also raised no concerns relating to the availability of ground water.

The proposal is also consistent with Council's Rural Strategy as the subject land is identified as possessing a fair to high capability and suitability for rural residential development.

The subject site can accommodate conventional effluent disposal systems, however Council's Health Department recommends that nutrient removing effluent disposal systems be utilised to prevent any contamination of the high water table.

Subdivision of the subject site in accordance with the SGP will ensure the scenic quality of the locality is not compromised.

CONCLUSION

The proposal will facilitate subdivision of the subject properties into manageable (2ha) land holdings to accommodate rural residential development, without compromising the visual amenity or rural character of the locality.

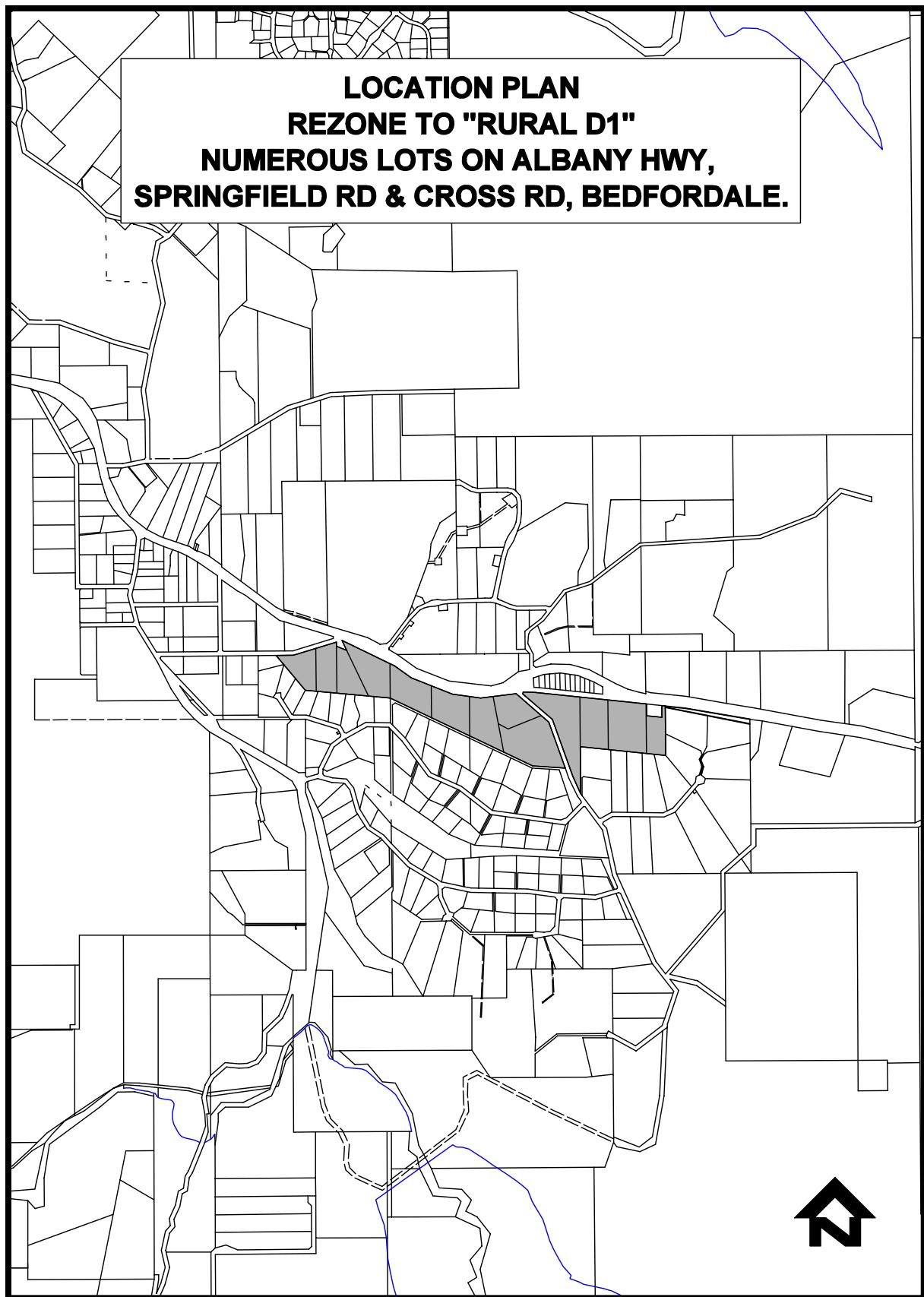
The proposal is consistent with Council's Rural Strategy and the associated SGP satisfactorily addresses issues raised. It is therefore recommended that Council dismiss the objection / concerns raised and finally adopt the proposed Amendment and Subdivision Guide Plan accordingly.

D155/02

RECOMMEND

- 1. That Council determine submissions to Scheme Amendment No.182 and associated Subdivision Guide Plan in accordance with recommendations in the *Schedule of Submissions recorded at Attachment “A1” of the Minutes.***
- 2. That Council under and by virtue of the powers conferred upon it by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended), hereby adopt Town Planning Scheme Amendment No.182 without modification by:**
 - a) Rezoning Lots 52, 53, 212, 200, 201, 9, 10, 11, 12, 13, 14, 15, 104, 105 and 100 Canns Road, Bedfordale and Lots 50 and 51 Redcap Rise, Bedfordale from “Rural C” to “Rural D1”;**
 - b) Amending the Scheme maps accordingly.**
- 3. That Council endorse the proposed Subdivision Guide Plan for Lots 10 – 15 Canns Road, Bedfordale.**
- 4. That Council authorise the Mayor and the Chief Executive Officer to execute the amendment documents.**
- 5. That the applicant be advised that, if the rezoning is adopted by WAPC and the Minister for Planning and Infrastructure, Council shall request as conditions of any subsequent subdivision approval that:**
 - a) Property boundary fencing to be constructed by the developer;**
 - b) A comprehensive landscape plan indicating the revegetation of land identified on the Subdivision Guide Plan be submitted and approved and such plan being implemented to the satisfaction of Council prior to clearance of the subdivision.**
 - c) Memorials be placed on Certificates of Title for newly created lots located within 150 metres of the adjacent landfill site to notify prospective purchasers of potential noise and dust emissions associated with the landfill site.**
 - d) Alternative Treatment Unit (ATU) effluent disposal system shall service future residences on the subject lots to the satisfaction of Council.**

MOVED Cr Zelones
MOTION CARRIED (7/0)



Executive Director - Development Services declared an interest in this item on the basis that he owns and resides on land within the subject site and left the meeting at 8.01pm.

REZONING AND SUBDIVISION GUIDE PLAN – LOTS 2, PT 3, 4, 500, 503 AND 502 ALBANY HIGHWAY, BEDFORDALE, LOTS 1, 106 AND 501 SPRINGFIELD ROAD, BEDFORDALE AND LOT 50, 51, 52 AND PT LOT 53 CROSS ROAD, BEDFORDALE FROM “RURAL C” TO “RURAL D1”

WARD	:	ARMADALE
FILE REF	:	SCH/2/179
DATE	:	28 August 2002
REF	:	EP
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Dykstra & Associates
LAND OWNER	:	Various
SUBJECT LAND	:	Lots 2, pt 3, 4, 500, 503 and 502 Albany Highway, Bedfordale, Lots 1, 106 and 501 Springfield Road, Bedfordale and Lots 50, 51, 52 and Pt Lot 53 Cross Road, Bedfordale Property size 38.5 ha Map 26-39
ZONING MRS/TPS No.2	:	Rural / Rural “C”

In Brief:-

- Council initiated the proposed amendment at its August 2001 round of meetings.
- Council to consider the submissions received during the advertising period.
- Recommend Amendment and advertised SGP be finally adopted subject to modification to the SGP.

Tabled Items

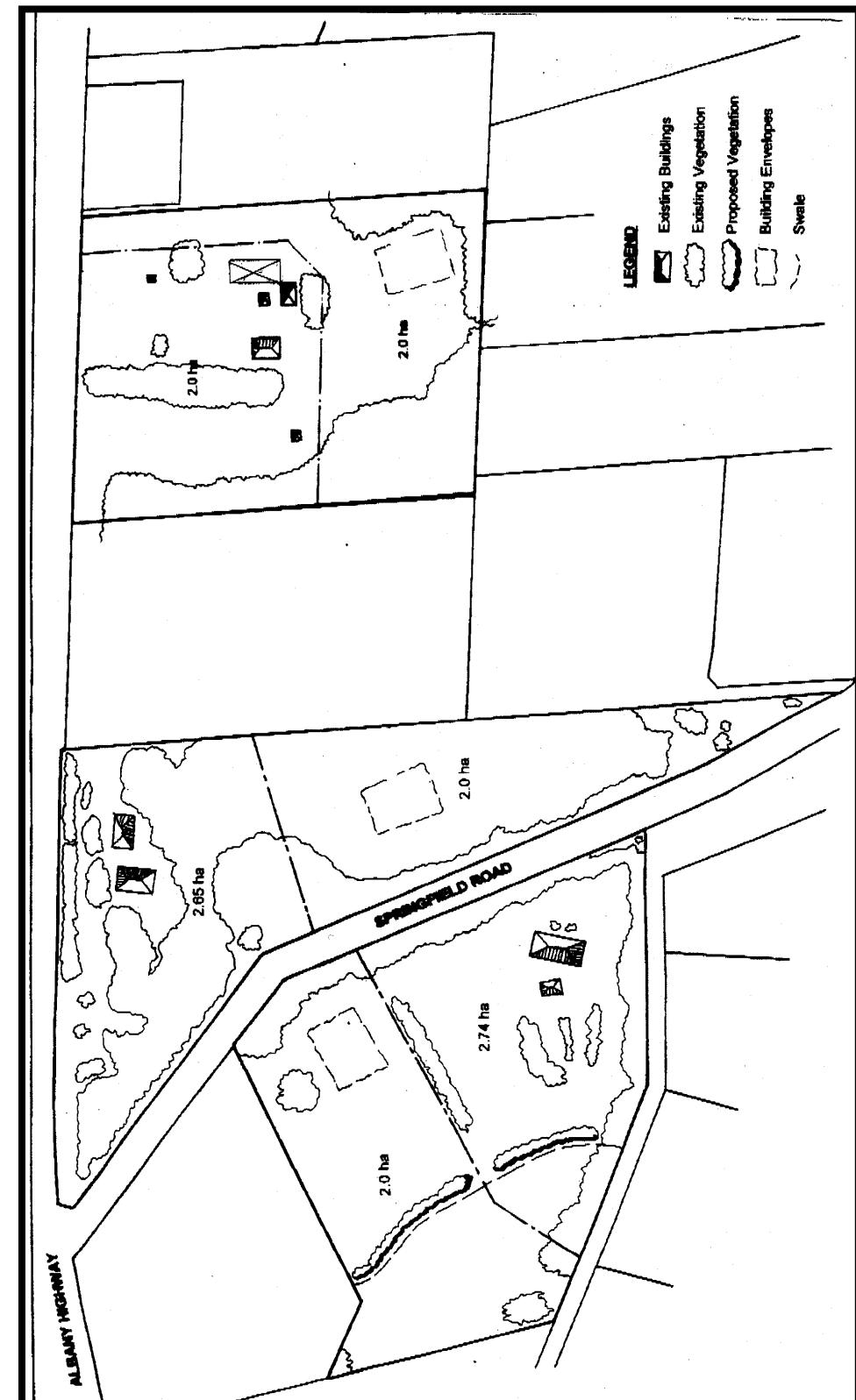
Nil.

Officer Interest Declaration

The Executive Director Development Services disclosed that he owns property involved within this rezoning area and has made a submission on the Amendment. As there may be a perception that impartiality on the matter may be affected, he did not participate in the preparation of this report.

Strategic Implications

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



SUBDIVISION GUIDE PLAN - AMENDMENT No.179
SPRINGFIELD ROAD, ALBANY HWY PRECINCT

Legislation Implications

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

Council Policy / Local Law Implications

City of Armadale Draft Rural Strategy 1999

Budget / Financial Implications

Nil.

Consultation

- ♦ Referral to Government authorities and surrounding property owners by mail
- ♦ Sign on site and advertising in “The West Australian” newspaper
- ♦ Development Control Unit
- ♦ Council’s Environmental Officer

BACKGROUND

At its meeting of 13 August 2001 Council resolved to initiate the proposed Scheme Amendment and Subdivision Guide Plan (SGP) for advertising purposes.

The proposal was subsequently advertised for public comment and attracted four (4) submissions (including Government Agencies).

Council is now requested to consider final adoption to the proposed Amendment, and the SGP over the lots to be subdivided.

EXISTING SITUATION

The subject land comprises thirteen (13) lots with a total area of 38.5ha and lies upon the western slopes of the Darling Scarp. The land slopes, draining northwest from a level of 317m in the southeast, down to a level of around 265m in the valley to the north.

Approximately 60% of the lots involved are relatively clear of vegetation as a result of rural residential activities with the exception of semi-mature trees around the existing residences and along the boundaries. The remainder of the lots, especially the western and eastern ends of the precinct comprise predominantly mature trees in good condition with little understorey.

There are currently houses on all lots. The majority of existing property sizes within the precinct do not comply with the 4.0ha minimum lot size of the ‘Rural C’ zone.

Apart from the two lots proposed to be subdivided as a result of the rezoning, the only other property that has subdivision potential under the proposed Rural “D1” zoning within this precinct is Lot 2 Albany Highway, Bedfordale. Recognising such potential, the owner of Lot 2 Albany Highway has expressed willingness to participate in this rezoning. Consequently, the applicant Dykstra & Associates has now submitted a revised Subdivision Guide Plan (SGP) incorporating Lot 2 Albany Highway into the SGP.

DETAILS OF PROPOSAL

The amendment proposes to rezone Lots 2, pt 3, 4, 500, 503 and 502 Albany Highway, Bedfordale, lots 1, 106 and 501 Springfield Road, Bedfordale and Lot 50, 51, 52 and Pt Lot 53 cross road, Bedfordale from “Rural C” to “Rural D1” to facilitate the subdivision of the remaining three large lots within this precinct, which would have the potential to be subdivided under a “D1” Rural zoning. The remaining 10 lot sizes range from 2.0ha to 2.8ha hence do not have subdivision potential under a “Rural D1” zoning.

Subdivision Guide Plan (SGP)

The amended SGP reflects the proposal to re-subdivide the three (3) large lots within this precinct, thereby creating three (3) additional rural / residential lots, between 2.0 ha and 2.6 ha. The subdivision of the three (3) lots has been designed with consideration given to the topographical and vegetation constraints affecting the subject land.

COMMENT

Development Control Unit Comment

DCU considered this matter at its meeting on 27 August 2002 and indicated support for the adoption of Amendment No.179 for final approval subject to the SGP being revised to address the issues identified in this report.

Public Advertising of Amendment No.179 and associated Subdivision Guide Plan

The proposed Amendment and the associated SGP was advertised from 21st June 2002 to 7th August 2002. The advertising consisted of affected property owners being notified by mail; sign on site, notification to external authorities and an advertisement in the ‘West Australian’ newspaper.

Submissions on the proposed amendment and SGP (Submissions received relate to both Amendment and SGP)

Total No. of responses received :	4 (including Government Agencies)
No. opposed to the proposal :	0
No. concerned / no objections :	1

The results of advertising indicate that the amendment is acceptable to the majority of residents in the locality. ***For a detailed assessment of issues raised in submissions please refer to schedule of submissions at Attachment “A2” of the Minutes.***

Draft Rural Strategy

The subject land is located within the “Bedfordale Rural Planning Area”. The Draft Rural Strategy generally supports the proposed rezoning as it recommends encouraging rural residential development in most sectors of the precinct, other than those areas categorised as “low potential” or “unsuitable”.

The subject land is located within the “*Secondary Landscape Quality area*”. The principal Policy Objective for this precinct is “*To preserve the scenic and environmental quality of the valley*”.

To ensure that there is little or no visual impact, building envelopes have been positioned on the Subdivision Guide Plan having due regard to topography, existing vegetation and land capability criteria with priority given to minimise any possible impact. Only one allotment within the proposed six (6) lots (southern part of Lot 1 Springfield Road) would require vegetation clearing to develop the site for rural / residential purposes.

Vegetation Clearing

A public submission points out that Lot 1 Springfield Road has in the past been partly cleared of bushland for horse paddocks, which has resulted in ringbarking of trees and some bushland degradation. Although the applicant’s submitted SGP indicates a building envelope for the proposed lots, it does not reflect adequate revegetation of the sites concerned.

The Rural Strategy recommends careful siting and control of visual impact of buildings, especially in terms of the entry treatment and landscape enhancement to Albany Highway, which is considered as the south-eastern “Gateway” of the City. As the amended SGP includes a property fronting Albany Highway, the above requirement needs to be given careful consideration. In addition to positioning development envelopes on the proposed lots, it is prudent to request the applicant to incorporate comprehensive landscaping / re-vegetation of all sites concerned into the SGP to reflect the retention of the remaining bushland and re-vegetation of the already cleared land with boundary buffer planting, in the interest of achieving the objectives of the Rural Strategy. Other issues such as remediation of ring-barked trees and land management relating to keeping of horses could be addressed under Clause 5.9.7 of the Town Planning Scheme No.2 for existing situations and at the Subdivision and Development Application stages for the proposed new lots.

Drainage

The applicant asserts that the proposal will not significantly change the hydrology of the area, as there will only be a small increase in the area of hard surface in relation to the size of the catchment. The roof water will be directed to on-site rainwater tanks. Council’s Technical Services Directorate has advised that this is acceptable given the large size of the lots involved.

Potential concentration of overland stormwater drainage flow from Lot 501 onto lot 106 that could result from the subdivision of Lot 501 is also raised as a concern in a submission. It is also stated that this is presently the cause of significant soil loss from Lot 501 and water flow concentration onto Lot 106 resulting in channel erosion. Council’s Environmental officer has advised that to mitigate any erosion of the seasonal stormwater flow, the SGP should incorporate re-contouring the eroded area at the north-west corner of Lot 501 Springfield Road and revegetation along the seasonal streamline (10m on either of the creek) that runs across Lot 501 and into Lot 106. This could be imposed as a condition at the subdivision stage of this site.

Nutrient Management

The applicant states that conventional on-site effluent disposal systems will be positioned in accordance with the building envelopes and the soils will significantly reduce off-site nutrient export. Council's Health Department has indicated that the proposed lot sizes are acceptable for permitting on-site effluent disposal, and that on-site effluent disposal systems could be accommodated within the identified building envelopes.

Access

Four (4) lots will have direct access off Springfield Road, while two (2) lots would access off Albany Highway. Council's Technical Services Directorate has advised that the existing standard of Springfield Road can safely accommodate the marginal increase in rural / residential traffic.

Bushfire Control

In addition to specific bushfire requirements applicable to the individual lots, the applicant understands that specific bushfire requirements will need to be negotiated with the Local Bush Fires Board as required. Council's Bushfire Officer supports the applicant's Bushfire plan.

Subdivision Guide Plan (SGP)

The applicant has now submitted a revised SGP to reflect the inclusion of an additional lot (Lot 2 Albany Highway), which is the remaining large lot within this precinct and has potential for subdivision under the proposed rezoning to "Rural D1". Lots 1 and 501 Springfield Road maintain the same subdivision design shown in the original subdivision plan. This amendment is not considered to be a major revision that should warrant a re-advertising for public comment. Concern is however, raised regarding the battleaxe leg configuration of the proposed subdivision of Lot 2 Albany Highway. Given its wide frontage and the capability for creating two conventional, regular shaped blocks having direct access from Albany Highway, it is suggested that the applicant be required to redesign the subdivision of Lot 2 to reflect such design.

In accordance with the general principle that the number of property boundaries, and hence the number of fences, across a streamline should be minimised, it would also be desirable to amend the design of the subdivision proposed for Lot 501 Springfield Road, so that no new boundaries cross the stream.

Analysis

The substantial setbacks proposed for the development envelopes on the new blocks as indicated on the Subdivision Guide Plan would minimise any visual impact from the roads. It would not only restrict development within appropriate locations but also assist to maintain the rural character with increased building separation, thereby not compromising the scenic quality of this "Secondary Landscape Quality" area.

No buffer planting or revegetation is proposed for the properties involved, other than a small amount of vegetation along the creek line on Lot 501 Springfield Road. The requested modifications to the SGP to address the landscaping issues will assist in the remediation of the existing situation and any future land management issues.

Town Planning Scheme provisions in place for rural property development could also control aspects such as colour schemes, building material types, and revegetation of properties at the stage of property development to ensure visual harmony of any future proposed buildings with the rural character of the locality.

The proposed lot sizes reflect the existing standards of the area and therefore this land is capable of sustaining further development without compromising the already established socio-economic standards and lifestyle in this locality.

CONCLUSION

This Amendment proposes to facilitate the subdivision of the few remaining large parcels of land within this precinct to optimise the use of rural land, which is under-utilised in terms of viable agricultural use.

It is considered that all the issues raised in the submissions may be satisfactorily addressed, and are not significant enough to preclude Council's adoption of the Amendment. The lot sizes proposed would be consistent with the surrounding lot sizes and as such will be compatible with the already established lifestyle in this locality.

Given the above, it is recommended that the proposed Amendment be adopted, subject to submission of an amended SGP to reflect the following modifications:

- ◆ Establishing development envelopes on all properties involved to ensure future land management of this rural locality.
- ◆ Comprehensive landscaping / revegetation of all sites concerned to reflect the retention of the remaining bushland and re-vegetation of the already cleared land areas including the perimeters of each block and a 10m wide revegetation strip on either side of the seasonal creek line.
- ◆ Re-designing the subdivision layout on Lot 501 Springfield Road, to exclude the new boundary crossing the stream, and re-designing the layout of Lot 2 Albany Highway, to reflect 2 conventional, regular shaped blocks having direct access from Albany Highway

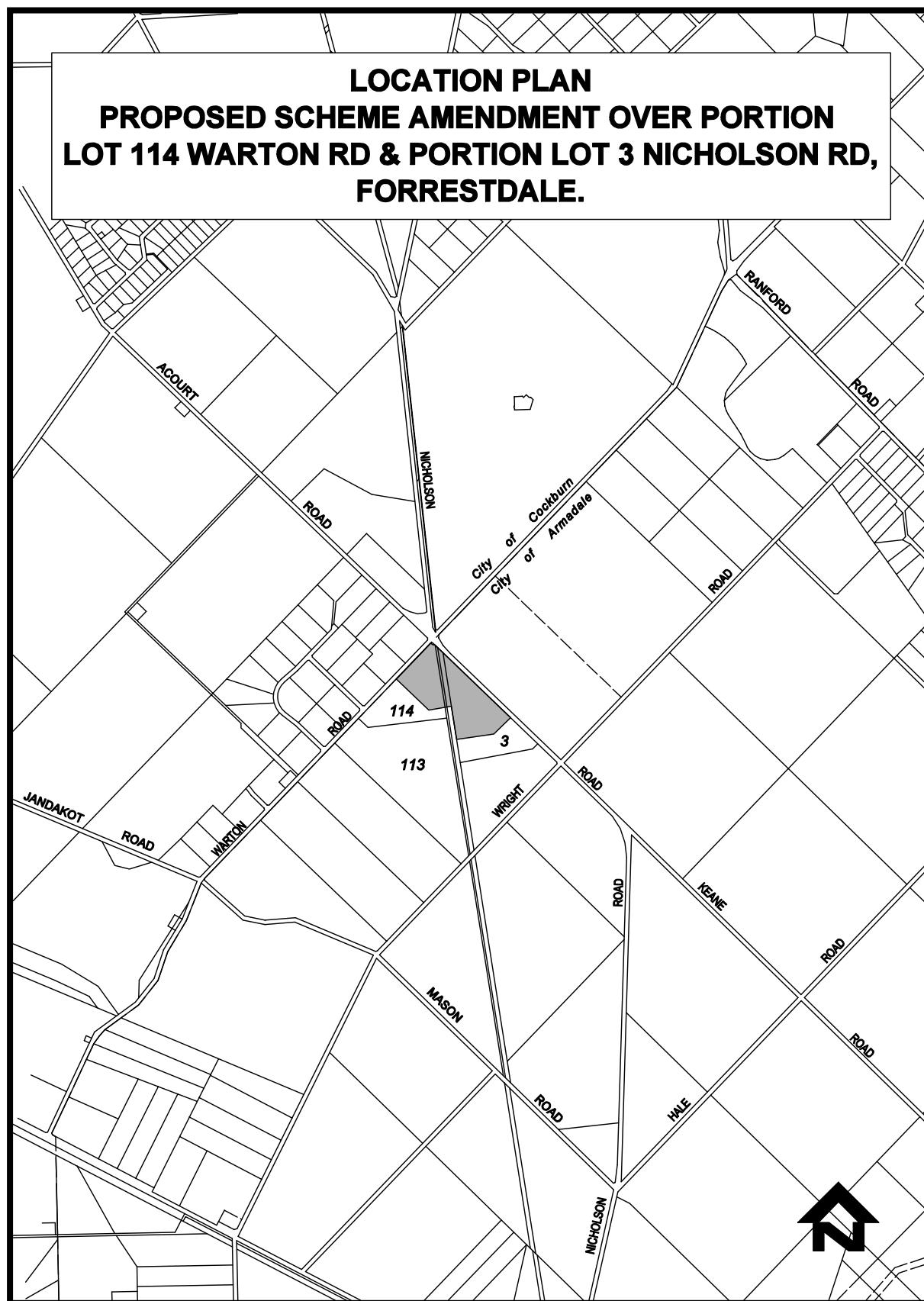
D156/02 RECOMMEND

1. **That Council determine submissions to Scheme Amendment No.179 and associated Subdivision Guide Plan in accordance with recommendations in the *Schedule of Submissions recorded at Attachment “A2” of the Minutes*.**
2. **That Council under and by virtue of the powers conferred upon it by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended), hereby adopt Town Planning Scheme Amendment No.179 without modification by:**
 - a) **rezoning Lots 1, 106 and 501 Springfield Road, Bedfordale and Lot 50, 51, 52 and Pt lot 53 Cross Road, Bedfordale from “Rural C” to “Rural D1”**

- b) amending the Scheme maps accordingly.
3. That Council endorse the proposed revised Subdivision Guide Plan (SGP) for Lots 1 and 501 Springfield Road, Bedfordale and Lot 2 Albany Highway, Bedfordale subject to the following modifications:
- a) Identification of development envelopes on all lots capable of subdivision, to the satisfaction of Council.
 - b) Inclusion of a comprehensive landscaping plan within the proposed Lots indicating the following:
 - ♦ Revegetation of cleared land, to complement remaining bushland.
 - ♦ Revegetation of land previously subject to grazing on Lot 1 Springfield Road, Bedfordale.
 - ♦ Establishment of vegetation buffers along property boundaries.
 - c) Noting potential re-contouring of eroded areas at the northwest corner of Lot 501 Springfield Road and indicating a 10m wide vegetation strip on either side of the seasonal creek line.
 - d) Re-designing the subdivision layout on Lot 501 Springfield Road, to contain the stream vegetation strip within one of the proposed lots, and re-designing the layout of Lot 2 Albany Highway, to reflect two conventional, regular shaped blocks having direct access from Albany Highway.
4. Upon receipt of the revised Subdivision Guide Plan incorporating the above modifications to the satisfaction of the Chief Executive Officer the amendment documents to be forwarded to the Western Australian Planning Commission.
5. That Council authorise the Mayor and the Chief Executive Officer to execute the amendment documents.

MOVED Cr Zelones
MOTION CARRIED (7/0)

Executive Director Development Services returned to the meeting at 8.05pm.



Cr Knezevich declared an interest in this item on the basis that he is a member of the Immunogenetics Research Foundation Inc. (Board representing C.Y. O'Connor ERADE Village) and left the meeting at 8.06pm.

PROPOSED SCHEME AMENDMENT – PART OF LOT 114 WARTON ROAD AND PART OF LOT 3 NICHOLSON ROAD, FORRESTDALE

WARD	:	FORREST
FILE REF	:	A201789
DATE	:	31 July 2002
REF	:	JRH
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Development Planning Strategies
LAND OWNER	:	R L Dawkins Stockland Property Group
SUBJECT LAND	:	Lot 114 Warton Rd, Forrestdale Property size 8.2511 ha Map 16.01
ZONING MRS/TPS No.2	:	Rural / General Rural

In Brief:-

- The Amendment proposes to incorporate the ERADE Village and Neighbourhood Centre within the same Special Use zone, incorporating a range of residential, commercial and other land uses to be located through the proposed Structure Plan.
- Amendment is generally consistent with the District Structure Plan for the locality, the ERADE Village Masterplan, and with Council's Draft Town Planning Scheme No.4, but the Structure Plan requires modification to incorporate a greater level of detail.
- Recommend Scheme Amendment be initiated, and the Structure Plan be adopted subject to modifications to incorporate additional information.

Strategic Implications

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

Legislation Implications

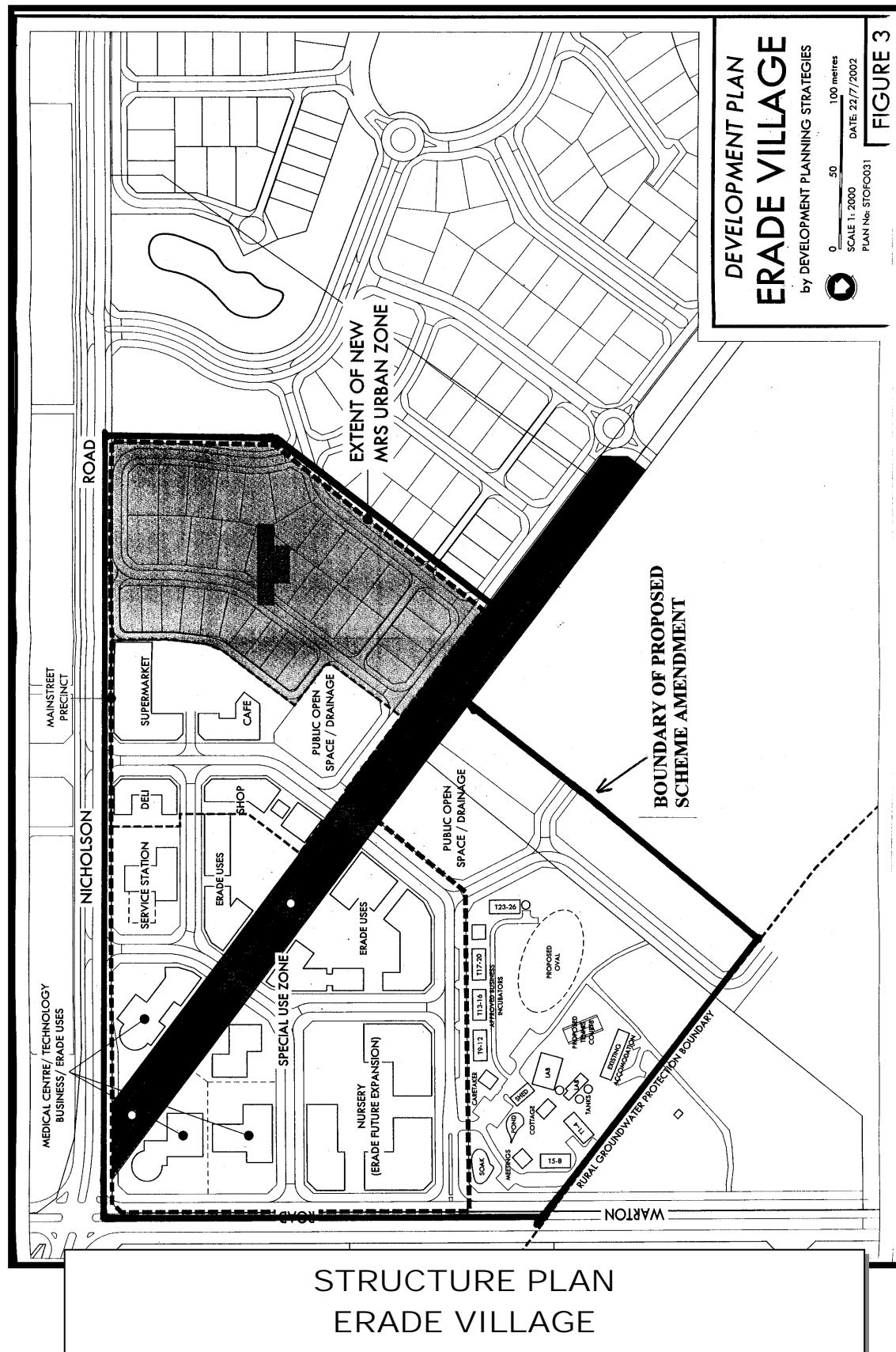
Legislation requires the local Town Planning Scheme No.2 to be in conformity with the Metropolitan Region Scheme.
Town Planning Scheme No.2.
Town Planning & Development Act 1928

Council Policy / Local Law Implications

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

Budget / Financial Implications

Nil.



Consultation

- ◆ Council's Strategic Planner
- ◆ Council's Environmental Officer
- ◆ Council's Technical Services Directorate

BACKGROUND

At its meeting of December 1999, Council resolved to approve the Masterplan for the proposed Education, Research & Development and Employment (ERADE) Village on Lot 114 Warton Road, Forrestdale. This proposal is located within the District Structure Plan for the Southern River, Forrestdale, Brookdale and Wungong, released in January 2001 by the Western Australian Planning Commission, and represents an integral component of the Forrestdale Urban Planning Area.

Since the Masterplan was approved, approvals have subsequently been issued for the development of 30 incubator units, and for an incidental café/deli to service the village.

The subject land portion proposed to be rezoned is included within the Metropolitan Region Scheme Amendment No.1028/33, which proposes to rezone the site from Rural to Urban. It is expected that the MRS Amendment will be finalised by late September 2002, which would permit rezoning of the site for urban purposes under the City's Scheme.

DETAILS OF PROPOSAL

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

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

COMMENT

Metropolitan Region Scheme Amendment No.1028/33

The subject land is incorporated within MRS Amendment No.1028/33 as proposal No.40, rezoning the subject site from Rural to Urban. The majority of the proposed amendments within Amendment No.1028/33 are minor adjustments to road reservations, which generally are to correlate the MRS Reservations with the existing cadastral boundaries.

The proposed MRS Amendment was presented to Council at its September 2001 round of meetings. At the meeting Council resolved to advise WAPC the Council supports the MRS Amendment 1028/33 and particularly proposal No.40 for the CY O'Connor ERADE (Education Research and Development and Employment) Village (D230/01).

Gazettal of this Amendment by the Hon. Minister for Planning & Infrastructure is anticipated to occur in late September 2002

Once gazetted by the Hon. Minister, Council is obliged under Section 35A of the Metropolitan Region Town Planning Scheme Act 1959, to initiate a Scheme Amendment to ensure that the Local Authority Town Planning Scheme is in conformity with the MRS within three months of the gazettal of the MRS Amendment.

Southern River/Forrestdale/Brookdale/Wungong District Structure Plan

The subject site is located on the western boundary of the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan (District Structure Plan). The District Structure Plan provides a structured form for urban development and related uses such as retail centres, road networks, community facilities and environmentally sensitive areas.

The District Structure Plan indicates the establishment of the ERADE Village and Neighbourhood Centre as proposed within the rezoning application, with the inclusion of a walkable catchment around the centre for residential development. The location of the site adjacent to the existing urban development within Canning Vale represents the orderly expansion of the development front occurring to the west of the locality.

Urban Water Management Strategy

The Urban Water Management Strategy (UWMS) has been prepared by the Water & Rivers Commission, to provide guidance on Water Sensitive Urban Design and best management practices, which are to be incorporated into land use and subdivision planning within the District Structure Plan. It is currently being assessed by the EPA, Western Australian Planning Commission and the affected local governments of Armadale and Gosnells for consideration of adoption and application to the planning process, and is anticipated to be completed within the next few months.

The EPA has noted that it will not support the initiation of any new MRS Amendments within the District Structure Planning area until the UWMS has been completed. Given that the MRS Amendment affecting the Scheme Amendment application area is anticipated to be finalised within the next few months, this should not affect Council's initiation to the proposal. The UWMS should be finalised prior to Council's consideration of final adoption of the proposed Amendment, which would permit modifications to the Amendment to comply with the completed UWMS, should changes be required.

Proposed Scheme Amendment

Concept

The applicant proposes to rezone a portion of Lot 114 Warton Road and a portion of Lot 3 Nicholson Road, Forrestdale from 'General Rural' to 'Special Use' and 'Residential Development Area'. The application proposes to incorporate the ERADE Village and neighbourhood centre within the same Special Use zone, incorporating a range of residential, commercial and other land uses, with the general positioning of land uses to be located through the proposed Structure Plan.

Rezoning of land outside the MRS Amendment Area

The extent of the MRS Amendment does not include the portion of Lot 114 containing the proposed ERADE Village Incubators and the existing Immunogenetics Research Foundation. However, it is considered that this portion should be included within the Special Use Zone, as it is an integral component of the ERADE Village.

The TPS No.2 Special Use zoning has been applied throughout the City of Armadale on sites which are zoned Urban and Rural under the MRS, and the proposed Special Use zone seeks to ratify a use which has been approved over the site by Council through the ERADE Village Masterplan. The Structure Plan associated with the proposed Special Use zone provides the ability to limit the establishment of uses to those which are compatible with the MRS Rural zoning of the portion.

On this basis, it is considered that the portion of the site should be included within the Amendment proposal.

Uses to be incorporated within the ‘Special Use’ zone

The following uses are proposed to be incorporated as ‘P’ uses:

Caretaker’s Dwelling	Consulting Room	Residential Building
Car Parking	Educational Establishment	Retail Garden Centre
Child Minding Centre	Laboratory	Service Station
Civic Building	Office	Shop
Club Premises	Recreation (public)	Showroom

The following uses are proposed to be incorporated as ‘AA’ uses:

Aged Person’s Dwelling	Multiple Dwelling	Service Industry
Convenience Store	Recreation (Private)	Take Away Food Establishment
Depot	Public Amusement	Tavern
Grouped Dwelling	Restaurant	Telecommunication Infrastructure
Health Studio	Retail Liquor Outlet	

The above uses are generally consistent with those endorsed within the ERADE Village Masterplan over the site. There are several land uses which the applicant has suggested should be ‘P’ uses, to maintain diversity and flexibility within the application area. The site is close to a larger Village Centre identified within the District Structure Plan, which has not been subject to detailed planning at this stage. To ensure that the future planning and development of this centre is not compromised, and permit the establishment of a broad range of uses within both centres, it is considered that uses such as Shop, Consulting Room, Service Station, Showroom and Tavern should be at Council’s discretion (‘AA’ and ‘SA’ uses). This would increase the extent of Council’s negotiating and discretionary position.

Additional Uses to be included

The amendment also proposes the inclusion of several additional land uses and associated definitions not currently listed in TPS No.2, to permit their listing in the Special Use Zone. The proposed uses, definitions and a review of their suitability is detailed below:

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

This use is not incorporated within the Model Scheme Text, nor is it included within the Draft TPS No.4. The similar use of ‘Convention Centre’ is included, but this use primarily relates to the use of floorspace for social occasions rather than educational/business functions. As the use relates specifically to the ERADE Village, being an educational and research facility, it is considered appropriate to incorporate the use.

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

This use is not incorporated within the Model Scheme Text, nor is it included within the Draft TPS No.4. As the use relates specifically to the ERADE Village, being an educational and research facility, it is considered appropriate to incorporate the use.

- 3. *Short Stay Accommodation: A dwelling unit designed or intended to be used as short term accommodation for a person who may require accommodation for a short period of time and which may be constructed as part of a building or group of buildings containing other uses as determined appropriate by Council.***

This use is not incorporated within the Model Scheme Text, nor is it included within the Draft TPS No.4. It is considered that the inclusion of this use is unnecessary, as it would duplicate the activities provided through the uses of ‘Residential Building’, which is included in the current TPS No.2. The definition of ‘Residential Building’ refers to the accommodation of persons on a temporary or permanent basis, who do not comprise a single family, but does not include a hospital, a sanatorium, a prison, a hotel, a motel, or a residential school.

Based upon the above, it would be appropriate to include the proposed uses of ‘Convention Centre’ and ‘Research Facility’ within TPS No.2 and the Special Use zone, as they are consistent with the Model Scheme Text and Draft Scheme, and their incorporation within the Special Use zone would be consistent with the concept of the ERADE Village.

Proposed discretion to consider other uses

The applicant has requested that the Special Use Zone incorporate the ability for other uses not listed within the Special Use Zone to be approved at Council’s discretion, subject to the proposed use being generally in accordance with the intent of the ERADE Village Special Use Zone and the ERADE Village Development Plan approved by Council.

This clause should not be included within the Special Use zone, as it would undermine Council's ability to control development within the application area, to be established through the Scheme Amendment and Structure Plan process. The ability for Council to consider other uses not listed in TPS No.2 is already covered by Clause 3.4 of TPS No.2, relating to "Uses Not Listed". The list of uses included within the proposed Special Use zone is comprehensive, and the inclusion of additional land uses already noted within the Scheme would be more appropriately resolved through future Amendments to the Special Use zone and/or Structure Plan.

Proposed Structure Plan

A Structure Plan has been included in support of the application, which details the proposed subdivision form within the Residential Development Area, development of the neighbourhood centre in the form of a 'Mainstreet Precinct', and the layout of the proposed uses within the ERADE Village. A copy of the Structure Plan is included elsewhere within this report.

The proposed Neighbourhood Centre is located to the south-east of the Structure Plan area, between the ERADE Village and the proposed residential development. This commercial centre has been designed to provide shopping development with a nil setback to the local road, and car parking provided to the rear of the development. The proposed road network and pedestrian access along the Serpentine Trunk Main reserve will provide good vehicular and pedestrian access to the centre, and other uses within the application area.

The proposed Structure Plan is sufficient to permit consideration of the Scheme Amendment at this stage, but it does not provide a satisfactory level of detail with respect to the location of uses within ERADE Village and Neighbourhood Centre. On this basis it is recommended that the Structure Plan be adopted by Council, subject to the provision of additional information on the detail of land uses, layout and form of development within the ERADE Village and Neighbourhood Centre, to determine the compatibility of proposed uses within the ERADE Village and provide a clearer indication of the functions of the site.

Analysis

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

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

The proposed Structure Plan associated with the Scheme Amendment indicates the development concept of the ERADE Village, Village Centre and residential development. However, additional detail is required to establish the layout and form of development within the ERADE Village, to determine the compatibility of proposed uses within the ERADE Village and provide a clearer indication of the functions of the site. This need not obstruct Council's initiation of the Amendment, but must be addressed prior to public advertising of the proposal.

Options

With respect to the proposed Scheme Amendment, Council may resolve to proceed with the proposal in accordance with the following options:

1. Resolve to initiate the proposed Scheme Amendment, subject to the endorsement of proposal No.40 of the MRS Amendment No.1028/33 by the Hon. Minister for Planning & Infrastructure;
2. Resolve to defer consideration of the proposed Scheme Amendment, until proposal No.40 of the MRS Amendment No.1028/33 has been finalised by the Hon. Minister.

With respect to the proposed Structure Plan, Council may resolve to proceed with the proposal in accordance with the following options:

3. Resolve to adopt the proposed Structure Plan for public advertising, subject to modifications to incorporate additional information on the detail of land uses, layout and form of development within the ERADE Village and Neighbourhood Centre. (contingent upon initiation of the proposed Scheme Amendment);
4. Resolve to defer adoption of the proposed Structure Plan, pending revisions to the plan to incorporate additional details on the layout and form of development within the ERADE Village, for consideration by Council at a later date.

CONCLUSION

In light of the above, it is considered appropriate for Council to initiate the Scheme Amendment, to progress the urban development of Forrestdale as outlined in the District Structure Plan. Initiation of the rezoning meets Council's obligations under the Metropolitan Region Town Planning Scheme Act (1959), and represents the first stage of development within the Forrestdale urban area.

It is therefore recommended that Council proceed with the proposed Scheme Amendment in accordance with Option A

The proposed Structure Plan is sufficient to permit consideration of the Scheme Amendment at this stage, but requires modification to incorporate a greater level of detail with respect to the location of uses within ERADE Village and Neighbourhood Centre. The proposed Special Use zone includes a broad range of land uses associated with the ERADE Village, but the location of these uses needs to be specified on the plan so that their impact and compatibility within the overall development can be accurately determined.

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

D157/02 RECOMMEND

1. That subject to the endorsement of proposal No.40 of the MRS Amendment No.1028/33 by the Hon. Minister for Planning & Infrastructure, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) Council initiate a Scheme Amendment to Town Planning Scheme No.2, by:-
 - a) rezoning part of Lot 114 Warton Road and part of Lot 3 Nicholson Road, Forrestdale from “General Rural” to “Residential - Development Area” and “Special Use – Education, Research and Development and Employment Village and Village Centre”;
 - b) amending the Scheme maps accordingly;
 - c) amending Clause 1.7 of Town Planning Scheme No.2 to include the following uses (and associated definitions):
 - *Convention Centre:* Land and buildings used and designed for the conduct of conferences, seminars and other similar uses for the dissemination of information and educational purposes.
 - *Research Facility:* Premises used and designed for research purposes and may involve the keeping of animals for research purposes.
 - d) amending the Scheme text by inserting in appropriate numerical order, a new entry into the Special Use Development Table as follows:

Prescribed Special Use	Requirements	Particulars of Land
Education, Research and Development and Employment Village and Neighbourhood Centre ‘P’ uses: <ul style="list-style-type: none"> • Caretaker’s Dwelling • Car Parking • Child Minding Centre • Civic Building 	<ol style="list-style-type: none"> 1. All subdivision and development, including the building disposition, car parking, landscaping and vehicular access shall take place generally in accordance with an ERADE Village Development Plan to be approved by Council, and in accordance with the Urban Water Management Strategy prepared by the Water & Rivers Commission. 2. Retail floor area shall be restricted to maximum of 3500m² GLA. 3. The Neighbourhood Centre shall be designed based upon Mainstreet principles and detailed area plans are to be prepared to address issues such as car parking, setbacks, landscaping and relationship with 	Part of Lot 114 Warton Road and part of Lot 3 Nicholson Road, Forrestdale

Prescribed Special Use	Requirements	Particulars of Land
<ul style="list-style-type: none"> • Club Premises • Educational Establishment • Laboratory • Office • Recreation (public) • Research Facility • Residential Building <p>The Council may at its discretion, permit the following uses (AA uses):-</p> <ul style="list-style-type: none"> • Aged Person's Dwelling • Consulting Room • Convenience Store • Convention Centre • Community Purpose • Depot • Grouped Dwelling • Health Studio • Medical Centre • Multiple Dwelling • Public Amusement • Recreation (Private) • Restaurant • Retail Liquor Outlet • Service Industry • Service Station • Shop • Showroom • Take Away Food Establishment • Telecommunication Infrastructure 	<p>surrounding land uses.</p> <p>4. A comprehensive landscape plan is to be prepared, submitted and implemented to Council's satisfaction. In all cases, parking areas shall be landscaped with shade trees. Landscaping shall be provided to create and protect private areas, for screening service areas and for defining precincts. With the exception of residential development, the minimum landscaped area shall not be less than 10% of the site.</p> <p>5. In order to achieve a well planned high quality streetscape, development shall be co-ordinated to reflect consistent building setbacks and harmonious architectural themes, to the satisfaction of Council.</p> <p>6. Council's determination of 'AA' and 'SA' uses within the zone shall be contingent upon the core activities within the ERADE Village and/or Neighbourhood Centre being established and operating to its satisfaction. In this regard, it is Council's intention that the principal (permitted) functions of the ERADE Village should be established prior to the establishment of discretionary uses.</p> <p>7. Stormwater drainage and management techniques shall incorporate principles of Water Sensitive Urban Design to the satisfaction of Council.</p> <p>8. Service Industry shall only be permitted by Council where it is satisfied such use is compatible with surrounding uses.</p> <p>9. Site layout, parking provision and landscaping are to be fully integrated to Council's satisfaction and are to be designed to minimise the impact of the development on adjoining properties and to achieve a high standard of aesthetic quality.</p> <p>10. Vehicular access to the site shall be provided from both Warton Road and Nicholson Road. Access off Warton Road and Nicholson Road shall be located to the satisfaction of Main Roads Western Australia and Council.</p> <p>11. Residential development shall occur in accordance with the Residential Planning Codes. Residential development, including grouped and multiple dwellings, is restricted to a maximum density of R40.</p> <p>12. Grouped and multiple dwellings shall be located in proximity to public open space areas or other community facilities.</p>	

Prescribed Special Use	Requirements	Particulars of Land
<p>The Council may at its discretion, permit the following uses ('SA' uses) after advertising of the proposal in accordance with Clause 7.2 of TPS No.2:-</p> <ul style="list-style-type: none">• Hotel/Motel• Tavern• Retail Garden Centre		

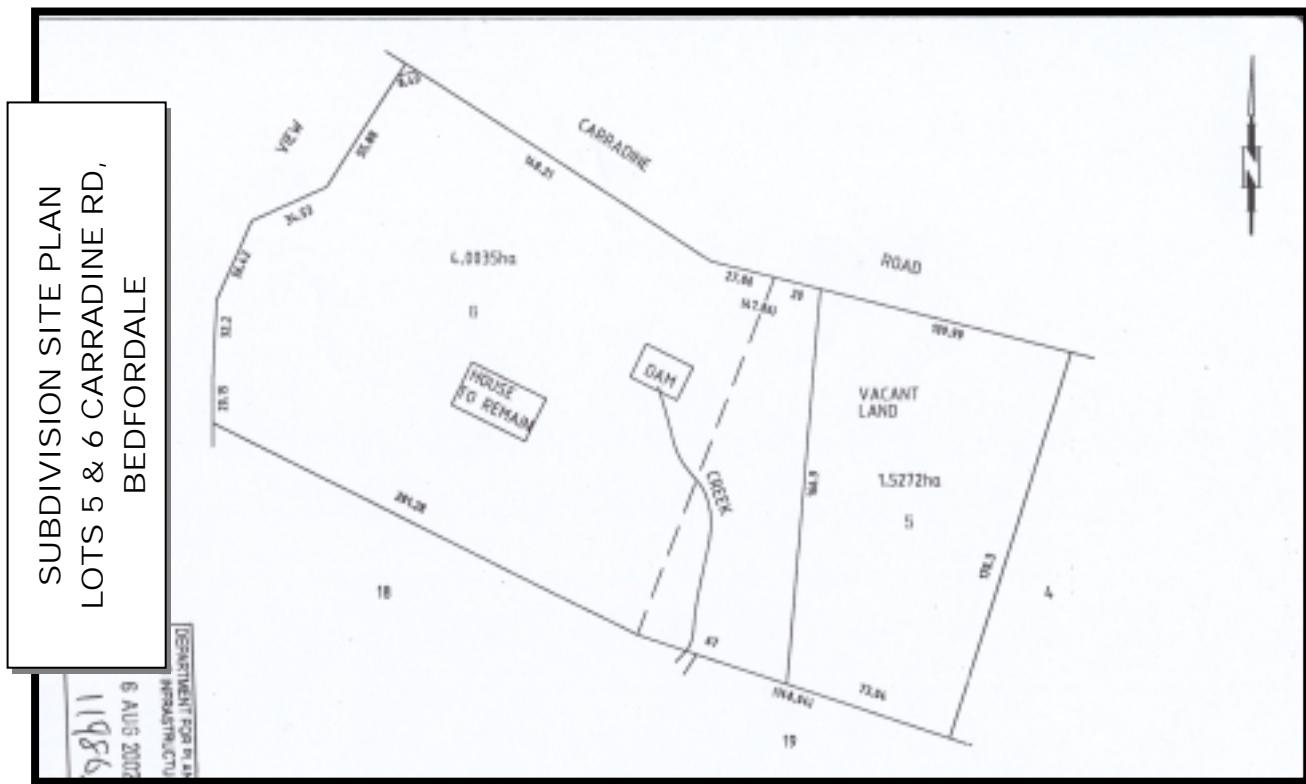
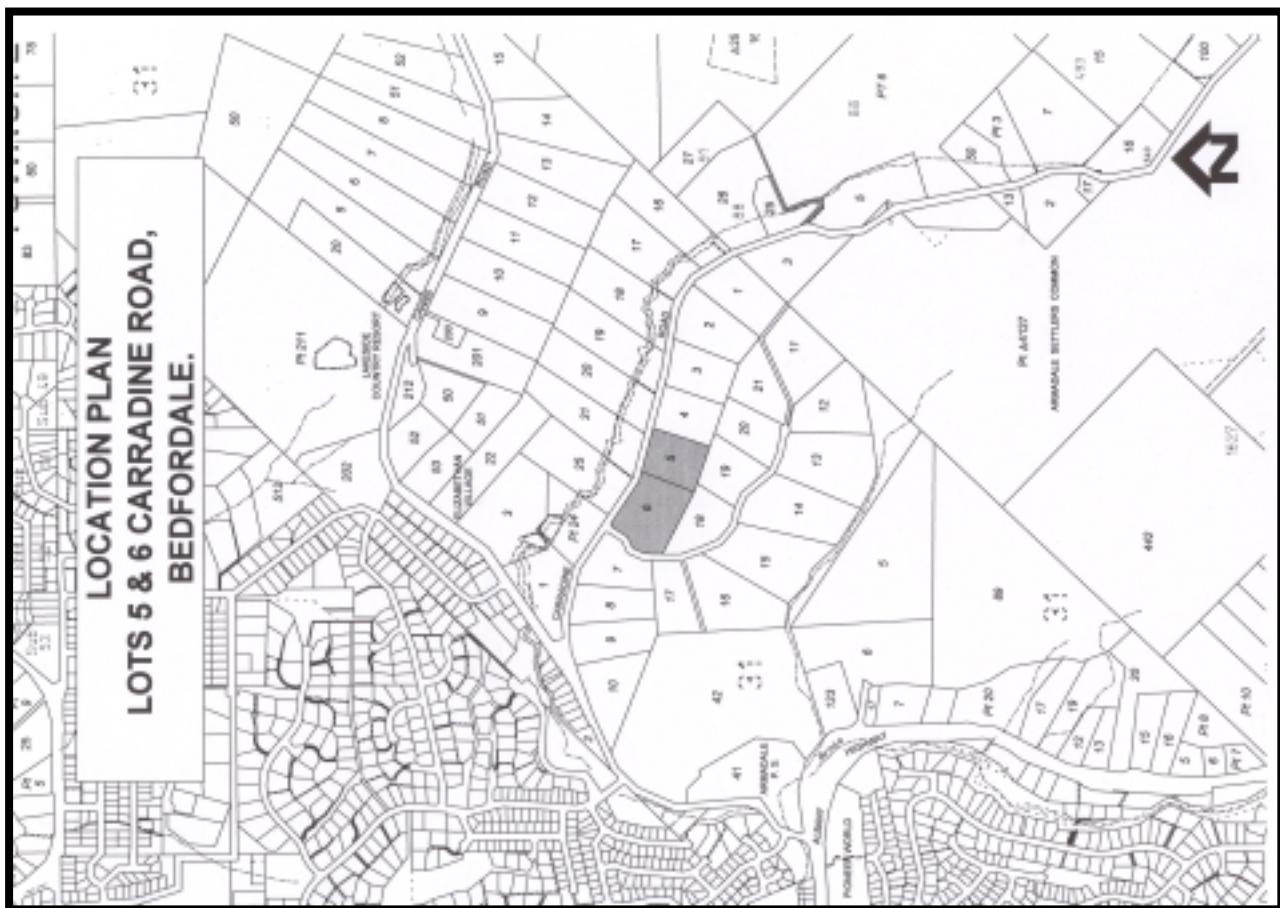
2. That Council further resolves:

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

MOVED Cr Zelones
MOTION CARRIED (6/0)

Cr Knezevich returned to the meeting at 8.07pm.



REF : PRR
FILE : SUB/119863

CONTEMPLATED SUBDIVISION REFUSAL	WARD – ARMADALE
SUBDIVISION NO.	SUB/119863
LANDOWNER	E & G O'Shaughnessy / R & L Gianatti
APPLICANT	Crossland and Hardy Pty Ltd
LOCATION	Lots 5 & 6 Carradine Road, Bedfordale
ZONE	Rural 'D'
RURAL STRATEGY	Canns Rural Planning Area
LAND SUITABILITY	Level 2 – Fair Potential (some constraints)
LAND CAPABILITY	Class 3 – Fair Capability
STRATEGIC PLAN	Development – “to balance the needs of development with sustainable economic, social and environmental objectives”
PROPOSAL	To realign the boundaries of the properties in question to create two (2) lots of 4.0035ha and 1.5272ha respectively

PROPOSED RECOMMENDATION

Refusal on the following grounds:-

1. The application does not meet the minimum lot sizes specified by Town Planning scheme No.2 for a Rural 'D' zone, namely a 2ha minimum with an average of 3ha.
2. The proposed subdivision would set an undesirable precedent for subdivision of other lots in the Rural zone surrounding Lots 5 and 6, that are of similar size to the subject lot.

Advice to WAPC:-

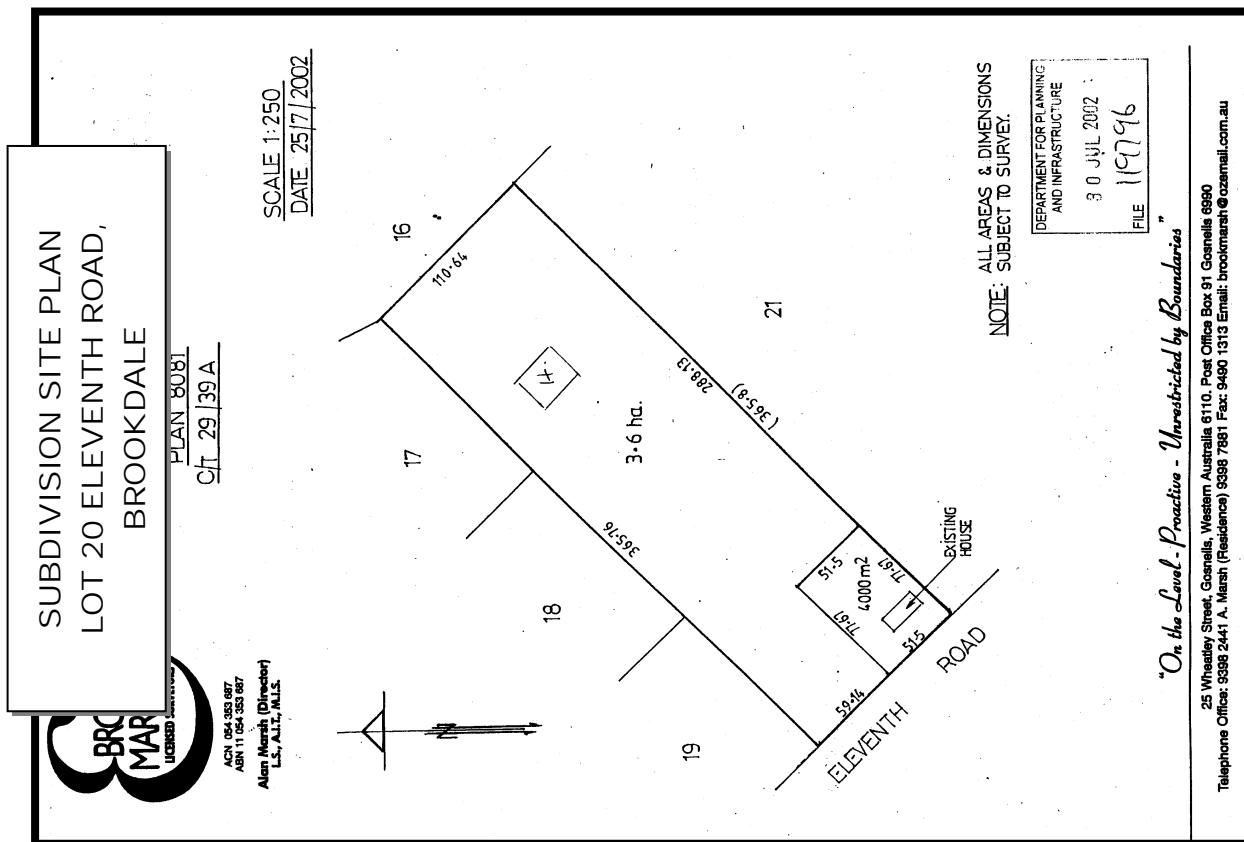
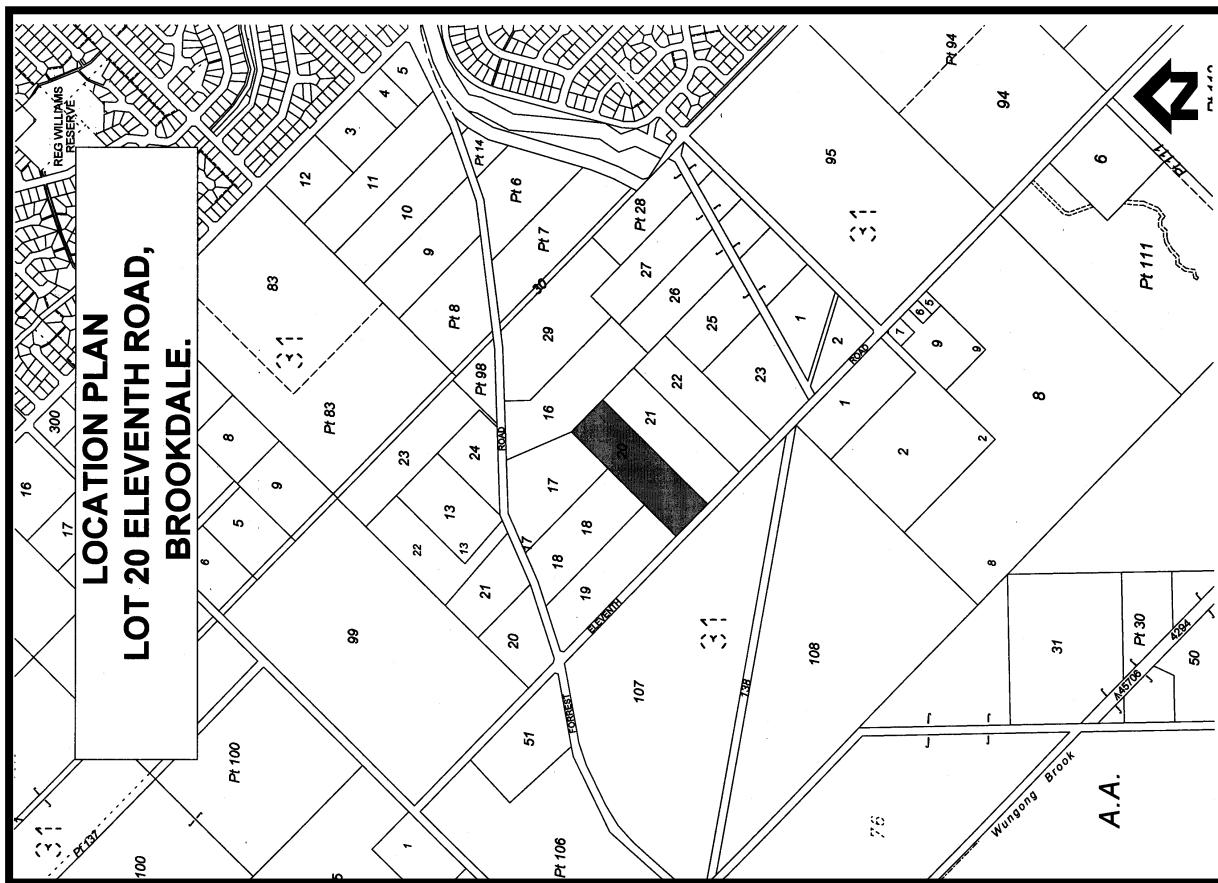
- ♦ It is acknowledged that this land is currently being considered in a rezoning proposal, but subdivision would still need to conform to a 2ha minimum with the zoning that may be applied in the future, should the amendment be adopted.

D158/02

RECOMMEND

That the proposed recommendation to refuse Subdivision Application No.119863 be adopted.

MOVED Cr Zelones
MOTION CARRIED (7/0)



REF : PRR
FILE : SUB/119796

CONTEMPLATED SUBDIVISION REFUSAL	WARD - FORREST
SUBDIVISION NO.	SUB/119796
LANDOWNER	E A Miller
APPLICANT	Brook and Marsh Licenced Surveyors
LOCATION	Lot 20 Eleventh Road, Brookdale
ZONE	General Rural
RURAL STRATEGY	Not applicable
LAND SUITABILITY	Not applicable
LAND CAPABILITY	Not applicable
STRATEGIC PLAN	Development – “to balance the needs of development with sustainable economic, social and environmental objectives”
PROPOSAL	To subdivide this 4.0470ha property into two (2) lots of 3.6ha and 0.4ha respectively

PROPOSED RECOMMENDATION

Refusal on the following grounds:-

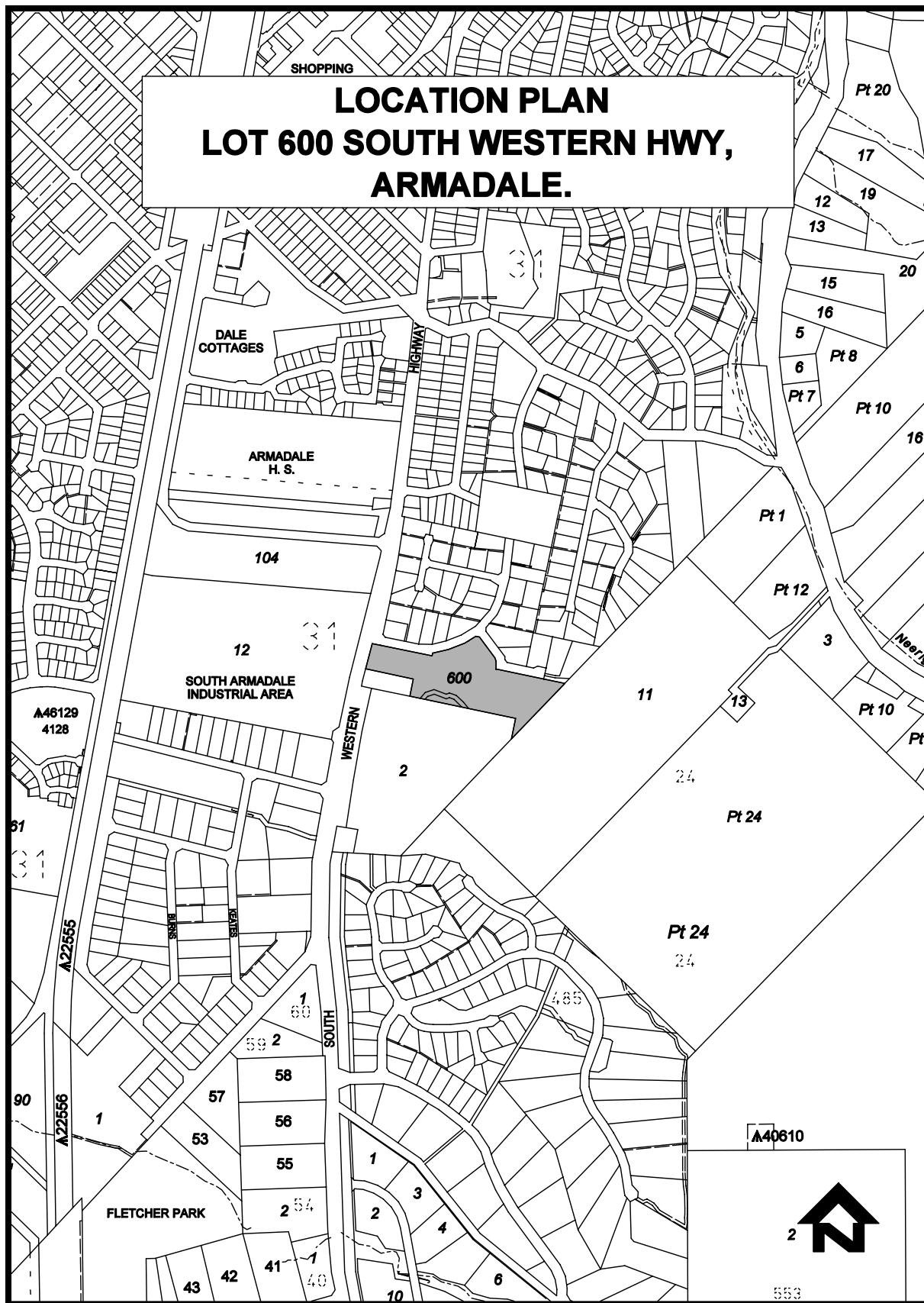
1. The applicant has not demonstrated that the proposal complies with the Policy Statement for the General Rural Zone outlined under Council's Town Planning Scheme No.2, which states that unless Council is of the opinion that subdivision assists in achieving the objectives of the Zone, subdivision will not be recommended.
2. The proposed subdivision would set an undesirable precedent for subdivision of other lots in the General Rural zone.

D159/02

RECOMMEND

That the proposed recommendation to refuse Subdivision Application No.119796 be adopted.

MOVED Cr Zelones
MOTION CARRIED (7/0)



CHANGE OF USE - KINDERGARTEN TO MEETING ROOMS AND CARPORT EXTENSION – LOT 600 (No.9) TALUS DRIVE, ARMADALE

WARD : ARMADALE
FILE REF : A233144
DATE : 28 AUGUST 2002
REF : SG
RESPONSIBLE MANAGER : PSM
APPLICANT : T H Peters
LAND OWNER : Schoenstatt Sisters of Mary
SUBJECT LAND : Property size 4.4552 ha
Map 23-01
ZONING : MRS - Urban
MRS/TPS No.2 : TPS No.2 - Residential R5

In Brief:-

- Application to use existing vacant kindergarten building for meetings and retreats in association with Schoenstatt Sisters of Mary.
- Application complies with TPS No.2 requirements.
- Proposal consistent with existing church use of land.
- Proposal considered less intense in terms of noise and traffic generation in comparison to kindergarten use.
- Recommend approval.

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

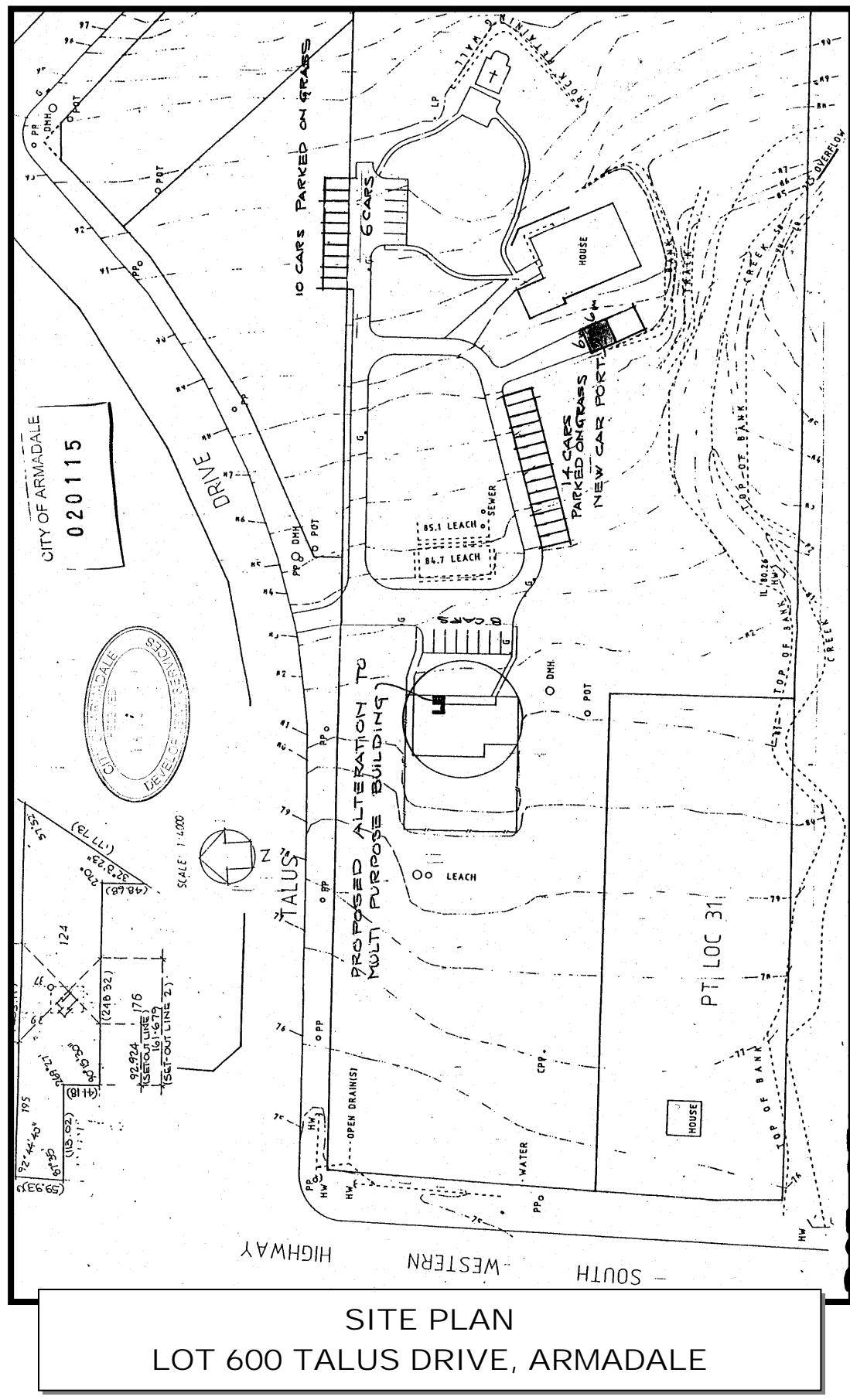
Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No.2

Council Policy / Local Law Implications

Nil

Budget / Financial Implications

Nil



Consultation

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

BACKGROUND

Approval was granted in 1988 for the existing residence used by the Sisters, a garage/shed, church and shrine, kindergarten building, and associated parking areas on the large, well-kept site. The kindergarten has moved to St Francis Xavier School, in accordance with Catholic Education Department requirements.

DETAILS OF PROPOSAL

The application proposes a change in use for the existing vacant kindergarten building from a Kindergarten to a Meeting Place for use by the Schoenstatt Sisters of Mary and associated branches for meetings, retreats and reflection days for their own members and visitors. Hours of operation are proposed between 9am and 4pm on weekdays and occasionally on weekends between 9am and 10pm (approximately once per month). The change in use involves relatively minor internal building modifications to the ex-kindergarten building, with no external changes proposed.

The application also proposes a 6m x 6m carport extension to an existing garage/shed, in materials to match the existing shed. The proposal complies with Council's Outbuildings Policy.

COMMENT

Comments from Main Roads WA

The application was referred to Main Roads as the lot fronts Brookton Highway, a Primary Regional Road. Main Roads has no objection to the proposal, however advises that the lot is affected by land reserved for future road purposes. (The location of the subject building is not compromised by the road widening.)

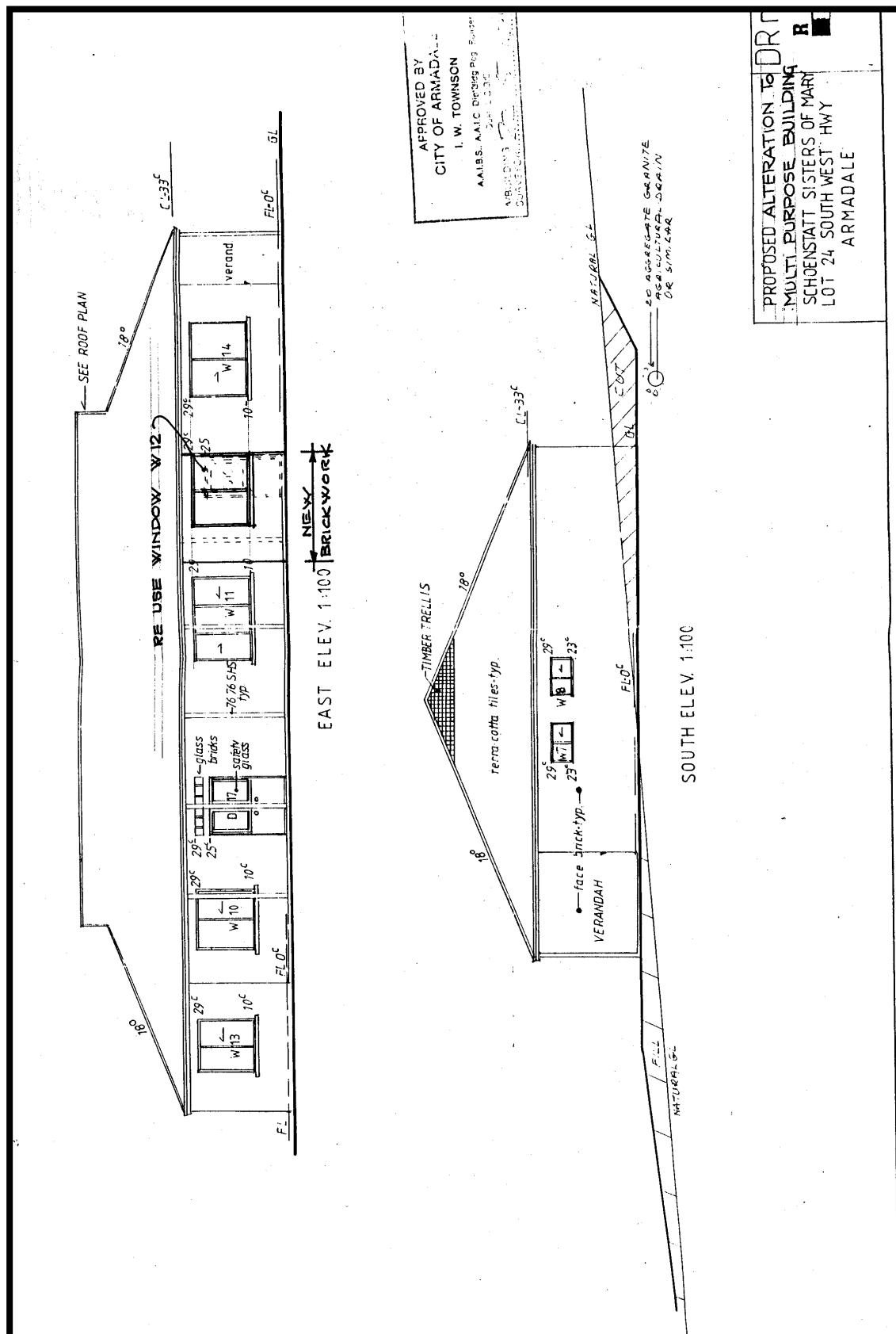
Comments from Development Control Unit (DCU)

The DCU, at its meeting on 22 August 2002 recommended approval of the application, subject to compliance with standard building and health requirements (which are able to be achieved).

Analysis

Town Planning Scheme No.2 provisions

The proposed Meeting Room use falls within the definition of "Club Premises" in TPS No.2 which is an "SA" use, requiring determination by Council. The application has been advertised in accordance with Scheme requirements, with no submissions received.



ELEVATION PLAN
LOT 600 TALUS DRIVE, ARMADALE

Six car parking spaces are required for the proposed use. There are 8 constructed car bays adjacent to the subject building, with the provision of more than 50 additional informal car parking spaces throughout the lower area of the site.

General comments

The application proposes use of the well-maintained building as a community facility for activities related to the existing church use of the site and is therefore compatible with such uses.

The subject building is well separated from residential properties on the opposite side of Talus Drive and the Hillside Caravan Park, located to the south of the site. It is expected that proposed activities on site will be generally less intense in comparison to the previous kindergarten use, with generally less noise and traffic expected.

Carport extension

The proposed carport extension to the existing garage/shed is considered appropriate in light of its relatively small size (6m x 6m), proposed matching materials and colours, and location well away from public roads.

Options

Options for determination outcomes alternative to a recommendation for approval are not considered appropriate in light of the suitability of the existing vacant building for community use, compatibility with other uses on site, and less intense nature of use in comparison to the previous kindergarten use.

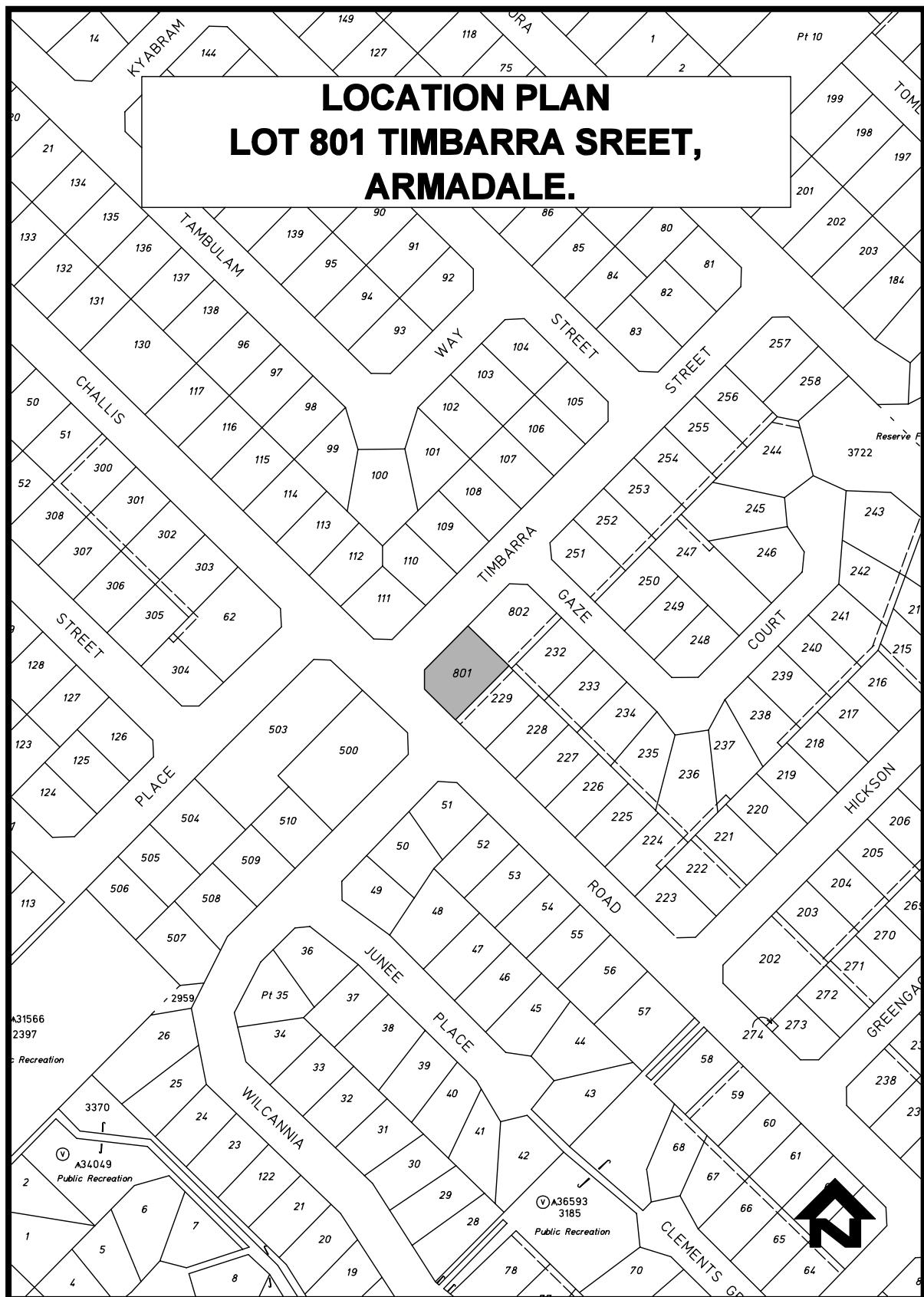
CONCLUSION

The application complies with TPS No.2 requirements in relation to land use and car parking requirements. No submissions were received as a result of advertising. The proposed use is compatible with existing church uses on site. It is expected that the proposed community use will generate less noise, activity and traffic than the previous kindergarten use. Approval of the application is therefore recommended. No conditions are required, given that the carport extension will match the existing carport on site.

D160/02 RECOMMEND

That Council approve the application for a Carport Extension and Change in Use from the existing Kindergarten to allow for the purposes of Meetings and Retreats at Lot 600 Talus Drive, Armadale.

MOVED Cr Zelones
MOTION CARRIED (7/0)



***PROPOSED TWO GROUPED DWELLINGS –
LOT 801 (NO.1) TIMBARRA STREET, ARMADALE***

WARD : WEST ARMADALE
FILE REF : A233126
DATE : 2 SEPTEMBER 2002
REF : SG
RESPONSIBLE MANAGER : PSM
APPLICANT : Barclair Drafting Services
LAND OWNER : Dept. of Housing & Works
SUBJECT LAND : Property size 901m²
Map 22.04
ZONING : MRS - Urban
MRS/TPS No.3 : TPS 2 – Residential R15

In Brief:-

- Application for 2 Grouped Dwellings.
- One letter of objection submitted by adjoining property owner.
- Application proposes minor variations to R-Codes relating to front and rear setbacks.
- Proposal complies with TPS No.2 and Policy requirements.
- Recommend approval.

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

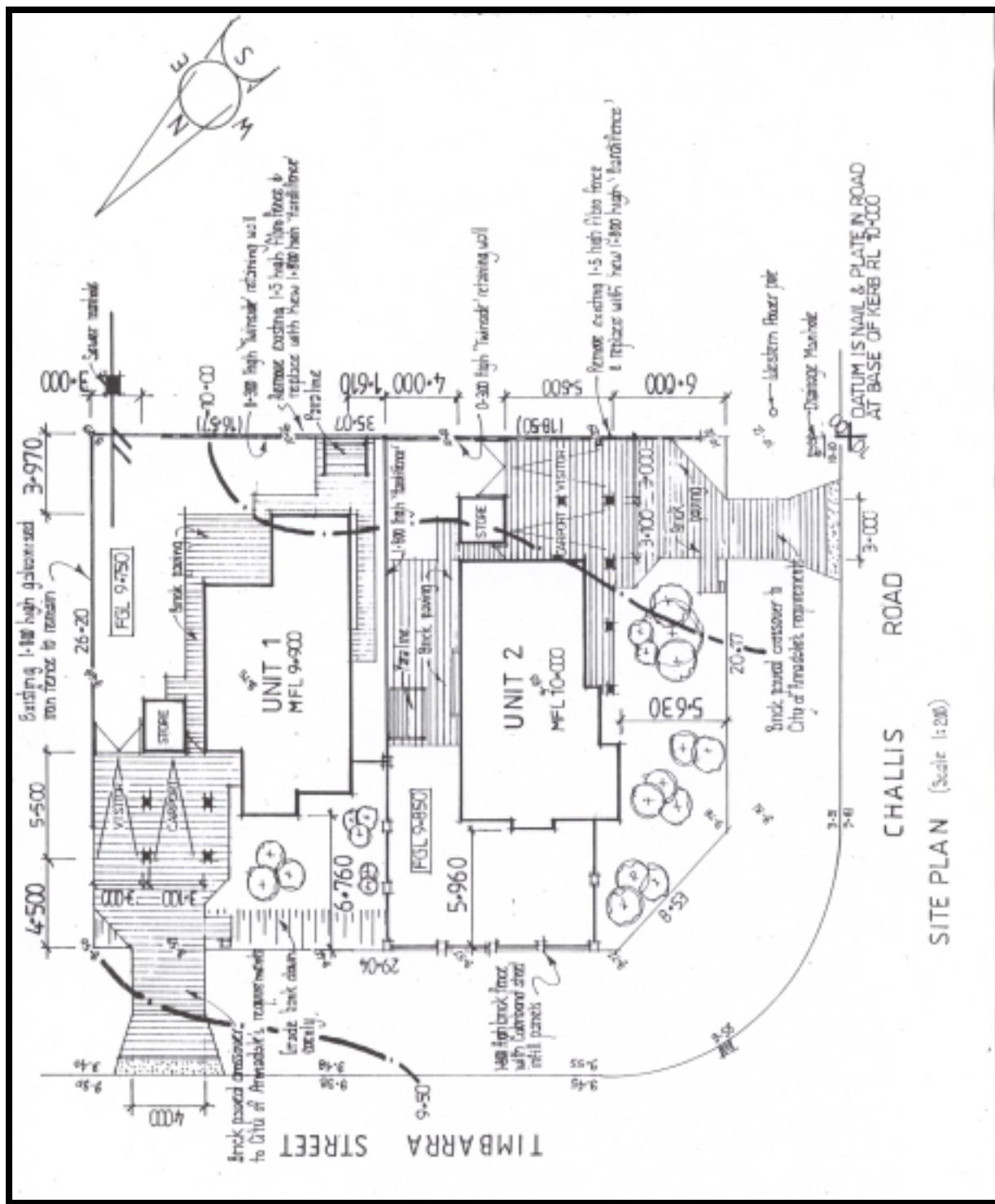
Town Planning and Development Act 1928
Town Planning Scheme No.2
Residential Planning Codes

Council Policy / Local Law Implications

Policy 4.3.13 – Grouped Housing Development

Budget / Financial Implications

Nil



SITE PLAN

Consultation

- ◆ Development Control Unit
- ◆ Surrounding landowners

BACKGROUND

The property is a corner site and is vacant land with no significant vegetation. It is located across the road from the Challis Road Liquor Store, Deli and Café. Council has received an application for two grouped dwellings on the adjoining property at Lot 802 Timbarra Street.

DETAILS OF PROPOSAL

The application proposes construction of two single storey, three bedroom grouped dwellings. One dwelling faces Challis Road and the other fronts Timbarra Street. The application requires determination by Council as a letter of objection has been submitted in respect to the proposal.

COMMENT

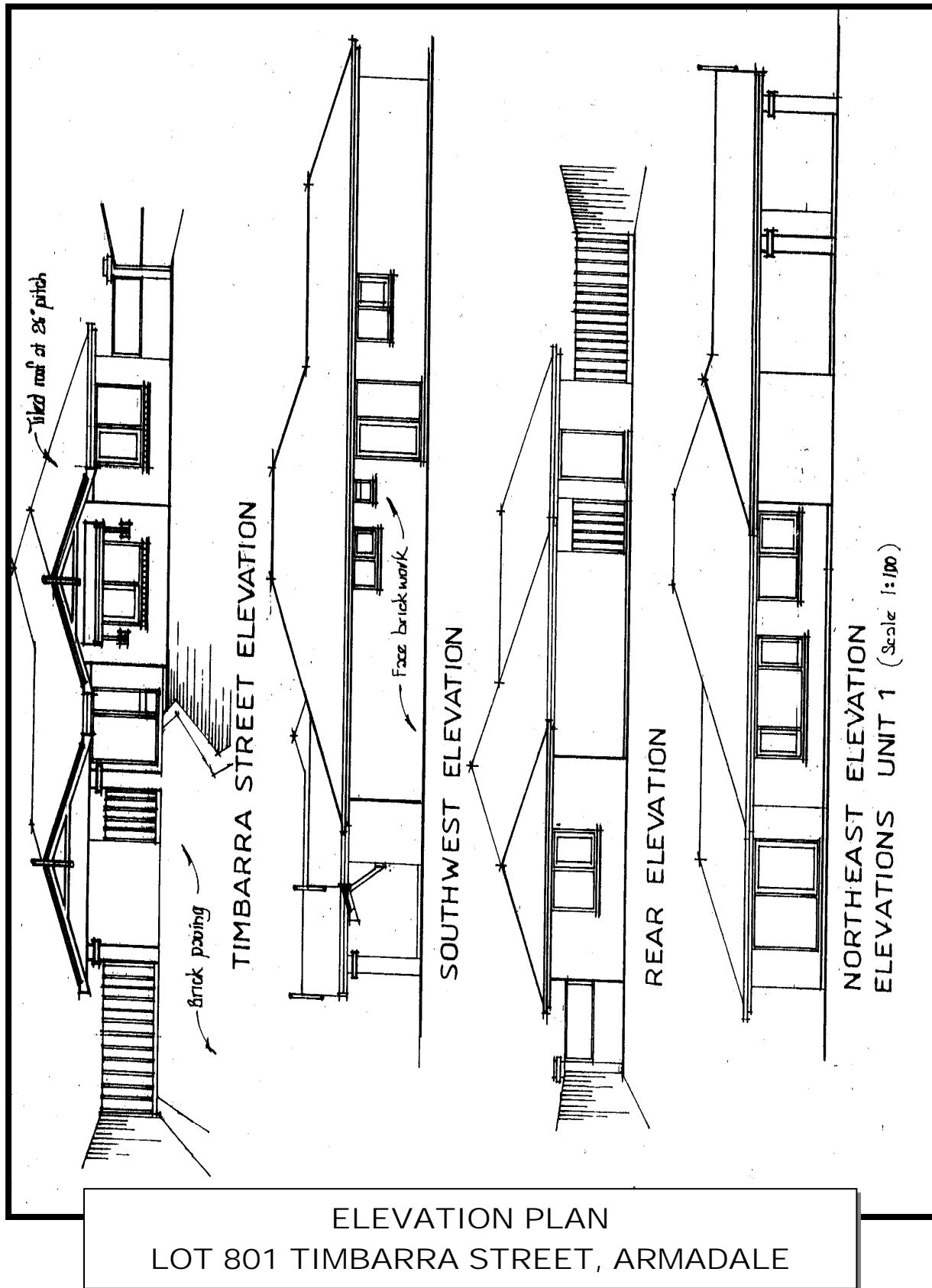
Development Control Unit (DCU) comments

The DCU, at its meeting on 22 August 2002, recommended approval of the application subject to standard conditions.

Referral to adjoining landowner

The application was referred to surrounding landowners in accordance with Clause 2.2.1.2 of Council's Grouped Housing Development Policy due to the current application for two grouped dwellings on the adjoining property. One letter of objection has been received from the owner of Lot 802 Timbarra Street. The objections are summarised as follows:

- ◆ There is concern that approval of the objector's application for two grouped dwellings will be jeopardised by approval for grouped dwellings on the subject Lot 801.
- ◆ Non-approval of the objector's application for grouped dwellings would cause mental and financial hardship as the site works and existing house on Lot 802 are designed and located to accommodate an additional dwelling and most of the materials have been purchased for the proposed second dwelling. In comparison, the owners of the adjoining property have undertaken no preparation work as yet and have more options available.
- ◆ The objection will be valid only until approval for the second dwelling on Lot 802 is granted.
- ◆ Both corner properties have been vacant for 12-13 years and are large enough to accommodate both proposals for grouped dwellings.



Analysis

Response to objection

Each application for planning consent is considered on the individual merits of the proposal. Assessment of applications must relate to planning matters and details relating to personal circumstances are not considered valid planning grounds. There have been no objections received in regard to either application on Lots 801 or 802 that relate to density issues or express concern that the two lots are incapable of accommodating four grouped dwellings in total.

Town Planning Scheme No.2 provisions

The property is zoned Residential R15 under TPS No.2. The Scheme makes additional provision for a density not exceeding R40 where it is satisfied that the amenity of the locality will not be prejudicially affected. The proposed density is approximately R20.

Grouped Housing Development Policy

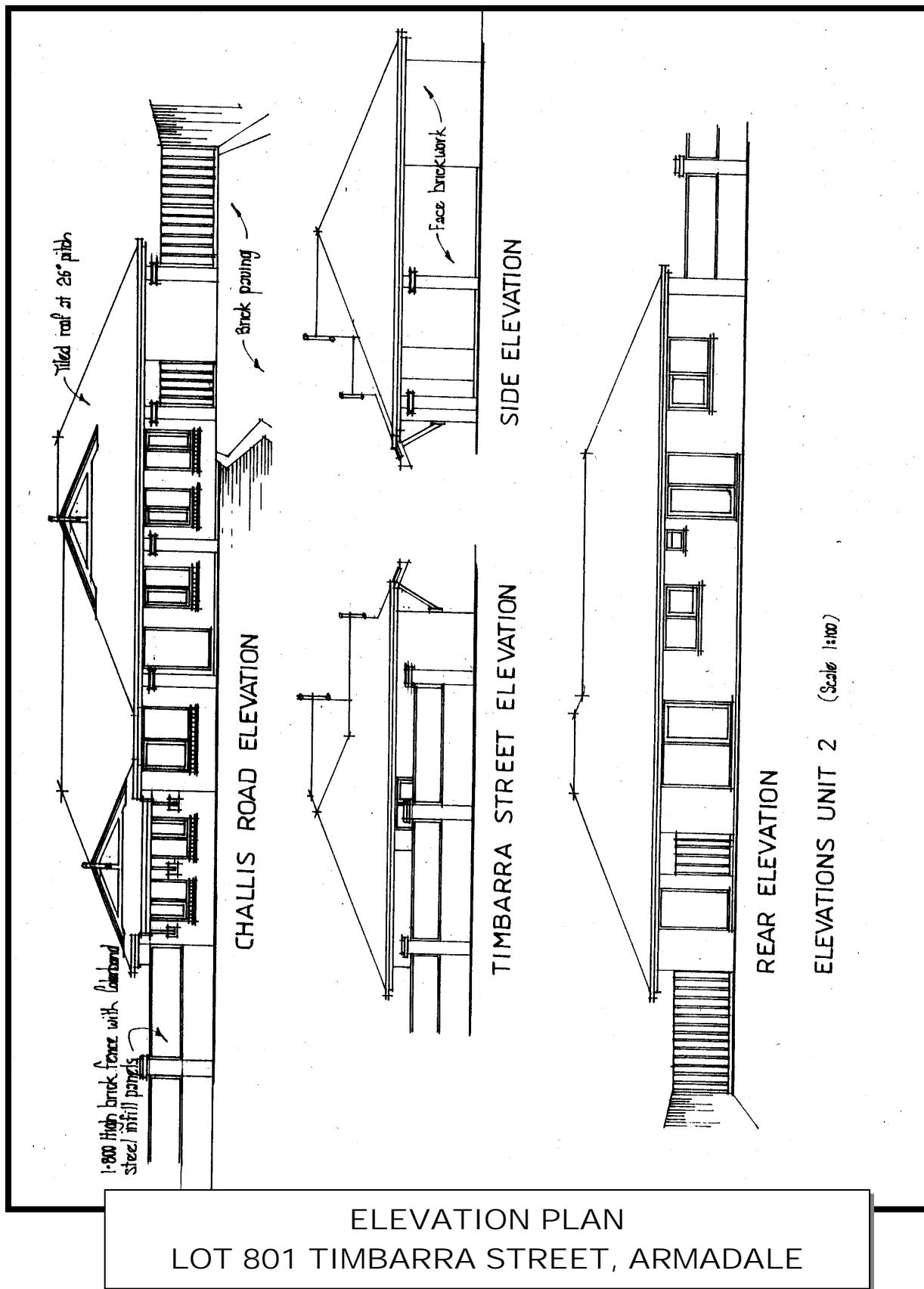
Consideration of two grouped dwellings on the 901m² site is provisional on Clauses 2.2.1.1 and 2.2.1.2 of Council's Policy which provide for a density up to R25, subject to the site not being located within 6 lots of the subject site. This provision of the Policy may be waived, subject to no reasonable objections being received from nearby landowners. In this regard, the objections received from the adjoining landowner (discussed above) are not considered to be justified.

The Policy also promotes the location of grouped housing in close proximity to shopping and community facilities and favours corner sites. In this instance, the corner site is located directly opposite the Challis Road shops. The application complies with all Policy provisions in respect to architectural design and layout, car parking, access, fencing and open space. The existing site is vacant and unkempt and it is considered that the construction of the brick and tile grouped dwellings will improve the amenity of the locality in accordance with Scheme and Policy requirements.

R-Codes requirements

The application proposes a primary street setback to Challis Road of 5.6m for a small section of Unit 2 in lieu of 6m. It also proposes a rear setback variation for the carport and store of Unit 1 of 3m in lieu of 6m. Clause 1.5.7 of the R-Codes provides for Council to approve lesser setbacks providing the variation will not affect the amenity or future use of adjoining lots. The minor nature of the Challis Road setback variation (0.4m) is not considered to impact on the adjoining residential property.

The rear setback variation is also considered acceptable as the open design of the carport and small area of store (2.5m wide) occupies a relatively minor area towards the Timbarra Street frontage, with the remaining larger portion of the dwelling being setback 6m and 10m.



It should also be noted that both units are centrally located on each strata lot. The potential for structures to be 1m or 1.5m from the side boundary, or 1.5m from the Timbarra Street frontage, (as provided by the R-Codes) has not been exercised by the applicant. The design provides an open, spacious character for the development which consequently is not considered to impact on the adjoining residence or streetscape.

All other aspects of the development comply with the R-Codes.

Options

1. Council may approve the application on the basis that it complies with TPS No.2 and Policy provisions and the setback variations provide scope for a spacious, open development outcome, consistent with the existing streetscape.
2. Council may refuse the application on the basis that the primary street and rear setbacks do not comply with requirements of the R-Codes.

CONCLUSION

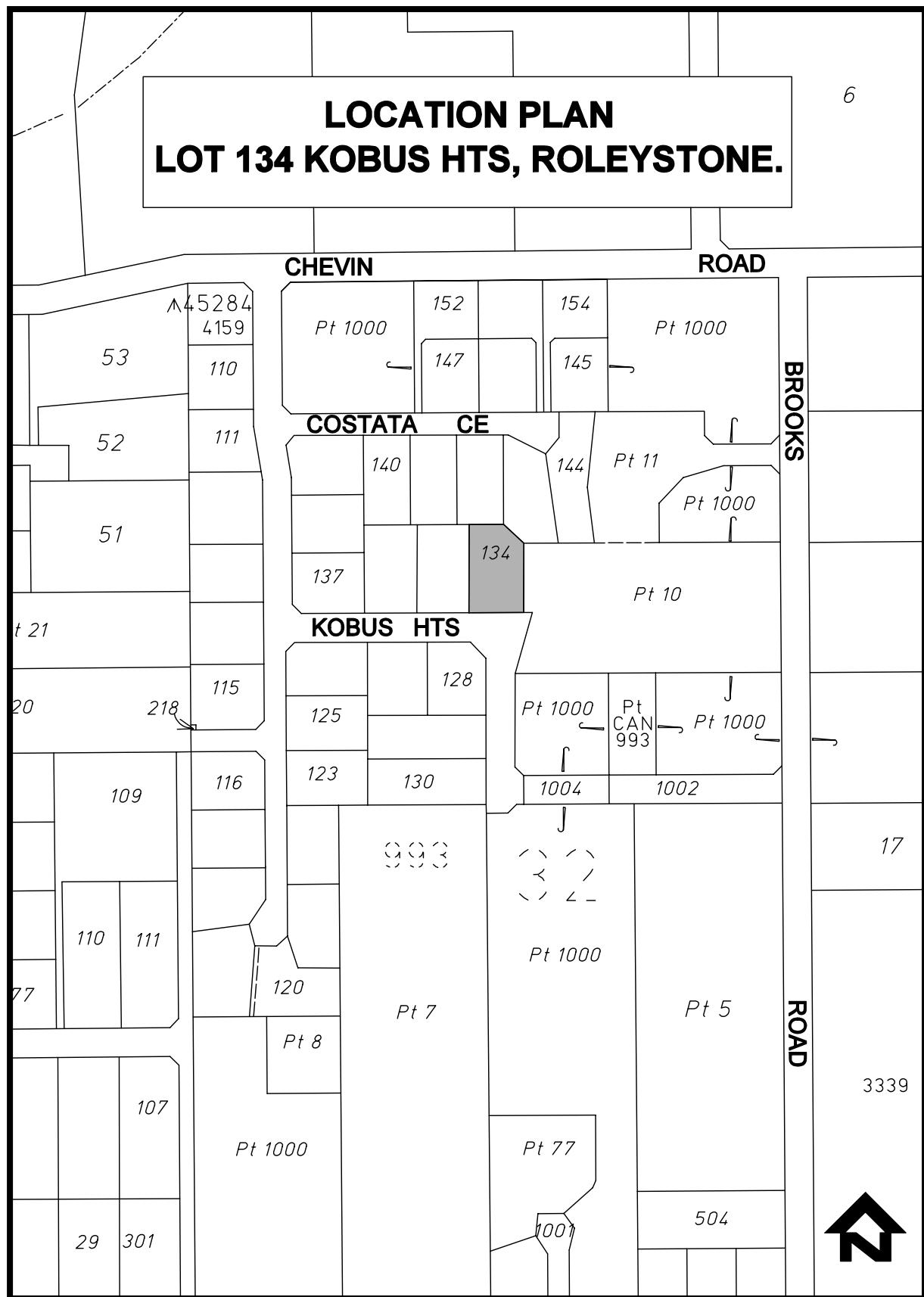
The application proposes two grouped dwellings. The owner of the adjoining property has submitted objections to the proposal which have not been justified on planning grounds. The application proposes front and rear setback variations which are not considered to affect the amenity of the adjoining properties or existing streetscape. All other aspects of the proposal comply with TPS No.2, Policy and R-Codes requirements. Due to the open, spacious design of the dwellings and the corner location of the property opposite the Challis Road shops, the site is appropriate for grouped dwellings. Approval is therefore recommended in accordance with Option 1 above.

D173/02 RECOMMEND

That Council approve the application for Two Grouped Dwellings at Lot 801 Timbarra Street, Armadale subject to conditions including the following principal requirements:

- a) **Submission of a satisfactory schedule of colours for the proposed dwellings and fencing for the site. The development is to be completed in accordance with the approved schedule.**
- b) **Submission of a comprehensive landscape plan which is to include the verge between the roadway and the property boundary and the treatment of paved areas including visitor car parking.**
- c) **Landscaping to be installed and continuously maintained in accordance with the approved landscape plan.**

MOVED Cr Zelones
MOTION CARRIED (7/0)



RECONSIDERATION OF DEVELOPMENT ENVELOPE MODIFICATION AND PROPOSED SHED – LOT 134 (No.16) KOBUS HEIGHTS, ROLEYSTONE

WARD	:	ROLEYSTONE
FILE REF	:	A229266
DATE	:	5 August 2002
REF	:	SG
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	D NASS
LAND OWNER	:	D NASS
SUBJECT LAND	:	Property size 2232m ² Map 26.08
ZONING MRS/TPS No.2	:	Residential Development Area (R5)

In Brief:-

- Proposal involves the enlargement of the Development Envelope to accommodate a 78m² shed.
- Council previously considered the application at its August 2002 meeting and resolved to recommit the application pending further investigation relating to amenity and noise issues.
- Applicant has submitted further information to address Council's concerns in regard to setbacks and use of the shed.
- Modification of Development Envelope to accommodate the shed is considered appropriate in light of additional information.
- Recommend approval.

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

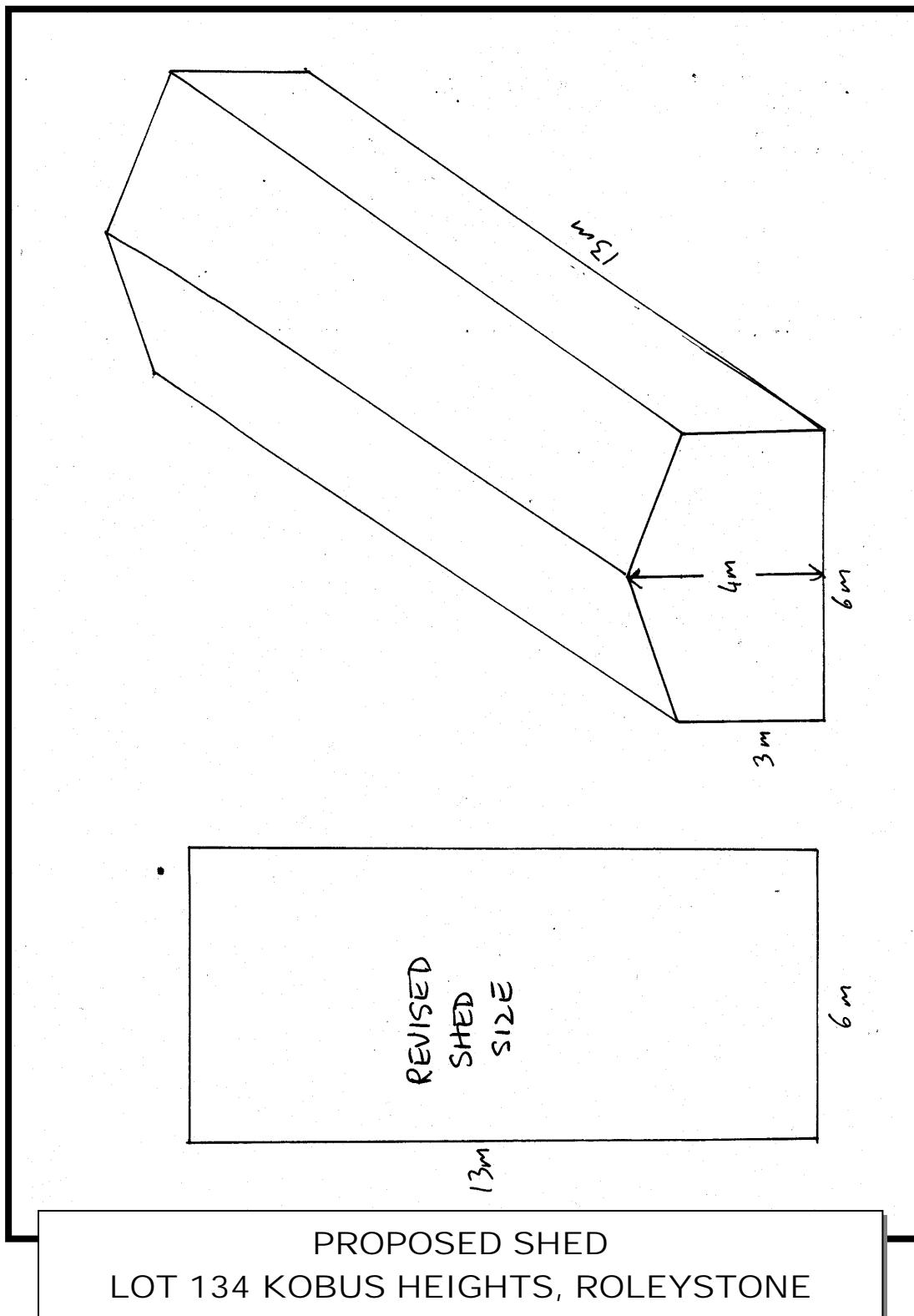
Town Planning and Development Act 1928
Town Planning Scheme No.2

Council Policy / Local Law Implications

Outbuildings Policy

Budget / Financial Implications

Nil



Consultation

- ◆ Development Control Unit
- ◆ Surrounding landowners

BACKGROUND

At its meeting on 19 August 2002, Council resolved as follows:

That the proposal for a shed at Lot 134 (No.16) Kobus Heights, Roleystone be recommitted, pending further investigations in relation to:-

- ◆ The desirability of amending the development envelope;
- ◆ Proximity of the shed to the boundary with adjoining Part Lot 10 and possible amenity effect;
- ◆ Use of the shed and potential for noise nuisance.

DETAILS OF PROPOSAL

The application proposes an extension to the Development Envelope to accommodate a proposed 78m² Colorbond ‘mist green’ shed with a wall height of 3m and gable height of 1m. The shed is proposed for the storage of cars and other home equipment.

COMMENT

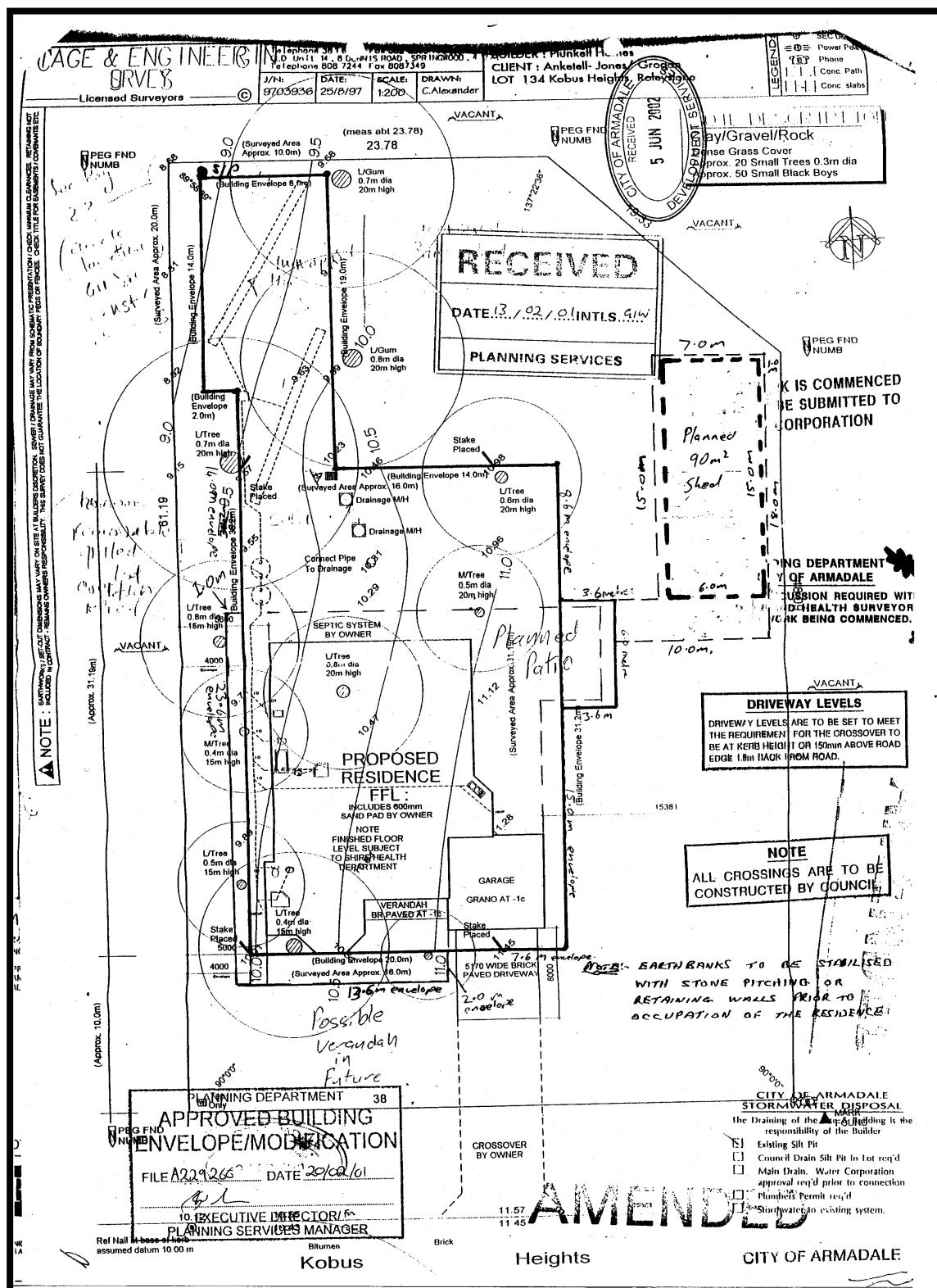
Additional information submitted by applicant

In response to Council’s concerns relating to noise and amenity issues, the applicant has made a submission which is summarised as follows:

The original application sought to modify the Development Envelope to accommodate a 90m² shed. After negotiations with Council officers, the size of the shed was reduced to 78m².

With regard to the use of the shed and potential for noise nuisance, the “speedway car” proposed to be stored (example at photograph 1) is street legal with exhaust intact. It would only be stored at the property for a few months and removed after a Demolition Derby in November 2002. The car is worked on only at the applicant’s place of employment as they are the sponsor. The applicant would agree to not taking the ‘speedway car’ to the property at all if it would facilitate approval for the shed.

The main purpose for the shed is to store unsightly items out of view of the street, an old vintage car (example at photograph 2), a trailer and for general use. The adjoining owner of Lot 10 has supported the application on the proviso that the shed height does not exceed 3m wall height and 1m gable height, which are the dimensions proposed. The applicant is willing to increase the side setback to 2m if necessary.



Analysis

Concerns raised by Council are discussed as follows:

Proximity of the shed to the adjoining property and possible amenity effect.

After viewing the plans at Council's offices, the owner of Part Lot 10 submitted in writing on 29 July 2002 that he has no objection to the proposal, providing the wall height does not exceed 3m and the gable height 4m. The plans indicate a 3m wall height and a 4m gable height. It should be noted that the adjoining owner based his comments on the original proposal for a 90m² shed which has since been reduced to 78m².

The proposed colour of the shed is mist green which is considered to blend in with the bush environment that characterises the immediate area. An increase to the side setback from 1m to 2m would allow sufficient area for substantial visual landscape screening of the shed from the adjoining property. An increased setback and landscape screening would further reduce the possibility for negative impact on the amenity of the adjoining property.

Use of the shed and potential for noise nuisance

The shed is proposed for storage purposes only. There has been no intention by the applicant at any stage in the assessment process to use the shed as a mechanical workshop. Whilst Council may have concerns that the storage of cars may create the potential for noise nuisance generated by vehicle maintenance work, it cannot be assumed that such a situation will arise, given the written assurance that the shed is for storage purposes only. An advice note clearly indicating that the shed is to be used for domestic purposes only would also underscore Council's concerns regarding use of the shed.

TPS No.2 provides for enforcement mechanisms in the event that use of the shed does not comply with the requirements of the Residential Zone. Noise issues can be dealt with under the Environmental Protection (Noise) Regulations 1997.

The desirability of amending the Development Envelope

The applicant currently stores various materials on his property, creating an unsightly view from the street. Construction of the shed would enable the existing items currently visible from the street to be stored out of view. Concerns raised by the rear neighbour related to the size of the shed (90m²), the colour and the potential noise nuisance from car maintenance. These concerns are addressed by above comments in respect to the reduced size of the shed, the appropriate mist green colour and written submission regarding the domestic use of the shed.

The size and height of the shed comply with Council's Outbuildings Policy and its location with setback requirements of TPS No.2. In light of the above, it is considered appropriate that the Development Envelope be amended to facilitate construction of the proposed shed.



PHOTOGRAPH 1

The car in question attachment 1



PHOTOGRAPH 2

My previous vintage car 1935 British Chevrolet attachment 2

Options

1. Council may wish to approve the application on the basis that its concerns relating to amenity and noise issues can be addressed by a 2m side setback enabling adequate landscape screening from the adjoining property.
2. Council may wish to refuse the application on the basis that the shed size is out of scale with the existing residential environment and will adversely impact on the amenity of the area.

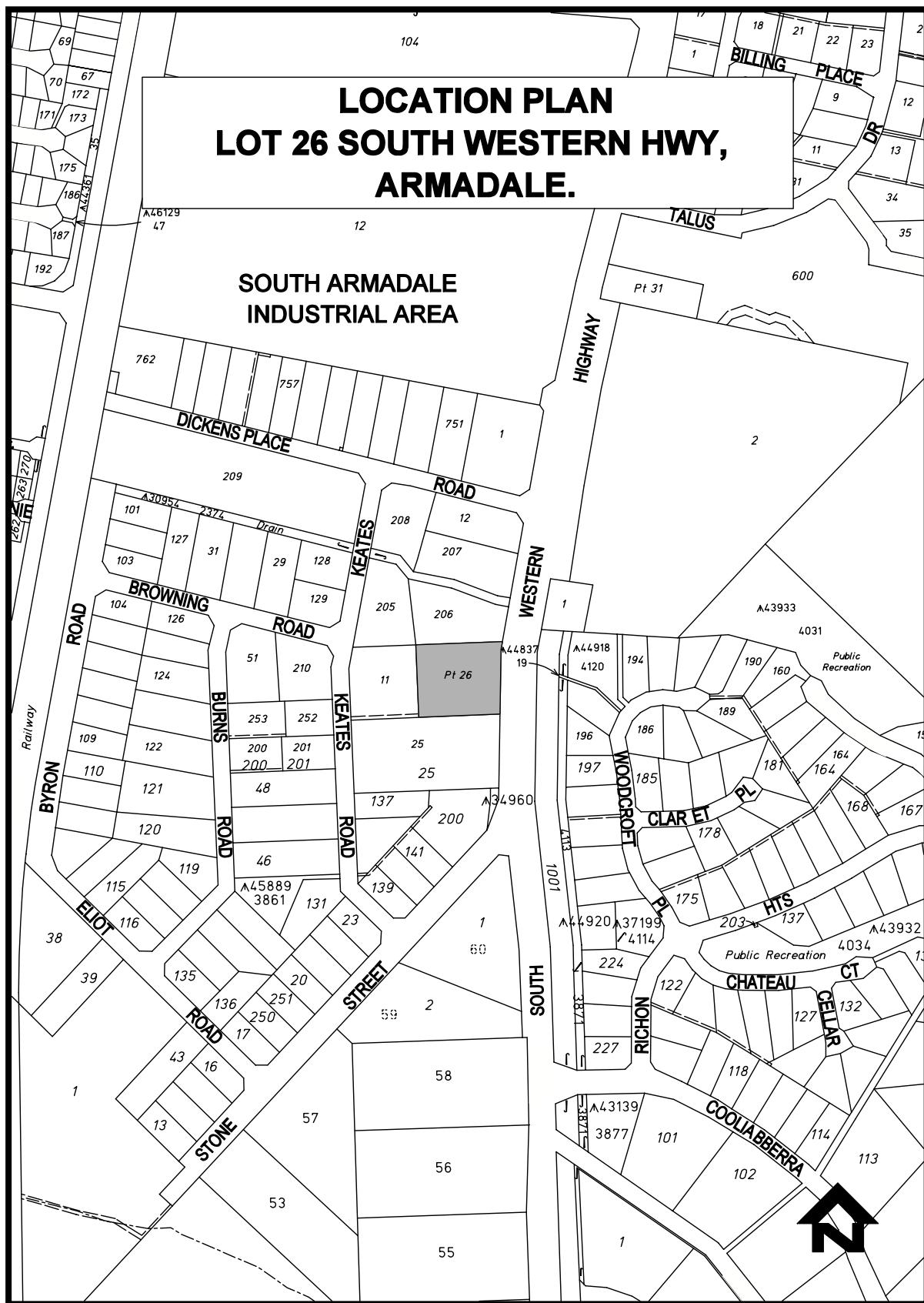
CONCLUSION

It is considered that details submitted by the applicant in relation to Council's concerns about the possible amenity affects and potential for noise nuisance relating to use of the shed are addressed. The possibility for negative impact on the amenity of the adjoining property would be reduced by the proposed mist green colour and an increased setback from 1m to 2m, which would enable substantial landscape screening of the shed. Written assurances from the applicant that the shed will not be used for vehicle maintenance can be enforced through the Town Planning Scheme.

In addition, the shed is well set back from the road, with the smaller 6m wide front elevation facing the public domain. The size and height of the shed complies with Council's Outbuildings Policy. The colour and use will not adversely affect the amenity or character of the neighbourhood. It is considered appropriate to amend the Development Envelope to accommodate the proposed shed. Conditional approval of the application is therefore recommended in accordance with Option 1 above.

D174/02 RECOMMEND

1. **That Council approve the application for modification to the Development Envelope and construction of a 78m² shed at Lot 134 (No.16) Kobus Heights, Roleystone subject to conditions including the following principal requirements:**
 - a) **Shed to be constructed of Mist Green ‘Colorbond’.**
 - b) **Shed to be set back 2m from the common side boundary with Lot Pt 10 Brooks Road.**
 - c) **Landscape plan to be submitted to the satisfaction of Council, indicating the planting of trees/shrubs for the purposes of screening the shed from the adjoining properties. Such plan to be implemented and landscaping to be continuously maintained to the satisfaction of Council.**
2. **That the applicant/owner be advised that in terms of use of the shed, compliance with Council's Town Planning Scheme and Environmental Protection (Noise) Regulations will be required at all times.**



***PROPOSED RETAIL AND WHOLESALE - FOODSTUFFS -
LOT 26 (No.3/281) SOUTH WESTERN HIGHWAY, ARMADALE***

WARD : ARMADALE
FILE REF : A236910
DATE : 27 August 2002
REF : SG
RESPONSIBLE MANAGER : PSM
APPLICANT : L Aracri
LAND OWNER : L Aracri
SUBJECT LAND : Property size 8100m²
Map 22-01
ZONING MRS/TPS No.2 : MRS – Industrial
TPS No.2 – General Industry

In Brief:-

- Application for the incidental retail and wholesale selling of oriental food and goods.
- Proposal complies with TPS No.2 requirements.
- It is appropriate that a physical partition be provided to separate the incidental retail from the wholesale use, in order to clearly enforce Scheme requirements and maintain the primary industrial use of the lot.
- Recommend approval subject to appropriate conditions.
- *Committee additionally recommended that the aspect of the application for the incidental resale of Oriental Foodstuffs and Goods be refused, on grounds that the proposal is inconsistent with the intent of the Industrial Zone and incompatible with surrounding industrial land uses.*

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

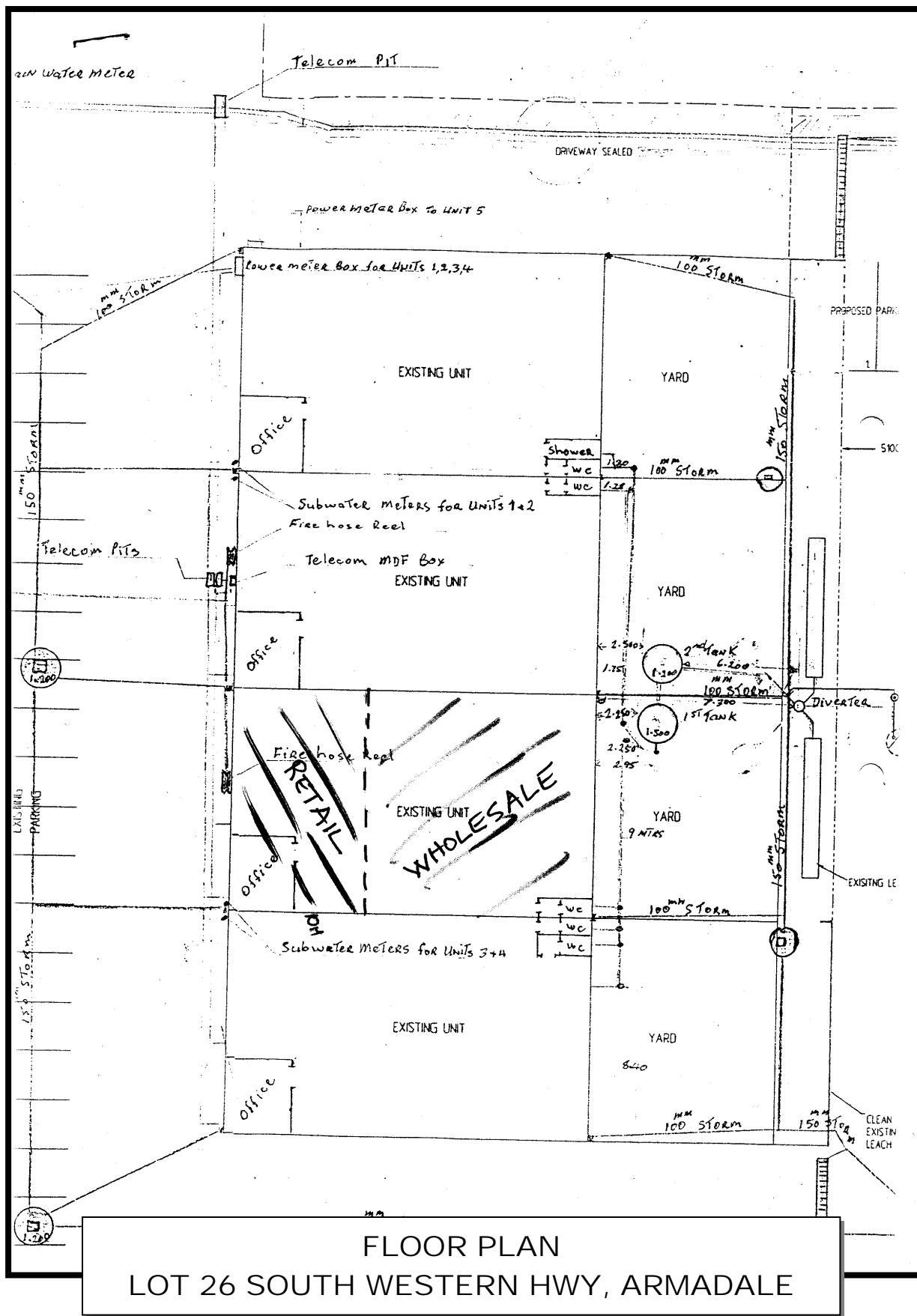
Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No.2

Council Policy / Local Law Implications

Nil

Budget / Financial Implications

Nil



Consultation

- ◆ Development Control Unit (DCU)
- ◆ Main Roads WA

BACKGROUND

Existing development on Lot 26 South Western Highway includes five factory units (four at the front and one at the rear) as well as a mobile phone tower at the rear of the property. Existing uses of the front factory units include a stockfeed outlet, a lawnmower centre and hospital equipment service centre. A salvage yard operates out of the rear unit and yard.

DETAILS OF PROPOSAL

The application proposes a change in use for Unit 3 from “Car Wrecking” to “Warehouse / Incidental Shop” for the wholesale and retail sale of oriental food and goods. The retail component is proposed as incidental to the warehouse / wholesale use of the unit. The incidental (“IP”) use requires approval by Council.

COMMENT

Development Control Unit (DCU) comments

The DCU, at its meeting on 29 August 2002, recommended approval of the application subject to upgrading of the building for the purposes of storing and selling foodstuffs.

Comments from Main Roads WA

The application has been referred to Main Roads WA as the subject property abuts South Western Highway, a Primary Regional Road. Main Roads has advised there are no objections to the proposal

Analysis

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

The subject lot is zoned “General Industry”. The proposed wholesale section accords with the definition for “Warehouse” which is a “Permitted” use. The retail section is an “IP” use which is not permitted unless such use is incidental to the predominant use of the land as determined by Council.

Incidental Retail Use

The proposed floor area of the incidental retail use occupies approximately 25% of the total floorspace of the unit, with the balance of floorspace proposed for wholesale purposes. Based on the proposed 25% to 75% floorspace ratio of retail to wholesale, it is considered that the wholesale section is the predominant use, and the retail component could therefore be considered as incidental to the predominant use.

The business operating out of Unit 1 has approval for warehousing, wholesaling and the incidental sale of stockfeed and farm supplies. A condition of approval required the warehouse component to be the predominant use in accordance with the submitted plan.

No business information has been submitted in regard to the proposed ratio of turnover of retail/wholesale stock. It is considered appropriate to require a physical separation between the wholesale and retail sections in order to reasonably enforce TPS No.2 requirements for the retail operation to be incidental to the predominant wholesale section, in order to clearly maintain the industrial use of the site.

Maintenance of the correct balance of retail to wholesale is also essential on this site in order that precedents are not established for further inappropriate retail uses in the industrial area.

Health Department issues

Council's Health Department advises that the factory unit, in its present condition, would require considerable works before it is of a suitable standard for the selling of foodstuffs. It is likely that the retail operation will need to be upgraded to a higher standard than that of the wholesale section. A difference in environmental health standards for the retail and wholesale sections highlights the need for both sections to be physically separated.

Car Parking

The proposed retail component increases the car parking requirements for the front units by 4 spaces. Sixteen car parking spaces are required. Twenty spaces are provided on site. There is therefore adequate parking provision on site.

Options

1. Council may conditionally approve the application on the basis that the predominant wholesale/warehouse use of the building is a permitted use in the Industrial Zone and the proposed retail incidental use is consistent with Town Planning Scheme requirements.
2. Council may refuse the application on the basis that the retail component of the application is incompatible with the surrounding industrial land uses.

CONCLUSION

The proposed incidental retail and wholesale sale of oriental food and goods complies with TPS No.2 requirements. The building requires upgrading for the sale of foodstuffs. The retail and wholesale components should be physically separated in order that Scheme requirements for the incidental use to be subordinate to the predominant warehouse/wholesale use can be clearly enforced. This will ensure that the primary industrial use of the site is not compromised. It is recommended that the application be approved, subject to the above requirements.

Officer's report recommends –

1. That Council approve the application for the Incidental Retail and Wholesale sale of Oriental Foodstuffs and Goods at Unit 3, Lot 26 (No.281) South Western Highway, Armadale, subject to conditions including the following principal requirements:
 - ♦ A physical separation / partition between the wholesale and retail sections to be provided to the satisfaction of Council, in order that the retail section remains clearly incidental to the predominant wholesale section of the building.
2. That the applicant be advised that the existing building is to be upgraded for the storage and selling of foodstuffs in accordance with the Health (Food Hygiene) Regulations 1993.

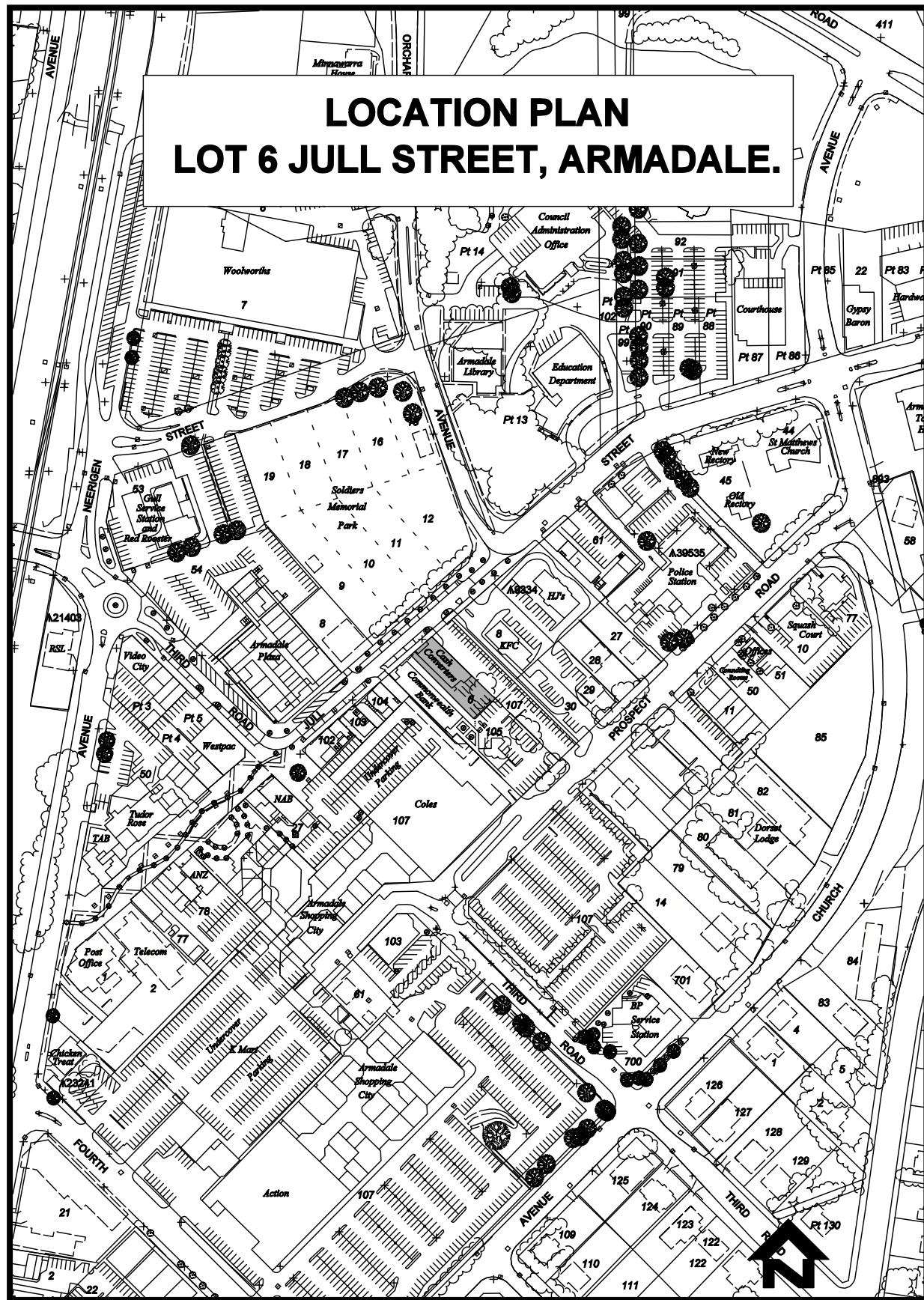
COMMITTEE raised concerns about the appropriateness of establishing a significant foodstuff retailer within the Industrial Area, noting that it would be more appropriate to consider such a use in the context of a more appropriate zone which might be contemplated for this location.

COMMITTEE concluded that there were reasonable grounds to support the wholesale aspect of the proposal but that retailing of foodstuffs would set an inappropriate precedent.

D161/02 RECOMMEND

1. **That Council approve the application for Wholesale sale of Oriental Foodstuffs and Goods at Unit 3, Lot 26 (No.281) South Western Highway, Armadale.**
2. **That the applicant be advised that the existing building is to be upgraded for the storage and wholesaling of foodstuffs in accordance with the Health (Food Hygiene) Regulations 1993.**
3. **That Council refuse that aspect of the application for the incidental resale of Oriental Foodstuffs and Goods at Unit 3, Lot 26 (No.281) South Western Highway, Armadale, on grounds:-**
 - ♦ **That the proposal is inconsistent with the intent of the Industrial Zone and incompatible with surrounding industrial land uses.**

MOVED Cr Green
MOTION CARRIED (7/0)



Cr Stewart declared an interest in this item on the basis that a member of his family is an employee with the proprietor of the subject property and left the meeting at 8.35pm.

***PROPOSED EXTENSION TO CASH CONVERTERS –
LOT 6 (No.172) JULL STREET, ARMADALE***

WARD : ARMADALE

FILE REF : A35209

DATE : 29 August 2002

REF : SG

RESPONSIBLE
MANAGER : PSM

APPLICANT : Chris Leverett

LAND OWNER : Cash Converters

SUBJECT LAND : Property size 728m²
Map 22-03

ZONING : MRS - Central City Area
MRS/TPS No.2 : TPS No.2 - Shopping

In Brief:-

- Application for extension to existing Cash Converters building for storage purposes.
- Subject to payment of cash-in-lieu of 1 car parking space, application complies with TPS No.3 requirements.
- Proposed design is consistent with existing and proposed streetscape.
- Recommend approval.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

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

Legislation Implications

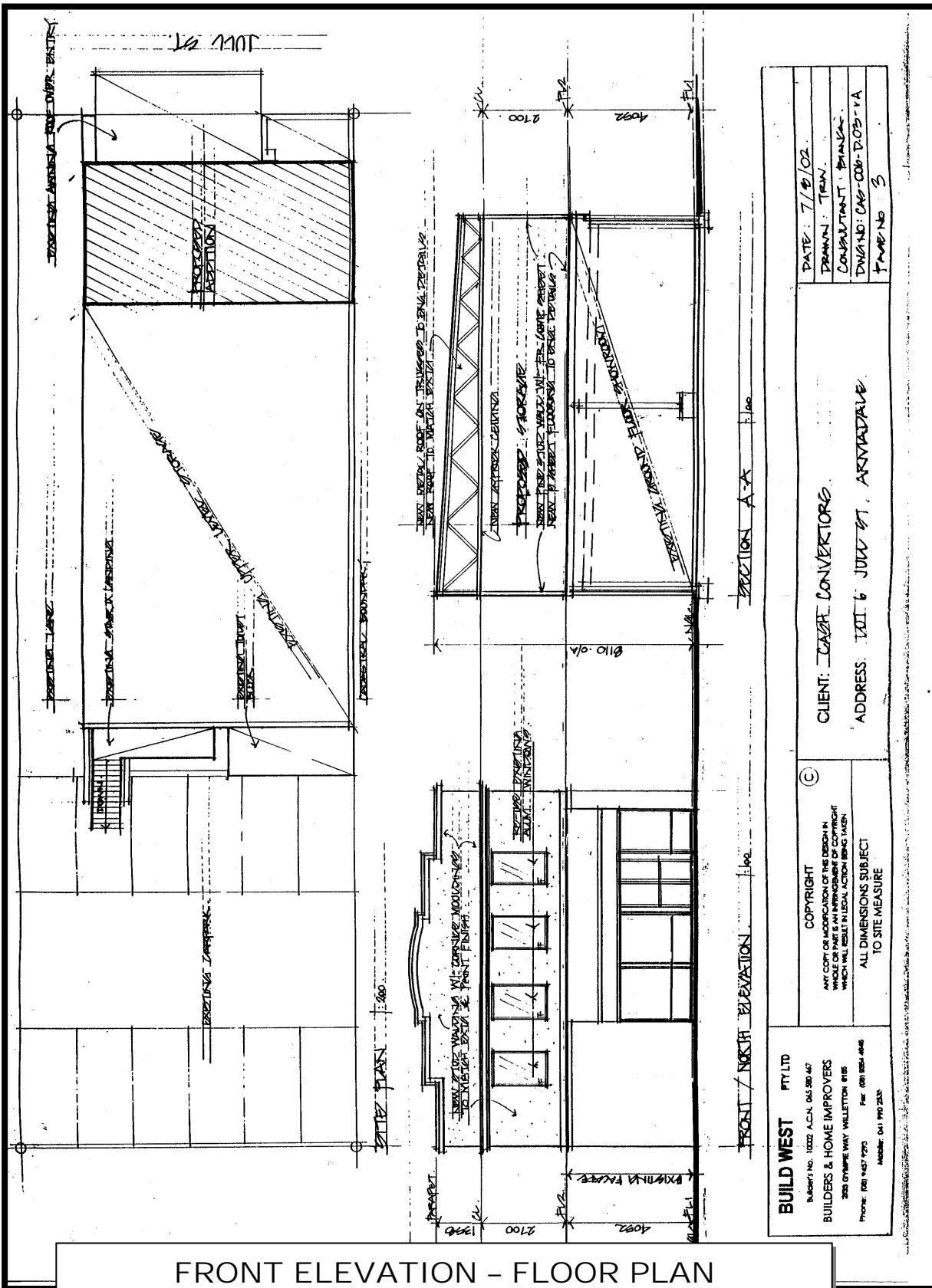
Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No.3

Council Policy / Local Law Implications

Nil

Budget / Financial Implications

Nil



Consultation

- ◆ Development Control Unit
- ◆ Armadale Redevelopment Authority

BACKGROUND

At its meeting of 27 April 1999 (D134/99), Council approved an application for renewal of planning approval for a second storey storage area and renovations to the facades of the existing Cash Converters building. Payment of cash-in-lieu of 5 car parking spaces was required as part of the approval. On 23 November 2001, Council approved use of part of the existing second storey warehouse area as an office, waiving the requirement for payment of cash-in-lieu of 1 car parking space.

DETAILS OF PROPOSAL

The application proposes a 79m² extension to the existing upper floor storage/office area for use as additional storage space. The extension proposes to bring forward the existing façade of the upper storey to approximately 1.8m from the front of the lower portion of the building.

COMMENT

Comments from Armadale Redevelopment Authority (ARA)

The subject site is within the Scheme area of the ARA whose summarised comments on the application are as follows:

The development is relatively minor in terms of floorspace, but will have the positive effect of giving the building overall an increased presence onto Jull Street in a traditional ‘main street’ manner. The addition of a relieving feature on the eastern side façade would reduce the bland appearance of the exposed eastern face of the building. The addition of three dimensional trims around the Jull Street windows would help relieve the flatness of that façade. It is suggested that the existing rooftop bunting be removed.

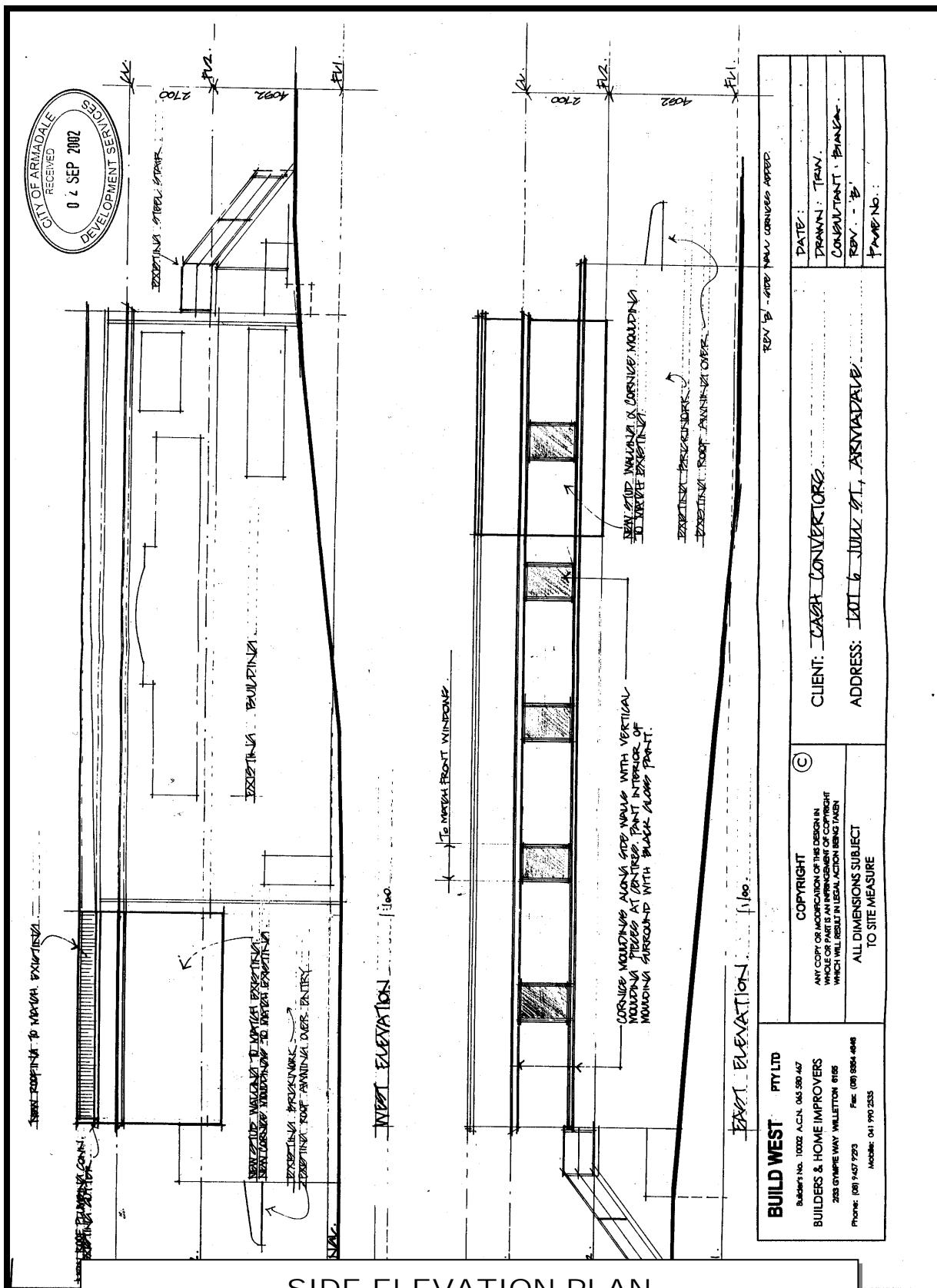
Development Control Unit (DCU) comments

The DCU, at its meeting on 29 August 2002, recommended approval of the application subject to a condition requiring payment of cash-in-lieu of the provision of 1 car parking space.

Town Planning Scheme No.3

The property is zoned “Shopping” under TPS No.3. The proposed use falls within the definition of “Warehouse” which is an “AA” use. The extension generates the requirement for one additional car parking space. There is no area on site for additional parking, however as noted in the Enquiry by Design report, there is generally an oversupply of parking areas within the City Centre.

Clause 7.8 of TPS No.3 provides for cash-in lieu of the physical provision of car parking. While the proposal involves storage of goods only, the extension provides for a general expansion of the business resulting in increased custom for the shop.



SIDE ELEVATION PLAN
LOT 6 JULL STREET, ARMADALE

The previous approval for an Office (23 November 2001) generated the requirement for 0.3 car parking space which was waived on the basis that it was not reasonable to require payment for the minor requirement. The current proposal generates the requirement for 0.79 of a space. Given the combined requirement for the office and current warehouse extension for 1.09 space, it is considered reasonable to require cash-in-lieu of one car parking space.

Analysis

Design issues

The proposed 1.8m setback of the upper storey façade from the existing lower portion of the building breaks up the visual bulk of the front façade and reduces the potential dominance of the building in relation to the adjoining Commonwealth Bank building and the streetscape in general. The existing architectural detail, colours and signage of the front façade are considered appropriate in respect to quality of presentation and streetscape. Re-positioning of the front façade to accommodate the extension is therefore considered acceptable.

The side facades are currently blank, however the application proposes relief moulding and windows on the eastern side, in accordance with the design of the front of the building. The proposed architectural detail will break up the large mass of blank wall which is especially relevant on the eastern side along where a future road may be constructed in accordance with the Enquiry by Design recommendations for the City Centre. The proposed design also accords with comments provided by the ARA in respect to design issues.

The existing signage, approved by Council on 17 January 2000 (D21/00), is proposed to be repeated in its current format which is considered compatible with the proposed building extension.

General comments

The proposal to extend the existing City Centre business is in accordance with current plans to revitalise and expand the City Centre area and provides general impetus and confidence in the revitalisation programme.

Options

1. Council may approve the application, subject to payment of cash-in-lieu of one car parking space, as the storage / warehouse use is consistent with Town Planning Scheme No.3 and the design of the building is consistent with the preferred streetscape for the City Centre.
2. Council may waive the requirement for payment of cash-in-lieu of one car parking space and approve the application in accordance with reasons provided in Option 1 above.

CONCLUSION

The application complies with TPS No.3 provisions. Payment of cash-in-lieu is considered reasonable as the proposal provides for the expansion of the existing business and a previous approval waived the requirement for cash-in-lieu. The proposed design and façade treatment is consistent with the preferred City Centre ‘main street’ character. The application is therefore recommended for approval in accordance with Option 1 above.

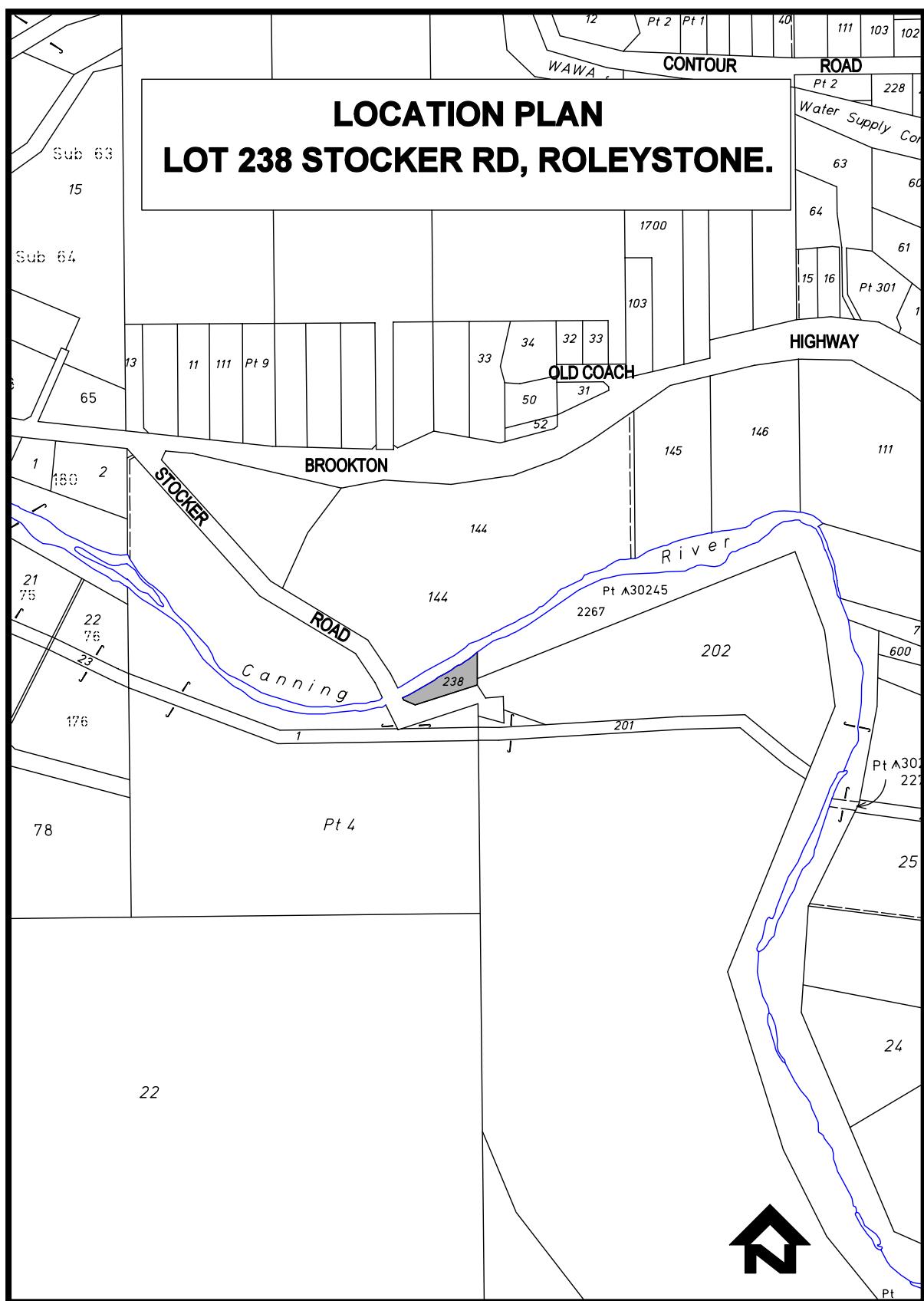
D162/02 RECOMMEND

That Council approve the application for an Extension to the Cash Converters Building for Storage Purposes at Lot 6 (No.172) Jull Street, Armadale subject to conditions including the following principal requirement:

- ♦ **The cash-in-lieu contribution in lieu of the physical provision of 1 car parking space to be paid to Council.**

MOVED Cr Zelones
MOTION CARRIED (6/0)

Cr Stewart returned to the meeting at 8.37pm.



PROPOSED RESIDENCE – LOT 238 STOCKER ROAD, ROLEYSTONE

WARD : ROLEYSTONE
FILE REF : A228589
DATE : 2 September 2002
REF : PRR
RESPONSIBLE MANAGER : PSM
APPLICANT : Allan Davies Architect
LAND OWNER : Ms G Beard
SUBJECT LAND : Property size 1969m²
Map 25.05
ZONING : Rural / Rural 'D'
MRS/TPS No.2

In Brief:-

- The application proposes the construction of a single residence on a property, which directly abuts the Canning River.
- The property is considered to have major environmental constraints for conventional type development.
- Recommend that Council advise the Western Australian Planning Commission that the application should be refused.

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

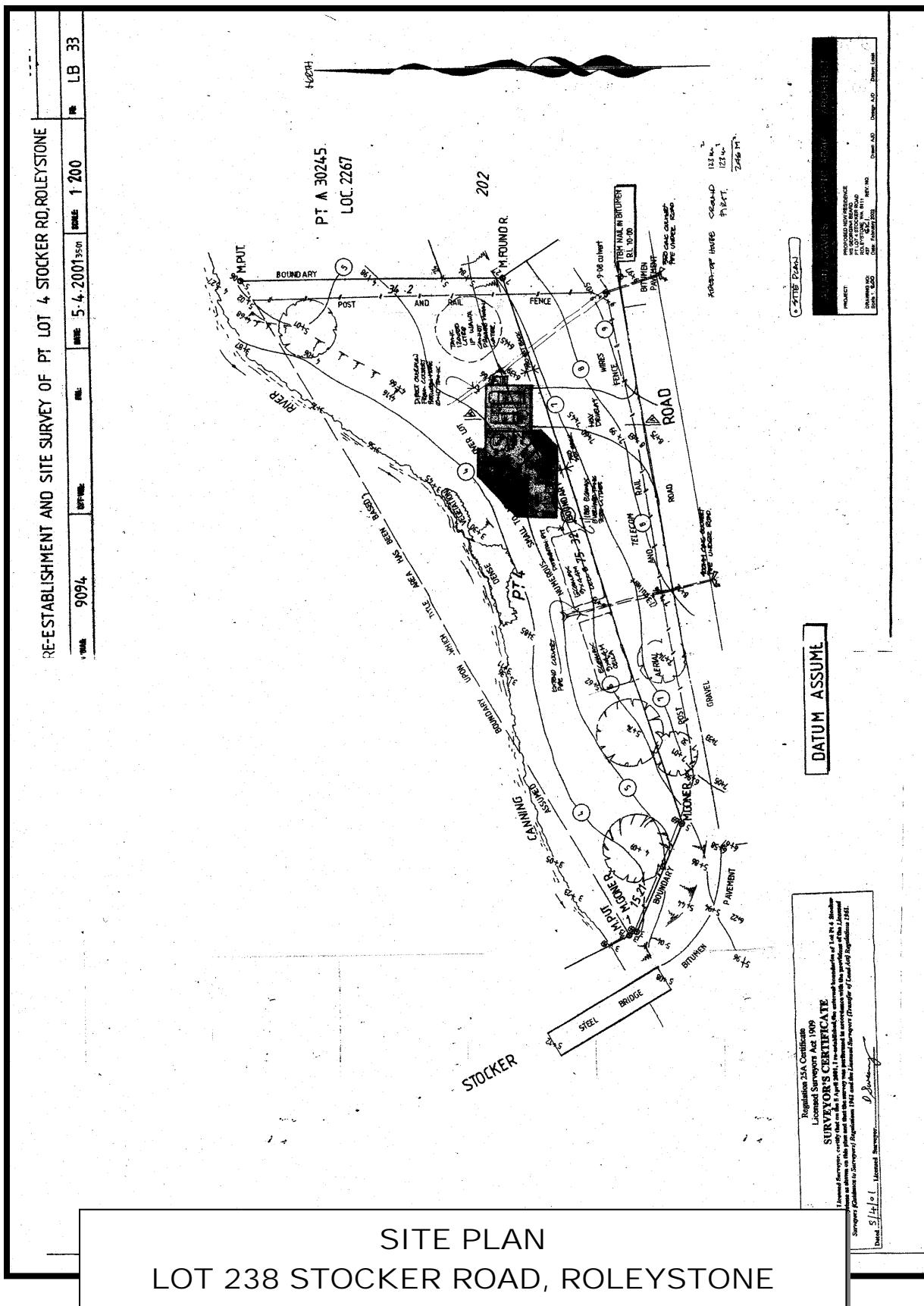
Metropolitan Region Scheme Act 1959
Metropolitan Region Scheme
Town Planning and Development Act 1928
Town Planning Scheme No.2

Council Policy / Local Law Implications

Setback Variations – Rural and General Rural Zone
Rural Strategy

Budget / Financial Implications

Nil.



Consultation

- ◆ Development Control Unit
- ◆ Swan River Trust

BACKGROUND

Council received an application for a single residence on Lot 238 Stocker Road, Roleystone on 11 June 2002. As the property directly abuts waters in the Swan River Trust Management Area, the proposal was referred to the Western Australian Planning Commission (WAPC) for determination under Clause 30A(1)a(ii) of the Metropolitan Region Scheme.

Council is required to provide a recommendation to the WAPC with regard to the application. As such, the proposal has been referred to Council for this purpose.

DETAILS OF PROPOSAL

The applicant proposes to construct a two storey single residence with a setback of 0.75m from Stocker Road and approximately 13.5m from the northern boundary, which, as can be seen from the site plan, places the residence about 5m from the Canning River. An Ecomax effluent disposal system is proposed for the development, situated along the southern property boundary.

COMMENT

Development Control Unit (DCU)

DCU at its meeting on 22 August 2002 considered the above application and recommended that the application not be supported because of the major environmental constraints associated with the property and the potential for the proposed residence to adversely impact on the environmental quality of the Canning River.

Swan River Trust

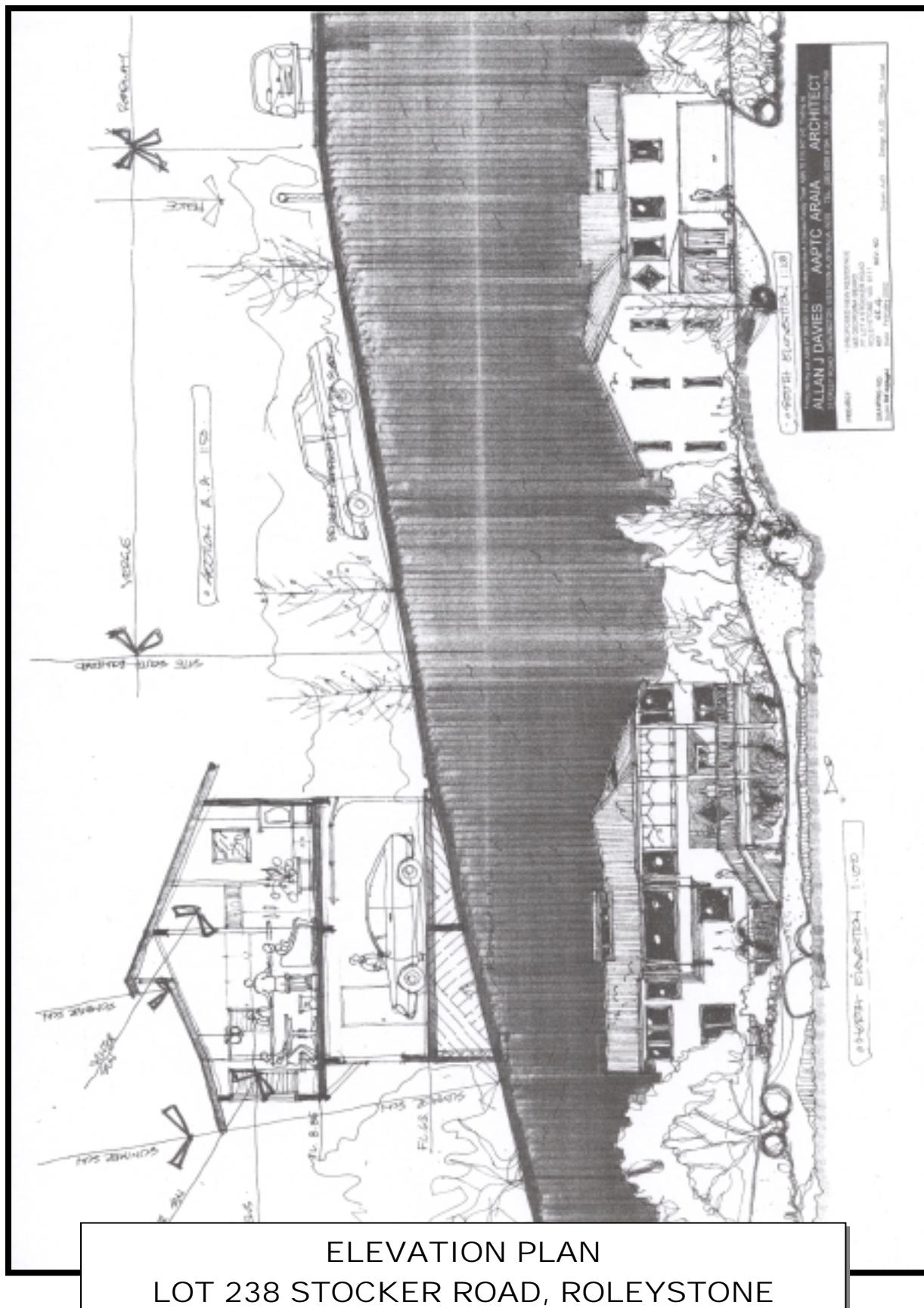
Swan River Trust officers oppose the application given concerns regarding effluent disposal, stormwater management, flood protection and vegetation protection.

ANALYSIS

Setbacks

Under Town Planning Scheme No.2 (TPS No.2) a single residence is a Permitted “P” use in the rural zone and requires a 15m setback from all property boundaries. Under Council’s Setback Variation Policy, where the width or depth of the lot is less than 50m, setbacks other than the standard 15m apply. In this instance, the width of the lot is approximately 75m, but the depth of the lot is 30.17m at its widest point.

This means that 15m side setbacks apply, but the applicant can apply for a front setback of 7.5m and a rear setback of 9m. The applicant’s submitted plan shows a 0.75m setback from Stocker Road (the front setback), significantly less than the Policy allows.



Rural Strategy

The subject property is identified as being located with the “Canning Valley Rural Planning Area”. The site is identified as having the following characteristics:

- ◆ Very high or highly susceptible to water erosion;
- ◆ Secondary landscape quality;
- ◆ Low capability for rural residential development;
- ◆ Low potential for rural residential development with significant constraints.

Swan River Trust Issues

Effluent Disposal

Concerns for effluent disposal are held given the high water table in the area and the proximity of the system to the Canning River. Swan River Trust Policy requires a 50m horizontal separation and a 2m vertical separation to the effluent disposal system, which the configuration of the property does not allow.

Stormwater Management

The location of the property precludes stormwater being treated satisfactorily before reaching the river, and runoff associated with the residence increases the potential for erosion of the river bank.

Flood Protection

The residence could potentially be flooded as it is located in the floodplain of the Canning River.

Vegetation Protection

The property is wholly within a System Six Conservation Reserve, and removal of vegetation associated with constructing a residence is contrary to Swan River Trust Policy.

Given the above issues, concerns are held for the development potential of the subject property, not only for this proposal, but for any form of development.

Regional Parks and Recreation Reserve

Should Council consider the property as unsuitable for development, the lot may be acquired by the WAPC and integrated into the foreshore reserves for the Canning River. It is recommended that Council nominate this as the appropriate course of action with respect to the lot.

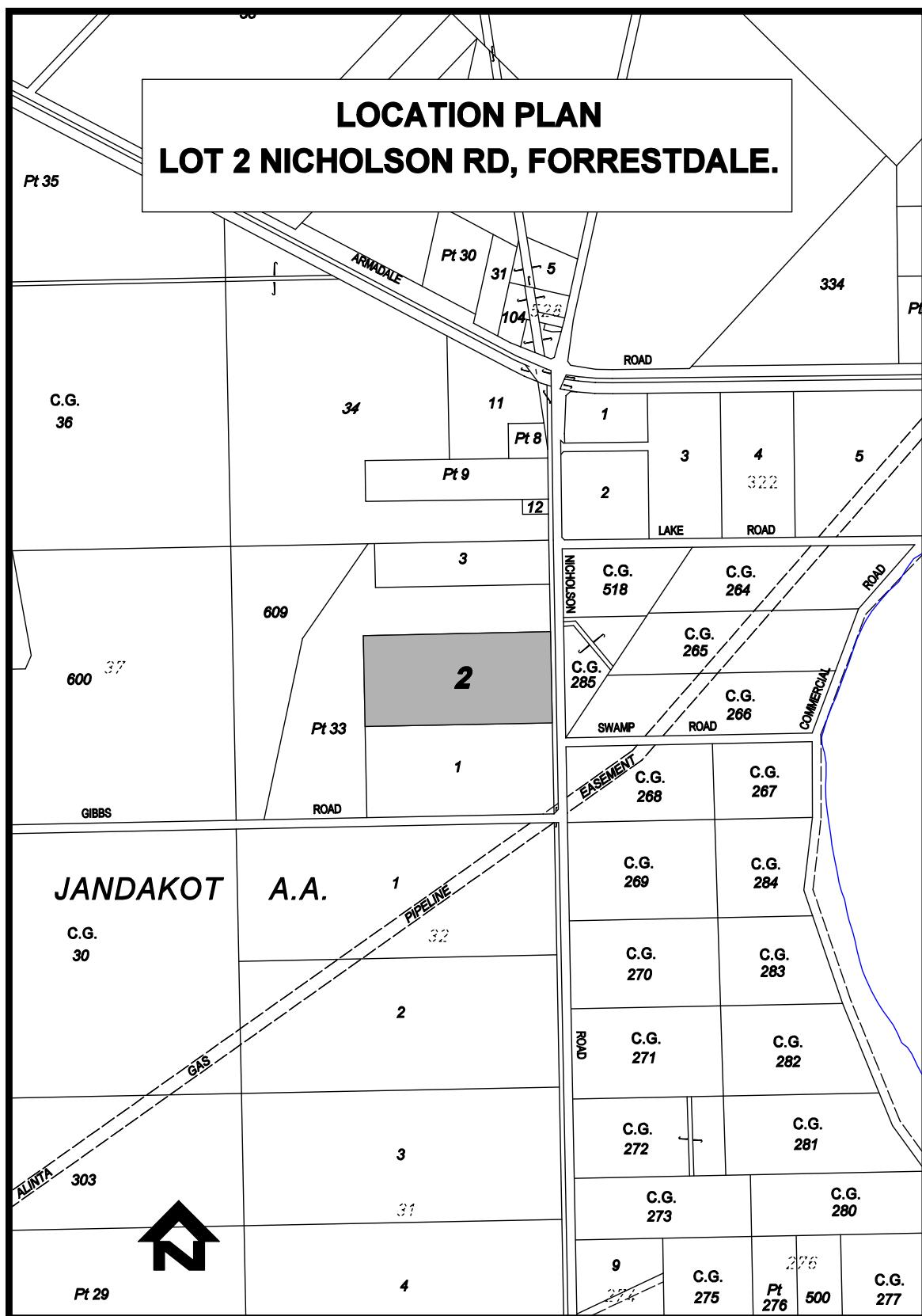
CONCLUSION

Given the depth of the site and its foreshore location, the application is unable to satisfy the setback requirements of Town Planning Scheme No.2 and Swan River Trust. Given the major environmental constraints and associated issues identified in this report, this site is not considered suitable for conventional type development. The configuration of the lot and its location abutting the Canning River makes the site more suitable for inclusion within the “Parks and Recreation Reservation” under the MRS. It is therefore recommended that Council advise the WAPC that the application should be refused.

D163/02 RECOMMEND

- 1. That Council advise the Western Australian Planning Commission that it recommends refusal of the proposed single residence on Lot 238 Stocker Road, Roleystone for the following reasons:**
 - ♦ **The proposed development will have an adverse impact on the Canning River by virtue of its close proximity to the foreshore and the waters of the river.**
 - ♦ **The property cannot achieve the required separation from the development to the river and the property boundaries as required by the Town Planning Scheme No.2.**
- 2. That Council advise the WAPC to consider rezoning the land to Parks and Recreation Reservation under the MRS.**

MOVED Cr Zelones
MOTION CARRIED (7/0)



***PROPOSED WHOLESALE PLANT NURSERY –
LOT 2 NICHOLSON ROAD, FORRESTDALE***

WARD : FORREST
FILE REF : A042327
DATE : 29 July 2002
REF : PRR
RESPONSIBLE MANAGER : PSM
APPLICANT : Laneway Construction
LAND OWNER : G Hendriks
SUBJECT LAND : Property size 9.1267ha
Map 17.02
ZONING : Rural / General Rural
MRS/TPS No.2

In Brief:-

- Council has received application to develop a Wholesale Plant Nursery over approximately 3ha of the subject site.
- One submission of no objection and one submission objecting to the proposal were received following advertising to surrounding landowners.
- Recommend that Council approve the proposed wholesale plant nursery on Lot 2 Nicholson Road, subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

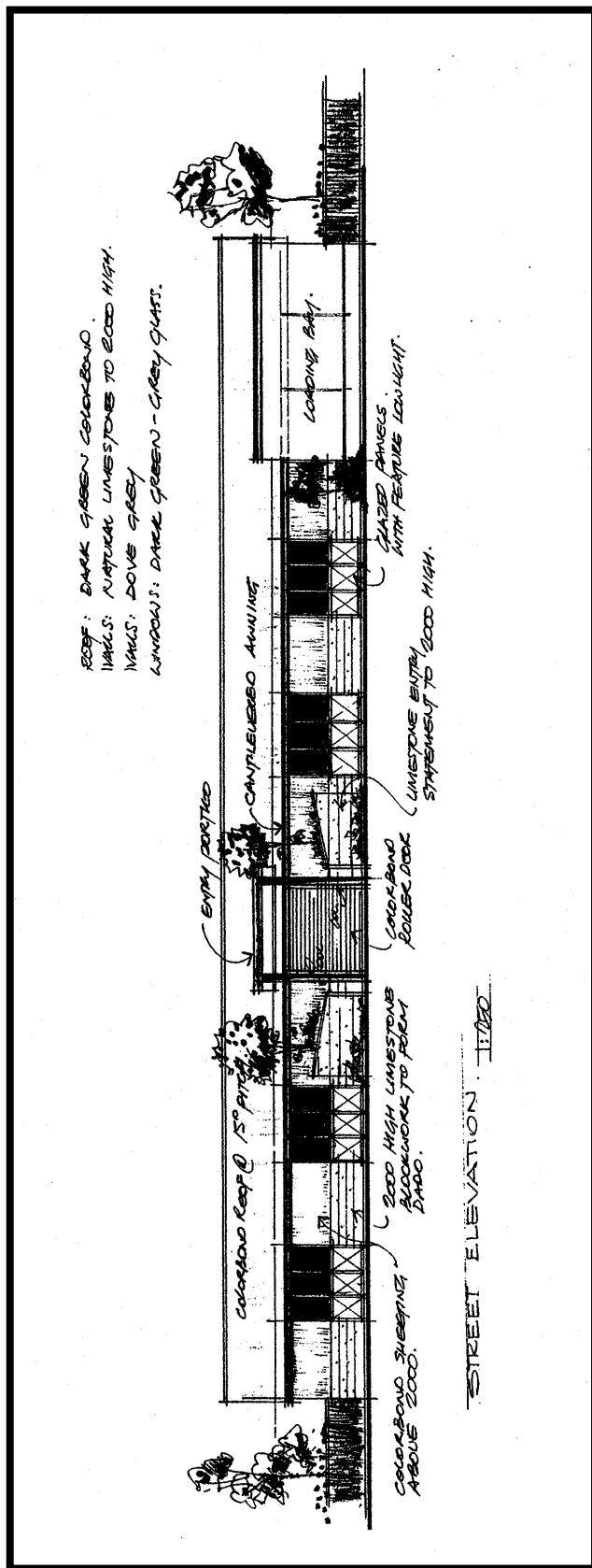
Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

STREET ELEVATION PLAN
LOT 2 NICHOLSON ROAD, FORRESTDALE



Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners / Interest Groups
- ◆ Department for Planning and Infrastructure (Strategic Transport Planning branch)
- ◆ Water and Rivers Commission
- ◆ Department for Conservation and Land Management

BACKGROUND

Council received an application to develop a wholesale plant nursery on the subject property on 24 May 2002. A wholesale plant nursery whilst not retail in nature, can be considered as a ‘Retail Garden Centre’ under Town Planning Scheme No.2. A ‘Retail Garden Centre’ is considered an ‘SA’ use under Town Planning Scheme No.2 in a ‘General Rural’ zone. The definition of a ‘Retail Garden Centre’ is “*land or buildings used for the purposes of propagating, growing and selling by retail plants and selling by retail domestic garden products and utilities, motorised garden implements, prefabricated garden buildings and bulk garden products.*”

A retail garden centre sells direct to the public, whereas a wholesale garden centre sells direct to other retailers in the garden industry. A retail nursery is likely to incur higher traffic volumes and patronage than a wholesale nursery. It is also noted that this wholesale nursery will not include plant propagation. The proposal was advertised in accordance with the provisions of a ‘SA’ use under Town Planning Scheme No.2 and has been referred to Council for determination.

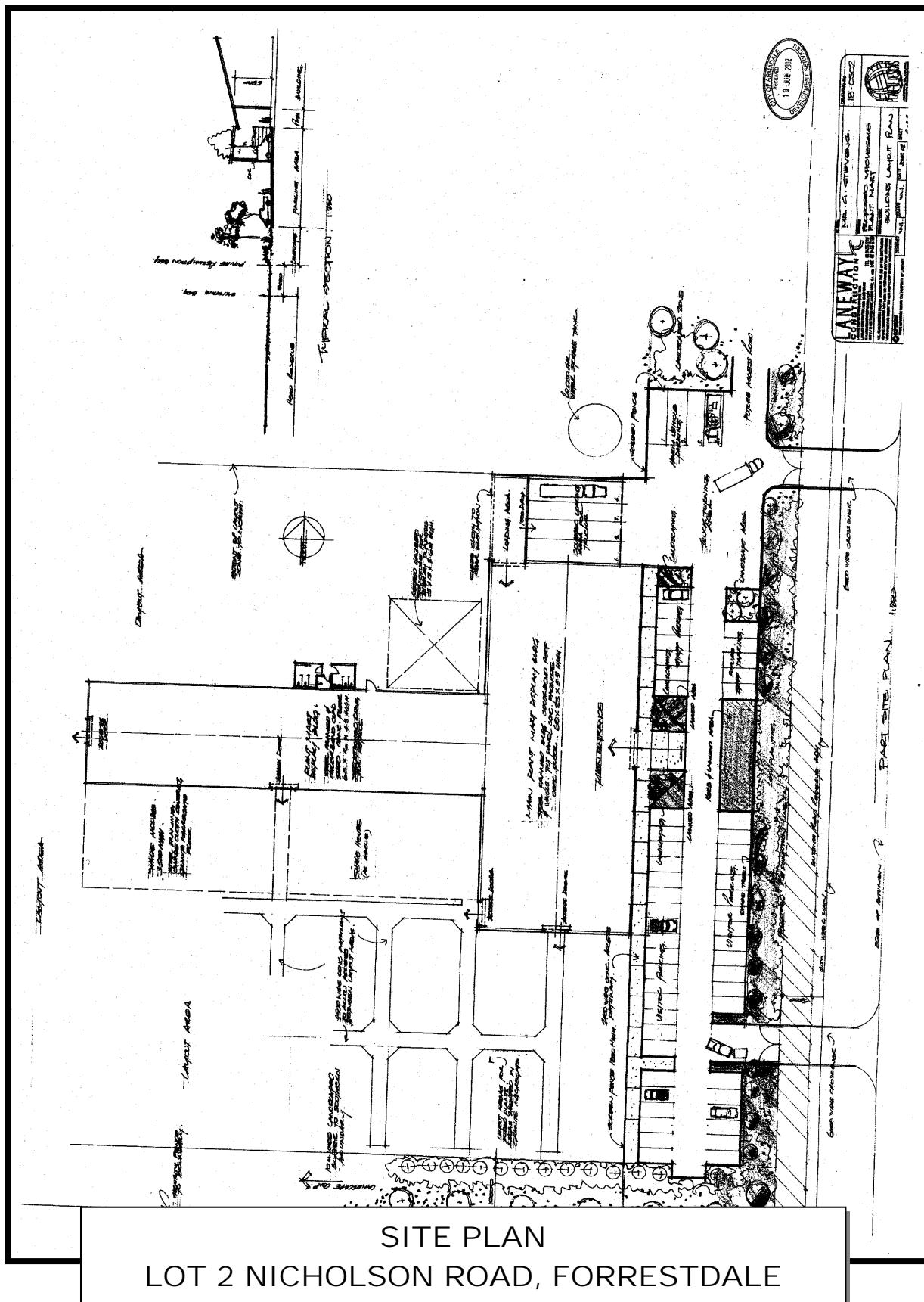
DETAILS OF PROPOSAL

The applicant proposes a wholesale plant nursery over approximately 3ha of the currently vacant subject site, consisting of a storage / reception shed and associated plant layout areas. The development would not be open to the public.

The shed would effectively be a ‘T’ shape with the front portion being 60m x 25m x 5.5m high, and the rear portion being 65m x 16m x 4.5m high and the total floor area being 2540m². The shed would be approximately 45m from the southern boundary, 30m from the eastern boundary, 336m from the western boundary and 84m from the northern boundary. The colour scheme for the shed has been proposed as dark green ‘Colorbond’ for the roof and Dove Grey ‘Colorbond’ for the walls. Limestone walls would also be a part of the landscaping fronting Nicholson Road.

61 parking bays (including a loading area) have been proposed on site, with a 10m landscaped buffer to the southern boundary, and a 5m landscaped buffer to the eastern boundary, both of which are to be planted with native plants. Operating hours have been indicated as 7.00am to 4.30pm Monday to Friday with approximately five employees on site at any one time.

The proposed nursery would predominantly sell plants (not propagated on site), but would also offer items such as equipment, tools, containers, garden statues and reticulation items to retailers associated with the nursery industry.



COMMENT

Development Control Unit (DCU)

At its meeting held on 3 September 2002, DCU recommended that the item be referred to Council for approval, given that concerns had been addressed satisfactorily. Council's Health Department requires the development to utilise a nutrient removal effluent disposal system.

External Comments and Advice

The application was advertised to surrounding landowners for a period of two weeks, with one submission of no objection received and one submission objecting to the proposal. Advice was also sought from the Department for Planning and Infrastructure the Department for Conservation and Land Management and the Water and Rivers Commission. Issues raised by submissions are addressed in the Analysis section.

ANALYSIS

Nutrification of Forrestdale Lake and Groundwater Contamination

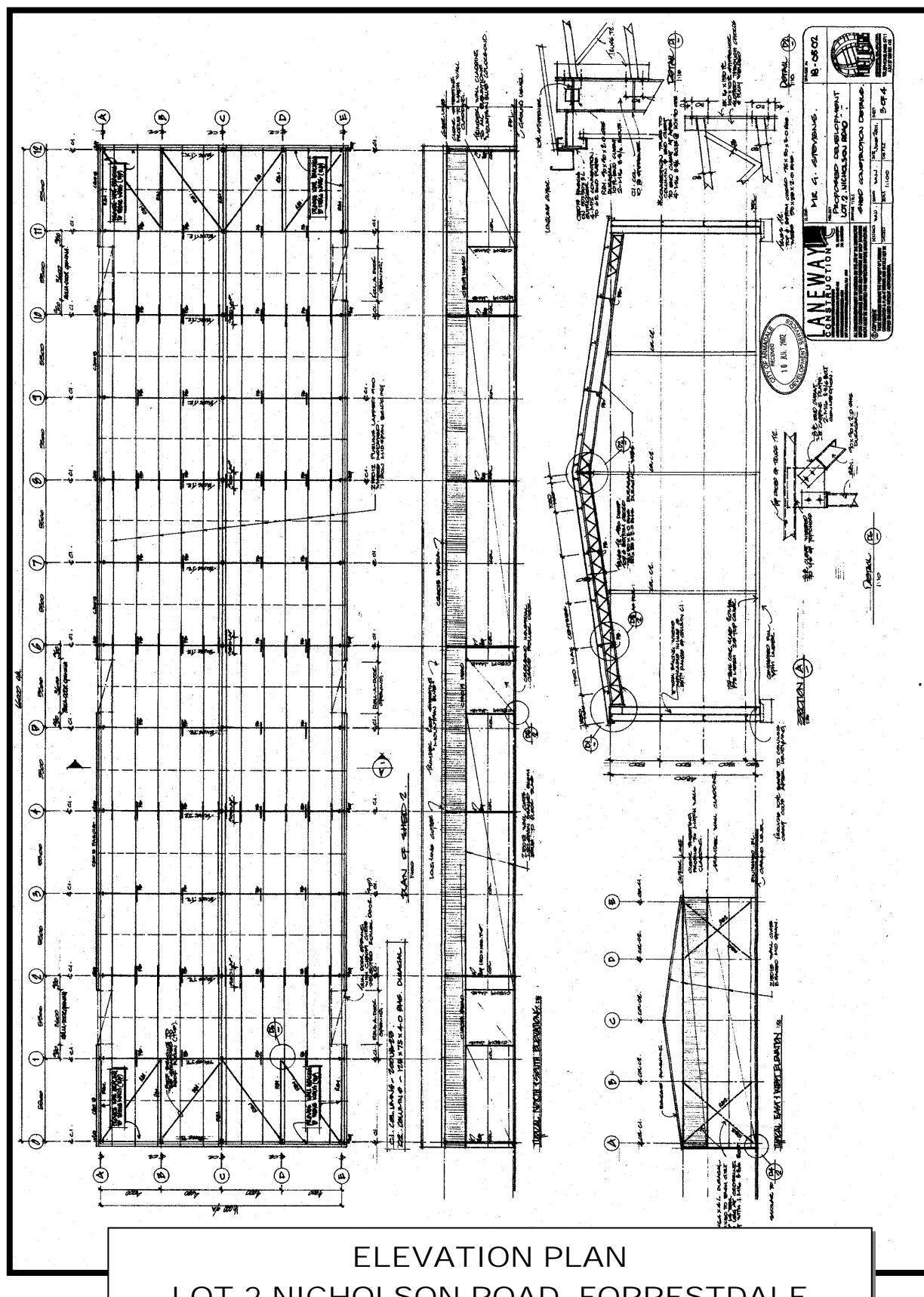
One submission was received objecting to the proposal on the grounds that nutrient laden water from the operation would reach Forrestdale Lake through the James Drain, increasing the midge population the City currently budgets to control, and undoing the good work that is being done to decrease nutrients entering the lake from Skeet Drain. It noted that groundwater from the west of the lake also moves toward the lake, increasing the potential for contamination.

With regard to the potential for nutrient output, the applicant has submitted that the only fertiliser used would be 'slow release' fertiliser, and that the plants could be on site from a day to a month. In response to the associated concerns raised in the objection and the similar concerns raised by Council's Environmental Officer, the owner and the applicant met with Council officers and volunteered to line the proposed plant layout areas with an impervious material connected to a drainage system that will run to a clay-lined dam constructed behind the proposed development. Appropriate planting could then remove the nutrients.

Additionally, the car park runoff would be directed through gaps in the kerbing into the surrounding landscaped areas, which removes pollutants through sand filtering and is termed 'passive irrigation'. Methods like those proposed are encouraged in the *Environmental Management Best Practice Guidelines for the Nursery Industry* (Dec 2001), and satisfy concerns with regard to nutrient leaching.

External Agency Comments

The Department of Planning and Infrastructure's (DPI) Strategic Transport Planning branch had no objection to the proposal given that future road widening had been incorporated into the design and subject to the crossovers being established to Council's standards.



The WRC submit that no objection is held subject to a 50m buffer between the nursery and the wetland dependant vegetation of the Conservation Category Wetland being maintained. The proposal has an 85m separation to the nearest wetland. The other condition imposed by the WRC outlined that the operation of the nursery should adhere to a Water Quality Protection Note and this should be required in the event an approval is given.

CALM identified that there may be some concern with the presence of declared rare or priority flora (a species of orchid) on or near the site. A site inspection has revealed that there does not appear to be any vegetation resembling orchids on the site, and indeed the property is being used for the grazing of horses, which further removes this possibility. Given that the proposal is at least 300m from the western property boundary, and another property is between it and the CALM reserve, the presence of the flora does not seem to be likely.

The applicant should however be made aware of his obligations under the Soil and Land Conservation Act as well as the fact that no declared rare flora is to be disturbed with the development of the property without the approval of the Minister of the Environment.

Parking

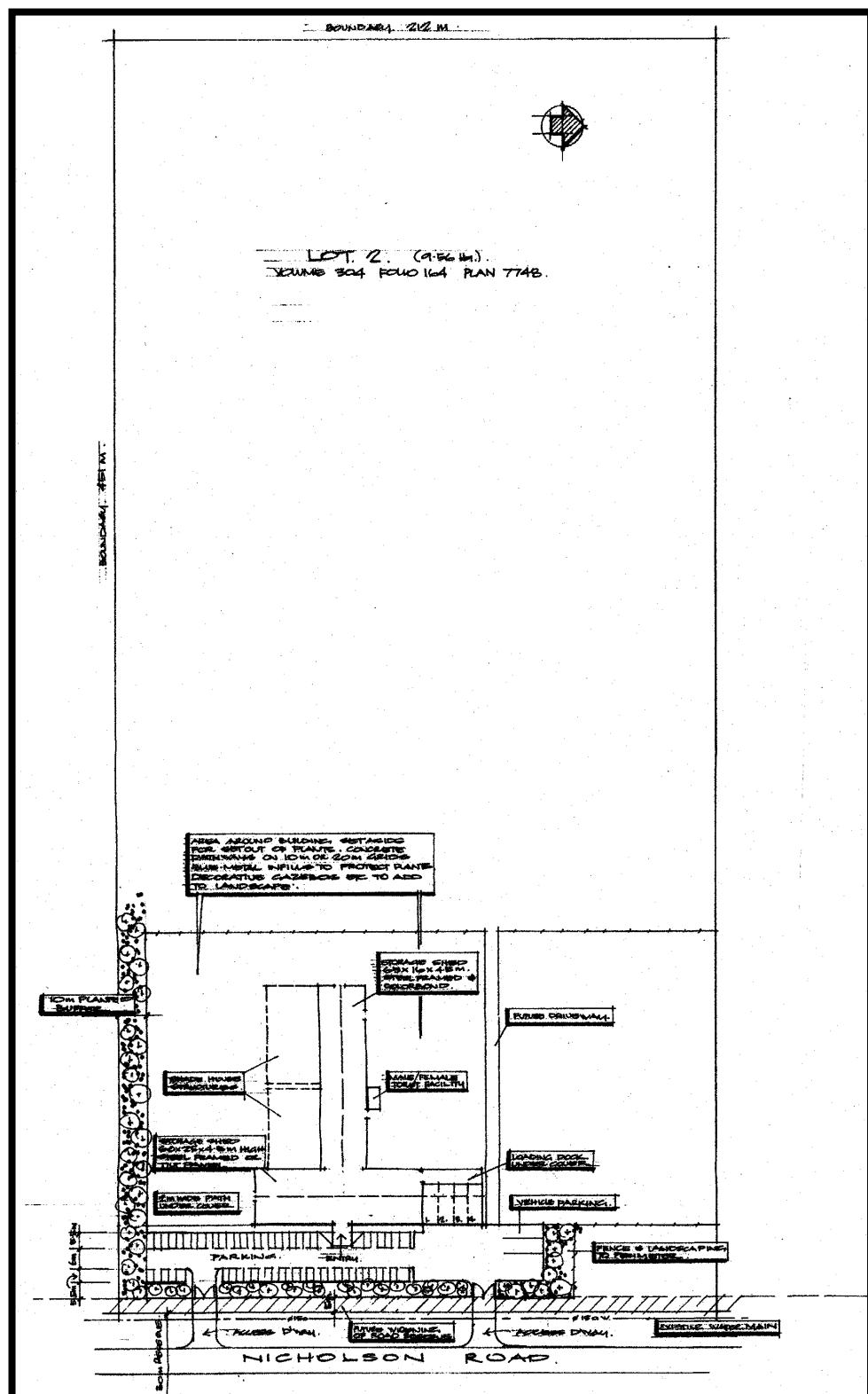
Town Planning Scheme No.2 requires 1 bay per 100m² Gross Floor Area and open display area for a Retail Garden Centre. The proposed area for the nursery includes approximately 12,600 m² that would be for the sheds and the display area. This equates to 126 parking bays, with the plans submitted reflecting 61 bays including the loading area. The applicant has estimated that, being a wholesale nursery as opposed to one open to the public, 40 vehicles would frequent the premises daily and as such believes the provision of 61 bays is adequate to deal with expected parking demand.

These figures are accepted as reasonable, as a wholesale situation sells direct to other retailers in the garden industry and is not open to the general public. This means the development is likely to incur lower traffic volumes and patronage than a retail nursery open to the public.

Therefore, it may be appropriate for Council to consider the parking proposed in this application, on the condition that if parking problems eventuate, additional parking will be constructed by the owner to the satisfaction of Council. There is adequate room for additional parking to be provided should it be needed, so this should not be an issue.

OPTIONS

1. Council could approve the application for a wholesale plant nursery on Lot 2 Nicholson Road, Forrestdale, subject to appropriate conditions relating to water treatment, flora assessment and parking requirements for the nursery.
2. Council could refuse the application for a wholesale plant nursery on Lot 2 Nicholson Road, Forrestdale, on the grounds that it is not satisfied the proposal will not have a detrimental impact on the surrounding area, in terms of amenity and environmental impact.



STRUCTURE PLAN
LOT 2 NICHOLSON ROAD, FORRESDALE

CONCLUSION

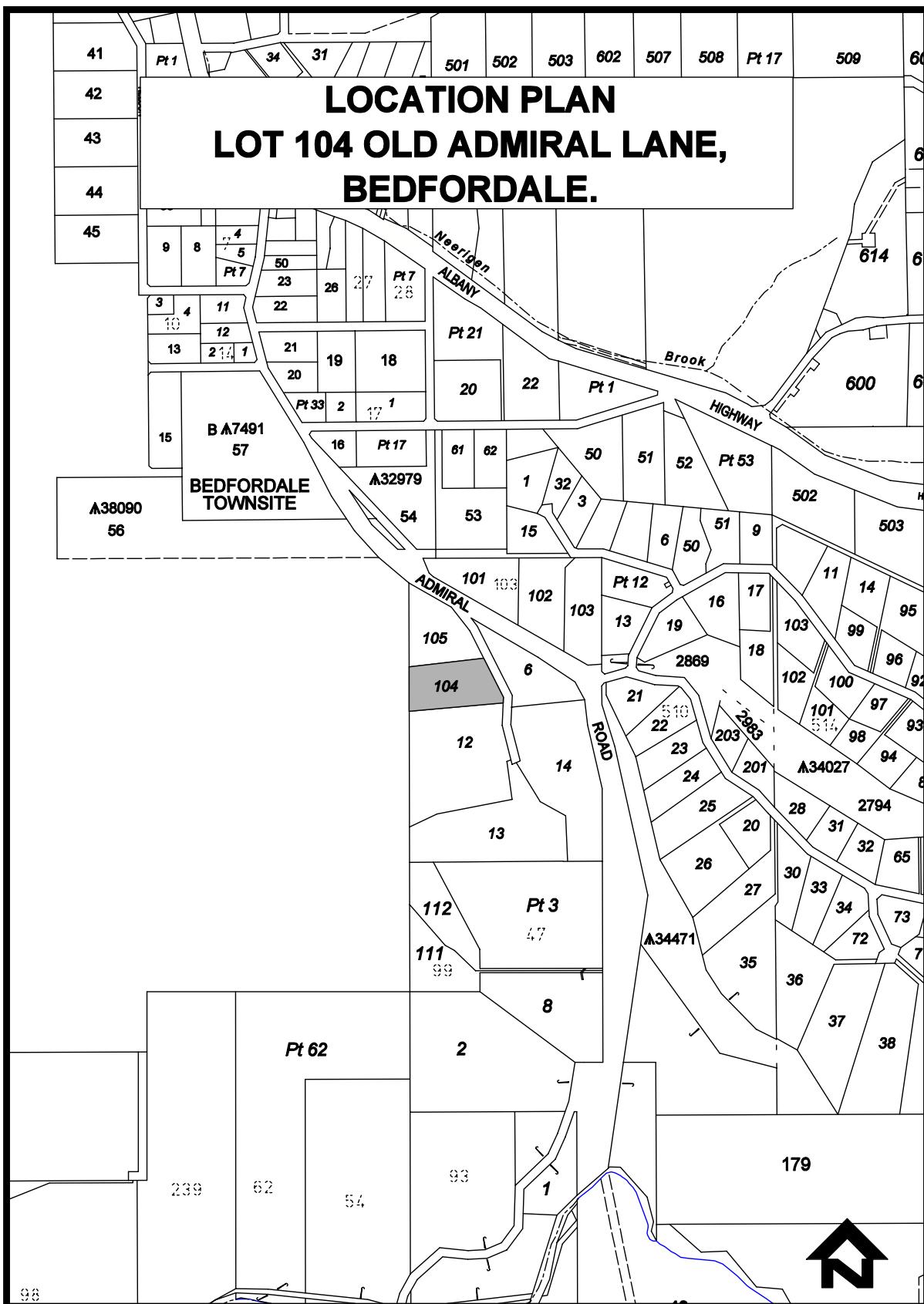
The applicant has addressed the issues raised with regard to nutrient leaching and the issues with water treatment. Flora assessment and parking for the nursery can be addressed through appropriate conditions. It is therefore recommended that Council approve the application for a wholesale plant nursery on Lot 2 Nicholson Road, Forrestdale in accordance with Option 1.

D164/02 RECOMMEND

- 1. That Council approve the application for a wholesale plant nursery on Lot 2 Nicholson Road, Forrestdale, subject to the following principal requirements:**
 - ◆ **Revised plans are to be submitted demonstrating the lining of the proposed plant layout area to achieve a contained system whereby nutrient leaching cannot occur. The revised plans should indicate the type of lining material to be used and details of the associated drainage system and dam, to the satisfaction of Council.**
 - ◆ **Revised plans are to be submitted demonstrating that the kerbing treatment in the parking area is able to achieve passive irrigation standards, to the satisfaction of Council. All kerbing to be installed and maintained in accordance with approved plans.**
 - ◆ **The development must utilise a nutrient removal effluent disposal system to the satisfaction of Council.**
 - ◆ **Additional car parking may be necessary for the development to achieve the requirements of Town Planning Scheme No.2, namely 126 bays. In this regard, Council will conduct a review of the parking on site to finalise its requirements twelve (12) months after the nursery commences operations.**
- 2. That the applicant be advised that compliance with the Water and Rivers Commission's Water Quality Protection Note for Nurseries and Garden Centres is required, that all clearing is to be carried out in accordance with the Soil and Land Conservation Act 1945 and that no declared rare flora is to be disturbed without written approval from the Minister for the Environment.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

Query arose as to the terms of the proposed car parking condition. Subsequent consultation has resulted in affirmation of the proposed parking review arrangement by way of a letter of agreement to the condition signed by the applicant. The letter of agreement has been received.



***PROPOSED BED AND BREAKFAST ESTABLISHMENT –
LOT 104 (No.20) OLD ADMIRAL LANE, BEDFORDALE***

WARD : ARMADALE
FILE REF : A240082
DATE : 23 August 2002
REF : PRR
RESPONSIBLE MANAGER : PSM
APPLICANT : Mr & Mrs Whitehead
LAND OWNER : Mr & Mrs Whitehead
SUBJECT LAND : Property size 2.0650ha
Map 25.39
ZONING : Rural / Rural 'D1'
MRS/TPS No.2

In Brief:-

- Council received an application for a Bed and Breakfast establishment on 4 July 2002.
- Advertising of the proposal resulted in one submission of no objection and one letter conditionally supporting the proposal.
- Recommend that Council approve the Bed and Breakfast application with an appropriate advice note.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

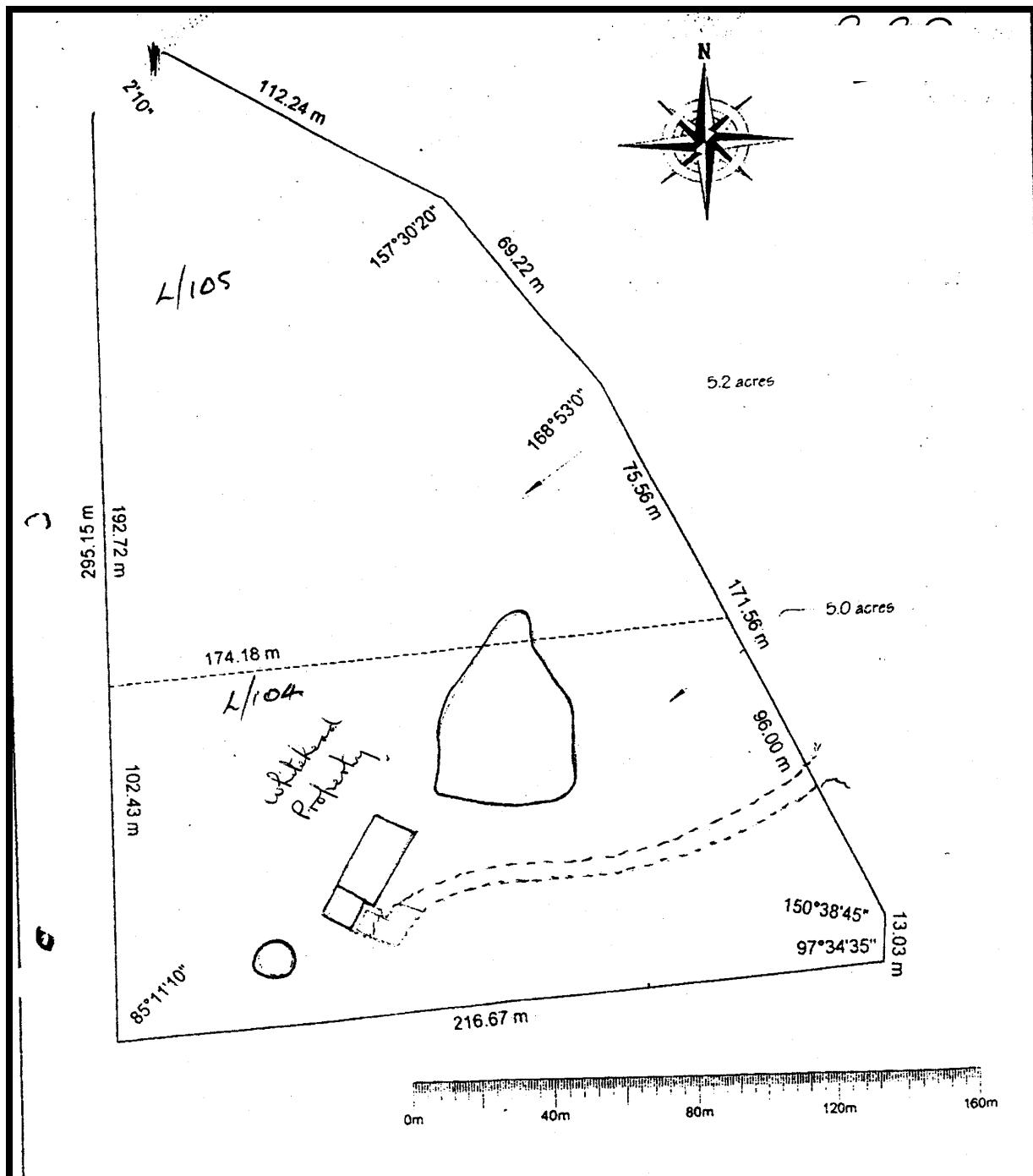
Town Planning and Development Act 1928
Metropolitan Region Scheme Act 1959
Town Planning Scheme No.2.

Council Policy / Local Law Implications

Rural Strategy.

Budget / Financial Implications

Nil.



SITE PLAN
LOT 104 OLD ADMIRAL ROAD, BEDFORDALE

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners
- ◆ Department for Planning and Infrastructure (Land Asset Management Branch)

BACKGROUND

Council received an application for a Bed and Breakfast establishment on lot 104 Old Admiral Lane, Bedfordale on 4 July 2002. Given that the proposed use is an ‘AA’ classification in a Rural zone under Town Planning Scheme No.2, the matter has been referred to Council for determination.

DETAILS OF PROPOSAL

The applicant proposes to utilise five rooms of the existing residence, consisting of two bedrooms, an ensuite, a living room and a dining room as a Bed and Breakfast establishment. The proposal is of a small scale, namely being for approximately one couple or family per fortnight on a short stay basis. Visitor parking would be available adjacent to the existing garage.

COMMENT

Development Control Unit (DCU)

At its meeting held on 27 August 2002, DCU recommended that the item be referred to Council for approval, as it is in keeping with the intent and purpose of the Rural zone.

Council’s Health Department indicated the need for chemical and microbiological water samples to be taken with regard to the water supply for the residence, as it is obtained from an on site water tank.

External Comments and Advice

The application was advertised to surrounding landowners for a period of two weeks. A total of two submissions were received, consisting of one letter of no objection and one letter conditionally supporting the proposal. Advice was also sought from the Department for Planning and Infrastructure. The issues raised are addressed in the Analysis section.

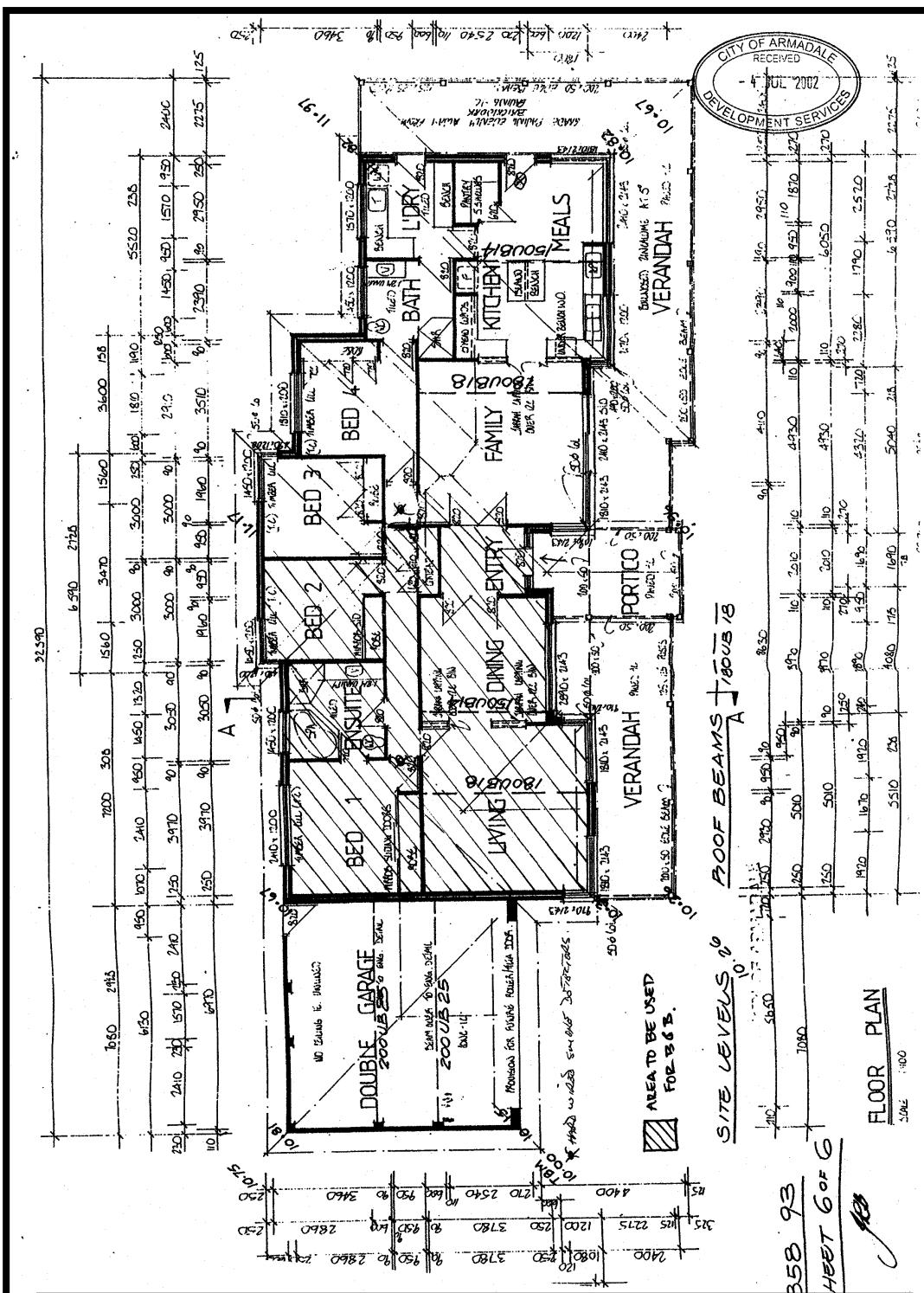
ANALYSIS

Public Submissions

The issue raised in the submission conditionally supporting the proposal from a surrounding landowner is analysed as follows:

Any pets brought to the property should be confined / restrained so no wildlife is killed.

The applicants state they would prefer not to have pets brought the establishment, but when this is unavoidable, the animals would be appropriately confined. These measures are considered to be appropriate.



ELEVATION PLAN
LOT 104 OLD ADMIRAL ROAD, BEDFORDALE

Other Agencies

The Department for Planning and Infrastructure were consulted as the subject lot abuts a Regional Parks and Recreation Reserve, but had no objection to the proposal as presented.

General Assessment

The Policy Statement for the Rural zone states that it is a zone intended for the fostering of semi-intensive rural use of land, and that where compatible, such uses promoting tourism may be permitted. The application also complies with the definition of a ‘Bed and Breakfast Establishment’ under Town Planning Scheme No.2.

In addition, the lot is a part of the Bedfordale Rural Planning Area in Council’s Rural Strategy, which lists ‘tourism (accommodation/attractions)’ as a desirable land use for the area. Given that the proposal is of a small scale in terms of the number of visitors and the fact that there is ample room for additional parking, it is considered that the impact of allowing this proposal to proceed will be negligible. As such, it is recommended that the application be approved.

Water Supply

In regard to the water supply, where businesses supply foodstuffs and the water supply is not from an approved source, a business is able to self-manage their water supply. When the new Food Standards Code comes into effect later this year however, each business must demonstrate that they have a potable water supply. This will involve submitting water samples to the local authority. A business must be able to demonstrate that they have a potable water supply on the day the new regulations come into effect.

In addition, the operation of such businesses need to be able to demonstrate that they have exercised ‘due diligence’ towards their customers by ensuring that they have a potable water supply. As such, the applicant should be advised of their obligations with regard to the imminent Food Standards Code in the event of any approval.

OPTIONS

1. Council could approve the application for a Bed and Breakfast establishment at lot 104 Old Admiral Lane, Bedfordale subject to an advice note with regard to water testing.
2. Council could refuse the application for a Bed and Breakfast establishment at lot 104 Old Admiral Lane, Bedfordale if it is not satisfied that the proposal, as presented, will not have a detrimental impact on the amenity of the surrounding area.

CONCLUSION

As the proposal is in keeping with the intent and purpose of the Rural zone, Council’s Rural Strategy, the definition of a Bed and Breakfast Establishment and no reasonable objections have been raised, it is recommended that Council approve the application for a Bed and Breakfast Establishment in accordance with Option 1.

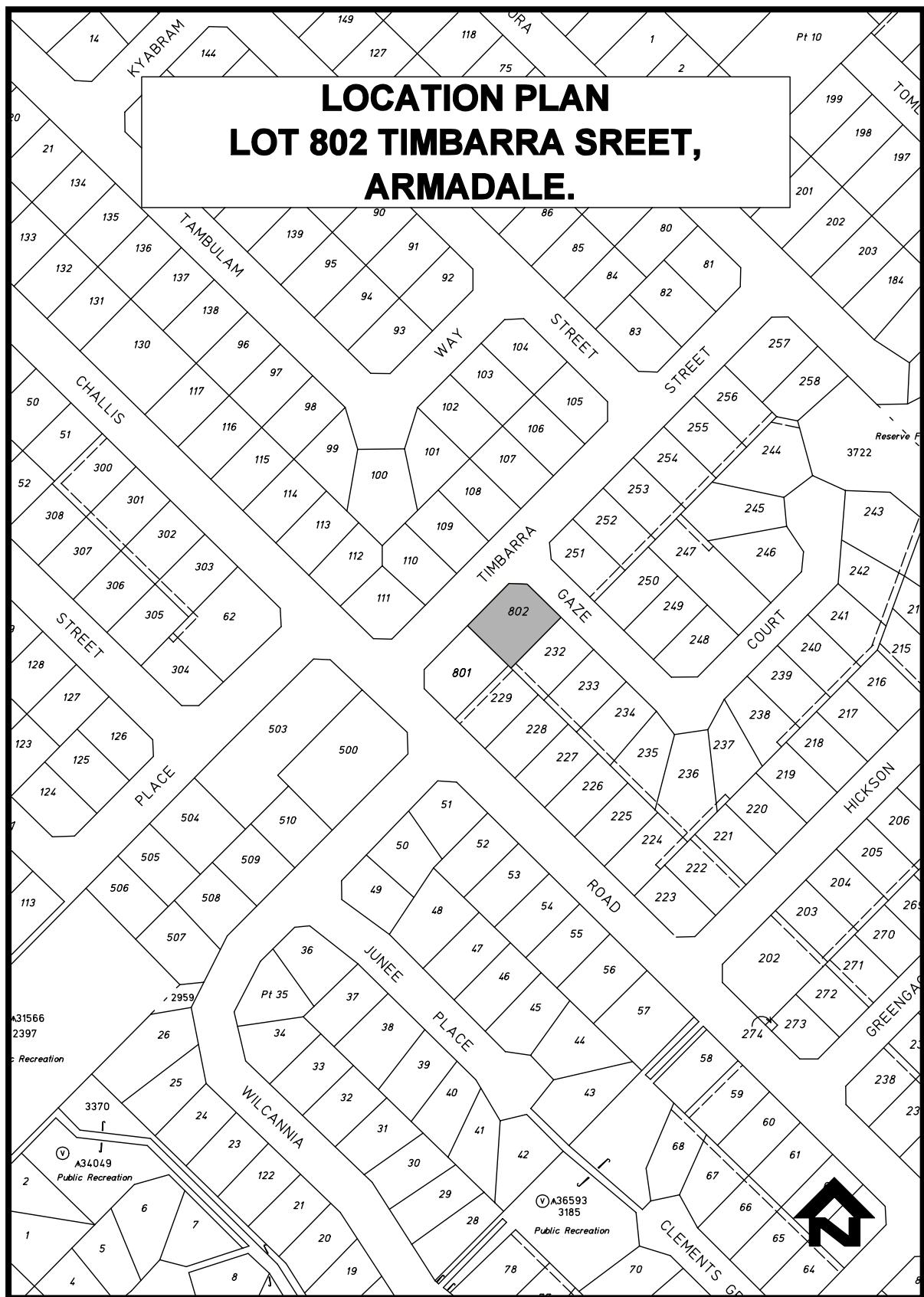
Cr Green noted this item had not been referred to the Bungendore Park Advisory Committee.

Officers responded that statutory referral to the responsible authority (DPI) had been undertaken. There are no physical changes associated with the Bed & Breakfast proposal and no practical impact on Bungendore Park is anticipated.

D165/02 RECOMMEND

- 1. That Council approve the application for a Bed and Breakfast Establishment at lot 104 (No.20) Old Admiral Lane, Bedfordale.**
- 2. That the applicant be advised of their obligations with respect to the imminent new Food Standards Code in relation to water supply and associated testing**

MOVED Cr Zelones
MOTION CARRIED (7/0)



GROUPED HOUSING (DUPLEX) – LOT 802 (No.3) TIMBARRA STREET, ARMADALE

WARD : WEST ARMADALE

FILE REF : A233130

DATE : 26 August 2002

REF : PRR

RESPONSIBLE : PSM
MANAGER

APPLICANT : Ms L Zivkovic

LAND OWNER : Ms L Zivkovic

SUBJECT : Property size 901m²
LAND Map 22.04

ZONING : Urban / Residential ‘R15’
MRS/TPS No.2

In Brief:-

- Council received an application for a second unit on lot 802 Timbarra Street, Armadale on 26 July 2002.
- The proposal was advertised and two objections were received.
- Recommend that Council approve the application for grouped housing on the property, subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Policy 4.3.13 – Group Housing Development

Budget / Financial Implications

Nil.



PHOTOGRAPH OF EXISTING UNIT
LOT 802 TIMBARRA ST, FORRESTDALE

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners
- ◆ Council's Building Services Manager

BACKGROUND

Council received an application for a two unit development on Lot 802 Timbarra Street, Armadale on 12 June 2001. Repeated requests were made for revision of the plans submitted to reach a sufficient standard to allow assessment, to which no response was received. Eventually the application was cancelled and the applicant was given notification of appeal rights in regard to this decision. The applicant nevertheless proceeded with an application for a Building Licence for a single unit on the property, which was approved by the Building Department.

Council received a new application for the second unit on 26 July 2002. Grouped housing is an 'AA' use under Town Planning Scheme No.2. The proposal requires variation to Council's Group Housing Policy with respect to the front setback and variation to the requirement for grouped housing to be situated six lots apart on the same side of the street. As such, the application was advertised to surrounding landowners for a period of two weeks resulting in an objection, and the proposal has been referred to Council for determination. It should be noted that there is also an application for a duplex development on Lot 801 Timbarra Street, adjacent to the subject site.

DETAILS OF PROPOSAL

The applicant proposes to develop a second unit on the property to create a duplex. An existing unit is situated on the south-west side of the subject lot, the new unit would be situated on the north-east side of the lot. Both units would face Timbarra Street and access for both units would also be from Timbarra Street.

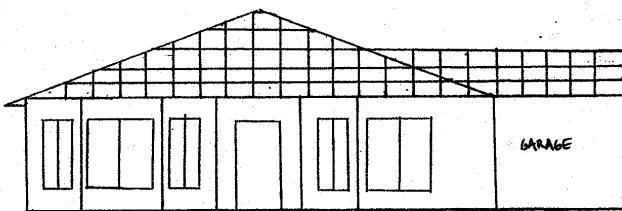
With respect to the second unit, it is proposed that it be situated 3m from the north-east boundary, 4m from the south-east boundary, an average of 6m from the north-west boundary (the closest point to the boundary being 4.5m) and 6.9m from the existing unit to the south-west. The unit would be constructed in limestone 'federation' bricks and Bristile orange roof tiles, which would match the colours and materials used for the first unit.

A three sided garage (rear open) which is half built for the first unit would be extended for the garage of the second unit. The applicant also proposes 'Colorbond' fencing along the two side boundaries, truncation and middle of the property, as well as a masonry pillar and panel fence for the front boundary.

COMMENT

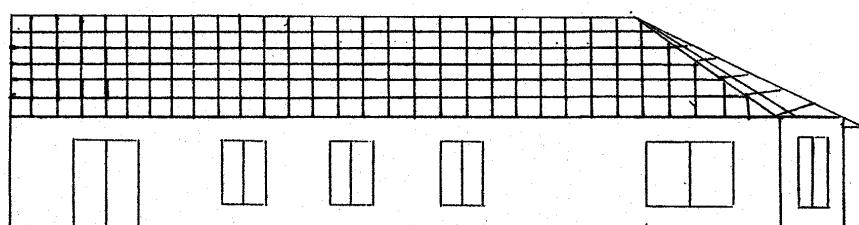
Development Control Unit (DCU)

At its meeting held on 29 August 2002, DCU recommended that the item be referred to Council for approval. In the meeting it was noted that the brick and panel fencing should continue along the truncation. Further details of the proposed fencing, including dimensioning, would be needed in this respect.



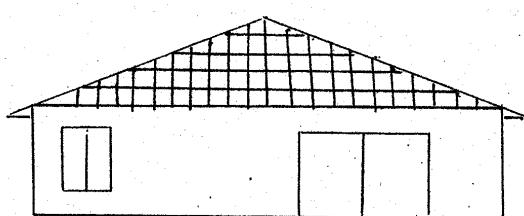
ELEVATION A

UNIT 2



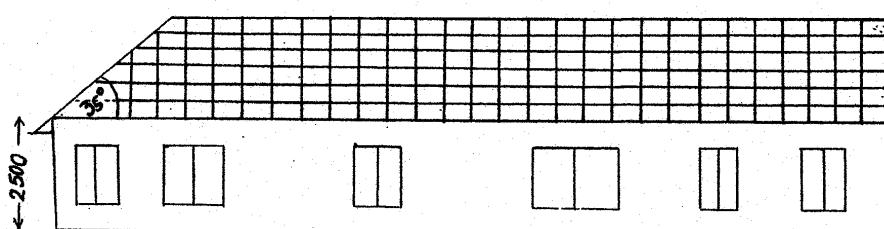
ELEVATION D

ELEVATION PLAN
LOT 802 TIMBARRA STREET, ARMADALE



ELEVATION C

UNIT 2



ELEVATION B



DCU also noted that whilst the standard of the plans is not high, they provide enough information to make a determination on the proposal.

Surrounding Landowners

The application was advertised to surrounding landowners for a period of two weeks. Two submissions objecting to the proposal were received. The issues raised will be addressed in the analysis section.

ANALYSIS

Submissions

The issues raised in the two submissions objecting to the application were very similar and can be summarised as follows:

The first unit looks like it has been built with second hand materials, is out of plumb, and the condition of the fencing and the property in general down grades the surrounding area. It is doubted that the building would pass a detailed inspection and if the development was in the inner city, it would already have been demolished.

Council's Group Housing Development Policy sets objectives for development to "have a strong and attractive streetscape setting which enhances and complements the visual character, bulk and scale of surrounding built form", and "to achieve a high quality building development in relation to architectural design, site layout, materials, colour, tone, texture and fencing".

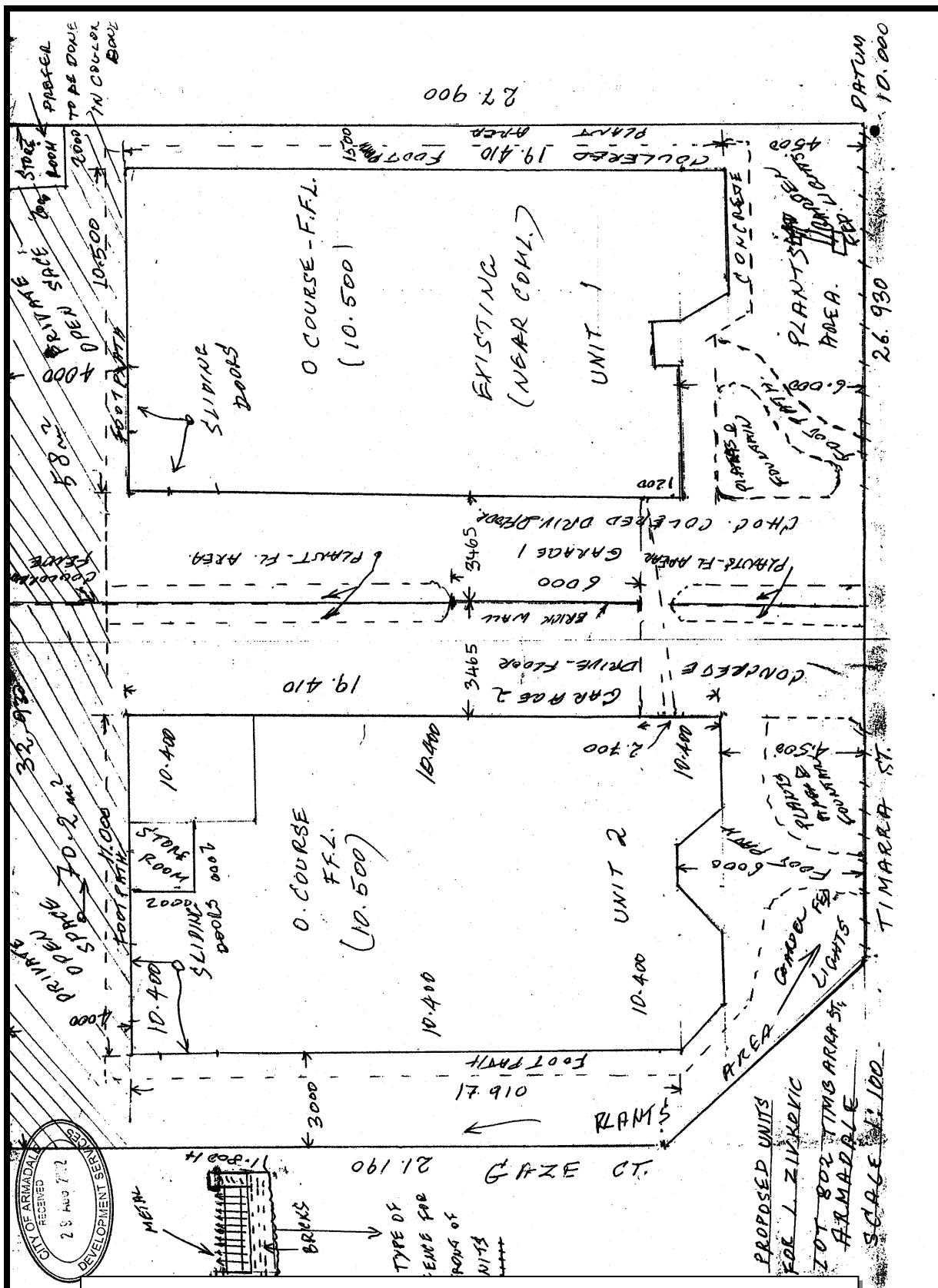
The nature of the objections raised, whilst demonstrating that there may be concerns with regard to Policy objectives, does not preclude approval to the development of an additional unit. The City is obliged under regulation to issue a Building Licence when plans and specifications conforming to the requirements of the Building Regulations 1989 and the Building Code of Australia are submitted in an application for a Building Licence.

The Builders' Registration Board is responsible under its Act to "licence" owner-builders and once licensed the City is not able to refuse a Building Licence to an owner-builder unless it can be determined from the submitted documents that the building will not conform to the Building Code of Australia on completion.

Both the Building Code of Australia and the Building Regulations focus on structural and functional adequacy and do not address workmanship related issues. These issues fall within the parameters of the Builders' Registration Act. The matter regarding the quality of workmanship displayed on this site will be referred to the Builders' Registration Board.

Council's Group Housing Policy

Council's Group Housing Policy outlines that Council approval is required in an instance where variations to the Policy are proposed. In this instance, the applicant is proposing to vary Clause 2.2.1.2 with regard to group housing development within six lots on the same side of the street and Clause 3.1.2, which permits Council to consider averaged setbacks.



PROPOSED UNITS
LOT 802 TIMBARRA STREET, ARMADALE

In relation to the ‘one in six’ requirement, the proposal is situated five lots away from an existing duplex, and next door to a proposed duplex. The existing duplex five lots away is in a cul-de-sac, is not easily identifiable as a higher density development and as such is not a major concern. To vary the ‘one in six’ requirement in respect to the existing duplex, but also to allow lots 802 and 801 to become a node of higher density living (ie four units) does not seem unreasonable, given that both have adequate capacity for such development, are corner lots which is preferable, and are in close proximity to public transport, open space, shopping and community facilities. It is also considered appropriate to allow the variation to the setback requirement as the prosed variations average as described by the Residential Planning Codes of Western Australia (R-Codes).

Allowing the development of a second unit has the potential to improve the overall presentation of the subject property through appropriate built form and associated fencing. In relation to the Submissions section and the concerns raised, it should be noted that the first unit is not yet completed. It is acknowledged that the plans submitted to Council should be improved to address the objectives of Council’s Group Housing Development Policy. Stringent conditions with regard to the submission of revised plans demonstrating that the proposal can comply with the objectives of Council Policy would address the concerns held. It is suggested that further attention be given to the dimensions and elevational treatment of the development, to achieve an improved streetscape quality.

Landscaping can also be an active part of improving the standard of development, and all group housing applications are required to submit a landscape plan. Whilst the landscaping demonstrated on the site plan does not provide adequate detail for assessment, further details can be required as a condition of approval, should it be granted.

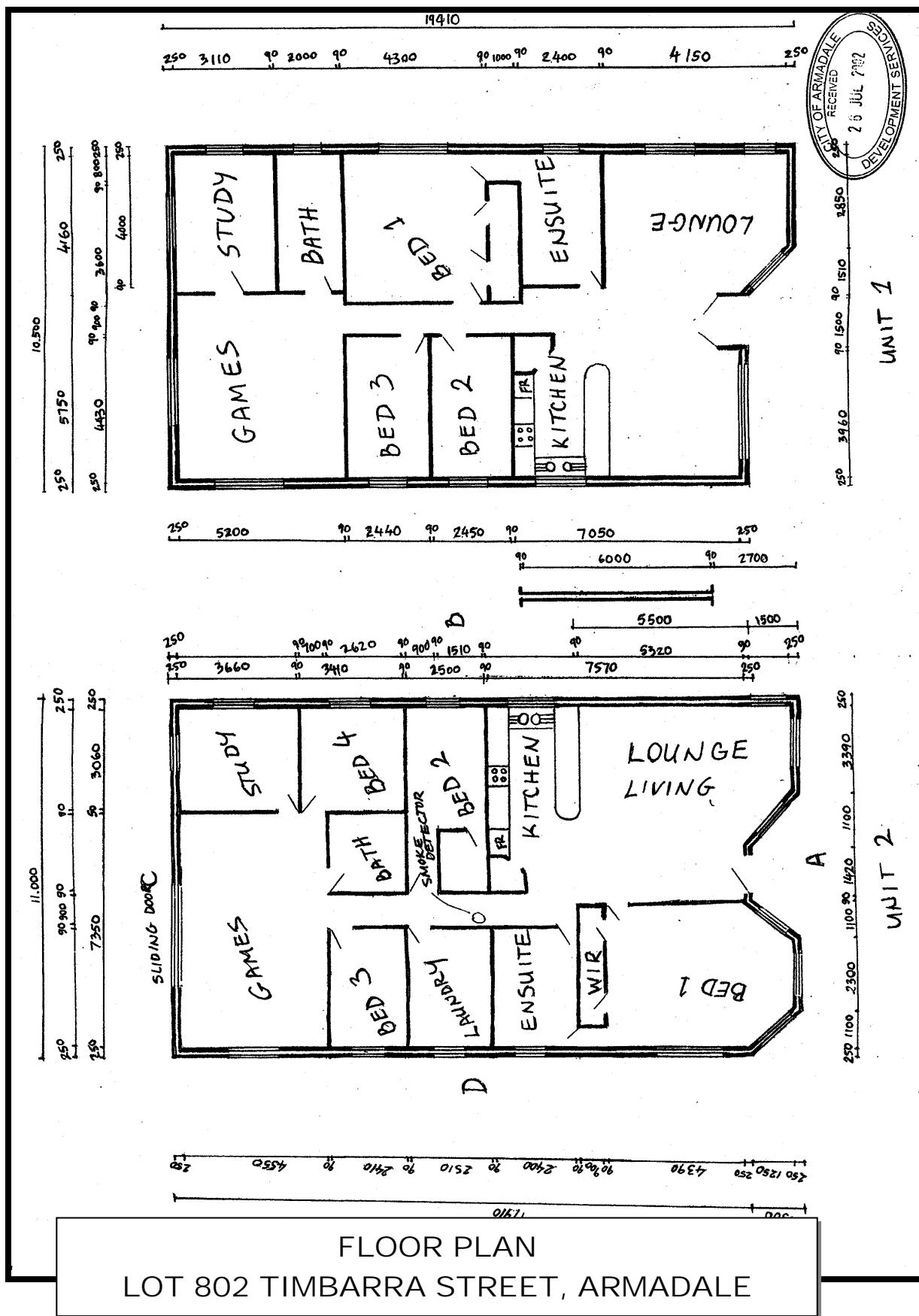
In relation to parking, Council’s Policy is consistent with the R-Codes, which requires a minimum of 2 private bays per unit. The application proposes cars being parked in tandem, one behind another, for each unit. There is enough room for the applicant to do this on his own property and as such parking will be sufficient.

Easement

The storage area for the existing unit is proposed within a drainage easement along the south-eastern boundary of the property. To allow access to the easement in the event a pipe fails, the proposed storage area should be easily removable, constructed in ‘Colorbond’ in colours to match those proposed for the residence.

OPTIONS

1. Council could approve the application with appropriate conditions in regard to the submission of revised plans demonstrating that the proposal can comply with the objectives of Council’s Group Housing Development Policy, fencing type, location and dimensions, the provision of a movable storage area and a landscape plan.
2. Council could refuse the application if it does not consider it appropriate to vary its Policy with regard to the proximity of the development in relation to other group housing developments and setback requirements, and believes that the standard of the development does not comply with Policy objectives.



CONCLUSION

Given that the development is of small scale in terms of group housing developments and that the proposal has the potential to allow the presentation of the property to be improved, it is recommended that Council permit the variations to the Group Housing Policy and approve the application for a duplex on the subject property in accordance with Option 1.

Officer's report recommends –

1. That Council approve the application for a second unit on Lot 802 Timbarra Street, Armadale, subject to the following principal requirements:
 - a) The applicant is to prepare and submit revised plans that demonstrate the application complies with the objectives of Council's Group Housing Development Policy. Specific attention is to be given to the building dimensions, elevations, and the style and location of fencing to maintain an attractive, open streetscape, to the satisfaction of Council.
 - b) A landscape plan is to be submitted by the owner / applicant and approved by Council, depicting plant species, location of planting, mulch material, and trickle or similar irrigation. Landscaping to be continuously maintained thereafter to the satisfaction of Council.
 - c) The external storage area for unit one is to be easily movable, so that if works within the drainage easement are necessary, access can be obtained. The storage area is to be constructed of 'Colorbond' in colours to complement the existing materials used to the satisfaction of Council.
2. Council's Building Services Manager to write to the Builder's Registration Board regarding concerns in relation to construction standards on the subject site and request the Board to take these standards into consideration when issuing any further "Owner-BUILDER" licence.

COMMITTEE considered this proposal in depth, indicating concern as to the anticipated overall standard of the proposed development. Reservations were expressed as to the workmanship manifested in the existing dwelling and the need to be assured that in conjunction with any further development that the short comings apparent in the existing dwelling would be made good.

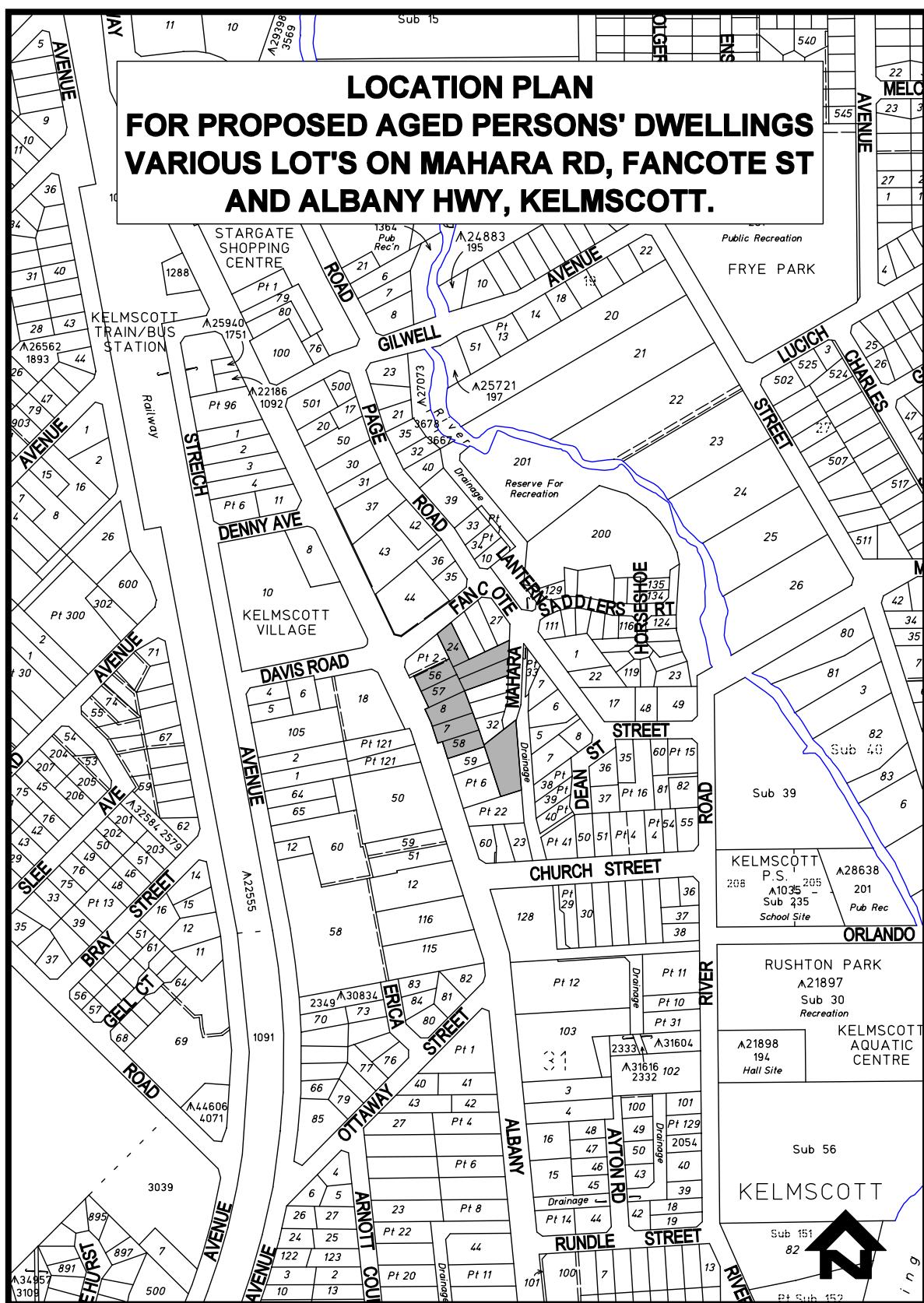
Whilst the COMMITTEE had strong reservation and concern about the presentation and amenity of the existing development it was felt that the undertaking of an overall duplex development, stringently conditioned under Town Planning Scheme control would be a preferable path to take in order to resolve existing site problems and establish an improved quality of development overall.

D166/02

RECOMMEND

- 1. That Council approve the application for a second unit on Lot 802 Timbarra Street, Armadale, subject to the following principal requirements:**
 - a) The applicant is to prepare and submit revised plans that demonstrate the application complies with the objectives of Council's Group Housing Development Policy. Specific attention is to be given to the building dimensions, elevations, the standard of finish and compatibility of both dwellings on the site and the style and location of fencing to maintain an attractive, open streetscape, to the satisfaction of Council.**
 - b) Submission of a comprehensive landscape plan, which is to include the verge between the roadway and the property boundary and the treatment of paved areas including visitor car parking.**
 - c) Landscaping to be installed and continuously maintained in accordance with the approved landscape plan.**
 - d) The storage area for the units are to be constructed of materials and colour scheme to complement the dwellings to the satisfaction of Council.**
- 2. Council's Building Services Manager to write to the Builder's Registration Board regarding concerns in relation to construction workmanship and standards on the subject site and request the Board to take these standards into consideration when issuing any further "Owner-Builder" licence.**

MOVED Cr Zelones
MOTION CARRIED (7/0)



Cr Hodges declared an interest in this item on the basis that this enterprise would be in direct competition with her current employer.

COMMITTEE was of the view, given the remoteness of the interest, approval should be given for Cr Hodges to remain in the Meeting and be able to discuss and vote on the matter.

RESOLVED that in the opinion of the Meeting the interest declared by Cr Hodges is trivial and the Councillor be given approval to participate in the matter by discussion and vote.

AGED PERSONS DWELLING DEVELOPMENT – STREET BLOCK BOUNDED BY ALBANY HIGHWAY, FANCOTE STREET AND MAHARA ROAD, KELMSCOTT

WARD	:	KELMSCOTT	In Brief:-
FILE REF	:	A88381	<ul style="list-style-type: none">▪ Application proposes a 37 unit Aged Persons Dwelling Development.
DATE	:	26 August 2002	<ul style="list-style-type: none">▪ Objections have been received from surrounding residents.
REF	:	EP	<ul style="list-style-type: none">▪ Proposal is generally consistent with Town Planning Scheme No.2, R-Codes and Policy provisions.
RESPONSIBLE MANAGER	:	PSM	<ul style="list-style-type: none">▪ Development is considered appropriate in close proximity to Kelmscott Town Centre and other community facilities.
APPLICANT	:	Broughton Planning	<ul style="list-style-type: none">▪ Recommended for conditional approval.
LAND OWNER	:	Various	<ul style="list-style-type: none">▪ <i>COMMITTEE recommended that the application be refused on the basis that the proposed development:-</i>
SUBJECT LAND	:	Lot 56, 57, 8, 7 and 58 Albany Highway, Lot 24 Fancote Street and lot 28 29 and Pt Lot19 Mahara Road, Kelmscott Property size 1.09ha Map 22-06, 22-07	<ul style="list-style-type: none">- <i>is inconsistent with the prevailing character of housing in the street block;</i>- <i>presents inappropriate streetscape characteristics because of its internally orientated design;</i>- <i>is premature pending strategic planning considerations in the context of the forthcoming Kelmscott Enquiry-by-Design Workshop.</i>
ZONING MRS/TPS No.2	:	Urban / Residential “R10”	

Tabled Items

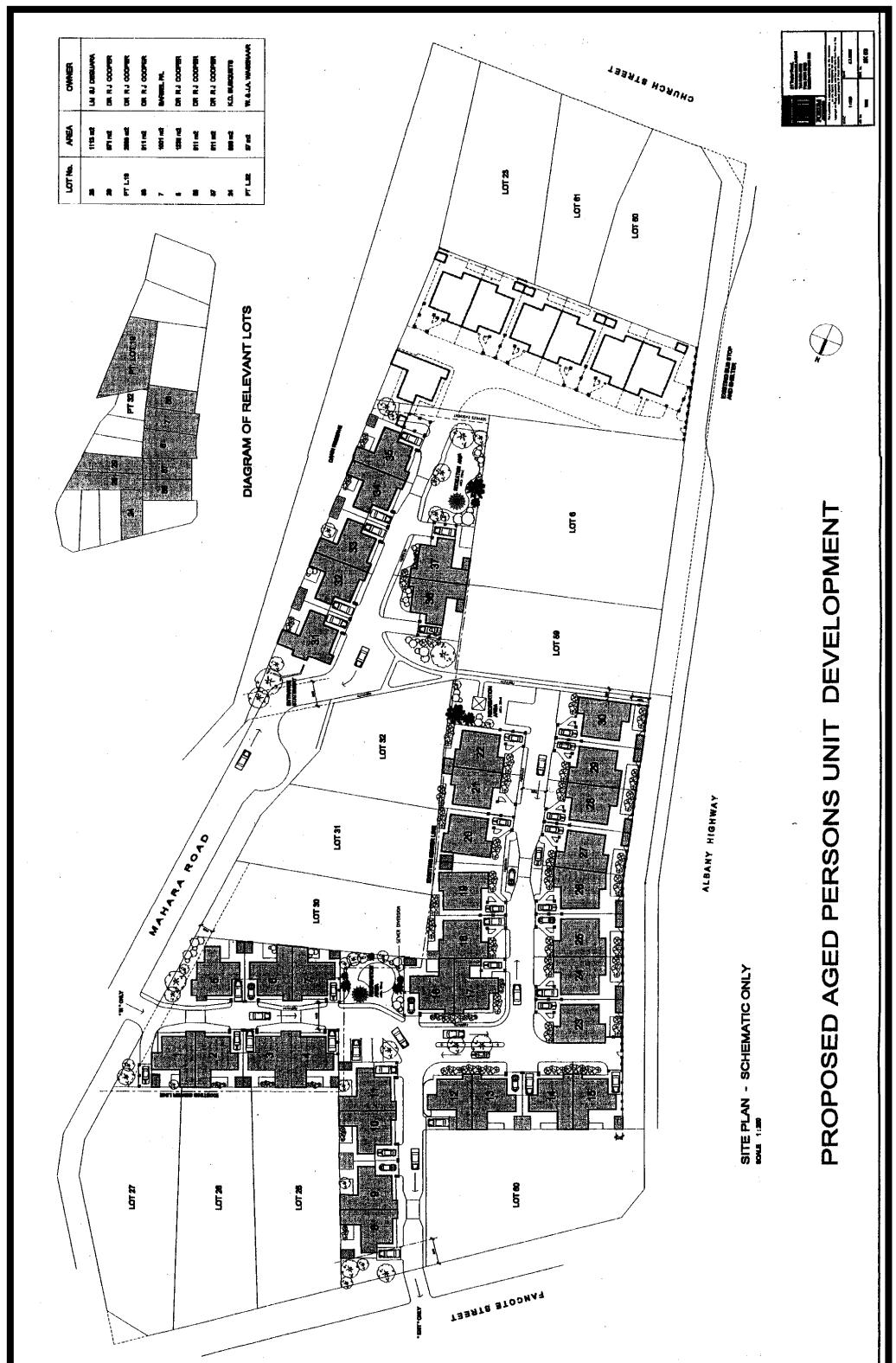
Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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



**SITE PLAN
AGED PERSONS DWELLING DEVELOPMENT**

Legislation Implications

Town Planning and Development Act 1928

Town Planning Scheme No.2

Residential Planning Codes

Council Policy / Local Law Implications

4.3.13 Group Housing Development Policy

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU)
- ◆ Main Roads WA
- ◆ Surrounding Landowners

BACKGROUND

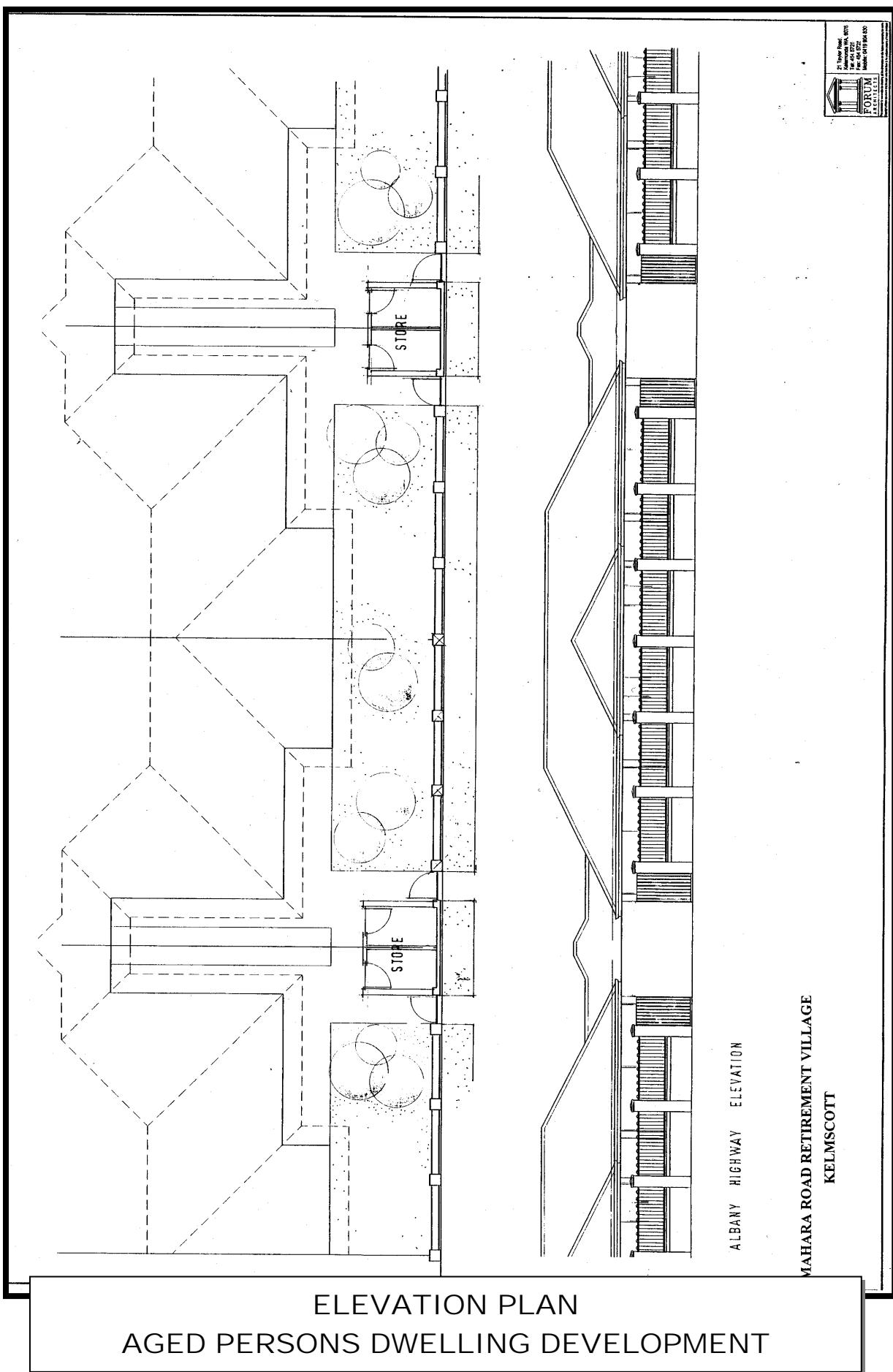
The subject area is part of a residential street block bounded by Albany Highway, Fancote Street, Mahara Road and Church Street. It is in close proximity to the Kelmscott Town Centre and comprises of 22 privately owned properties. The current application proposes the redevelopment of 9 blocks out of the 22 properties, for the purpose of establishing an Aged Persons Dwelling development, with the intention of expanding such development to involve the entire street block.

DETAILS OF PROPOSAL

The applicant proposes to build 37 two bedroom self-contained aged persons' dwellings on the subject lots. The proposed development features the following:

- ◆ The housing units are proposed to be of brick and tile construction.
- ◆ All units will be serviced by internal accessways having access /egress from Mahara Road and Fancote Street. No vehicle access will be provided from Albany Highway.
- ◆ Pedestrian accessways are provided throughout the development with the units fronting Albany Highway having their own private pedestrian access gates to Albany Highway.
- ◆ All units will be provided with private carports. Eight (8) visitor parking spaces are provided in different locations to service the entire development.
- ◆ The entire site is to be comprehensively landscaped with private courtyards and communal open spaces.

The applicant has also provided an overall concept plan for the entire street block to reflect the future integration of this development with the adjoining sites, which are not included in this project at this stage. It is also advised that the applicant is presently negotiating with the other property owners to meet this objective.



COMMENT

Development Control Unit (DCU)

DCU considered the application at its meeting on 26 August 2002, and recommended that the application be approved subject to compliance with Council's Town Planning Scheme No.2 requirements and the Residential Planning Codes.

Main Roads WA

Main Roads WA has requested that the following conditions be imposed on the approval of the application:

- ◆ The existing vehicle crossovers onto Albany Highway shall be removed and kerbing installed to tie into the existing kerb at the developers cost.
- ◆ All verge areas within the Albany Highway, road reserve after the removal of the crossovers referred to in condition 1, shall be reinstated to the same standard as the immediate surrounding areas at the developer's cost.
- ◆ No stormwater shall be discharged into the Albany Highway road reserve.

Results of advertising

The application was advertised for public comment for a period of 4 weeks. Sixty (60) surrounding landowners were notified of the proposal and five (5) letters of objection and five (5) letters of support were received.

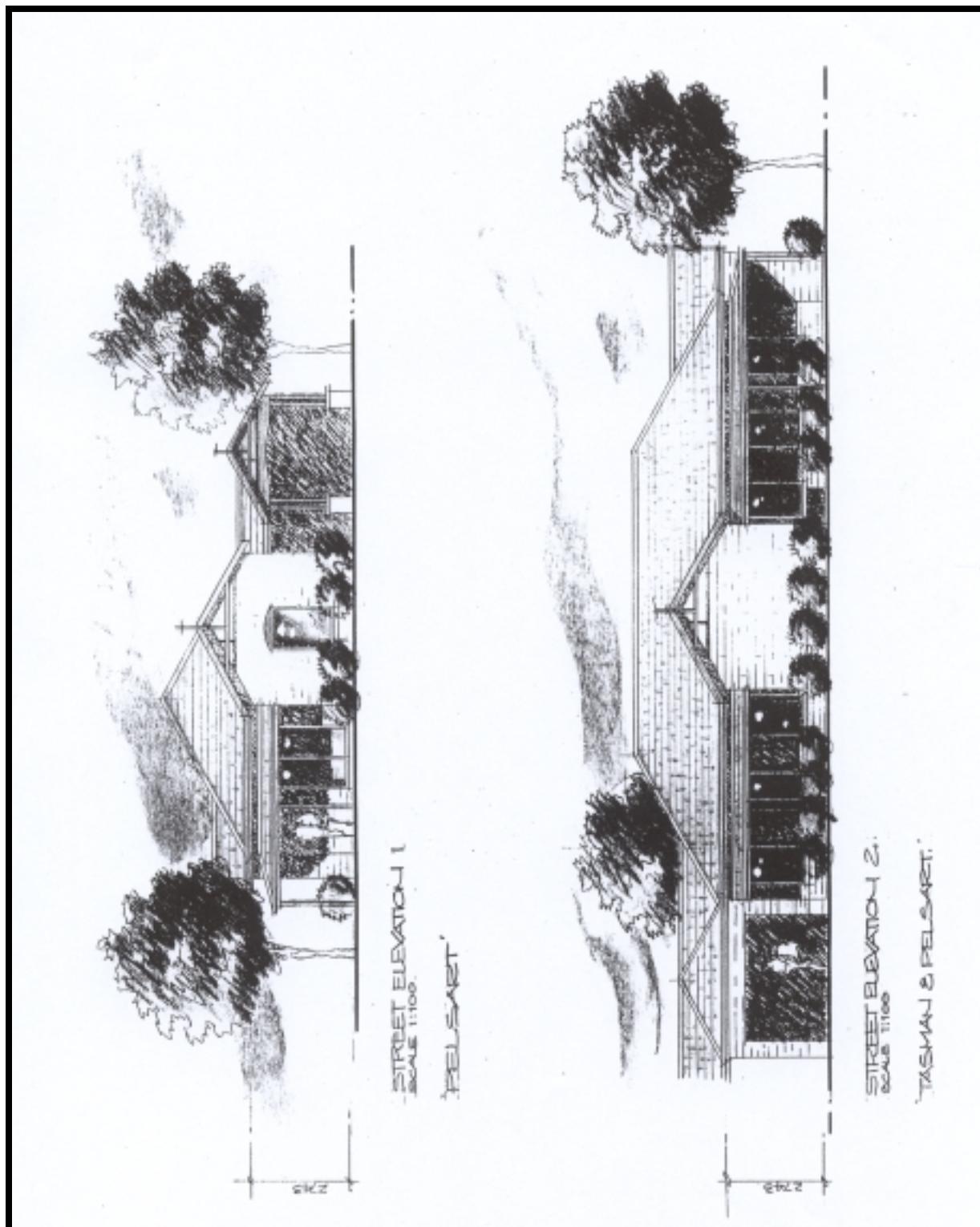
Response to issue raised in submissions

1. *This land use would potentially jeopardise future flexibility in terms of plans that the abutting landowners may have for refurbishment or expansion of their businesses (dental practice on Lot 59 Albany Highway).*

This proposal is not considered dissimilar to the adjacent property owners refurbishing their own private residential properties. Given the private ownerships and the present residential use of the lots concerned, it is highly unlikely that this development would jeopardise the existing businesses.

2. *The value of the land within this precinct is actually far greater than that which could be achieved through the retirement village. Any proposal for utilising the surrounding land for grouped housing type development would not be adding value to the dental investment on Lot 59 Albany Highway.*

The proposal does not suggest any deviation from the existing zoning of the subject land other than improving the area. The proposal is considered to be of high quality and would contribute to the redevelopment of the Kelmscott City area while benefiting the wider community.



ELEVATION PLAN
AGED PERSONS DWELLING DEVELOPMENT

-
3. *Any proposal for an increased density of residential living adjacent to the dental practice may give rise to potential land use conflict, which may in turn jeopardise the existing and future functioning of the dental practice.*

Town Planning Scheme No.2 provides for the establishment of consulting rooms within the Residential zone as they are considered low impact and generally compatible with the residential zoning and therefore could co-exist without impacting on residential living. It should be noted that the consulting room is located within the residential zone and not vise-versa.

4. *The owner of Lot 59 Albany Highway does not wish to participate in this development and wishes to retain their access from Albany Highway.*

It is noted that Lot 59 Albany Highway is not part of this proposal and therefore, its existing access will not be affected by the current proposal.

5. *The proposal will have a detrimental impact within the quiet Mahara Road cul-de-sac area disturbing the peaceful environment by increased traffic and noise.*

Aged persons dwellings are not likely to generate a high level of traffic. Recognising the fact that occupants of aged persons dwellings do not generally have a high car ownership ratio, the Residential Planning Codes only require the provision of parking bays at the rate of 0.5% per dwelling. Activities generated from aged persons dwellings are unlikely to be noisy and would be less than in a normal residential building situation.

6. *The proposed development will deny the right of spending a peaceful retirement life in this area as planned for the last 29 years.*

The proposed (Aged Persons Dwellings) development is considered to be a low intensity development in comparison to most other forms of development. It is unlikely to adversely impact on the surrounding residential land uses.

7. *Mahara Road is totally unsuitable for allowing more traffic. Increase in residential, visitor and delivery traffic will totally disrupt peace and road safety.*

Council's Technical Services Directorate has assessed this application and advised that provided the Mahara road cul-de-sac head is redesigned with an acceptable radius and the road is upgraded to Council standards, the provision of access to part of the unit development from this road is acceptable. As noted in response No.5 above, aged persons dwelling are unlikely to generate a high volume of traffic, and could be considered compatible to a level of traffic generated in a normal residential street.

8. *The movement of heavy traffic, earth moving equipment and heavy machinery that will be used in the demolition and development process will indisputably have a damaging effect on existing residences.*

It is acknowledged that temporary disruption to surrounding residents during the development process is an unavoidable situation in any type of development or redevelopment. It is unlikely that such process would have a damaging effect on the existing residences, as the developers would be required to follow accepted standard procedures in the construction process.

9. *Written assurance is required that solid brick walls will be erected around both sides of Lot 32 Mahara Road to separate Lot 32 from the proposed development and it is requested that a “No Through Road” sign be erected at the beginning of Mahara Road.*

Council will ensure that high quality appropriate internal dividing fencing is erected within the entire development area and advise the applicant to place appropriate signs on site to manage traffic/parking issues.

10. *Future residents of the development should be made aware (by placing memorials on titles) that a 24 - hour service station is positioned on the opposite side of Albany Highway so that no future complaints are made regarding the noise and other nuisances generating from the business.*

While the concern is acknowledged, it should be noted that the development will be located fronting Albany Highway which is a major road that would generate more noise than the service station. Minimising such nuisances may be addressed by installation of appropriate fencing and landscaping and therefore, memorials are not considered necessary.

Comments of submitemes supporting the proposal

1. *Submissions supporting the application have noted that this development will assist the Kelmscott Town Centre by enhancing the demand for retail facilities entertainment facilities and general activities to the benefit of the Kelmscott community.*

Given the strategic positioning of the proposed development in close proximity to most facilities and services within the Kelmscott Town Centre, it is acknowledged that this development would contribute to the improvement of the Kelmscott Town Centre.

Analysis

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

The prevailing residential density code under TSP No.2 for this area is Residential “R10”, and an Aged Persons Dwelling development is a discretionary “AA” use in this zone. The Town Planning Scheme also stipulates that ‘Council may permit Aged Persons Dwellings not exceeding a maximum density of R40, where it is satisfied that the amenity of the locality will not be prejudicially affected’.

Car Parking

Clause 5.1.5 of the R-Codes stipulates a rate of 0.5 parking spaces per dwelling for aged persons dwellings with visitor car parking as 10% or a minimum of two bays. The application provides one (1) Parking bay per unit with 8 visitor parking bays, which is in excess of the R-Codes requirement.

Residential Planning Codes (R-Codes)

Density Bonus

The application seeks the 50% density bonus for the Aged Persons Dwellings under the R-Codes, which is at the discretion of Council. Under the prevailing “R10” coding for this locality the allowable density for grouped dwellings in accordance with Council’s Grouped Housing Policy is “R20” (which equates to 24 units for this site). The density bonus represents a coding of “R30” (equates to 36 units for the site) and the requested number of units for this development is 37, which is within the Councils limit of discretion under the Town Planning Scheme No.2.

Other provisions

The development complies with plot ratio, setbacks, and private open space requirements in accordance with the R35 density provisions of the R-Codes.

Grouped Housing Policy (GHP)

Site and Location

The site is situated within close proximity to public transport, routes (bus and train stations in Kelmscott) on Albany Highway, recreational open space, the Kelmscott shopping centre and community facilities such as the Kelmscott library and the Rundle Street medical centre. All these facilities are within less than 10 minutes walking distance from the proposed site.

Architectural design and layout

The development site fronts Albany Highway, Mahara Road and Fancote Street. The proposal incorporates nine (9) units located along Albany Highway frontage, designed with living areas having an outlook onto Albany Highway. The elevation plans reflect a satisfactory architectural design generally complying with the policy in respect to roof pitch and building material type, being brick and tile. The colour scheme proposed for the entire development is still to be submitted by the applicant.

Fencing

The landscaping and visually open brick and tubular infill fencing proposed along Albany Highway frontage would contribute to the streetscape character. The fencing along Albany Highway also incorporates blank walls of the proposed storerooms allocated for the 9 units fronting Albany Highway. These brick walls could be built of feature bricks to break up the blankness and to provide an attractive appearance from Albany Highway. The applicant has not provided details and colour scheme of the internal and other boundary fencing at this stage. This may be addressed through a condition of approval.

Communal open space

Developments comprising eight or more units require a communal open space provision calculated at 12.5m² per unit. The subject site requires a minimum of 462m² communal open space. The proposal provides a total of 592m² communal open space with landscaping and gazebos positioned in three different locations, so to be easily accessible to all residents within the development. Landscaping is also proposed at every entry point to the site. The applicant has not submitted a detailed landscape plan at this stage. This should be requested as a condition of approval, should the application be approved.

Access and Parking

Internal driveways accessing from Mahara Road and Fancote Street will service the subject site. The access point at the Mahara Road cul-de-sac head will be two ways while the other entry points (from Mahara Road and Fancote Street) will be one way.

Councils Technical Services Directorate requires that the Mahara Road cul-de-sac head be enlarged to maximise the turning radius and minor modifications to the access to carport of unit 15, to improve manoeuvrability. Appropriate road signs will need to be provided at all access/egress points. Car parking, manoeuvring and visitor parking provisions are provided in a practical manner and satisfies the Residential Planning Code requirements. All dwelling units are provided with private carports. The development also incorporates footpaths and pedestrian access to Albany Highway via locked gates.

Other issues

Stormwater from the site is proposed to be connected to Council drains, which is acceptable to the Council's Technical Services Directorate. Given that the internal road system of the development is not designed for the manoeuvring of a rubbish truck it is suggested that the applicant be requested to redesign the layout of the site to provide for a convenient rubbish bin collection area.

CONCLUSION

The application is consistent with the provisions of Town Planning Scheme No.2, the Residential Planning Codes and generally satisfies the requirements of Council's Group Housing Development Policy.

The site is strategically located for a aged persons unit development, as it is in close proximity to health facilities, community facilities, public transport and the Kelmscott shopping centre

Given the existing situation of this area the proposed development would contribute to considerably enhance the appearance of the locality.

Consequently the application is recommended for approval.

Officer's Recommendation:-

That the application for 37 Aged Persons Dwellings development on Lots 56, 57, 8, 7 and 58 Albany Highway, Kelmscott, Lot 24 Fancote Street, Kelmscott and Lot 28, 29, and 19 Mahara Road, Kelmscott be approved subject to conditions including the following principal requirements:

1. Evidence being provided from the Land Titles Office that amalgamation of Lots 56, 57, 8, 7 and 58 Albany Highway, Kelmscott, Lot 24 Fancote Street, Kelmscott and Lot 28, 29, and 19 Mahara Road, Kelmscott has been completed and new titles issued.
2. Submission of a revised site plan to reflect the enlargement of the cul-de-sac head on Mahara Road, installation of a rubbish bin collection area and improvement of access to carport of unit No.15.
3. Submission of a comprehensive landscape plan (giving due regard to addressing the appearance and noise factor from Albany Highway) for the entire site and such plan being approved by Council. All landscaping to be installed in accordance with the approved plan and to be maintained thereafter.
4. All property boundary fencing visible from the road and all internal dividing fencing to be of high quality (brick / masonry with tubular / picket inserts) material and in a colour scheme to complement the colours of the proposed units.
5. Submission of a detailed schedule of materials, textures and colour for the proposed development to the satisfaction of Council. The development to be completed in accordance with the approved schedule.
6. At least one permanent occupant of each dwelling is to be a person, 55 years or older, or the surviving spouse of that person.
7. Prior to issue of a Building Licence, the owner shall execute and provide to the City a notification pursuant to section 70A of the Transfer of Land Act to be registered on the Certificate of Title to the land as notification to prospective purchasers that the use of the land is subject to the aged persons restrictions set out in condition No.5 above.
8. Compliance with conditions imposed by Main Roads WA.

COMMITTEE expressed unease and dissatisfaction with this proposal expressing concerns as to:-

- ◆ *It being out of character with the prevailing residential area;*
- ◆ *Its fragmented nature and lack of integration within the street block;*
- ◆ *Inappropriate streetscape treatment;*
- ◆ *Questions as to car parking adequacy.*

It was also noted that there may be land use and design matters relevant to the forthcoming Kelmscott Enquiry-by-Design Workshop which would be legitimate issues for consideration at that Workshop.

COMMITTEE was of the view that the application should be refused for reasons identified above.

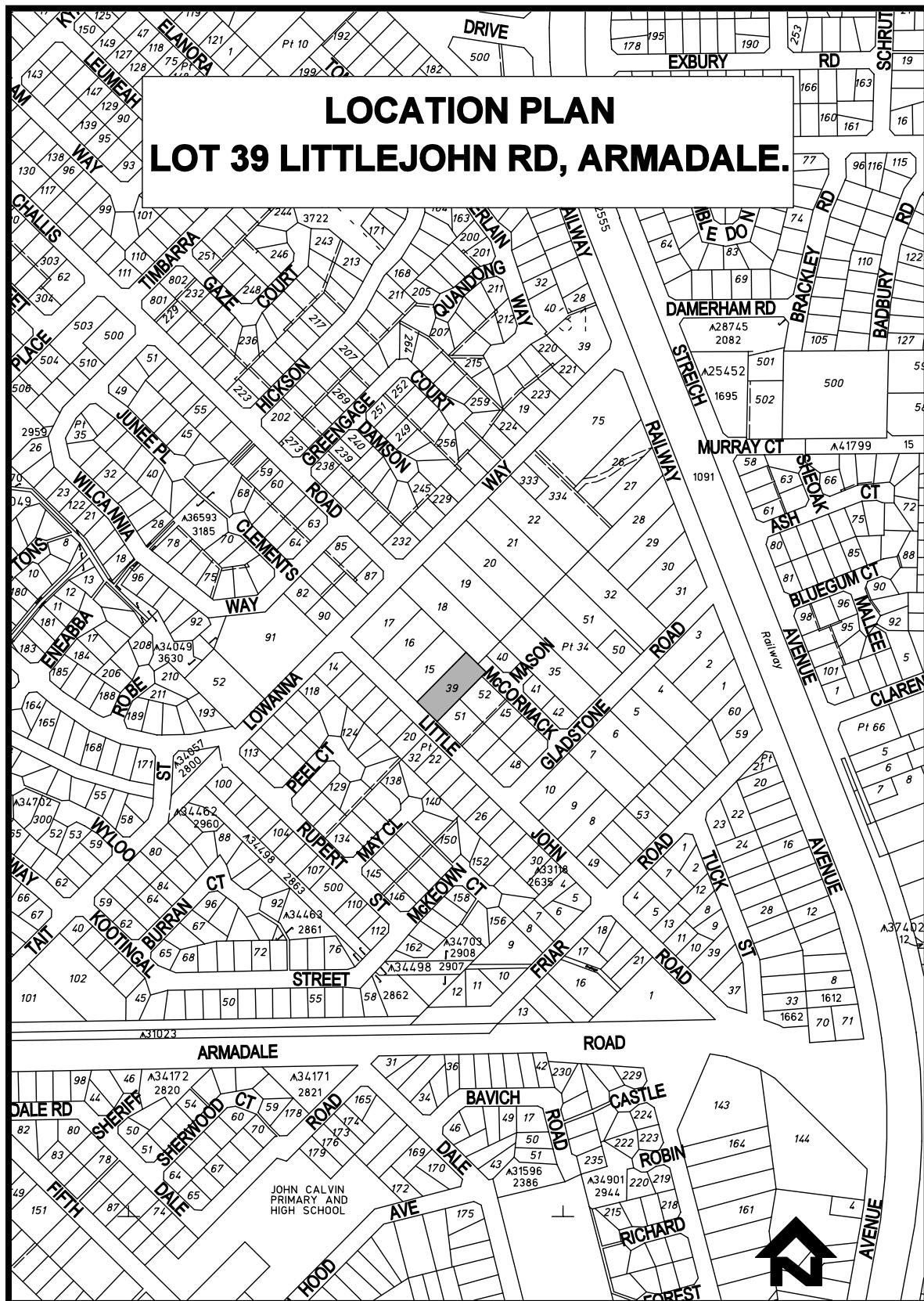
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RECOMMEND

That Council refuse the application for 37 Aged Persons Dwellings development on Lots 56, 57, 8, 7 and 58 Albany Highway, Kelmscott, Lot 24 Fancote Street, Kelmscott and Lot 28, 29, and 19 Mahara Road, Kelmscott based on the following grounds:

- 1. Council considers that the land assembly is insufficiently cohesive and is not satisfied that the proposal constitutes a well integrated housing development within the context of the whole street block;**
- 2. The proposed development is inconsistent with the prevailing character of housing in the street block;**
- 3. The proposed development presents inappropriate streetscape characteristics because of its internally orientated design;**
- 4. The proposal is premature pending strategic planning considerations in the context of the forthcoming Kelmscott Enquiry-by-Design Workshop.**

MOVED Cr Zelones
MOTION CARRIED (7/0)



***PROPOSED (10) UNIT GROUPED HOUSING DEVELOPMENT –
LOT 39 (No.57) LITTLE JOHN ROAD, ARMADALE***

WARD	:	WEST ARMADALE
FILE REF	:	A38142
DATE	:	3 September 2002
REF	:	GIW
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Homeswest
LAND OWNER	:	Homeswest
SUBJECT LAND	:	Lot 39 (No.57) Little John Road, Armadale Property size 2541m ² Map 22.40
ZONING MRS/TPS No.2	:	Urban / R15/40

In Brief:-

- Proposal to develop (10) grouped housing units on the subject site.
- Proposal has been subject to numerous public consultation sessions and revisions to accommodate community objections / concerns and future planning.
- Two proposals are presented to Council for determination.
- Both options generally comply with Residential Planning Code (R-Code) requirements and Council's Grouped Housing Policy.
- Recommend approval of Proposal B subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

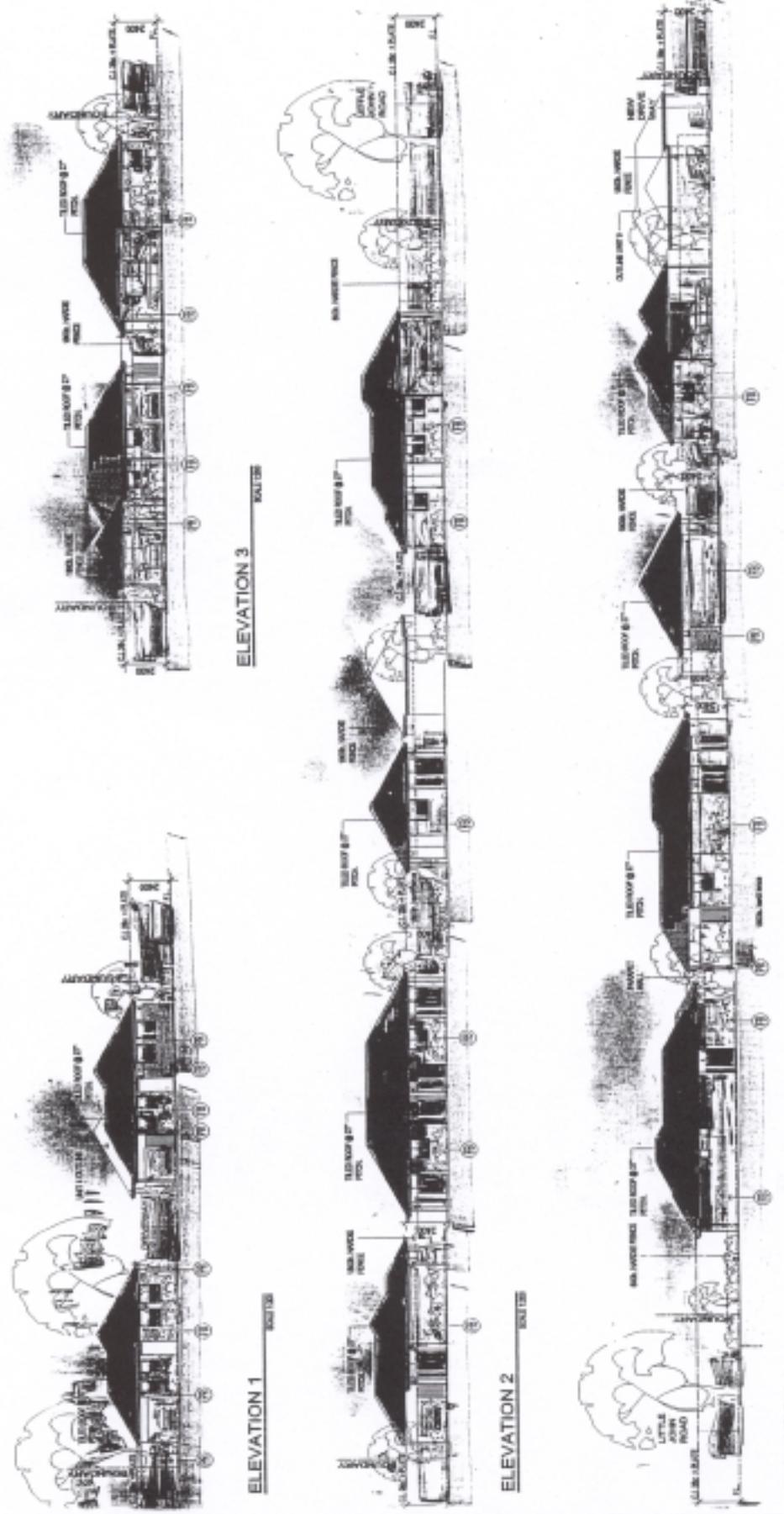
Town Planning & Development Act 1928
Metropolitan Region Scheme Act 1959
Town Planning Scheme No.2

Council Policy / Local Law Implications

Grouped Housing Policy

Budget / Financial Implications

Nil.



**OPTION A - ELEVATION PLAN
LOT 39 LITTLE JOHN ROAD, ARMADALE**

Consultation

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

BACKGROUND

Council received the application on 19 November 2001 to develop 10 units on the subject site. The development consisted of 3x single storey 3 bedroom units; 3x single storey 1 bedroom units and 4x two storey 1 bedroom units.

The proposal was advertised for public comment from 6 December 2001 until 8 January 2002. During the advertising period, Council received significant community objection to the proposal including concerns relating to: overlooking and loss of privacy; impact on the single residential streetscape; increased traffic generation along McCormack Street, and the proposed R40 density. A public meeting was held on 10 January 2002 at the request of local residents to discuss the application with representatives of Council and Homeswest.

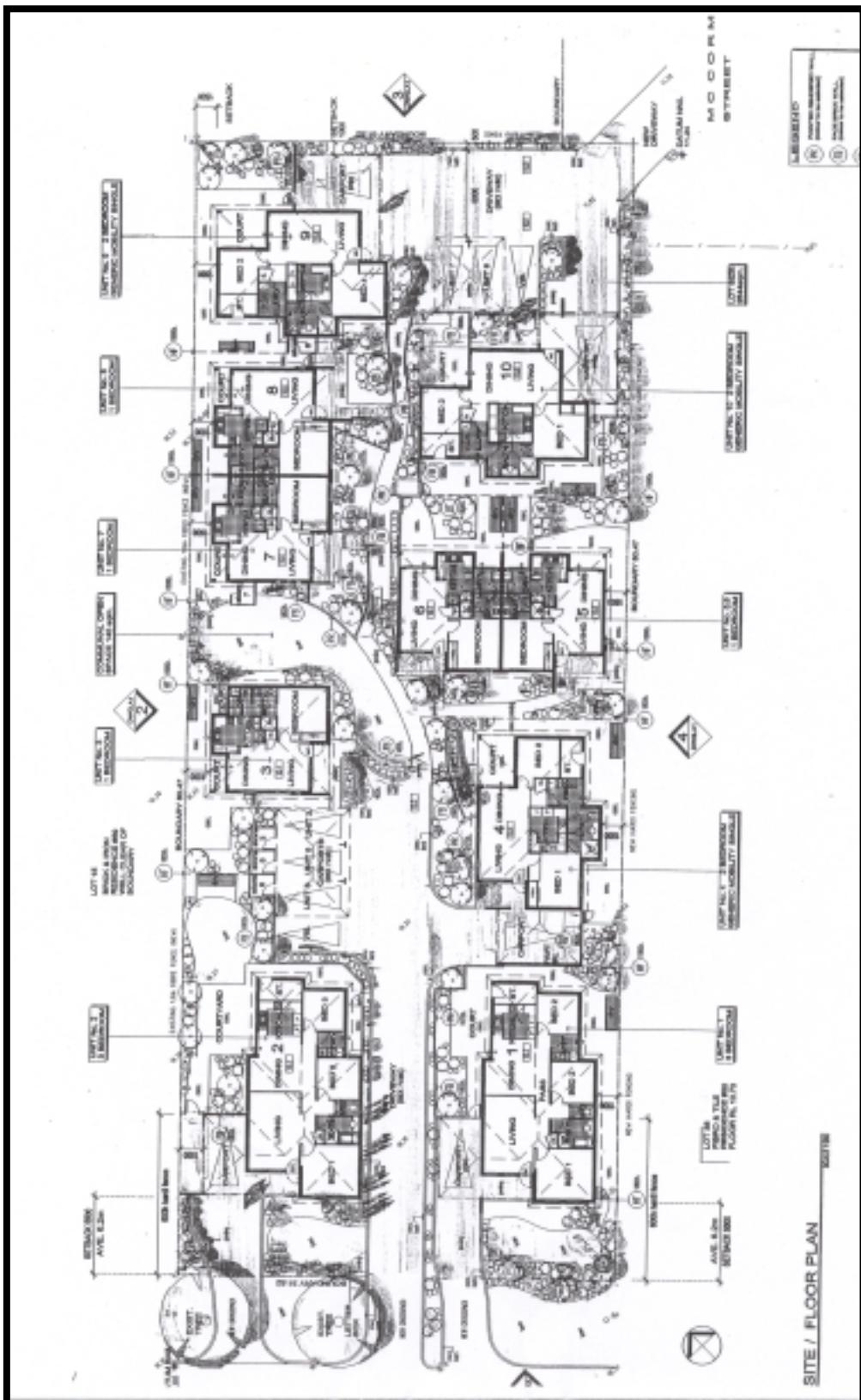
In response to concerns/ issues raised at the public meeting, Homeswest lodged revised plans on 7 February 2002 for Council's consideration. A major revision to the previous application included reducing the number of two storey units from four (4) to two (2) units in order to address concerns of overlooking and excessive building bulk.

Another public meeting was held on 21 February 2002 at the request of Homeswest to discuss the revised plans with local residents and Council Officers. Issues raised at this meeting included concerns relating to: the unclaimed road reservation along McCormack and its impact on the future development of surrounding properties; a lack of provision for rubbish bins; the proposed R40 density and increased traffic along McCormack.

In response to concerns/ issues raised at the public meeting held on 21 February 2002, Homeswest made further revisions and submitted revised plans on 15 April 2002 for Council's consideration. (Referred to as "**Proposal A**" in this report). These plans were subsequently advertised for public comment from 1 May 2002 until 16 May 2002. Generally, community response to this proposal was favourable, however a concern was again raised with regard to the unclaimed road reservation along McCormack Street and its impact on the future development of surrounding properties. (Results of advertising for this proposal are summarised below).

Following a further review of public submissions and comments received from Council's Executive Director Development Services (EDDS) and Technical Services Directorate, Council Officers advised the applicant that in the interest of proper and orderly planning within the locality, provision should be made to secure the future extension of McCormack Street at its full 20m wide road reserve width.

In response to Council Officers advice, the applicant made further revisions and submitted another proposal on 5 August 2002 for Council's consideration. (Referred to as "**Proposal B**" in this report). These plans were subsequently advertised for public comment from 15 August 2002 until 30 August 2002. (Results of advertising for this proposal are summarised below).



DETAILS OF PROPOSAL

Proposal A	Proposal B
<p>Details pertaining to “Option A” include the following:</p> <ol style="list-style-type: none">1. The development consists of 10 units including: 2 x three-bedroom units; 5 x single-bedroom units; and 3 x two-bedroom generic mobility units;2. All proposed units are single-storey in scale;3. Six (6) units have vehicular access via a central driveway from Little John Road and four (4) units directly access McCormack Street;4. No density bonus has been proposed for the subject site;5. Rear Unit encroaches into unclaimed road reserve of McCormack Street.	<p>Details pertaining to “Option B” include the following:</p> <ol style="list-style-type: none">1. Same as Option A;2. Two single-bedroom units (Units 5 & 6) have been converted into two-storey with windows facing Little John Road;3. Seven (7) units have vehicular access via a central driveway from Little John Road and three (3) units directly access McCormack Street;4. No density bonus has been proposed for the subject site;5. A 7 metre wide strip of the subject site abutting McCormack Street has been set aside for future road reserve;

COMMENT

Development Control Unit (DCU)

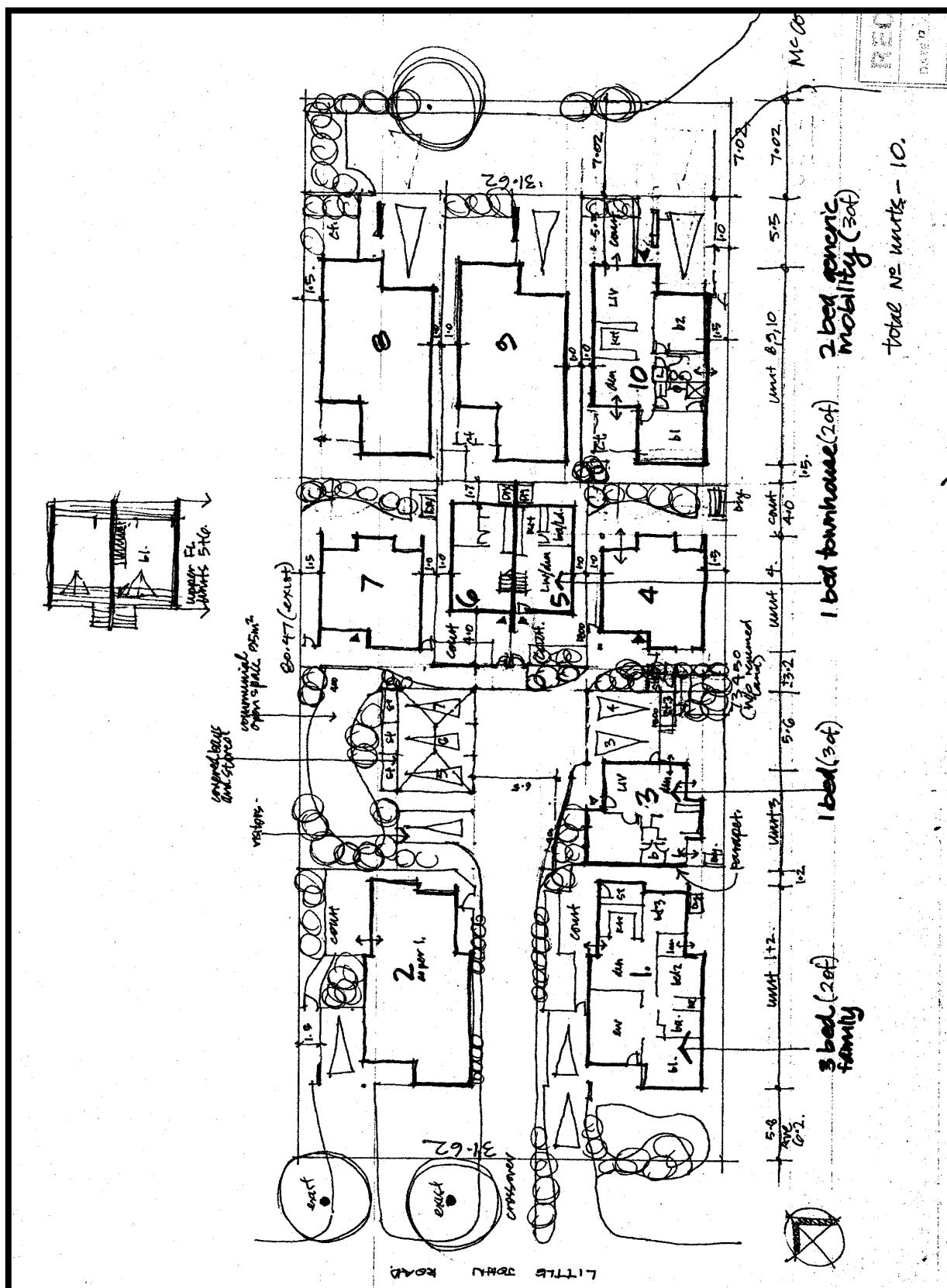
DCU at its meeting held on 29 August 2001 considered both Proposal A and B. It was recommended that option B be approved on the following grounds:

- ♦ The second storey units pose no overlooking or privacy concerns for surrounding neighbours;
- ♦ The layout provides for the future extension of McCormack Street to protect proper and orderly planning of the surrounding R15/40 precinct.

Technical Services Directorate

Technical Services Directorate has advised that modifications to the proposed accessway into McCormack Street will be required to accommodate a refuse bin collection area for the rear units and to provide sufficient manoeuvring for Council’s refuse vehicle. It should be noted that a previous community concern was raised by the adjoining landowner to ensure the proposed accessway would not disturb existing trees / vegetation within the road reserve. The applicant will be required to liaise further with Council’s Technical Service Directorate and Parks Department to ensure the accessway is designed and sited appropriately.

Executive Director Development Services and Technical Services Directorate advise that provision should be made to secure the future extension of McCormack Street at its full 20m wide road reserve width.



OPTION B - SITE PLAN LOT 39 LITTLE JOHN ROAD, ARMADALE

This involves excising a 7.02m strip of land from the rear of the subject lot to align with the existing road reserve width of McCormack Street. The subject land shall be transferred free of cost and could be imposed as a condition of development approval.

Applicant (Homeswest)

The applicant's preferred plan is Proposal A on the grounds that the local community generally accepts this proposal. The applicant has also advised that they are not willing to surrender the proposed road reserve free of cost.

Results of Advertising

Both proposals have been advertised for public comment. Results of the advertising period are as follows:

Submissions	Proposal A	Proposal B
No. properties advertised:	27	27
No. submissions received:	5	4
No. supporting proposal:	2	0
No. objections to proposal:	0	3
No. raised concerns:	3	1

Analysis

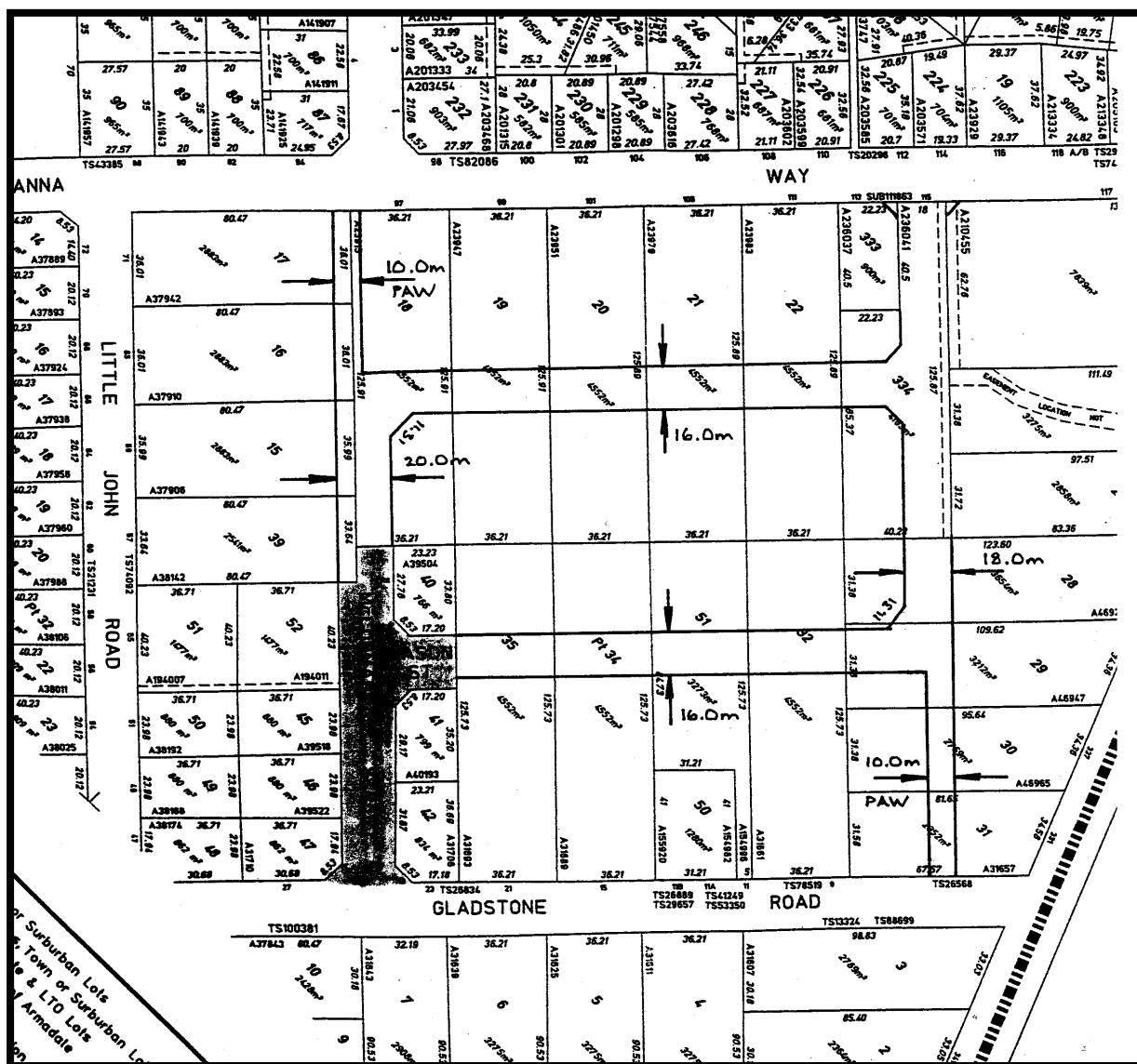
Response to Submissions on Option A

1. *Consideration should be given to secure and extend the McCormack Street road reservation to provide future access to Lot 15, 16, 17 and 18. Failure to make provision for such a road reservation will limit the development potential of these lots.*

It is considered appropriate in the interest of proper and orderly planning for the surrounding locality that provision be made to earmark a 7.02 metre strip of the subject lot for future road reserve purposes.

2. *The proposed density of the development is overcrowded and likely to devalue surrounding properties values.*

The proposal complies with the R40 density requirements of Town Planing Scheme No.2, the Residential Planning Codes and Council's Grouped Housing Policy, including private and communal open space provisions. The affect of grouped housing development on surrounding property values is unsubstantiated.



PRELIMINARY OUTLINE DEVELOPMENT PLAN
LOT 39 LITTLE JOHN ROAD, ARMADALE

-
3. *A lack of car parking on site will result in unauthorised parking along surrounding streets.*

The proposal complies with the minimum car parking requirements of the Residential Planning Codes. A total of 11 private car parking bays and 2 visitor bays are required for the proposed development, with 12 private car parking bays (including two tandem bays for unit 1 and 2) and 2 visitor bays have been provided.

4. *Reticulated sewerage has not been connected to surrounding residents.*

Connection to the reticulated sewerage system is a responsibility of individual landowners and the Water Corporation.

5. *A lack of footpaths along surrounding streets will increase potential conflicts between pedestrians and vehicles.*

A footpath is located on the western side of Little John Road, Lowanna Way and Railway Avenue. These footpaths provide convenient and safe pedestrian access to the Sherwood Railway Station, Armadale City Centre and Champion Drive Medical Centre.

6. *There is no rubbish collection area for the units accessing McCormack Street*

As advised by Council's Technical Services Directorate, the proposed accessway will need to be designed and constructed to accommodate a refuse bin collection area and provide sufficient manoeuvring area for refuse vehicles. Alternatively, the pedestrian accessway to the rear units will allow residents to wheel bins to the Little John Road verge for collection.

Response to Submissions on Option B

1. *Setting aside a strip of land for road reserve purposes suggests Council will extend McCormack Street. Extending McCormack Street will generate safety concerns and the cost of acquiring land will burden local taxpayers.*

Council has no immediate plans to construct or extend McCormack Street. Securing the road reserve is required to prevent development compromising future road layouts and subdivision proposals. The cost of road construction and surrendering land for such purposes is born by both private and public resources in the interest of all road users. The safety requirements of roadways are specified in relevant Australian Standards, to which the road will have to be constructed.

2. *An additional unit has access to Little John Road that will generate increased traffic and safety concerns.*

The amount of traffic generated by the proposed development is considered acceptable. The majority of units with access to McCormack Street can also exit the site in a forward gear.

3. *The two storey units face west and this coupled with poor ventilation are likely generate an uncomfortable living environment during the summer month.*

The proposed units have windows/ openings to provide for ventilation and also are required to comply with the Building Code of Australia.

4. *The two storey units are incompatible with the surrounding properties and generate concerns of overlooking.*

The two-storey units are of ‘mezzanine’ or loft style design as opposed to a traditional double storey building to reduce the overall building bulk and scale. The window of the upper bedroom faces west towards Little John Road to ensure overlooking of the adjoining properties is avoided. The design significantly limits building bulk and scale, and provides a level of interest and character to the development.

It should be noted that higher density areas are usually characterised by multiple storey developments due to density constraints such as setbacks and plot ratio. Although surrounding properties are currently characterised by single storey residences on large lot holdings, it is anticipated that future development of these lots will produce multiple storey dwellings.

5. *The units are situated close together and this is likely to create social problems*

The proposed development complies with the setback requirements of the Residential Planning Code. The argument that grouped housing development generates social problems is unsubstantiated.

Town Planning Scheme No.2

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

The prevailing residential density code of the subject site is R15/40 under TPS No.2. Both Proposal A and B propose to develop 10 units on site, which is the maximum number of dwellings allowable under the R40 density coding.

The proposed road widening would reduce the effective lot size to approximately 2305m². This reduces the number of maximum allowable dwellings to 9 under the R40 coding. However, it should be noted that the Residential Planning Codes permit a discretionary 50% density bonus for single bedroom dwellings and special purpose dwellings, which means even with the reduced lot size the site is capable of accommodating up to 13 units.

Residential Planning Codes

Both Proposal A and B comply with average setback, private open space and private car parking requirements in accordance with the R40 density provisions of the R Codes. Proposal B has a shortfall of one (1) visitor bay, however there is adequate area on site to incorporate the required bay.

Grouped Housing Policy (GHP)

Dual Code Areas R15/40

Council may require the preparation and adoption of an Outline Development Concept Plan for sites within dual code R15/40 areas to ensure a proposal will not compromise the overall development of the precinct.

Preparation of an ODP is considered unwarranted in this instance as various subdivision plans have previously been drafted for this R15/40 precinct. In addition, securing the road reserve along McCormack Street generally in accordance with such plans will ensure the development of the surrounding area is not compromised. Officers have also recently prepared a preliminary ODP to further demonstrate a preferred road pattern for the precinct. (*See attached ODP plan*).

Proposal A is not consistent with these plans and has the potential to compromise future road layouts and development proposals on adjoining lots. Proposal B however has been designed to accommodate the extension of McCormack Street and therefore does not compromise the surrounding locality.

Site and Location

The subject site is located within convenient walking distance to the Sherwood Railway Station, Champion Drive Medical Centre and local shopping facilities to warrant the proposed R40 density.

Communal Open Space

Developments comprising eight or more units require a communal open space provision calculated at 12.5m² per unit. Both proposals exceed the communal open space provision.

Building Design and Layout

The buildings are to be constructed of face brick walls with tiled roofs. Selected wall panels will be finished in painted render to provide a level of interest and individual character to each unit. Internal / visible fencing within the development will be constructed from face brick material to complement the proposed units. Comprehensive landscaping as proposed will also enhance the visual amenity of the development. A detailed colour / material schedule and landscaping plan will be required as a condition of approval.

Proposal A

The proposed single-storey development is compatible with the surrounding residential area in terms of building design and scale. The proposed building layout allows individual units to address Little John Road and McCormack Street respectively. Internal units are orientated to provide maximum surveillance of the Communal Open Space and main driveway. The steeply pitched roof design and staggered layout of buildings will provide a level of interest and character to the Little John and McCormack streetscape.

Proposal B

The difference between this proposal and Option A above in terms of building design is the inclusion of two (2) two-storey units within the centre of the subject lot. These units are of ‘mezzanine’ or loft style design with an overall height of approximately 6.4 metres to the apex of the gabled roof. The design significantly limits building bulk and scale, and provides a level of interest and character to the development. Any perceived building bulk and scale would be further reduced due to the significant setback between adjoining property boundaries, McCormack Street and Little John Road. A detailed elevation plan will be required as a condition of approval.

OPTIONS

1. Council may approve Proposal A on the grounds that it has generally received significant community support.
2. Council may approve Proposal B on the grounds that it does not compromise the R15/40 precinct, it complies with Council Grouped Housing Policy and secures sufficient land for the future extension of McCormack Street.
3. Council may request further modifications be required to Proposal B if it is of the view that community concerns regarding the two-storey aspect are considered warranted.

CONCLUSION

Option A makes no provision for the extension of the road reserve and is therefore considered unacceptable. This option has the potential to restrict future road layouts and hence compromise proper and orderly planning within this precinct. This proposal has generally received favourable community support.

Option B incorporates a 7.02 metre wide strip of land to accommodate the future extension of McCormack Street and does not compromise the surrounding locality. Surrounding neighbours have raised concern with respect to the proposed two storey units in terms of scale and overlooking.

It is considered that concerns relating to two-storey units are unwarranted on the grounds that the design significantly limits building bulk and scale, provides a level of interest and character to the development, and prevents overlooking of adjoining properties. In this regard, it is recommended that Council adopt option 2 above, and approve Proposal B accordingly.

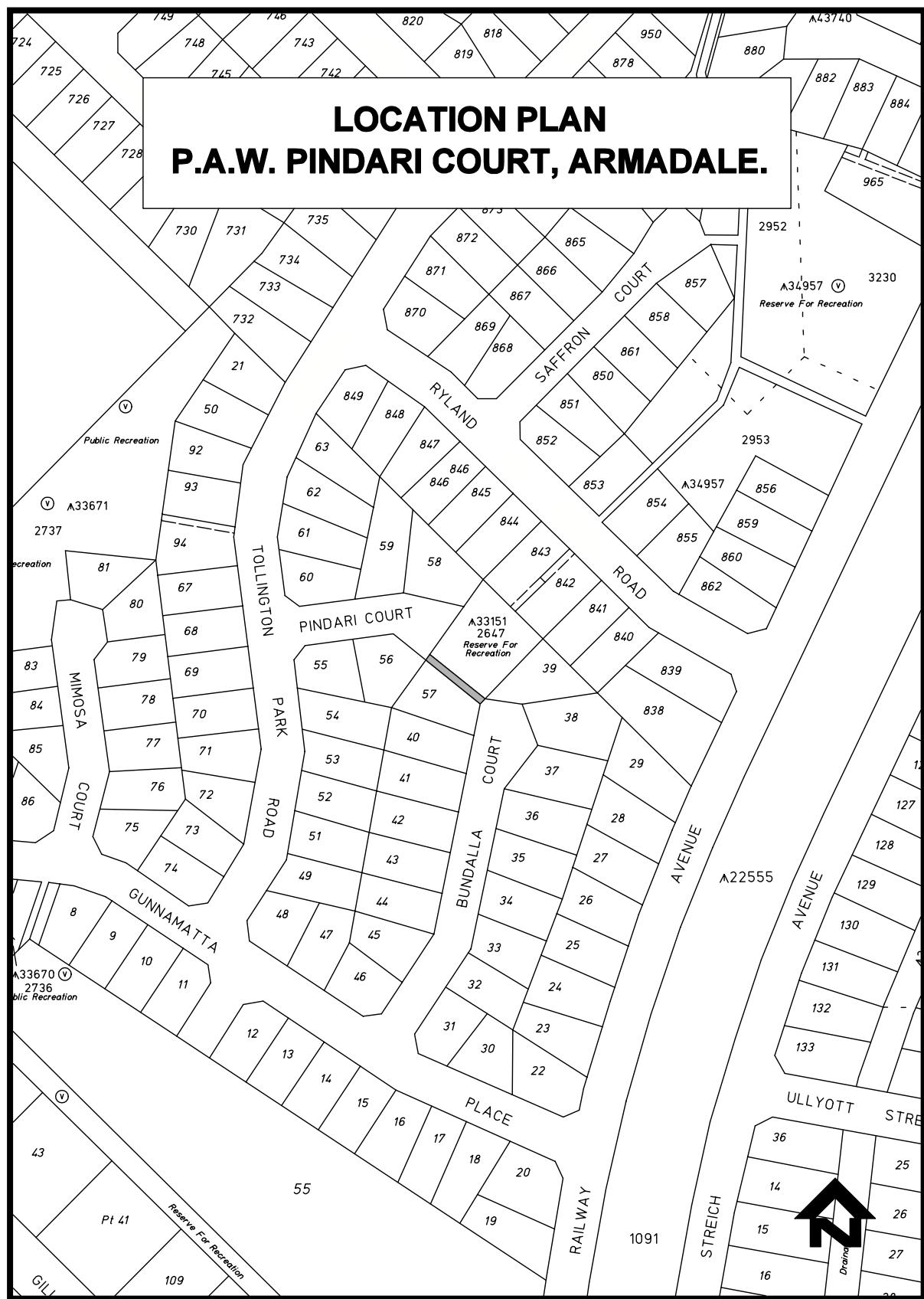
D168/02

RECOMMEND

That Council approve the application to develop ten (10) grouped housing units on Lot 39 (No.57) Little John Road, Armadale subject to conditions, including the following principal requirements:

- a) Submission of detailed elevation plans for the proposed development (including fencing) shall be submitted to the satisfaction of Council.**
- b) Submission of a detailed colour and material schedule for the proposed development (including fencing) shall be submitted to the satisfaction of Council. The proposed development is to be completed and maintained in accordance with the approved schedule.**
- c) A comprehensive landscaping plan (depicting plant species and numbers / irrigation) shall be submitted to the satisfaction of Council. The proposed development shall be completed and maintained in accordance with the approved landscaping plan.**
- d) The proposed accessway and a bin collection area along McCormack street shall be constructed in order to accommodate sufficient manoeuvring area for refuse vehicles to the satisfaction of Council.**
- e) A 7.02 metre wide strip of land abutting McCormack Street shall be set aside for future road widening, the terms and timing of which are to be negotiated between Council and the applicant.**

MOVED Cr Zelones
MOTION CARRIED (7/0)



PEDESTRIAN ACCESS WAY (PAW) BETWEEN PINDARI COURT AND BUNDALLA COURT, KELMSCOTT

WARD	:	WESTFIELD
FILE REF	:	WAY/3/02
DATE	:	26 August 2002
REF	:	MF
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Council Initiated
LAND OWNER	:	Crown
SUBJECT LAND	:	Pedestrian access way (PAW) leading from Pindari Court to Bundalla Court and situated between Lot 57 (16) Bundalla Court and Reserve No.33151, Kelmscott Map 22-05
ZONING MRS/TPS No.2	:	Urban/Parks & Recreation (Local)

In Brief:

- Reserve No.33151 adjoining PAW identified for disposal in the POS Strategy Assessment Report.
- City Strategy Committee on 12 February 2002 concluded that action should be taken to close the PAW to tie in with the disposal of the reserve.
- Recommend that PAW be closed and amalgamated with Reserve No.33151 to facilitate disposal of this land for residential purposes.

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

Water Corporation has indicated a cost of \$11615.90 (including GST) to cut off and cap the existing water main in the PAW and to modify the reticulation system.

A cost of \$164.34 was incurred in advertising the proposal in the Comment News. Costs can be funded from Council's Budget.

Consultation

- ◆ Surrounding landowners
- ◆ Service Authorities
- ◆ Department for Planning & Infrastructure

BACKGROUND

At its Meeting on 12 February 2002, the City Strategy Committee considered Stage 1 of the Public Open Space Strategy Assessment Report and concluded that the PAW abutting Reserve 33151 should be closed to tie in with the disposal of the Reserve.

DETAILS OF PROPOSAL

A pedestrian access way (PAW) abuts Reserve No.33151 in Pindari Court, Kelmscott. It is proposed to close the PAW and amalgamate the land with the Reserve in order to facilitate the disposal of the land for residential purposes. Council Officers are currently preparing a Scheme Amendment to rezone the land to "Residential R.15".

COMMENT

The proposed closure was advertised in the Comment News and to 20 neighbouring property owners. The advertising period extended from 16 July to 16 August 2002. The proposal was also advertised to the service authorities and to the Department for Planning & Infrastructure for comment. However, a petition requesting closure of the PAW and containing 22 signatures was received prior to the proposal being advertised for public comment. Following advertising, one response was received supporting closure.

Apart from the Water Corporation, no other service authorities objected to the closure proposal.

Analysis

The petition received seeks closure of the PAW due to some problems with teenagers congregating in the area. The signatories to the petition believe that closure will make the area safer for homeowners and decrease the likelihood for burglary and vandalism to occur.

Water Corporation has objected to the closure on the grounds that a water main is located within the PAW. This main can be cut off and capped and the reticulation system modified at a cost of \$1615.90. This cost will need to be paid by Council prior to the amalgamation of the PAW with the Reserve. If this condition is met, the Water Corporation will withdraw its objection.

Options

Council therefore has two options:

Option 1

Resolve to request the Department of Land Administration (DOLA) to close the PAW and amalgamate the land with Reserve No.33151 on the grounds of strong support from the local community for closure.

Option 2

Resolve not to close the PAW on the grounds that it provides for pedestrian movement between Pindari Court and Bundalla Court, Kelmscott. This option is unlikely to be acceptable to the local community given the strong support already demonstrated for closure.

CONCLUSION

Given strong community support, it is recommended that Council adopts Option 1 and resolves to request the Department of Land Administration to close the PAW with the land being amalgamated with Reserve No.33151.

D169/02 RECOMMEND

- 1. That Council resolve to request the Department of Land Administration (DOLA) to close the pedestrian access way (PAW) leading from Pindari Court into Bundalla Court, Kelmscott and situated between Lot 57 Bundalla Court and Reserve No.33151 with the land being amalgamated with Reserve No.33151.**
- 2. That respondents be advised of Council's decision.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

PUBLIC ACCESS WAY CLOSURE POLICY

The matter of a Public Access Way closure policy was referred to Development Services Committee by Council at its meeting of 19 August 2002, on request by Councillor Stewart.

Cr Stewart spoke on this matter and discussed aspects with Committee.

D170/02 RECOMMEND

That officers investigate and report back on the inclusion of strategic amenity issues as part of a Public Access Way Policy.

**ATTENDANCE AT
STATE PLANNING CONFERENCE OF PLANNING INSTITUTE OF AUSTRALIA**

WARD : ALL
FILE REF : CRS/4
DATE : 26 August 2002
REF : HC
RESPONSIBLE MANAGER : PSM

In Brief:-

- The Planning Institute of Australia State Conference is to be held in Perth (Rendezvous Observation City Hotel, Scarborough) between 6 and 8 November 2002.
- Topics to be covered will be of benefit to both officers and Councillors and of interest in the Armadale context. Planning staff will be attending.
- Recommend that Councillor/s be nominated to attend.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To foster an effective professional environment and administration of the city's services and encourage innovation and creativity in meeting the needs of the community.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Council Policy 1.2.5 – Conferences, Seminars and Training. Council approval is required for registration of an Elected Member to attend the conference.

Budget / Financial Implications

- ♦ Registration fees of up to \$475 per person (Early registration fees - PIA members \$375 before 4 October 2002, Non PIA members \$425 before 4 October 2002).
- ♦ Car Parking - \$7 per day if staying at the Hotel, otherwise \$4/hr to maximum \$15/day security undercover parking, free undercover parking nearby.

Consultation

Nil.

BACKGROUND

On 1 July 2002, the Royal Australian Planning Institute (RAPI) became the Planning Institute of Australia (PIA). The PIA has adopted a new constitution and looks forward to embracing a wider range of professional disciplines concerned with planning into full membership of the new organization.

DETAILS OF CONFERENCE

The PIA (WA) 2002 State Conference is to be held at Rendezvous Observation City Hotel, Scarborough Beach, from Wednesday 6 November to Friday 8 November 2002 (conference proper commencing on Thursday 7 November). The conference is entitled “Rips and Ripples: Planners Embracing the Future”.

The conference will be officially opened on 7 November by the Hon Alannah MacTiernan MLA. The Master of Ceremonies is Peter Webb, principal of his own town planning practice. Speakers at this year’s conference include:

- ◆ Robyn Williams AM (presenter of the ABC’s Science Show)
- ◆ Brian Fleay (an Associate of the Institute of Sustainability and Technology Policy at Murdoch University)
- ◆ Professor Roger Dawkins (Professor and Director, Centre for Molecular Immunology and Instrumentation at the University of WA)
- ◆ Richard Hammond (Architecture and Urban Design coordinator and teacher at Curtin University)
- ◆ Andrew Horabin (a provocative and entertaining speaker and citizen of the world)
- ◆ Stephen Hiller (Director Planning and Development at City of Cockburn)
- ◆ Charles Johnson (CEO City of Wanneroo)
- ◆ Ross Colliver (trainer and facilitator in strategic planning, Ovations Edutainment)
- ◆ John McInerney (Manager City Plan Services Pty Ltd)
- ◆ Eric Lumsden (CEO City of Swan)
- ◆ The Hon. Dr Carmen Lawrence MP
- ◆ Bryce Bunny (Environmental Planning Officer Murdoch University)
- ◆ Ray Stokes (Director Policy and Legislation, Department for Planning and Infrastructure)
- ◆ Emmerson Richardson (Senior Executive, Transport Planning with Sinclair Knight Merz)
- ◆ Neil Hamilton (Chairman Landcorp)

Some of the subjects that will be covered include:

- ◆ Rips and Ripples (the keynote address presented by Robyn Williams)
- ◆ Global Oil shortages
- ◆ Incubator Technology Village
- ◆ Intentional Communities – do they work in Western Australia – where to next?
- ◆ The Best Laid Plans of Dice and Men
- ◆ Cockburn Central
- ◆ Future of the North West Corridor

- ♦ Bushy Scrub – a hypothetical on a proposed tourist development at the mythical outer Perth suburb of Bushy Scrub
- ♦ Can we mend flaws in our planning processes to ensure a sustainable future for our communities? (the Gordon Stephenson Lecture presented by Eric Lumsden.)
- ♦ Community Challenges
- ♦ Agenda 21 – The Future is Now! Tools for the Transition
- ♦ The Planning System, Help or Hindrance? – A Very Personal View
- ♦ Government development agencies – do they have a future?
- ♦ The Urban Transport Challenge – Planning and Developing Affordable and Sustainable Options

City of Armadale planning staff will be attending the conference.

CONCLUSION

The PIA State Conference should be a helpful and informative forum dealing with a number of planning issues that are relevant to Armadale. This item is presented to enable Committee to consider Elected Member representation at the Conference.

D171/02 RECOMMEND

That Cr H A Zelones JP and Cr _____ (optionally nominated at full Council meeting) be nominated to attend the Planning Institute of Australia Conference to be held between 6 and 8 November 2002, with costs incurred to be charged to GL Account 1508520.

Councillors to note that the matter is open to full Council to further consider in the event that any other member wishes to be nominated. Costs incurred, if any, are to be charged to GL Account 1508520.

MOVED Cr Knezevich
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Cr Stubbs

1. Compliance Matters

Cr Stubbs raised the following compliance matters:-

- ◆ Presence of disused hot water service equipment at Lot 48 Fancote Street, Kelmscott; and
- ◆ Trucks and Prime-movers in Mahara Road, Kelmscott.

D172/02

RECOMMEND

That the item regarding compliance matters at Lot 48 Fancote Street, Kelmscott and commercial vehicle parking in Mahara Road, Kelmscott be referred to the appropriate Directorate for relevant action and/or report back to Committee.

MOVED Cr Zelones
MOTION CARRIED (7/0)

MEETING DECLARED CLOSED AT 10:10 PM

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