

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 20 MAY 2008 AT 7.00 PM.

PRESENT: Cr H A Zelones JP Chair
Cr J Everts
Cr P J Hart
Cr J Knezevich
Cr L Reynolds AM JP
Cr R J Tizard
Cr C J MacDonald

APOLOGIES: Mr I MacRae Executive Director Development Services
(Annual Leave)

OBSERVERS: Nil.

IN ATTENDANCE: Mr P Sanders A/Executive Director Development Services
Mr G Windass A/Planning Services Manager
Mr J Erceg Health Services Manager
Ms S Hillel Building Services Manager
Mrs N Cranfield Executive Assistant EDDS

Public 0

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read by the Chairman as there were no members of the public present.

DECLARATION OF MEMBER'S INTERESTS

Nil.

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 22 April 2008, to be confirmed.

MOVED Cr Everts
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.8/2008

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

▪ **Outstanding Matters & Information Items**

Report on Outstanding Matters - Development Services Committee

▪ **Health**

Health Services Manager’s Report for the month of March 2008

▪ **Planning**

Planning Services Manager’s Report for the month of March 2008

Town Planning Scheme No.4 - Amendment Action Table

Planning Applications Monthly Statistics – March 2008

Subdivision Applications - WAPC Approvals/Refusals – March 2008

Subdivision Applications - Report on Lots Registered for 2006/07 & 2007/08

PAW Closure Report - Significant Actions during March 2008

Road Naming Report 2007/08 & consequential action of Council Recommendation

▪ **Building**

Building Services Manager’s Report for the month of March 2008

Building Applications Monthly Statistics for the month of March 2008

Committee discussed proposed policy for "construction of buildings in bush-fire prone areas".

Acting Executive Director Development Services advised that the Council required the preparation of a Fire Management Plan in bush fire hazard areas for new Structure Plans, which then identified which areas that the Australian Standard for Bush Fire Areas should be applied to the construction of residential dwellings.

Committee noted the information and no further items were raised for discussion and/or further report purposes.

DEVELOPMENT SERVICES COMMITTEE

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20 MAY 2008

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LOCATION PLAN
LOT 105 (No. 86) SCHRUTH STREET NORTH, KELMSCOTT

***OVERHEIGHT OUTBUILDING -
LOT 105 (No.86) SCHRUTH STREET NORTH, KELMSCOTT***

WARD : RIVER
FILE REF : A99330
DATE : 8th May 2008
REF : RR
RESPONSIBLE : BSM
MANAGER
APPLICANT : J R Fitzgerald
LAND OWNER : JR & M Fitzgerald
SUBJECT LAND : Lot 105 (No.86) Schruth
Street North, Kelmscott
Property size 839m²
Map 22-05
ZONING : Urban / Residential R25/R40
MRS/TPS No.4

In Brief:-

- The City received an application requesting approval to construct a cream 'colorbond' clad/roofed garage in the north east-corner of the property 58m² in size with a 3.7m wall height to be 500mm from side and rear property boundaries.
- The four (4) adjoining neighbouring properties have raised no objection to the proposed garage.
- The garage is for storage of a caravan as the owners have concerns with the visual impact of the caravan on the streetscape and want to protect it from vandalism and the elements.
- Recommend Council approve the application subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

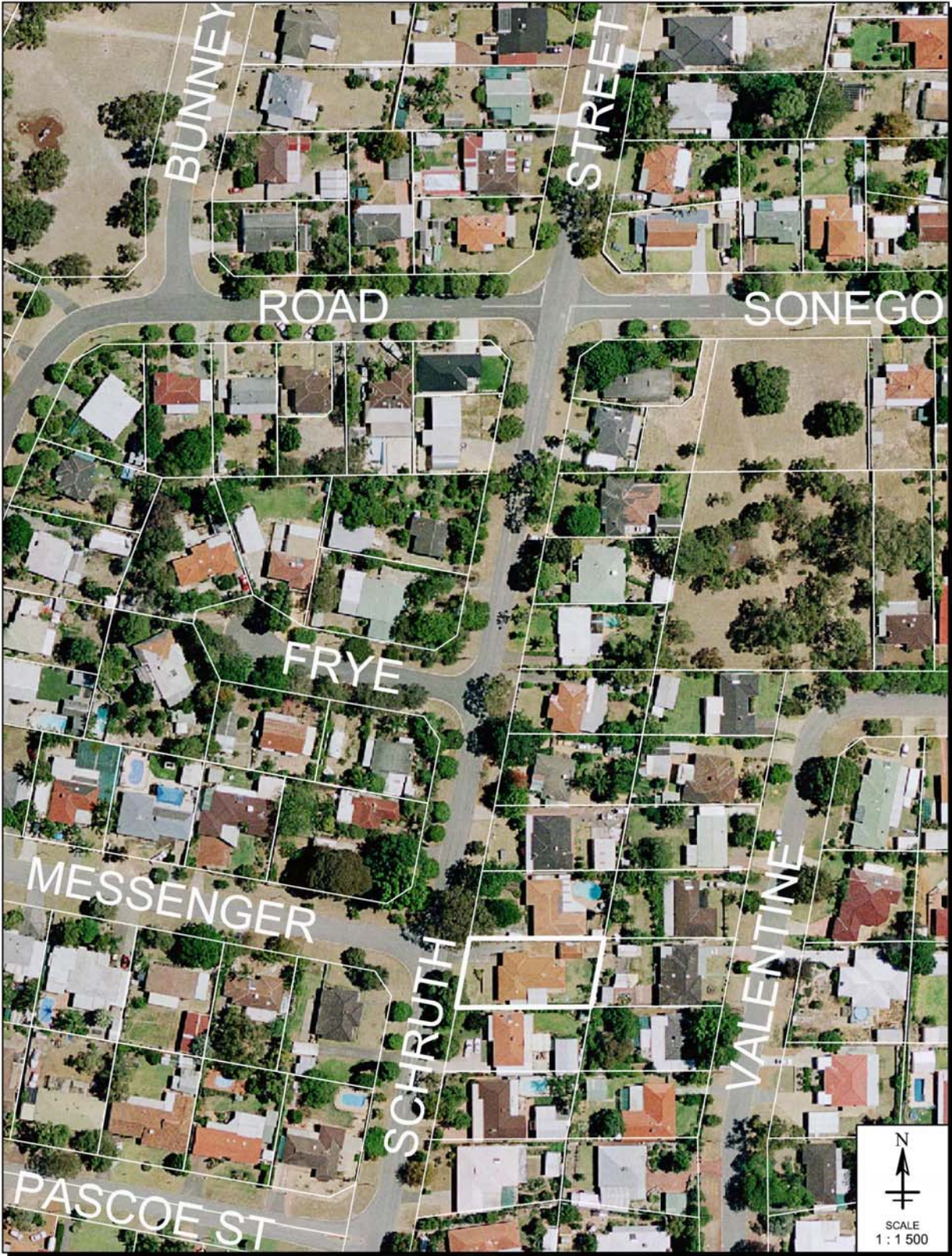
To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle. Development – "To balance the needs of development with sustainable economic, social and environmental objectives".

Legislation Implications

Town Planning Scheme No.4
Residential Design Codes of Western Australia

Council Policy / Local Law Implications

PLN 3.4 – The siting and scale of outbuildings in Residential and Rural areas.



AERIAL PHOTOGRAPH
LOT 105 (No. 86) SCHRUTH STREET NORTH, KELMSCOTT

Budget / Financial Implications

Nil.

Consultation

- ◆ Four neighbouring landowners
- ◆ Development Control Unit (DCU)

BACKGROUND

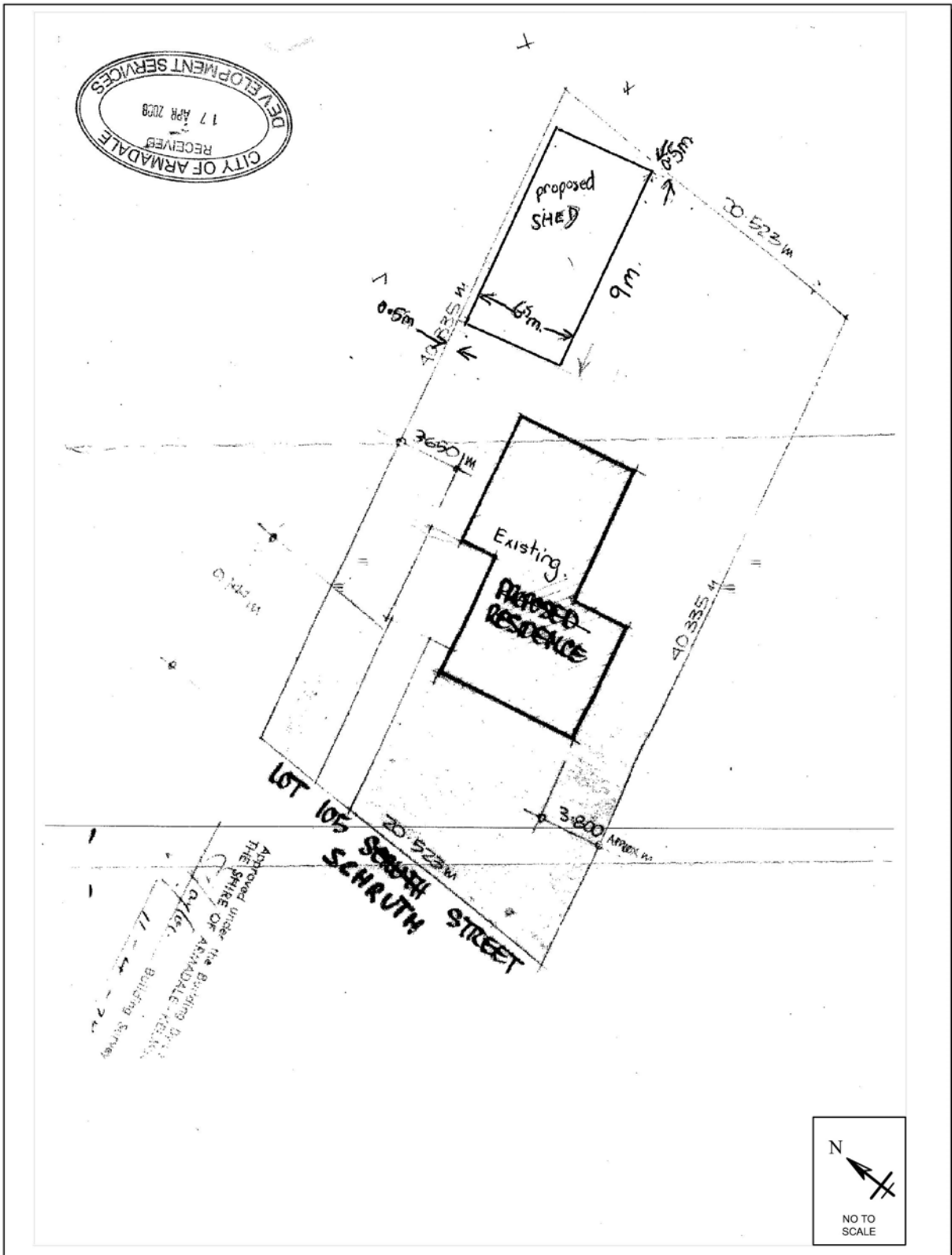
The City received an application on the 17th April 2008 for an over-height garage with reduced boundary setbacks in the north east corner of the property. The owner applied for a Residential Design Code Variation as well as obtaining letters of no objection from the adjoining neighbouring properties. The processing officer met the owner on the property, as it was felt although letters of no objection had been received, it was necessary to assess on site whether or not the wall height may detract from the streetscape or the amenity of the neighbourhood. The owners have already purchased the garage (\$12,000), as they were advised by the supplier they would not be able to obtain the plans to submit the application to Council, without first paying for the garage. The owners have submitted an application to demolish the existing asbestos shed.

Given the overall height of the proposed outbuilding exceeds the wall height of 2.4m and the ridge height of 4.2m under the Residential Design Codes, the application has been referred to Council for determination.

DETAILS OF PROPOSAL

Details pertaining to the application include the following;

- ◆ Erection of a 'colorbond' (cream) clad and roofed garage 9.00m in length and 6.50m in width. The total height consists of a 3.7m wall height and a 4.577m ridge height.
- ◆ The outbuilding is 500mm from both the rear and northern boundary, and will be at natural ground level at the front and approximately 400mm lower at the rear where a cut will be made into the sloping block.
- ◆ The garage is over-height, as the additional head-room is necessary for the storage of a caravan which will conceal it from the street and neighbouring properties as well as provide a secure, dry shelter.



SITE PLAN
LOT 105 (No. 86) SCHRUTH STREET NORTH, KELMSCOTT

COMMENT

Development Control Unit (DCU)

At its meeting of 8th May 2008, DCU recommended that the application be approved, subject to appropriate conditions.

Surrounding Landowners

Consultation with four (4) adjoining landowners has resulted in four (4) letters of no objection. The owner has had lengthy discussions with the neighbour to the north of his property, and as there are no windows on the southern wall of the neighbour's house, the shed will not impact on this property. The neighbouring properties to the rear of the applicant are elevated as the block slopes upwardly to the east, so the impact on these properties will be lessened with the block being cut into approximately 400mm. The neighbours to the south of the applicant have a large shed on their property and have no concerns with the proposal.

Refer to Confidential Attachment "B1" of the Agenda for location plan of submitters.

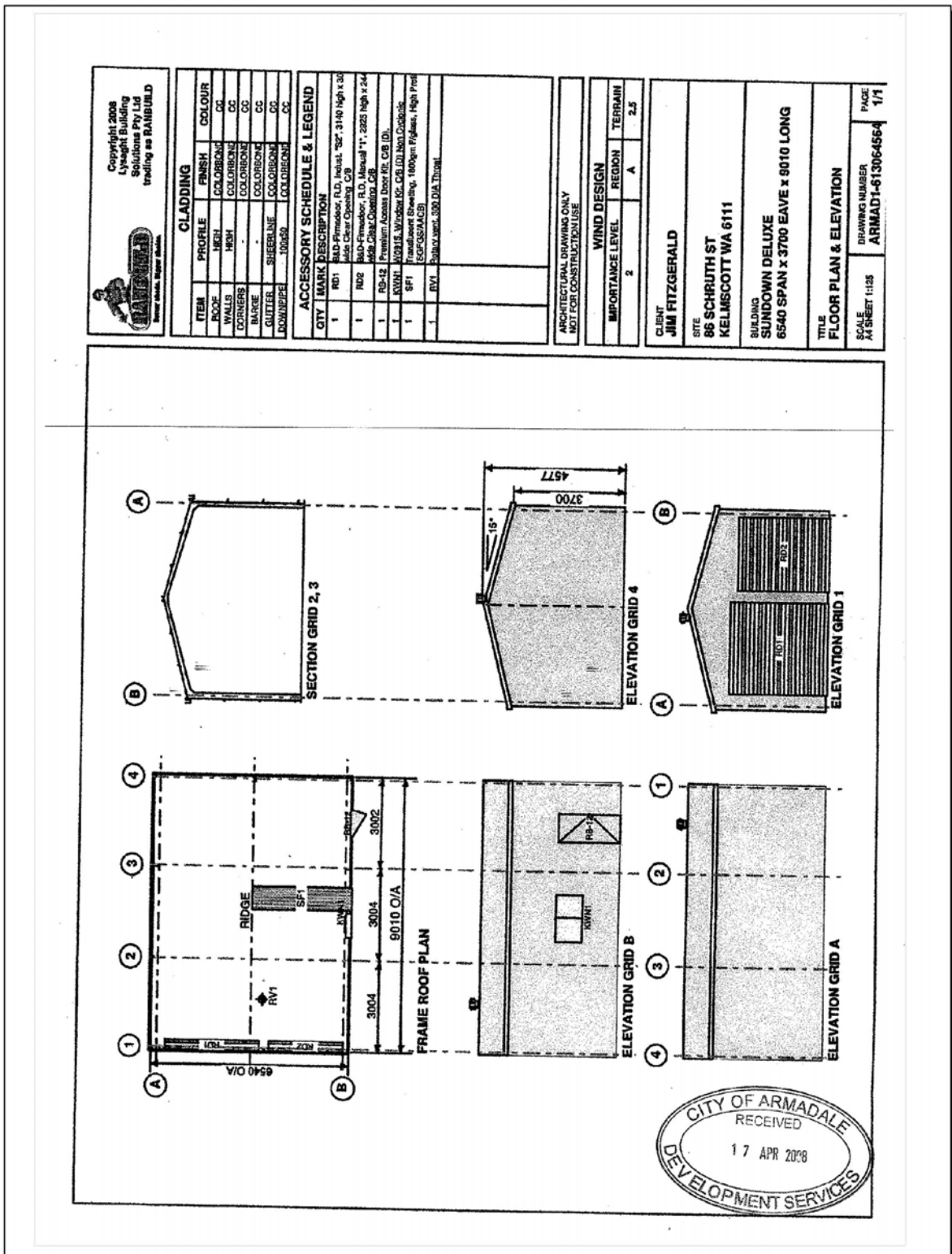
ANALYSIS

Amenity

The garage would be visible from the street when travelling in a southern direction past the property, but not as visible from the northern direction with the residence screening the garage. The owners are unable to screen the garage with vegetation as they would not be able to gain access. It is the opinion of the City officers that the garage would not have a detrimental affect on the overall streetscape.

Residential Design Codes

The objectives of Part 3.10.1 of the Residential Design Codes are to ensure that outbuildings do not detract from the streetscape or the amenity of the development or that of the adjoining residents; and adequate provision is made for incidental facilities serving residents' needs. Outbuildings with a greater wall height than 2.4m and which are setback less than 1m from the property boundary do not meet with the Acceptable Development provision of the Codes, but may comply with the Performance Criteria. Given the reasons provided and the fact neighbouring properties have not objected, the use of the Performance Criteria is recommended in this instance.



Copyright 2008 Lysaght Building Solutions Pty Ltd trading as RANBUILD Better steel. Better buildings.		CLADDING	
ITEM	PROFILE	FINISH	COLOR
ROOF	HEX	HEX	CC
WALLS	COLORBOND	COLORBOND	CC
CORNERS	HEX	HEX	CC
BARGE	-	-	CC
GUTTER	SHEERLINE	SHEERLINE	CC
DOWNPIPE	DURAL	DURAL	CC

ACCESSORY SCHEDULE & LEGEND	
QTY	MARK DESCRIPTION
1	RD1 300x300x10 R.D. Insulat. "35", 3140 High x 38
1	RD2 300x300x10 R.D. Insulat. "35", 3140 High x 38
1	RD3 300x300x10 R.D. Insulat. "35", 3140 High x 38
1	RD4 300x300x10 R.D. Insulat. "35", 3140 High x 38
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1	RD99 300x300x10 R.D. Insulat. "35", 3140 High x 38
1	RD100 300x300x10 R.D. Insulat. "35", 3140 High x 38

WIND DESIGN	
IMPORTANCE LEVEL	2
REGION	A
TERRAIN	2.5

CLIENT	JIM FITZGERALD
SITE	86 SCHRUTH ST KELMSCOTT WA 6111
BUILDING	SUNDOWN DELUXE
6540 SPAN x 3700 EAVE x 8010 LONG	
TITLE	FLOOR PLAN & ELEVATION
SCALE	A4 SHEET 1:125
DRAWING NUMBER	ARMAD1-613064564
PAGE	1/1

ELEVATION PLAN
LOT 105 (No. 86) SCHRUTH STREET NORTH, KELMSCOTT



PHOTOGRAPH 1
VIEW FROM MESSENGER STREET LOOKING TOWARDS THE BOUNDARY OF
LOTS 105 AND 106 SCHRUTH STREET NORTH, KELMSCOTT



PHOTOGRAPH 2
EXISTING ASBESTOS SHED TO BE REMOVED ON
LOT 105 SCHRUTH STREET NORTH, KELMSCOTT



PHOTOGRAPH 3
VIEW FROM LOT 105 LOOKING TOWARDS LOT 106 INDICATING
NO OVERLOOKING WINDOWS

Planning Policy 3.4 – The siting and scale of outbuildings in Residential and Rural areas (PLN 3.4)

The objectives of the City’s Planning Policy 3.4 are to ensure all outbuildings located in a residential area, particularly those exposed to public view from a street, are sited and designed in a manner which will not detract from the amenity of the area. The proposal is considered to be consistent with the intent of this policy.

It should be noted that PLN 3.4 has recently been reviewed and will be referred to Council for final consideration. Draft changes to the policy of relevance to this proposal include new height requirements for lots over 600m, being 2.7m to the top of external walls and 4.2m to the top of pitched roof. Whilst the proposal exceeds the draft policy requirements, the proposal is unlikely to impact on the amenity of the locality and is considered to be consistent with the intent of the draft policy.

OPTIONS

1. Council can approve the application as proposed, subject to appropriate conditions.
2. Council could refuse the proposal if it believes that the amenity of the area may be detrimentally affected in terms of visual impact by the height of the garage.

CONCLUSION

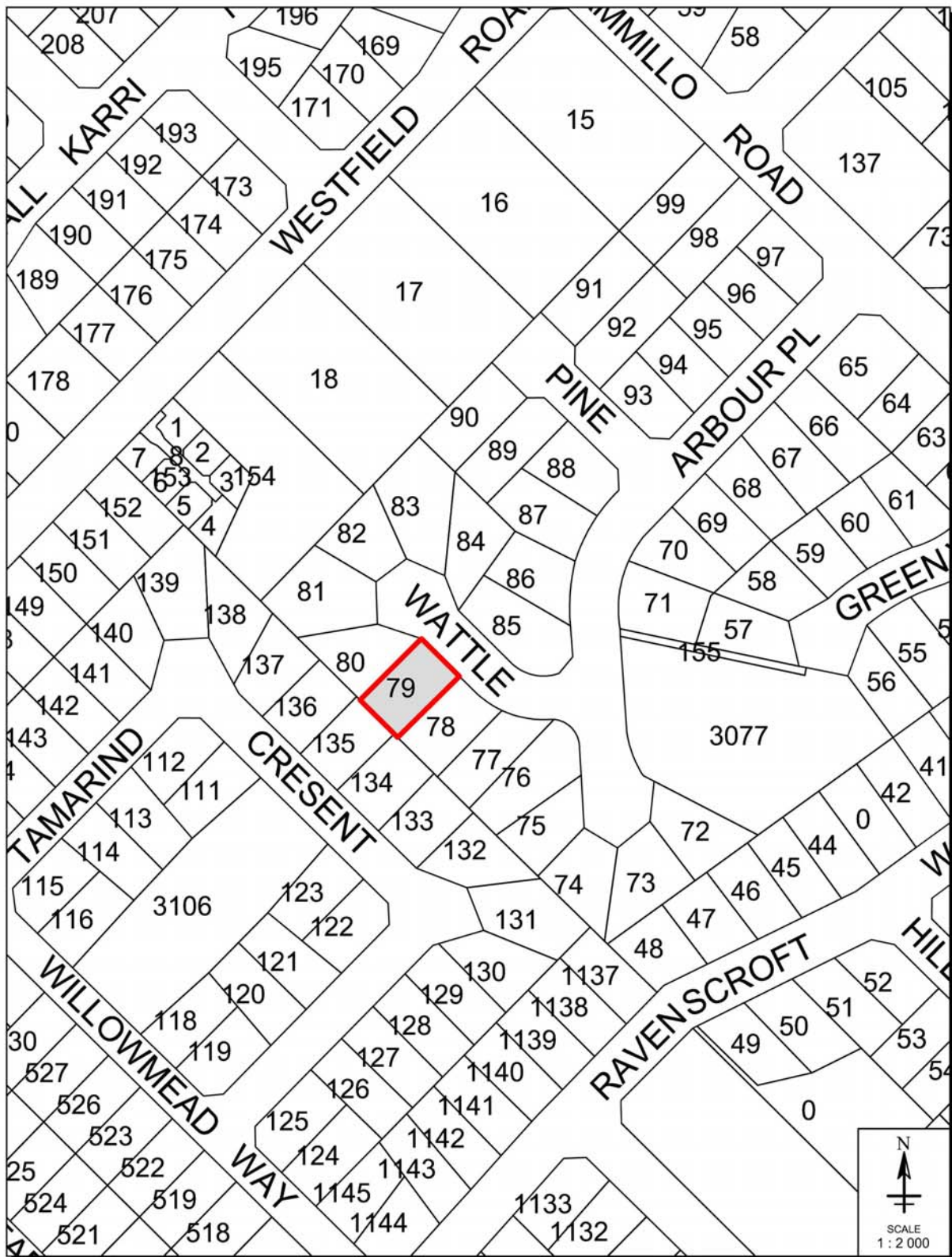
Given the applicant has a valid reason to increase the height of the garage and the neighbouring landowners do not have any issues with the proposal, it is recommended Council approve the application in accordance with Option 1.

D60/5/08 RECOMMEND

That Council approve the application for a garage at Lot 105 (No.86) Schruth Street North, Kelmscott, subject to the following conditions:

- a) **A schedule of colours and materials is to be submitted to and approved by the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.**
- b) **The proposed garage shall only be used for the purposes incidental to the residential use of the property and shall not be used for habitable, commercial or industrial purposes to the satisfaction of the Executive Director Development Services.**
- c) **Handling of asbestos materials from the demolition of the existing shed must be carried out in accordance with the requirements of the Health (Asbestos) Regulations 1992.**
- d) **All conditions are to be complied with prior to exercising the right of approval, to the satisfaction of the Executive Director Development Services.**

MOVED Cr Zelones
MOTION CARRIED (7/0)



LOCATION PLAN
LOT 79 (No. 6) WATTLE CLOSE, KELMSCOTT

PROPOSED SEA CONTAINER ON LOT 79 (NO.6) WATTLE CLOSE, KELMSCOTT

WARD : HERON
FILE REF : 10.2008.181.1
DATE : 13 May 2008
REF : IG
RESPONSIBLE : PSM
MANAGER
APPLICANT : G E Sendall
LANDOWNER : G E Sendall
Zoning
MRS : Urban
TPS No.4 : Residential R15/25

In Brief:

- The City received a complaint regarding the siting of a sea container on Lot 79 (No.33) Wattle Close, Kelmscott.
- The City's Compliance Team investigated the unauthorised structure and requested the landowner lodge an application for consideration.
- Recommend that Council resolve to refuse the sea container on the grounds it contravenes TPS No.4 and Planning Policy 5.3 requirements and poses an adverse impact on the amenity of the locality.

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

Planning and Development Act 2005
Town Planning Scheme (TPS) No.4

Council Policy / Local Law Implications

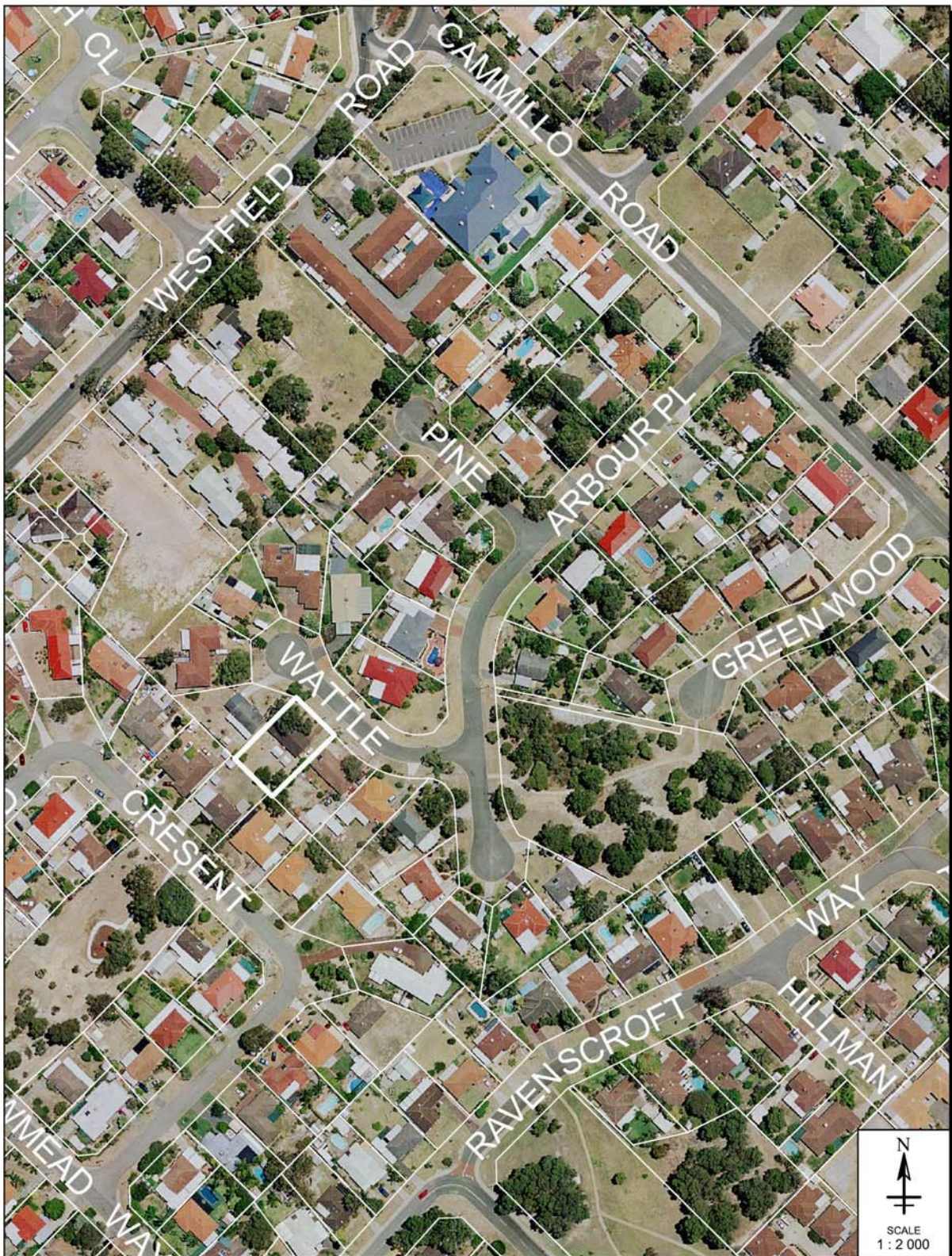
PLN 5.3 Sea containers, railway carriages and other decommissioned transport conveyances.

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit



AERIAL PHOTOGRAPH
LOT 79 (No. 6) WATTLE CLOSE, KELMSCOTT

BACKGROUND

The City received a complaint regarding a sea container located on Lot 79 (No.6) Wattle Close, Kelmscott. The City's Compliance Team investigated the unauthorised structure and requested the landowner lodge an application for consideration.

The owner of the subject lot has made an application to retain the sea container for the purpose of storing household furniture for a temporary time period.

The applicant has verbally stated that the estimated time of retaining the sea container would be between twelve (12) and twenty four (24) months, until such time as they obtain financial approval to add a room and garage to the existing dwelling.

COMMENT

Development Control Unit

At its meeting of 15 May 2008, the DCU recommended that the application be refused as it does not comply with Planning Policy 5.3- Sea Containers, Railway Carriages and Other Decommissioned Transport Conveyances.

ANALYSIS

Town Planning Scheme No.4

Clause 10.2 "Matters to be considered by the City" of TPS No.4 states "*the City in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the City relevant to the use or development the subject of the application*".

- (f) Any Local Planning Policy adopted by the City under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or Guideline adopted by the City under the Scheme;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;"

The proposal does not meet any of the above mentioned requirements as per the City's TPS No.4 and is considered to pose an adverse impact on the streetscape and adjoining properties.



PHOTOGRAPH 1

LOT 79 (No. 6) WATTLE CLOSE, KELMSCOTT



PHOTOGRAPH 2

LOT 79 (No. 6) WATTLE CLOSE, KELMSCOTT



PHOTOGRAPH 3
LOT 79 (No. 6) WATTLE CLOSE, KELMSCOTT



PHOTOGRAPH 4
LOT 79 (No. 6) WATTLE CLOSE, KELMSCOTT

Planning Policy PLN 5.3 – Sea Containers, Railway Carriages and Other Decommissioned Transport Conveyances

The City’s Policy PLN 5.3 is intended to regulate the location of sea containers, railway carriages and other decommissioned transport conveyances to maintain and enhance the visual amenity of areas within the City. Sea containers can provide a high level of security, are readily available and require minimal site works, however, due to the ‘industrial’ appearance and relatively large size, they have the potential to detract from the visual amenity of the locality.

Clause 4.1(a) specifies that:

“Sea containers and railway carriages have the potential to adversely impact on the visual amenity of residential areas and are therefore not acceptable in the Residential or Special Residential Zone.”

However it should also be noted that Part 4.3 specifies that:

“Development applications are not required where sea containers are used for temporary purposes associated with building construction work or delivery and collection of goods directly related to the permitted use of a property.”

The landowner has stated that the sea container will be retained on the property until financial approval is granted to add another room and a garage to the dwelling on the property. No date has been set for any renovations and no Building Licence Application has been lodged with the City. Whilst the Policy does not define a time period for “temporary purposes”, it is clear that twelve to twenty four months (up to 2 years) should not be considered as a temporary time period. Also, it should be noted that the sea container has apparently been on the premises for nearly a year without approval. The existing dwelling has a carport and two sheds that could be used for the purpose of household storage.

Amenity

The City has received a written complaint regarding the sea container and the adverse impact it has on the streetscape and its unsightliness. The City’s officers have inspected the site and also consider that the sea container has an adverse impact on the amenity of the area.

OPTIONS

1. Council could refuse the application and resolve to advise the applicant that the sea container must be removed within a specified time period or the City will take legal action.
2. Council could approve the application permitting the sea container to be retained on the property for a limited time period.
3. Council could approve the application conditioning the temporary time period to be no more than 6 months and for the sea container to be painted and screened from public view.

CONCLUSION

The sea container has been sited illegally on the subject property for almost a year according to a nearby resident. The proposed time period proposed by the applicant is not considered to be 'temporary' and the sea container adversely impacts on the streetscape and adjoining properties. In this regard, it is recommended that the application be refused in accordance with Option 1.

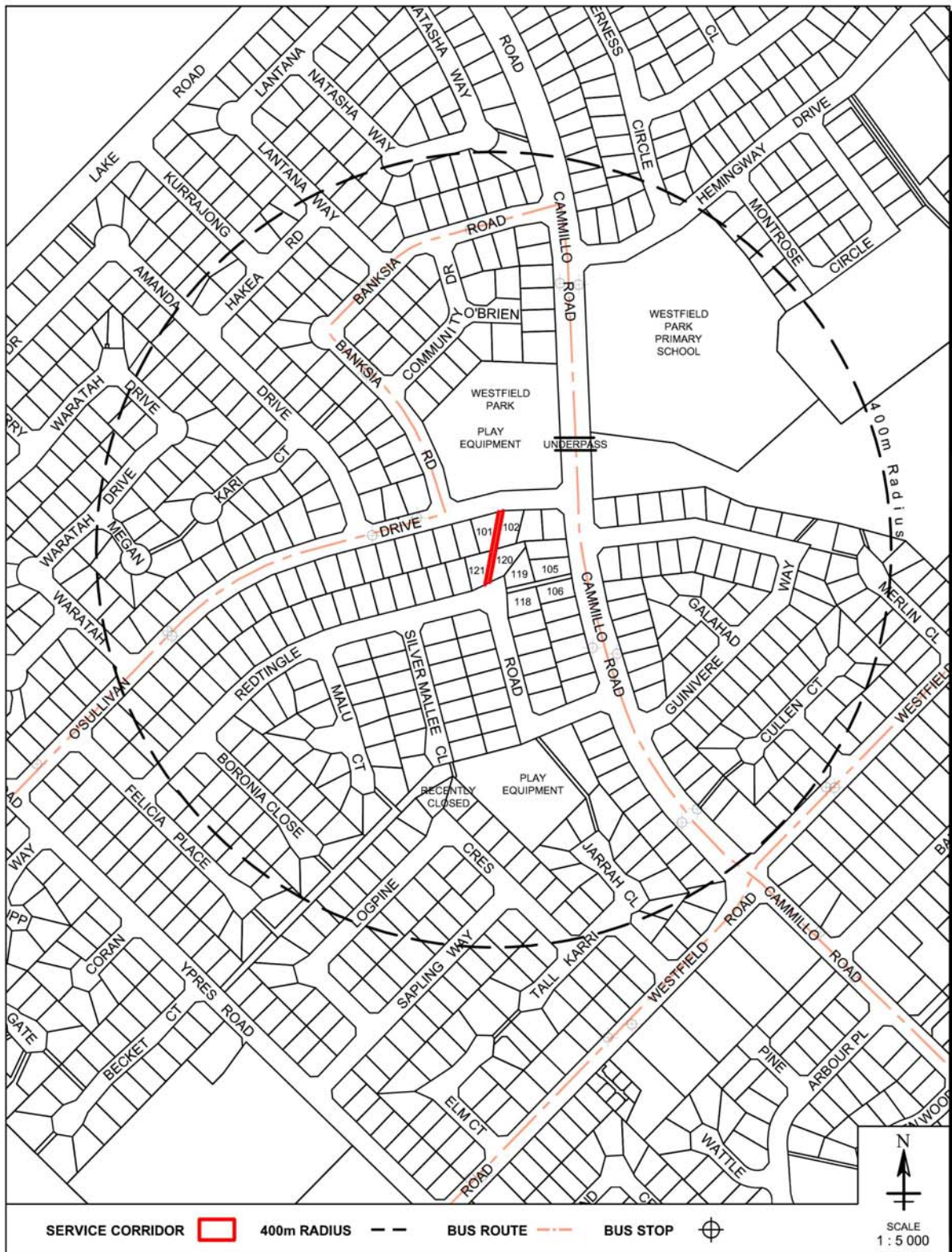
D61/5/08 RECOMMEND

That Council:

1. **Refuse the application for a sea container on Lot 79 (No.6) Wattle Close, Kelmscott, due to the following reasons:**
 - a) **The proposal contravenes Clause 10.2 (n) and (o) of the City's TPS No.4 and has an adverse impact on the streetscape and amenity of the surrounding residential area.**
 - b) **The proposal contravenes Clause 10.2 (f) of the City's TPS No.4 and intent of Planning Policy PLN 5.3.**
2. **Advise the submitter of the above decision.**
3. **Advise the applicant that should the sea container not be removed from the subject property within 45 days of the issue of correspondence outlining this decision to the owner, Council authorise the Senior Liaison and Compliance Officer and/or Liaison and Compliance Officer to institute legal proceedings, subject to legal advice, against G. E. Sendall, the owner of Lot 79 (No.6) Wattle Close, Kelmscott for:**
 - ♦ **Siting a sea container within a residential property without the consent of Council.**
4. **Authorise the Senior Liaison and Compliance Officer and/or Liaison and Compliance Officer to swear the appropriate Prosecution Notices on behalf of Council.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)

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LOCATION PLAN
 SERVICE CORRIDOR (FORMER PAW) BETWEEN LOTS 101 & 102 O'SULLIVAN DRIVE
 AND BETWEEN LOTS 120 & 121 REDTINGLE ROAD WESTFIELD

**RESERVE 48881 (FORMERLY PAW) BETWEEN LOTS 101 (No.53) & 102 (No.55)
O’SULLIVAN DRIVE AND BETWEEN LOTS 121 (No.42) & 120 (No.44) REDTINGLE
ROAD, WESTFIELD**

WARD : HERON
FILE REF : WAY/8/96
DATE : 12 May 2008
REF : MF
RESPONSIBLE MANAGER : PSM
LAND OWNER : Department for Planning and Infrastructure (State Land Services)
SUBJECT LAND : Service Corridor (formerly PAW between Lots 101 (No.53) & 102 (No.55) O’Sullivan Drive and between Lots 121 (No.42) & 120 (No.44) Redtingle Road, Westfield
ZONING MRS : Urban
TPS No.4 : Residential R15/R25

In Brief:-

- The City had previously been considering the closure of this former PAW and a Closure Assessment Report was submitted to the Department for Planning and Infrastructure (Planning) for comment but was not initially supported by the DPI (Planning).
- However, the Minister for Lands ordered that the PAW land be vested as a reserve for the purpose of a “Service Corridor” in August 2006.
- The DPI (Planning) has now informed the City that it no longer raises any objection to this PAW being closed and that the City may proceed with formal closure.
- The land (now Reserve No.48881) is described as Lot 55 on Office of Titles Plan 12432 Volume 3141 Folio 233.
- The disposal of the “Service Corridor” reserve has been initiated by the Minister for Lands.
- Recommend that Council support the disposal of a portion of Reserve 48881 and advise the DPI – State Land Services of Council’s decision.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

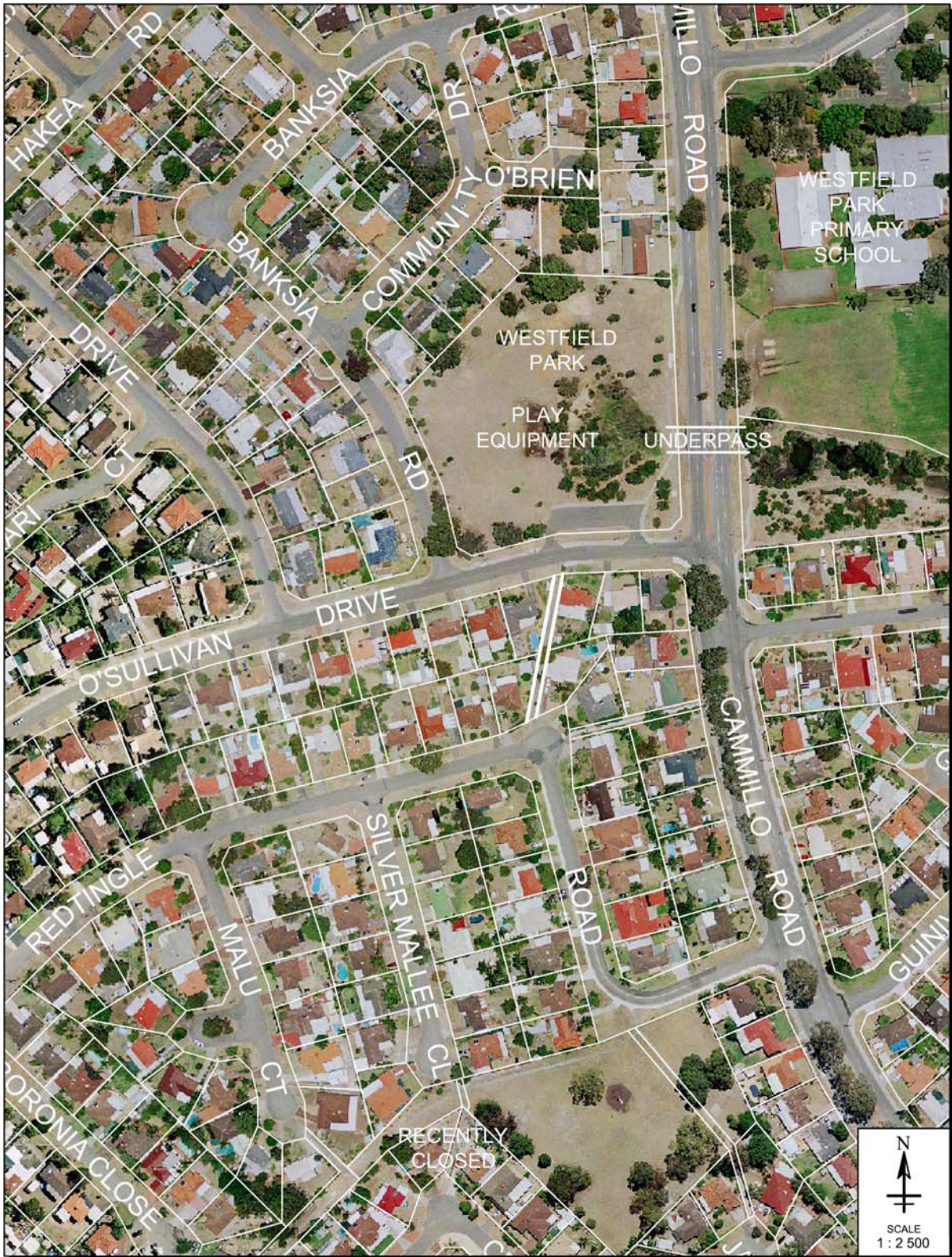
Building our community – “improve the overall well-being and safety of the community”.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Technical Services Policy No. ENG 7 – Public Access Ways - Management.



AERIAL PHOTOGRAPH
SERVICE CORRIDOR (FORMER PAW) BETWEEN LOTS 101 & 102 O'SULLIVAN DRIVE
AND BETWEEN LOTS 120 & 121 REDTINGLE ROAD WESTFIELD

Budget / Financial Implications

The proceeds from the sale of the reserve land are retained by the Crown (DPI – State land Services)

Consultation

- ◆ Department for Planning and Infrastructure

BACKGROUND

Following receipt of an initial application to close the PAW in August 1997, Council considered at its meeting on 17 November 1997 the closure proposal and resolved to decline the request to close this PAW on the grounds that it provides safe and easy access to nearby community facilities, particularly by children attending the nearby Westfield Park Primary School.

A further request to close the PAW was received in January 2006. Council Officers advertised the closure proposal for public comment in February 2006 and subsequently submitted a Closure Assessment Report to the Perth office of the Department for Planning and Infrastructure (DPI). In August 2006, the DPI (Planning) advised the City that it did not support the closure proposal on the basis that the PAW is an integral link in the pedestrian movement network. Officers prepared a report for submission to a forthcoming Council Meeting.

However, prior to the report being submitted to Council, a letter dated 11 August 2006 was received from the Minister advising the City that directions were issued to the State Land Services Branch of the Department for Planning and Infrastructure to immediately and temporarily close the PAW for 6 weeks. The letter also requested the City to make immediate arrangements to appropriately fence and secure the land. This was undertaken by the City's officers.

Information obtained from the DPI – State Land Services has indicated that the Minister for Lands has ordered that this land be included in a reserve for the purpose of a "Service Corridor" in the public interest. This reserve (being Reserve 48881) is now described as Lot 55 on Office of Titles Plan 12432 Volume 3141 Folio 233. The land has been fenced to prevent access since late 2006.

DETAILS OF PROPOSAL

The City has recently been advised by the DPI (Planning) that the DPI/WAPC no longer raises an objection to this PAW being closed and indicating that the City may proceed with formal closure. This advice was provided following the completion of the "Accessible Suburbs Community Workshop" held in April 2008.



**SERVICE CORRIDOR (FORMER PAW) BETWEEN LOTS 101 & 102 O'SULLIVAN DRIVE
AND 120 & 121 RETINGLE ROAD, WESTFIELD
VIEW FROM O'SULLIVAN DRIVE, WESTFIELD**



**SERVICE CORRIDOR (FORMER PAW) BETWEEN LOTS 101 & 102 O'SULLIVAN DRIVE
AND 120 & 121 RETINGLE ROAD, WESTFIELD
VIEW FROM REDTINGLE ROAD, WESTFIELD**

COMMENT

The City has been involved in initiating the closure process by receiving the application to close the PAW and advertising the proposal for public comment. However, prior to officers submitting a report to Council, the Minister ordered that that this land (being Reserve 48881) be included in a reserve for the purpose of a “Service Corridor”.

The disposal only relates to the portion of the reserve located between Lots 101 (No.53) & 102 (No.55) O’Sullivan Drive and between Lots 121 (No.42) & 120 (No.44) Redtingle Road, Westfield. Reserve 48881 also includes the former pedestrian accessway (PAW) between Lots 106 (No.119) & 107 (No.121) Cammillo Road and between Lots 118 (No.48) & 119 (No.46) Redtingle Road. The City has been processing a PAW closure request for the PAW between Cammillo Road and Redtingle Road in accordance with the West Australian Planning Commission’s (WAPC) Planning Bulletin No.57: Closure of PAW. Given the DPI’s (Planning) support for the disposal of the former PAW land (now Reserve 48881) between O’Sullivan Drive and Redtingle Road, it is unlikely DPI (Planning) will support the removal of the pedestrian link between Cammillo Road and Redtingle Road.

ANALYSIS

Whilst the City has initiated the closure process, the decision to create the reserve (being Reserve 48881) for the purpose of a “Service Corridor” was taken by the Minister. The City does not need to proceed with a “PAW” closure for the land between O’Sullivan Drive and Redtingle Road, as the land is being disposed of. The Council should support the disposal of the land to the abutting landowners in order to resolve current maintenance and security concerns regarding the land. Information obtained from the DPI - State Land Services has indicated that State Land Services has been requested by the DPI (Planning) to obtain an urgent valuation for the “Service Corridor” reserve.

OPTIONS

1. Council could support the disposal of the land and advise DPI – State Land Services accordingly.
2. Council could request the former PAW be opened or maintain the status quo.

CONCLUSION

The decision to physically close the PAW for a period of 6 weeks was initiated by the Minister for Lands and the Minister subsequently made an order to create a reserve (being Reserve 48881) for the purpose of a “Service Corridor”. Given that public access has been denied by virtue of the physical closure of the land for some time and the fact that significant anti-social behaviour has been experienced by the abutting landowners when the PAW was open, it is recommended that the Council should support the disposal of the land in accordance with Option 1 above.

D62/5/08 RECOMMEND

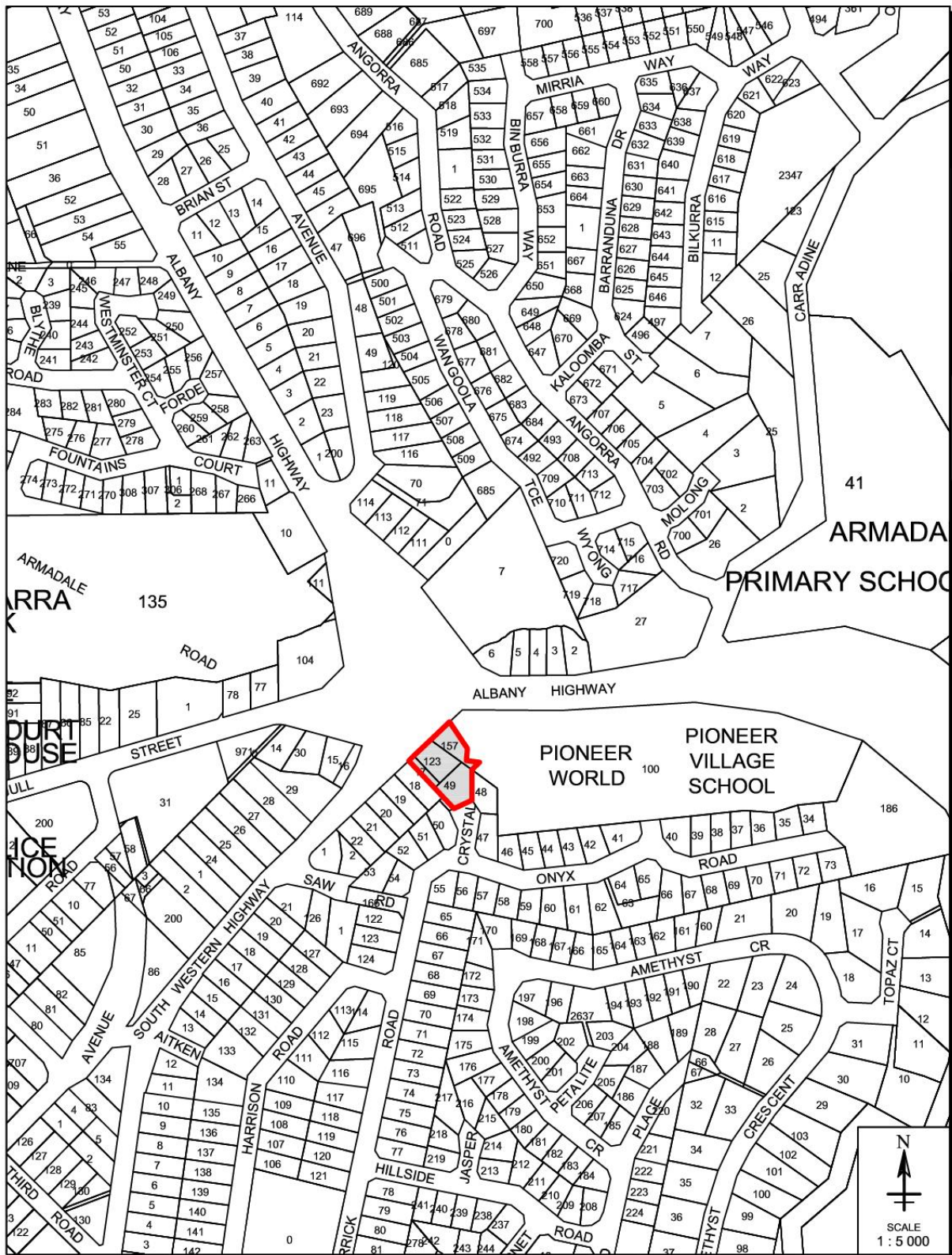
That Council:

- 1. Support the disposal of the portion of Reserve 48881 designated as a “Service Corridor” and described as Lot 55 on Office of Titles Plan 12432 under Certificate of Title Volume 3141 Folio 233 and situated between Lots 101 (No.53) & 102 (No.55) O’Sullivan Drive and between Lots 121 (No.42) & 120 (No.44) Redtingle Road, Westfield.**

- 2. Advise the Department for Planning and Infrastructure – State Land Services of Council’s decision.**

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LOCATION PLAN
LOTS 17, 123 & 157 SOUTH WESTERN HIGHWAY AND
LOT 49 CRYSTAL COURT, ARMADALE

FINAL ADOPTION – AMENDMENT No .34 TO TOWN PLANNING SCHEME No.4 – REZONING OF LOTS 123, 157 AND 17 SOUTH WESTERN HIGHWAY, AND LOT 49 CRYSTAL COURT, ARMADALE

WARD : NEERIGEN
DATE : 8 May 2008
REF : EP
RESPONSIBLE MANAGER : PSM
APPLICANT : Dykstra & Associates
LAND OWNER : Deighton Pty Ltd
MAB Pty Ltd
SUBJECT LAND : Property size 3173m²
ZONING
MRS : Urban
TPS No.4 : Residential 'R15/40' –
"Additional-Use No.19"

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

Planning and Development Act 2005
Town Planning Regulations 1967
Metropolitan Region Scheme
Town Planning Scheme No.4 (TPS No.4)

Council Policy / Local Law Implications

Local Planning Strategy 2005
Highway Development Policy – (PLN 5.1)

In Brief:-

- At its 15 October 2007 meeting, Council initiated an amendment to the current 'Additional Use – No.19' of the TPS No.4 to provide more flexibility in terms of greater land use options.
- The amendment was advertised for public comment for 42 days and attracted 11 submissions.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- The proposal should be supported as the proposed additional uses are considered to be low scale and appropriate for this site.
- Recommend that Council adopt the amendment with modification and request that the Hon Minister for Planning & Infrastructure grant final approval to the amendment.



AERIAL PHOTOGRAPH
LOTS 17, 123 & 157 SOUTH WESTERN HIGHWAY AND
LOT 49 CRYSTAL COURT, ARMADALE

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit.
- ◆ The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment.
- ◆ Forwarded to WAPC for information.
- ◆ Advertised for public comment for 42 days.

BACKGROUND

The subject land was rezoned as part of Amendment No.86 to TPS No.2 to permit a commercial/tourism complex. Amendment No.86 was gazetted in February 1996. A legal agreement (development deed) was also required by the Council at that stage to provide for the following:

- ◆ Upgrading the Heritage listed building known as the ‘Muckross Hall’;
- ◆ Amalgamating the lots to create one lot;
- ◆ Realignment of boundaries to ensure the existing ‘Muckross Hall’ (after extensions) was located on a single title;
- ◆ Creation of a PAW to limit access to Crystal Court; and
- ◆ Granting right of carriageway and reciprocal parking easements over portions of Lot 157 South Western Highway in favour of the adjoining Lot 49 Crystal Court and Lot 100 Albany Highway, Armadale.

Two separate Legal Agreements were signed by the landowners involved in 1995 to satisfy the above requirements.

At the time of the rezoning and development deed, the heritage values of the site were extensively canvassed and incorporated into the Scheme provisions. The rezoning provisions have been subsequently carried over into TPS No.4 as an Additional Use No.19 (overlying base zoning/coding of Residential R15/25). Under the Additional Use provisions of the Scheme, permitted (P) uses include shops, offices, restaurants and incidental tourist uses.

In February 2007, the City received an application requesting the rezoning of the above properties to “District Centre” with a “Restricted Use” zoning to include a number of intensive commercial uses. Officers raised concerns about the rezoning of these prominently located lots to ‘District Centre’ without appropriate justification.

The applicant was requested to lodge further justification and resubmission of an alternative proposal. Consequently, the applicant has reviewed the proposal and now suggests an amendment to the following existing ‘Additional Use’ to include a number of low scale commercial uses.

Existing Schedule 2- Additional Uses

No.	Description of Land	Additional Use	Conditions and Requirements (See Note 1)
19.	Part Lots 186, 157 and 17, South Western Highway and Lot 49 Crystal Court, Armadale.	<p>Permitted (P) Use:</p> <p>Tourist complex incorporating the old Armadale Tea Rooms consisting of:</p> <ul style="list-style-type: none"> • Shop(s); • Office(s); • Restaurant(s); and • Incidental tourism related uses. 	<p>19.1 The overall development of the site is to be of a high quality, unified architectural design, colour scheme, and integrated signage incorporating an Australian rural "colonial" theme and developed, presented and maintained as a single comprehensive commercial/tourism complex.</p> <p>19.2 The gross leasable floor space to be limited to a maximum of 1000m².</p> <p>19.3 No direct vehicular access/egress shall be permitted to Crystal Court.</p> <p>19.4 The overall development to retain and incorporate the Old Armadale Tea Rooms (Muckross Hall) building.</p> <p>19.5 This property is affected by a "Sunset Clause" reserving the City the right to rezone the subject property back to the original Residential R15/Shopping zoning if development has not substantially commenced within five years of the Amendment's gazettal.</p> <p>19.6 All permissible use classes listed for the base Residential zone shall be D (discretionary).</p> <p>19.7 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p>

DETAILS OF PROPOSAL

The application proposes a Scheme Amendment to amend the current ‘Additional Use-No.19’ table to provide more flexibility in terms of greater land use options and to increase the scope of redevelopment potential of these sites.

The following Additional Uses are proposed to be included in the ‘Additional Use – No.19’ zoning:

Permitted (P) uses:

- Exhibition Centre;
- Holiday Accommodation;
- Cottage Industry;
- Market;
- Medical Centre;
- Motel; and
- Showroom.

A plot ratio of 1.0 is proposed for non-residential uses with a R40 density for multiple residential development in place of the 1000m² maximum floor area stipulated by the Scheme. It is also proposed to delete the ‘Sunset Clause’ 19.5 from the ‘Additional Use’ table.

The applicant has also requested that Council agree to annul the Deeds of Agreement, which were executed between Council and the landowners in the early 1990’s under the previous rezoning of the land.

EXISTING SITUATION

The subject land comprises of four (4) adjoining lots, located at the corner of Albany Highway and South Western Highway. It comprises a total land area of 3173m² with a 56.87m frontage to South Western Highway and its intersection with Albany Highway. Access to these sites is provided from a slip road off South Western Highway and Crystal Court. The land slopes gently from Crystal Court down to the highway frontage.

Lot 17 and 49 are currently vacant. Lot 123 accommodated an old house (‘Kate Wilkinson’s Cottage’) that has been vacant for a number of years. The City has issued a demolition licence for the house. Lot 157 accommodates the original Armadale Tearooms (Muckcross Hall) building, which for many years was occupied by a real estate business, and more recently has been tenanted by a used furniture store. Car parking occurs off the site at the front of the existing buildings, utilising an access way within the highway reservation.

Public Advertising of the Amendment

The proposed amendment was advertised for 42 days, closing on 20 March 2008. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, advertisements in the “West Australian” newspaper and local community newspaper and letters to affected and nearby landowners.

Total No. of submissions received	:	11
No. of submissions of conditional support/no objection	:	3
No. of submissions of objection	:	8

Refer to Confidential Attachment “B2” of the Agenda for location plan of submitters.

The issues raised by the submissions have been summarised and recommendation made on each submission in Attachment “A1” of the Minutes.

The main issues raised in the submissions, together with a comment on each issue are outlined below. The 3 submissions of conditional support/no objection were received from Government agencies.

Key Issues

Issue 1 - Lack of Design Details

The Amendment is not specific enough and hence there is a lack of certainty regarding the ultimate form of development.

Comment

The land already has an “Additional Use” zoning classification. This Amendment introduces some further land use possibilities, with the focus being low key commercial uses integrated with residential and retention and enhancement of elements of heritage value. The proposed land uses will provide more flexibility for future development and the ultimate form of development will be restricted by the land area involved, the plot ratio and requirements under Town Planning Scheme No.4.

The applicant advises that the amendment provides greater clarity regarding exactly which elements of the existing building and heritage character are to be retained and enhanced. The applicant further states that the amendment is very clear about what type of land uses are provided for and the variety of land use possibilities is no different to many other zones in the City.

Recommendation

That the issue not be supported.

Issue 2 - Commercial traffic on Crystal Court

Crystal Court should not be affected by commercial traffic and this quiet residential cul-de-sac should remain for residential purposes only.

Comment

Under Conditions and restrictions of the 'Additional Use - No.19' provisions for the land, vehicular access to Crystal Court shall be limited to residential uses only. Further, if necessary the applicant may be required to undertake a traffic study prior to granting of any Development approval for the site.

Recommendation

That the issue be supported in part.

Issue 3 – Medical Centre attracting anti - social behaviour

Concern that the possible establishment of a medical centre may attract drug users and anti social behaviour.

Comment

No evidence has been provided to substantiate this comment and it is unlikely to be correct.

Recommendation

That the issue not be supported.

Issue 4 – Social problems associated with rental properties

Concern about possible rental residential units and associated social problems.

Comment

The applicant has advised that at this stage it is not known whether residential dwellings will be owner occupied or rented. However, the applicant states that in this desirable foothills location the development is not likely to include low cost accommodation. Further, these types of comment are not considered relevant planning issues that can be used in determining land use planning.

Recommendation

That the issue not be supported.

Issue 5 - Retention of trees

Request that established trees be spared and made part of the development.

Comment

This matter of detail design and assessment will be considered when a formal Planning Application is prepared and submitted, and usually the applicant, designers and City officers consider and seek to incorporate existing trees into the redevelopment plans. The applicant has advised that it is difficult to identify precise tree retention as part of the Amendment to the existing “Additional Use” site, and it would be unwise at this point given the prime objectives regarding heritage and built form on this site.

Recommendation

That the issue not be supported.

Issue 6 - Unsightly multi - level development

The prospect of multi-level development may be unsightly and create privacy, noise and traffic issues for Crystal Court residents.

Comment

The current ‘Additional Use’ zoning of the land does not prohibit multi-level development, and such development when appropriately planned and designed need not be unsightly or imposing. The Residential Design Codes and Council’s Residential Design Policy can assist in controlling such residential development to address streetscape issues. In terms of traffic/noise, only residential traffic would be permitted to access Crystal Court and restrictions will be placed in the ‘Additional Use – No19’ conditions and requirements to ensure such limitations.

Recommendation

That the issue not be supported.

Issue 7 - unpleasant odour

There may be a possibility that commercial waste disposal causes unpleasant smells affecting residents.

Comment

The applicant has advised that although this Amendment seeks to expand some of the possible commercial uses under the existing “Additional Use” zoning, the nature of this site will mean that commercial activity will always be small scale. The applicant states that with the zoning providing for a residential component, it will be essential to sensitively manage waste disposal in any event. Further, the City controls the location of these facilities as part of any future Planning Application and through Local Laws. The Scheme requires that the City also have regard for the residential amenity of neighbours.

Recommendation

That the issue be supported in part.

Issue 8 – Request to include Lot 100 Albany Highway into proposed Amendment

The owners of Lot 100 (Pioneer Village Complex and Hotel/Motel) request that their land be included as part of this Amendment, or a similar separate Amendment. They consider these adjoining sites as a single precinct that requires special planning, although they wish to retain the motel land use exclusively on their land.

Comment

In response to the above request, the applicant has provided the following advice:

- a) the Pioneer village Complex and Hotel/Motel currently have a separate “Additional Use” zoning, with a unique set of planning controls that make it different from the properties subject of “Additional Use No.19”;
- b) the different functions of both of the adjoining “Additional Use” sites is highlighted by the submittee demanding that the “Motel” use be deleted from Amendment No.34 (the current rezoning) and retained exclusively for Lot 100;
- c) with two (2) differing Additional Use zones addressing sites that clearly have a different function and scale, it makes little sense to try and combine them into one zone or precinct;
- d) There is no planning rationale for the owners of Lot 100 to request all the same land uses proposed in Amendment No.34, and yet also requesting that the Motel use be retained exclusively over Lot 100;
- e) Amendment No.34 was put forward following extensive work by the landowners and the Community Heritage Advisory Committee, with a key purpose of the Amendment being to facilitate and create clarity for the development of the site and the refurbishment of the historical Muckcross Hall. It is considered unreasonable to request that Lot 100 Albany Highway, be included in this amendment by the adjoining owners, without them undertaking their own investigation and planning rationale.

As the two sites involved (the subject land and Lot 100 Albany Highway) have unique sets of controls to promote different types of land uses and development under TPS No.4, the City’s officers consider that the request to incorporate both properties in one amendment at this stage is considered inappropriate. If the landowners of Lot 100 wish to pursue an amendment to the existing ‘Additional Use – No.1’, then a separate formal submission justifying the rationale of such an amendment should be submitted for the City’s consideration.

Recommendation

That the issue not be supported.

Issue 9 - Reciprocal rights of access

Concern that provision 19.6 (reciprocal rights of access over Lot 100 Albany Highway) imposes a requirement over Lot 100, where currently the land subject of the Amendment has no rights at all over Lot 100.

Comment

The applicant agrees that this provision could be improved to clarify that landowner agreement would be needed. The applicant advises that perhaps a revised provision could read as follows:-

“In determining any planning application for development approval, the City shall have regard to possible provision of access for vehicular and pedestrian movement and parking together with drainage where applicable over the adjacent Lot 100 (Pioneer Village Narrogin Inne premises).”

Recommendation

That the issue be supported. Provision 19.6 could be reworded and improved to reflect mutual consent of landowners involved.

Issue 10 - More flexibility over reciprocal parking arrangement

A submission seeks less definitive and more flexible parking provisions that allow Council to modify parking requirements in the event of reciprocal parking arrangements.

Comment

The applicant supports this argument and states that this would simply require the prospect of reciprocal car parking to be inserted into Provision 19.6.

Recommendation

That the issue be supported.

Issue 11- Water Corporation infrastructure buffer

Water Corporation objects to the Amendment and requires a 20 m noise buffer around their pump station of Lot 18.

Comment

The applicant states that the subject land and indeed other land surrounding the pump station on Lot 18 currently enjoy a “Residential” zoning and may legitimately develop and use this land for residential purposes. The applicant asserts that if the Water Corporation wishes to ensure the land within a 20 m radius is not to be used for residential or similar purposes, it will need to acquire the land.

Notwithstanding the above, the Water Corporation 20m buffer only extends across and affects one property, Lot 17 South Western Highway, of the subject land. As there are no draft development plans submitted to reflect any proposed future development layout of this land, in the interest of protecting any future residential tenants/landowners from prospective adverse impact from the Water Corporation noise buffer, placement of a Section 70A Notification on the title of Lot 17 South Western Highway is considered reasonable to advise prospective purchasers of this concern.

Recommendation

That the issue be supported in part only.

COMMENT

Development Control Unit (DCU)

DCU considered the proposal and issues raised in the submissions at its meeting on 13 May 2008. Given that the current amendment only proposes to increase the number of use classes on land which already has an 'Additional Use' zoning the application was supported subject to appropriate provisions being included to ensure a high quality development on the site.

Access to site from South Western Highway

Whilst it is acknowledged that the site has access off a side road off South Western Highway and Crystal Court and as advised by the applicant has functioned practically at this highway intersection for many years, Council's Technical Services express concerns regarding the potential for traffic conflict from further intensive development due to right hand turns across South Western Highway. In general, introducing a further area of traffic conflict so close to a major intersection is not considered desirable. However, this point would apply to any commercial zoning/operation of this site which seeks access to and from South Western Highway.

In response to the above concerns the applicant has advised that the matter of site access from the highway, internal driveways and car parking arrangements both on and off site were discussed at a meeting on site, which was attended by the Community Heritage Advisory Committee members and Technical Staff from the City of Armadale. The applicant advises that at these discussions it was agreed that the parking and access arrangements both on and off site and their relationship with the adjoining highways would be subject to a Traffic Management Plan at the time of development.

It is acknowledged that it is not possible, nor is it logical to prepare such a plan in the absence of a design for the redevelopment of the subject land. Design of such a Traffic Management Plan would obviously be affected by the proposed land use (which is unknown at this stage) and by the proposed design of the ultimate form of development (which is also unknown at this stage).

To ensure that traffic management both on and off site are dealt with in a manner that integrates well with the future redevelopment designs of the land, it would be necessary to add a provision into the 'Additional Use' zoning table to prepare and implement a traffic management plan in conjunction with the Western Australian Planning Commission (South Western Highway controlling authority) to the satisfaction of the City.

Annulment of Deeds

The existing Deed of Agreement were signed between the landowners of Lot 157 South Western Highway and the City (dated 23 August 1995) and the landowners of Lot 17 South Western Highway and Lot 49 Crystal Court (dated 5 October 1995) and the City. These Deeds relate to the (then) proposed commercial/tourism complex development concept plan and addresses the following aspects:

- ◆ Upgrading the Heritage listed building known as the 'Muckcross Hall';
- ◆ Amalgamating the lots to create one lot;
- ◆ Realignment of boundaries to ensure the existing 'Muckcross Hall' (after extensions) was located on a single title;
- ◆ Creation of a PAW to limit access to Crystal Court; and
- ◆ Granting of right of carriageway and reciprocal parking easements over portions of Lot 157 South Western Highway in favour of the adjoining Lot 49 Crystal Court and Lot 100 Albany Highway, Armadale.

With respect to the request to annul the above Deeds of Agreement, the following arguments have been provided by the applicant:-

- ◆ The requirement for lots to be amalgamated will be implicit as part of any further development approval over the site, if this is required;
- ◆ The need for boundary adjustments with adjoining land can be dealt with if required at the time of development approval;
- ◆ Creation of a right-of-carriageway with adjoining land can occur at the development approval stage, once the final design for car parking and access has been determined.

Some of the aspects within the Deed could be adequately addressed by the conditions outlined in the 'Additional Use' provisions and requirements. However, given that the four properties involved are not amalgamated there is still the possibility of the individual lots being sold separately for different types of development. Therefore, it is recommended that the Deed remains in place and in the event of the land being amalgamated and developed as a single entity/complex the City could instigate action to annul the Deed of Agreement.

OPTIONS

1. Council may adopt the amendment with or without modifications and request that the Hon Minister for Planning and Infrastructure grant final approval to the amendment.
2. Council may resolve to not adopt the amendment giving reasons and request that the Hon Minister for Planning and Infrastructure refuse to approve the amendment.

CONCLUSION

The proposal seeks to amend the ‘Additional Use’ provisions for the land to provide greater land use options for the site. The majority of use classes proposed by the applicant for the site are considered to be small scale retail uses and are unlikely to have a significant impact on the amenity of the area. The scale of any proposed commercial development would be restricted by the area of the land involved, restrictions on density and plot ratio under the ‘Additional Use’ conditions and provision of services and requirements as per the TPS No.4 requirements such as setbacks, parking, reciprocal access arrangements and landscaping.

Given the site’s heritage significance, its close proximity to the ‘Pioneer Village’ commercial site and having access off two streets, it could be argued that the site has particular locational characteristics which uniquely lend it as suitable for small scale commercial ventures. Further, the Heritage characteristics associated with these sites makes it suitable for non-residential uses and is well located to promote a ‘Gateway’ or ‘Entry Statement’ approaching the Armadale City Centre.

Given the above, it is considered that the proposal could, with appropriate ‘Additional Use’ provisions, result in an attractive land mark development at a major entry point to the Armadale City Centre. It is recommended that Council resolve to adopt the amendment with modification in accordance with Option 1 above.

D63/5/08 RECOMMEND

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, with modification, Amendment No.34 to Town Planning Scheme No.4 by amending Schedule 2 – “Additional Use – No.19” as follows:
 - a) In the Additional Use column:
 - i) Delete the words “Tourist complex” and insert “Mixed Uses”;
 - ii) Insert the words “key elements of” after the word “incorporating”;
 - iii) Insert the following uses:
 - Exhibition Centre;
 - Holiday Accommodation;
 - Cottage Industry;
 - Market;
 - Medical Centre;
 - Motel; and
 - Showroom.
 - iv) Delete the words “Incidental tourism related uses”.

- b) **Delete Conditions 19.1 to 19.7 and insert the following new conditions in the Conditions and Requirements column:**

“19.1 In determining any planning application for development approval, the City shall have regard to the compatibility of the proposed uses with the existing adjacent land uses and where necessary special design consideration shall be required for the screening, separation or noise attenuation of adjacent properties.

19.2 The overall development may comprise either, a single building or multiple buildings with a common theme, and shall incorporate key elements of the Old Armadale Tearooms (Muckcross Hall) building as follows to the satisfaction of the City:-

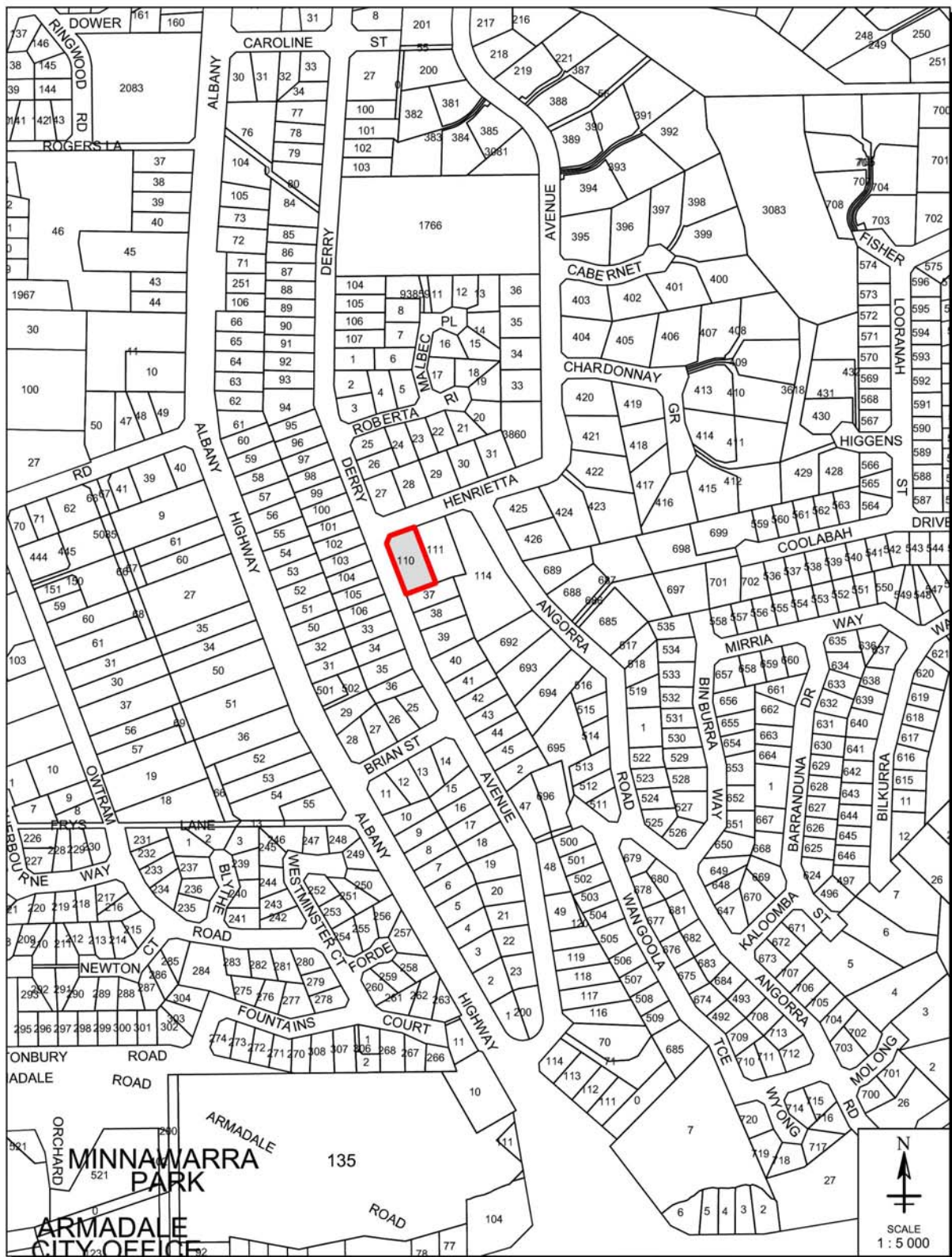
- a) **the use of the building, at least in part, is to recognise the building’s original function as a meeting place;**
- b) **recognition of the large open truss construction of the internal parts of the building;**
- c) **respect for the existing roofline and the original cladding style of the roof;**
- d) **materials for the existing walls may be replaced provided the appearance respects the original character; and**
- e) **the building could be extended out the back and side, provided the outline of the façade and roofline, as visible from the Albany Highway approach into Armadale, retains its character.**

19.3 For non-residential uses, a plot ratio of 1.0 may be approved. In addition to this, where residential use is incorporated into the development, multiple dwellings of up to R40 will be considered by Council to ensure the retention of the character of the original built form on the site.

19.4 A Traffic Management Plan addressing site access and car parking both on and off site will need to be prepared and implemented to the satisfaction of Council as part of any development application for the redevelopment of the land.

- 19.5** Vehicular access to Crystal Court shall be limited to residential uses only and may require a traffic study prior to Council granting approval.
- 19.6** Car parking is to be provided in accordance with the scheme standards and may include reciprocal Parking, on-site parking, use and upgrading of the existing parking within the highway reserve and/or cash-in-lieu.
- 19.7** In determining any planning application for development approval, the City shall have regard to possible provision of access for vehicular and pedestrian movement and parking together with drainage where applicable over the adjacent Lot 100 (Pioneer Village Narrogin Inne premises) Albany Highway, in a manner satisfactory to the City to ensure safe, convenient and integrated traffic circulation.
- 19.8** All permitted use classes listed for the base Residential zone shall be D (discretionary).
- 19.9** Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificate of Title on Lot 17 South Western Highway, Armadale advising of the Water Corporation noise buffer.
- 2.** Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.
- 3.** Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning and Infrastructure grant final approval to the amendment.
- 4.** Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.
- 5.** Advise the submitters and the applicant of its decision.

MOVED Cr Tizard
MOTION CARRIED (7/0)



LOCATION PLAN
LOT 110 HENRIETTA AVENUE, MOUNT NASURA

***PROPOSED AMENDMENT No.44 TO TOWN PLANNING SCHEME No.4 –
REZONING OF LOT 110 (No.62) HENRIETTA AVENUE, MT NASURA***

WARD : NEERIGEN
DATE : 7 May 2008
REF : JQ
RESPONSIBLE MANAGER : PSM
APPLICANT : Dykstra Pty Ltd
LANDOWNER : Free Reformed Church of Mt Nasura
SUBJECT LAND : Lot 110 (No.62) Henrietta Avenue,
Mt Nasura
Property Size 1928m²
ZONING
MRS : Urban
TPS No.4 : Residential R5

In Brief:

- Council has received a request from Dykstra Planning to initiate an amendment to rezone Lot 110 (No.62) Henrietta Avenue, Mt Nasura from “Residential R5” to “Residential R15/25”.
- The proposal would allow the subject lot to potentially be divided into six lots under “Residential R30” requirements in accordance Clause 5.2.4(c).
- Recommend that Council resolve to initiate rezoning to the base code of “R15” to allow the development of two single residential lots, being consistent with the applicant’s current proposal, whilst also the existing streetscape and character of the area was not detrimentally affected.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

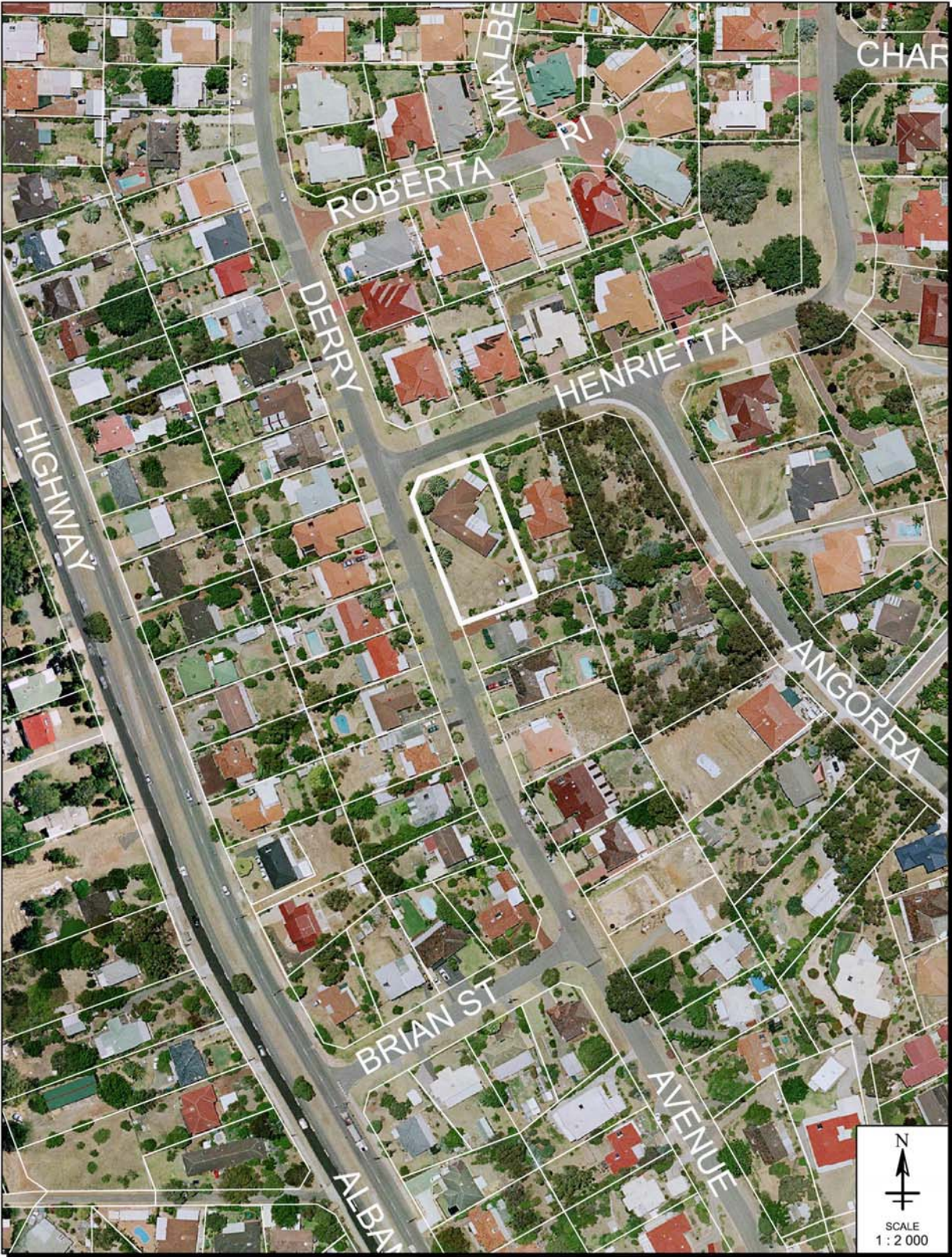
Development – “To balance the needs of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Planning and Development Act 2005
Town Planning Regulations 1967
Metropolitan Region Scheme
Town Planning Scheme No.4

Council Policy / Local Law Implications

Local Planning Strategy 2005



AERIAL PHOTOGRAPH
LOT 110 HENRIETTA AVENUE, MOUNT NASURA

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ If initiated, the scheme amendment will undergo a process of advertising for public submissions in-accordance with the requirements of the Town Planning Regulations 1967.

BACKGROUND

The City received a request to initiate an amendment over Lot 110 (No.62) Henrietta Avenue, Mt Nasura on 26 February 2008. The proposal involves rezoning Lot 110 from “Residential R5” to “Residential R15/25” to allow further subdivision into two lots in the short to medium term.

DETAILS OF PROPOSAL

Lot 110 (No.62) Henrietta Avenue, Mt Nasura is a 1928m² parcel of land and is situated in a north-south alignment. The property is bound by Henrietta Avenue to the north and Derry Avenue to the west. The subject lot’s southern side boundary is the demarcation between “Residential R5” and “Residential R15/25” under *Town Planning Scheme No.4* (TPS No.4).

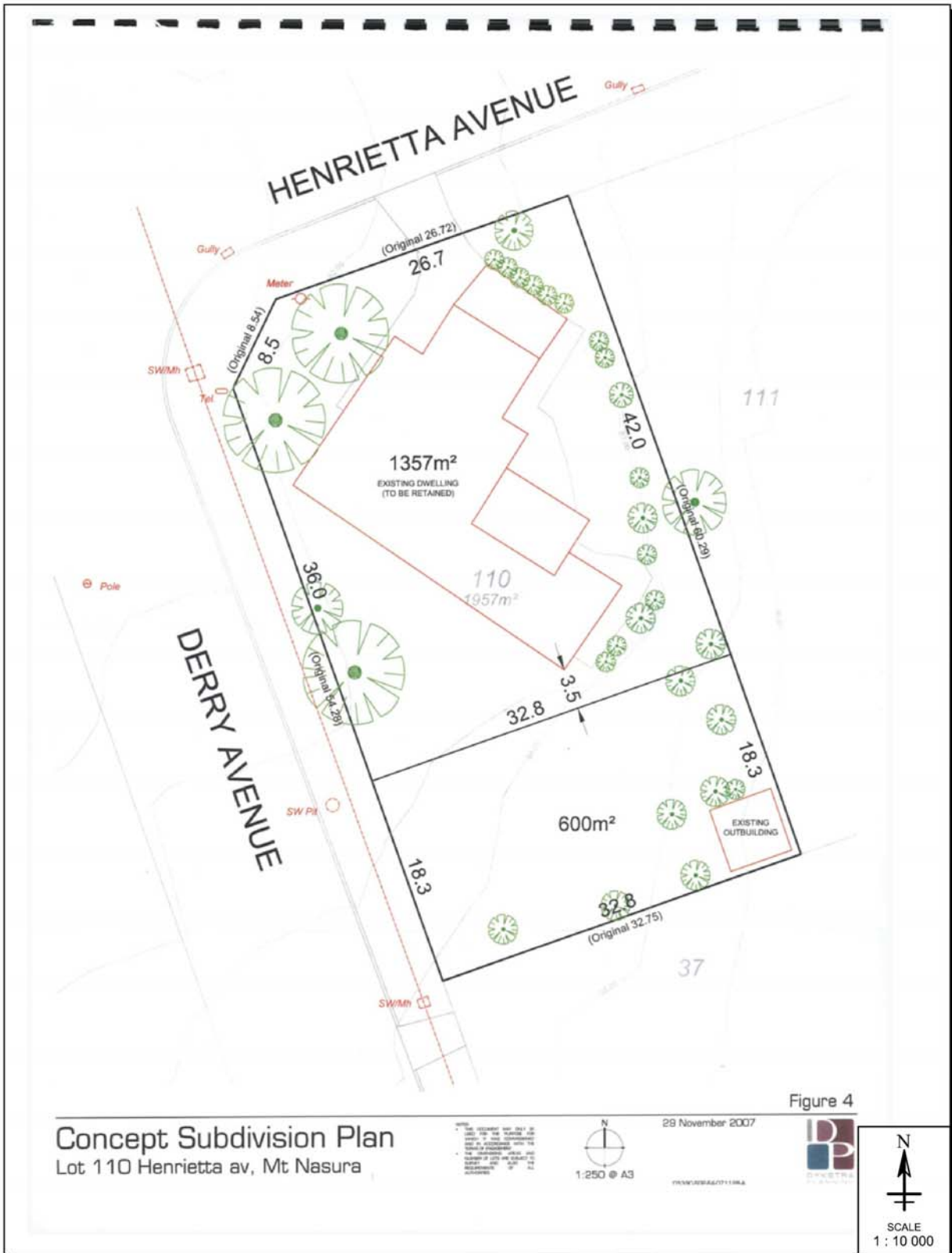
The area is characterised by single residential properties although there is slight diversification in the average lot size between blocks with the two differing codes. The street block that Lot 110 is located in has two density codes, including Residential R5 and R15/25. Within this block, lots with primary frontage to Derry Avenue are coded “Residential R15/25”. Lots with primary frontage to Henrietta Avenue in this block are coded “R5”.

Within this street block, lots with primary frontage to Derry Avenue coded “R15/25”, tend to have an approximate average lot area of 800m². Lots to the east of the subject property are generally larger between approximately 1000m² to 2000m². It is evident that this split coded area of “R15/25” has not been developed to the maximum density. In addition, lots coded “R5” are smaller than the density code’s minimum lot area, being 2000m².

The applicant has outlined that it is the short to medium term intention of the landowner to retain the existing dwelling. The concept subdivision plan lodged with the proposed amendment, involves the creation of two lots at the “R15” density. The proposed lot containing the existing dwelling has an area of 1357m² and the newly created vacant lot having a proposed area of 600m².

The applicant’s justification for the proposal is summarised as follows:

- i) The concept subdivision plan demonstrates lot boundaries responsive to existing development;
- ii) The proposed lot sizes are suitable for development at a density of “R15” containing the existing dwelling and therefore retaining the character of the area;



SITE PLAN
 LOT 110 HENRIETTA AVENUE, MOUNT NASURA

- iii) The concept subdivision plan, which would create a vacant lot of 600m² would accommodate a single dwelling and does not propose unit development;
- iv) There are no issues with future access or increased traffic volumes. The newly created lot would have direct access from Derry Avenue and reflect adjoining lot sizes therefore providing consistency in lot configuration;
- v) The proposal will not impact on adjoining R5 to the north and east in any way with the existing dwelling being retained and further subdivision being unlikely due to site constraints including topography and retention of a good quality dwelling;
- vi) Reticulated sewer is located within Derry Avenue road reserve adjacent to the subject lot. The existing dwelling is currently connected to the existing reticulated sewer. A newly created lot, with frontage to Derry Avenue may easily connect to the existing sewer line whilst having minimal impact on the capacity limits of this service;
- vii) The site is serviced within telecommunications, power and water;
- viii) None of the lots coded “R5” comply within the minimum area of 2000m²; and
- ix) Improved streetscape and surveillance of Derry Avenue.

COMMENT

Development Control Unit (DCU)

At its meeting on 3 April 2008, DCU discussed the proposal and no building, health or technical services issues were raised. However, a number of planning related concerns were identified which are discussed within the analysis section of this report.

ANALYSIS

Town Planning Scheme No.4

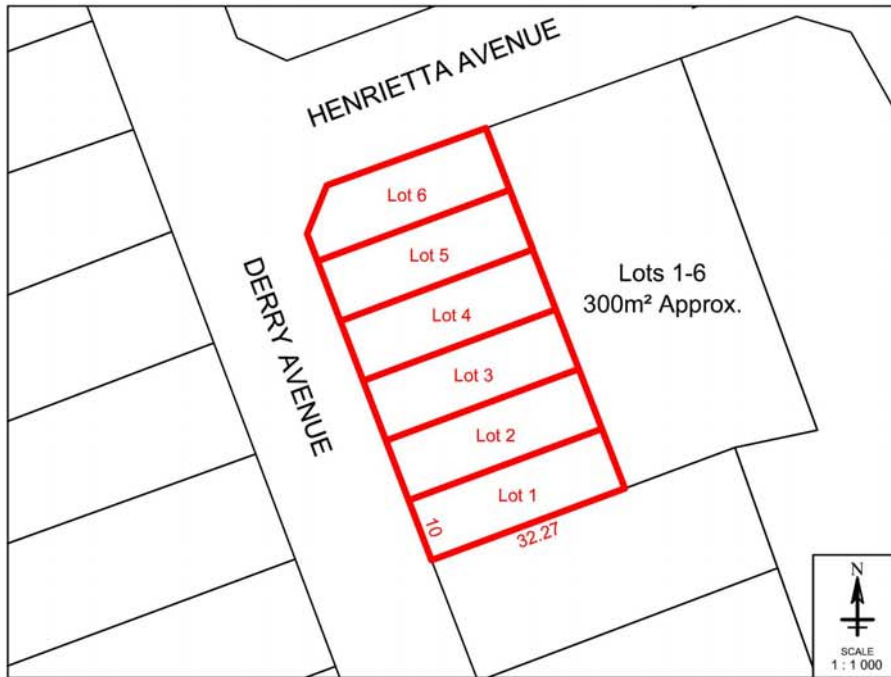
The subject site is zoned “Residential R5” under TPS No.4. The minimum lot area for the density code of “R5” is 2000m². The proposal involves recoding the lot to “R15/25” to comply with Clause 5.2.4(a) of TPS No.4. This clause outlines the following:

The City may permit the following increases in residential density subject to compliance with the City’s Residential Density Development Policy:

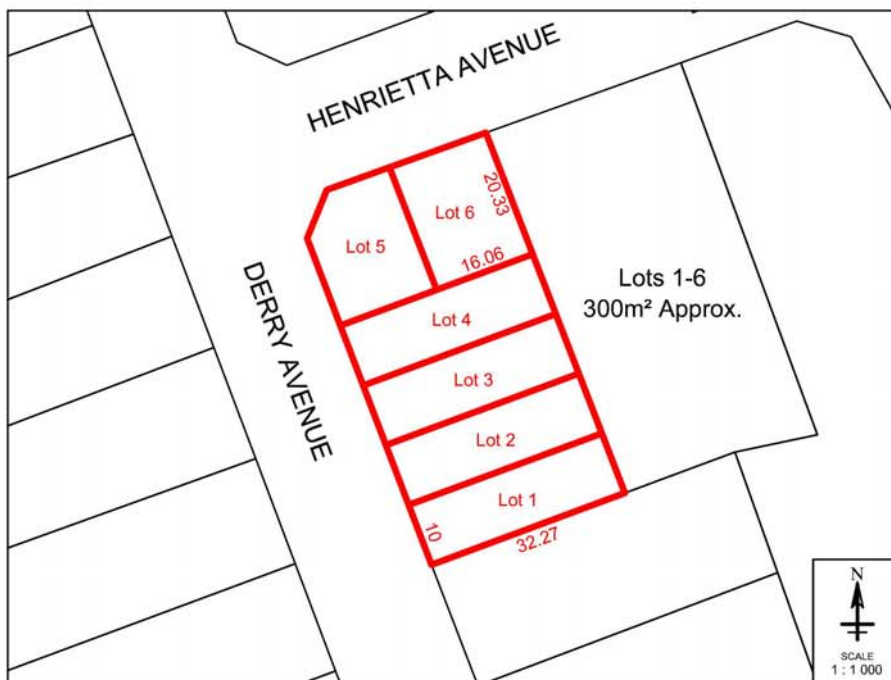
- (a) *Where land is identified on the Scheme Map as R10/25, R12.5/25, R15/25 or R17.5/25, development at the higher density is limited to grouped dwellings up to a density of R25;*

It is the intention of the land owner to develop at the density code of “R15”, which effectively would create two single residential lots. However, it should be clearly established that corner lots with access to two street frontages, which are dual coded, have the potential to be developed at the density of “R30” in accordance with Clause 5.2.4(c) of TPS No.4. This clause is as follows:

- (c) *In the case of properties fronting more than one street or an open space reserve, and where land is identified on the Scheme Map as R10/25, R12.5/25, R15/25 or R17.5/25, grouped dwellings up to a density of R30;*



POTENTIAL "R30" CONFIGURATION PLAN (INDICATIVE ONLY)
LOT 110 HENRIETTA AVENUE, MOUNT NASURA



POTENTIAL "R30" CONFIGURATION PLAN (INDICATIVE ONLY)
LOT 110 HENRIETTA AVENUE, MOUNT NASURA

Should the rezoning be initiated and adopted, potentially the lot may be developed at “R30” creating six strata lots. This is illustrated below:

Table 1: Potential Strata Lot Yield

Existing area = 1928m²

Density Code	Minimum Lot Area Required	Average Lot Area Required	Potential Lot Yield
R5	2,000m ²	NA	1 Lot
R15	580m ²	666m ²	2 Lots
R15	580m ²	666m ²	3 Lots – Including Site Area Variations under the R-Codes
R25	320m ²	350m ²	5 Lots
R30	270m ²	300m ²	6 Lots

Although it is not the land owner’s current intention to develop at the “R30” density code, should the dual code of “R15/25” be supported there is the potential to create six (6) survey strata lots. Discussions outlined within the Local Planning Strategy section of this report outline why this scenario is not recommended.

The proposal is to rezone the subject lot to “Residential R15/25” to enable the creation of two single residential lots as per the applicant’s concept subdivision plan. The concept subdivision plan illustrates the retention of the existing dwelling on a 1357m² with the balance vacant lot being 600m². The proposed lot sizes are consistent with the “R15” density code. The applicant has verbally outlined the landowners support to limit the recoding to “R15” as it is consistent with their development intentions.

Preclusion of possible development potential at the “R30” density code, in accordance with Clause 5.2.4(c) of TPS No.4, extinguishes the possible negative impacts associated with medium density development in this particular location. This is discussed within the sections outlined below. (*Refer to ‘Potential “R30” Survey Strata Configuration Plan*).

Local Planning Strategy (2005)

The City’s Local Planning Strategy (LPS) examines contextual issues central to planning within the City of Armadale. The intention of a LPS is to investigate methods in which land use and development should be addressed and managed through Town Planning Scheme’s requirements.

The City’s LPS identifies the subject site as being situated within the Canning River and Foothills Precinct.

This precinct is comprised predominantly of suburban, low-density residential development built mostly in the late 1970’s at R10 and R15... The precinct has a varied topography being situated at the junction of the Canning River as it reaches the coastal plain. As the valley widens there is less enclosure and views are notable and distinctive attracting many hillside homes. Small rural landholdings adjoining the Canning River are prominent on the eastern bank.

There is capacity for further residential development within the precinct and redevelopment of existing areas to medium density within close proximity to the rail stations and town centre. Generally the area between the railway and Albany Highway is suited to some increase in residential density codings by virtue of the age and condition of housing, the size of lots and the favourable location in respect of public transport and community facilities.

Key strategies for this precinct focus on encouraging further residential development and redevelopment that is compatible with the area's heritage, topographic features, natural vegetation and landscape attributes.

It is logical that areas with services such as sewer, reticulated water and power as well as being located within close proximity to Armadale Town Centre, should be developed at a medium density to maximise existing services and facilities. The subject lot is within close proximity to required services and facilities necessary for further development.

However, when determining the manner that the City's density bonus is applied to re-zoning proposals, a broader range of issues should be considered. The City's LPS has identified the following 'Residential Objectives' when planning for future residential growth as outlined within Clause 4.1.5.1 of the LPS. These are as follows:

- ◆ *create a caring and vibrant City rich in history, heritage and lifestyle;*
- ◆ *achieve a better quality of living for the people of the City;*
- ◆ *enhance the benefits of the natural and built environment;*
- ◆ *encourage community participation and responsibility;*
- ◆ *foster a distinctive character for the City based on good design principles;*
- ◆ *maintain the City of Armadale as a place where families can enjoy a good lifestyle; and*
- ◆ *provide physical infrastructure with due regard to environmental impact.*

The foothills is characterised by a unique natural environment with undulating topography and dense vegetation in some locations. Foothills residents generally display a strong sense of community identity and pride in the amenities of 'hills living'. Although parts of the foothills are dual coded and have potential to be developed at a higher density, development patterns generally do not reflect this development potential.

Lots with primary frontage to Derry Avenue coded "R15/25", tend to have an approximate average lot area of 800m². Lots to the east of the subject property and coded "R5" are slightly larger in lot area and typically an approximate area of 1000m². It is evident that this split coded area of "R15/25" has not been developed to the maximum density. It should be noted that lots coded "R5" are smaller than the density code's minimum lot area, being 2000m², and there is minimal variance between blocks that are dual coded "R15/25" and those coded "R5".

Single dwellings on low density lots characterise the locality. The concept subdivision plan to create two lots at a density of "R15" is consistent with the surrounding lots. However, the concept subdivision plan does not extinguish the development potential at the "R30" code, in accordance with Clause 5.2.4(c) of TPS No.4 should the rezoning application be initiated and supported.

In the event the existing dwelling was removed and earthworks were undertaken, the possible development of up to six (6) grouped dwellings units would undermine the character of the area and would be unlikely to contribute to streetscape amenities of either Henrietta or Derry Avenues. It is the view of City officers that this development potential at “R30” does not foster amenity and streetscape objectives of the area, or reflect the lifestyle objectives prevalent in the foothills, however limiting development potential to the “R15” code would not undermine the character or streetscape of the locality.

Alternative Rezoning Option –Rezoning to adjoining base code of “R15”

The applicant has outlined ‘*the objective of this rezoning is to facilitate the future subdivision of lot 110 into two residential lots*’. The concept subdivision design reflects lot sizes that are consistent with the “R15” density code. Potential development at the density code of “R15” is not believed to have a negative impact on the amenity of the locality in a manner that the density code of “R30” would potentially have.

The City’s support rezoning to the density code of “R15” is as follows:

- ◆ The density code of “R15” is the base code for street blocks with a dual coding of “R15/25”;
- ◆ Individual recoding of the subject lot to “R15” is not considered ‘spot rezoning’ by City officers, as the base code of dual coded properties is “R15”. Issues associated with ‘spot rezoning’ are unlikely to be of consequence to this option;
- ◆ The indicative plan of subdivision, included in the proposal is consistent with the density code of “R15”, being the base code of lots adjoining Derry Avenue within this street block;
- ◆ Lots adjoining Derry Avenue that are dual coded “R15/25” have not been developed to the higher density code of “R25”. Limiting the zoning to a density code to “R15” is consistent with the current lot configuration adjacent to Henrietta Avenue and character of the area;
- ◆ The proposal includes retention of the existing dwelling, which has frontage to Henrietta Avenue. It is evident retention of this dwelling and limitation of the newly created lot to a density of “R15” does not significantly alter the streetscape or have a negative impact on the amenity of street blocks coded “R5”;
- ◆ The subject lot has capacity to connect to existing services and one additional lot should require minimal earthworks.

Rezoning the lot to the density code of “R15” only would restrict the landowners intention to create two lots with one retaining the existing dwelling, whilst ameliorating potential further survey strata potential, enabled through Clause 5.2.4(c) of TPS No.4, should the lot be granted the dual code of R15/25.

Limiting the rezoning proposal to a density code of “R15” is consistent with orderly and proper planning. This option recognises the individual character and streetscape of the area for street blocks coded “R5” and those coded “R15/25”, whilst accommodating the applications development intentions.

OPTIONS

1. Council may initiate the Scheme Amendment as proposed, to recode the lot to “Residential 15/25”.
2. Council may initiate a Scheme Amendment to recode the lot to “Residential R15”.
3. Council may decline the initiation of the Scheme Amendment if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or for any other reason.

CONCLUSION

The amendment proposes to initiate an amendment over Lot 110 (No.62) Henrietta Avenue, Mt Nasura. The applicant proposed to recode the lot from “Residential R5” to “Residential R15/25”.

As detailed in this report, it is the view of City staff that limiting the density code to “R15” would satisfy the planning intent for the area and ensure that further development would not be detrimental to the streetscape character and amenity of the area, whilst meeting the applicant’s intentions to create two lots.

Given the above, Option 2 is recommended.

D64/5/08

RECOMMEND

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to initiate Amendment No.44 to recode Lot 110, No.62 Henrietta Avenue, Mt Nasura from “R5” to “R15” and amend the Scheme Maps accordingly.
2. Refer Amendment No.44 to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.
3. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.
4. Forward a copy of the amendment to the Western Australian Planning Commission for information.

MOVED Cr Tizard
MOTION CARRIED (7/0)

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PROPOSED SIGNAGE – LOT 103 (2938) ALBANY HIGHWAY, KELMSCOTT

WARD : RIVER

APPLN NO. : 11.2008.5.1

DATE : 6 May 2008

REF : KLD

RESPONSIBLE MANAGER : PSM

APPLICANT : Ranger Camping & Outdoors

LANDOWNER : Seaprime Pty Ltd

SUBJECT LAND : Property size 9052m²

ZONING
MRS : Urban
TPS No.4 : District Centre (Restricted Use No.1)

In Brief:

- An application has been received for a horizontal sign for “Ranger Outdoors” on a tenancy that is part of a showroom complex in Kelmscott.
- The sign does not meet the policy requirements, however Council has the discretion to vary the requirements.
- Recommend that Council conditionally approve the application.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City – to sustain and maintain the distinctive character of the City.

Legislation Implications

Planning and Development Act 2005

Council Policy / Local Law Implications

Signs Local Law 2007
Signage Policy

Budget / Financial Implications

Nil.

Consultation

- ◆ Main Roads WA

DETAILS OF PROPOSAL

The applicant proposes to erect a horizontal sign to advertise “Ranger Outdoors” on a tenancy that is part of a showroom complex at Lot 103 (2938) Albany Highway, Kelmscott.

COMMENT

The proposed sign is to be located above the tenancy on a signage board that is 4.8 metres in height and 35 metres in length. This area was specifically set aside for signage as part of the design of the showroom complex by the owner. The tenancy is set back from Albany Highway approximately 60 metres.

The applicant proposes to erect a horizontal sign that is 2.8 metres in height and 18.4 metres in length. This is not consistent with the Signage Policy discretionary standards of 1.5 metres in height and 3 metres in length for a horizontal sign. As the policy is a “one size fits all” it does not take into consideration very large areas that have been designed specifically for signage. However the policy does give Council the discretion to vary the requirements of the sign. If the sign was to comply with the policy requirements it would be of a much smaller size than that proposed and could prove to be more difficult for prospective customers to see as the tenancy is set back a considerable distance (60 metres) from the road. The sign is not illuminated so should not provide a distraction to passing motorists.

The sign is an appropriate scale for the building and is unlikely to impact on the streetscape.

A similar sized sign was approved for the same complex in March 2008.

Main Roads WA

Main Roads WA has no objection to the proposed sign.

OPTIONS

1. Council could refuse the application for a horizontal sign on the grounds that it does not comply with the size as set out in the policy.
2. Council could conditionally approve the application.

CONCLUSION

Although the sign does not comply with the policy requirements, it would not be unreasonable to erect a sign of the proposed size as the signage board on the tenancy is very large and the tenancy is set back a considerable distance from the road. Approval of the application is recommended, as per Option 2.

D65/5/08 RECOMMEND

That Council approve the application for a horizontal sign for “Ranger Outdoors” at Lot 103 (2938) Albany Highway, Kelmscott, subject to the following condition:

- ♦ **The approval shall remain valid unless any alteration is made to the sign. In such an event the applicant must submit a new application.**

Note –

Advise the applicant that this approval is given taking into account the extensive setback from the road and the view of Council that it would not have a detrimental impact on the amenity of the Centre.

MOVED Cr Zelones
MOTION CARRIED (7/0)

OUTBUILDINGS POLICY – FINAL ADOPTION

WARD : ALL
DATE : 25 April 2008
REF : IM
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- Amendments to the City’s Outbuildings Local Planning Policy were advertised for public comment as required by the City’s town planning scheme.
- At the close of the submission period no public submissions had been received, however, some minor editorial changes are suggested.
- Recommend that the policy be 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

Nil.

Council Policy / Local Law Implications

Proposed amendment to Local Planning Policy.

Budget / Financial Implications

Nil.

Consultation

- ♦ Building Department
- ♦ Planning Department
- ♦ Health Department
- ♦ ARA
- ♦ Generally advertised to the public for comment

BACKGROUND

Council resolved at its meeting on 25th March 2008 to adopt and seek public comment on the proposed amendments to Policy PLN 3.4 The Siting and Scale of Outbuildings in Residential and Rural Areas.

The revised policy was advertised for 21 days after publishing a notice in the in the Examiner on 3 April and in the Comment News (the next consecutive week as required by TPS No 4) on 8 April.

As well as the newspaper advertising, a notice was put on the office noticeboard and at each library with copies of the amended policy available for perusal.

At the close of the advertising period no submissions had been received, however some comments had been received from officers within the Planning Department of a minor editorial nature.

DETAILS OF PROPOSAL

The main policy changes/additions proposed to the current policy are:

- ◆ The inclusion of height guidelines relating to outbuildings. These provide for more scope for higher walls (but not higher ridge height) than would be provided by the RD Codes where lots are larger than 600m² (2.7m) and over 1000m² (3m). This reflects the general need of many people to house four wheel drives, boats and other bulky materials in buildings detached from the main dwelling.
- ◆ The provision for floor area guidelines in excess of the RD Code 60m². The current policy allowed for additional floor area for larger lot sizes as displayed on graphs and these guidelines have not been exceeded in the proposed policy although the provisions will be easier to interpret.
- ◆ A focus on the need for outbuildings in Special Residential zones to be of an aesthetic quality that does not diminish the amenity of the estates. This is to be achieved by policy provisions ensuring that outbuildings are not sited forward of the dwelling and are constructed of complementary materials and colours.
- ◆ The provision of clarification regarding habitation of outbuildings. In special cases temporary habitation may be possible subject to stringent conditions.
- ◆ Setback requirements have generally been retained as drafted under current policy.

COMMENT

The amended policy has been advertised for the required period and no submissions received. However, two minor changes are proposed to the policy to clarify requirements these include:

- ◆ Inclusion of the words “but behind the primary street setback” in Clause 4.1.i which would allow certain outbuildings in Rural Living zones to be located in front of the dwelling.
- ◆ To ensure that temporary habitation of an outbuilding (clause 4.4ii) will be controlled by conditions on development approval rather than legal agreement.

The amendments are indicated on the policy at *Attachment “A2” of the Minutes* with underlining and strikeouts.

OPTIONS

Council could:

1. adopt the policy with modifications.
2. retain the current policy and not agree to adopt the amendments to the policy

CONCLUSION

Outbuildings can be contentious, however they generate numerous applications requiring the consistent application of policy. The current policy is deficient and would be more useful if expanded to address additional matters upon which there is general agreement. Accordingly adoption of the policy in accordance with Option 1 is recommended.

D66/5/08 RECOMMEND

That Council:

1. **Adopt the amendments to Local Planning Policy PLN 3.4, The Siting and Scale of Outbuildings in Residential and Rural Areas, with modifications as shown in *Attachment “A2” of the Minutes*.**
2. **Publish a notice in a newspaper circulating in the district stating that Local Planning Policy PLN 3.4 The Siting and Scale of Outbuildings in Residential and Rural Areas have been adopted and forward a copy of the policy to the Western Australian Planning Commission.**

MOVED Cr MacDonald
MOTION CARRIED (7/0)

LATE ITEMS

Nil.

COUNCILLORS' ITEMS

Nil.

ACTING EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTED

1. Wungong Urban Water Master Plan

At its January 2007 meeting, Council considered and supported the ARA's Wungong Urban Water Master Plan.

The City is currently considering twelve (12) Policies and three (3) draft Structure Plans (Cells E, F and IA) for the ARA's Wungong Mater Plan area. The assessment of these Policies and Structure Plans has required a significant amount of staff resources over the last 6 weeks and a further assessment over the next 2-3 months.

Memos on the proposals have been sent to Councillors to provide the opportunity to comment. Council briefings have also been held by the developers for Cells E and F. The Policies and Structure Plans will also be advertised for public comment by the ARA.

The Acting Executive Director Development Services and Acting Planning Services Manager will be available in the Councillors' Lounge from 5:45pm to 6:30pm on 20 May 2008 and after the Development Services Committee Meeting to display and discuss any of the Policies and Structure Plans, should any Councillors wish to obtain further details.

2. Compliance Matter – 10 Chadwick Parade, Brookdale

At its ordinary meeting held on 19th November 2007 Council resolved (D135/11/07) to authorise Officers to institute legal proceedings against Mr D G Davis of 10 Chadwick Parade, Brookdale for carrying on a Storage Use, Vehicle Wrecking and Parking of a Commercial Vehicle on the subject property without the consent of Council.

The City's Lawyer and the Senior Compliance Officer spoke with Mr Davis prior to the today's Court Hearing and persuaded him to plead guilty to the Storage/Vehicle Wrecking in exchange for the withdrawal of the Commercial Vehicle charge. The City was unlikely to win the Commercial Vehicle charge. Mr Davis agreed to plead guilty and forgo the Hearing.

The Magistrate imposed a fine of \$1000 and costs of \$1944.90 (total of \$2944.90). The Magistrate took into account various personal matters that were raised and a change of plea by Mr Davis to guilty.

3. Geographic Names Committee – Camillo, Haynes and Hilbert

The A/EDDS advised that on 8 May 2008, the Geographic Names Committee advised that the Minister for Lands had approved the following localities on 1st April 2008:-

- a) Renaming the locality of Westfield to “Camillo”. The Hon Alannah MacTiernan, Member for Armadale, was not supportive of the inclusion of the term “Waters” in the proposed name.
- b) Amend the Brookdale locality boundary to create two new localities of “Haynes” and Hilbert”.
- c) Confirmation of the renaming of portion of Forrestdale to “Piara Waters”.

Letters will be sent to landowners/residents in Westfield, Brookdale, Haynes and Hilbert later this week and next week.

4. Draft State Planning Policy 3.6 Development Contributions for Infrastructure

The WAPC’s Draft State Planning Policy 3.6 Development Contributions for Infrastructure has been released for public comment. The policy addresses the need to develop a standardised system for applying development contributions for community infrastructure.

Local governments indicated that they needed more guidance on the scope and framework for development contributions. The development industry also pointed to the need for greater consistency and transparency in charging developers because of the potential impacts on housing affordability and to avoid inequities arising from new residents subsidising existing residents.

The draft policy sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas, and the form, content and process to be followed.

Copies of the policy are available from www.wapc.wa.gov.au/comment

The WAPC is advertising the draft policy until Wednesday, 16 July 2008.

MEETING DECLARED CLOSED AT 7.32 PM

DEVELOPMENT SERVICES COMMITTEE

SUMMARY OF “A” ATTACHMENTS

20 MAY 2008

ATT NO.	SUBJECT	PAGE
BUILDING		
HEALTH		
PLANNING		
A1	Schedule of Submissions – TPS No.4 – Amendment No.34	72
A2	Copy of PLN 3.4 – The Siting and Scale of Outbuildings in Residential and Rural Areas	77

SCHEDULE OF SUBMISSIONS			
TOWN PLANNING SCHEME NO.4 AMENDMENT NO. 34			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
1	D & C Mackie 5 Onyx Road, Mount Richon WA 6112	5 Onyx Road, Mount Richon	<p>1.1 Not supported. The land already has an "Additional Use" zoning classification with commercial components. This Amendment proposes to introduce some further land use possibilities, with the focus being low key commercial uses integrated with residential, and retention and enhancement of elements of heritage value.</p> <p>1.2 Not Supported. The pathway on Crystal Court is contained only within that lot and does not extend through to South Western Highway.</p>
2	N Erskine 1 Crystal Court, Armadale WA 6112	1 Crystal Court, Armadale The proposed changes to these properties	<p>2.1 The proposed changes to these properties would significantly impact on residents in Crystal Court.</p> <p>2.2 A multi level development would be unsightly and create privacy noise and traffic issues.</p> <p>2.3 A medical centre will create anti social behaviour.</p> <p>2.4 A commercial development in this quiet safe street will devalue surrounding properties.</p> <p>2.1 Refer to 1.1 above.</p> <p>2.2 Not supported. The current 'Additional Use' zoning of the land does not prohibit multilevel development, and such development when appropriately planned and designed need not be unsightly or imposing.</p> <p>2.3 & 2.4 Not supported. No evidence has been provided to substantiate these allegations. Further, these are not relevant planning considerations.</p>

SCHEDULE OF SUBMISSIONS			
TOWN PLANNING SCHEME NO.4 AMENDMENT NO. 34			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
3	M K Taylor 4 Saw Road, Mount Richon WA 6112	4 Saw Road, Mount Richon	<p>3.1 Not supported. The land already has an "Additional Use" zoning classification. This Amendment introduces some further land use possibilities, with the focus being low key commercial uses integrated with residential, and retention and enhancement of elements of heritage value. The ultimate form of development will be restricted by the land area involved and requirements under Town Planning Scheme No.4.</p> <p>3.2 Supported in part. The applicant has advised that only residential development will be accommodated fronting Crystal Court. 'Additional Use - No.19' provisions would also provide restrictions in this regard.</p>
4	D A & B D Werner 2 Crystal Court, Mount Richon WA 6112	2 Crystal Court, Mount Richon	<p>4.1 Not supported. Under Conditions and restrictions of the 'Additional Use - No.19' provisions, vehicular access to Crystal Court shall be limited to residential uses only.</p> <p>4.2 Not supported. The applicant states that with the zoning providing for a residential component, it will be essential to sensitively manage waste disposal in any event. Further the City will control the location of these facilities as part of any future Planning Application.</p> <p>4.3 Refer to 2.3 above.</p> <p>4.4 Not supported. It is a standard practice and requirement for any development application to retain as many trees as possible.</p>

SCHEDULE OF SUBMISSIONS			
TOWN PLANNING SCHEME NO.4 AMENDMENT NO. 34			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
5	K & R Stewart 3 Crystal Court, Mount Richon WA 6112	3 Crystal Court, Mount Richon	<p>5.1 Object to changing Lot 49 Crystal Court from residential to commercial.</p> <p>5.2 Any development that would increase traffic volumes would reduce attractiveness of this quiet cul-de-sac and have adverse impact on property values.</p>
6	Greg Rowe and Associates 369 Newcastle Street, Northbridge WA 6003	Lot 100 Albany Highway, Armadale	<p>5.1 Refer to 1.1 above.</p> <p>5.2 Not supported. No evidence has been provided to substantiate these allegations. Further, these are not relevant planning considerations.</p> <p>6.1 Not supported. Under Town Planning Scheme No.4 these two separate 'Additional Uses' comprise of unique sets of planning controls. The intension of 'Additional Use No.1' is to promote Pioneer Village being a 19th Century building exhibition whilst 'Additional Use No.19' promotes a Tourist complex incorporating the old Armadale Tea Rooms. As such a separate formal submission justifying the rationale of including Lot 100 within the current rezoning will need to be submitted by the proponent for the City to consider this request.</p> <p>6.2 Refer to 6.1 above. Further, no rationale has been provided to support the motel use being retained only on Lot 100 Albany Highway.</p> <p>6.3 & 6.4 Not supported. The proponent should work together with the applicant of the subject application to achieve a mutually agreeable outcome to the issues raised in this submission for the City's consideration.</p>

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME NO.4 AMENDMENT NO. 34			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION
7	Ed Turner Turner Master Planners Australia PO Box 430 Victoria Park WA 6979	Strata Lots 26, 27, 28 and 29 of Lot 100 Albany Highway, Armadale	<p>7.1 The amendment land has no access right over Lot 100 Albany Highway.</p> <p>7.2 The subject land is zoned in isolation when it need to be reviewed together with Lot 100 to achieve a coordinated proper planning outcome.</p> <p>7.3 Recommend preparation of a structure plan and coordinated rezoning of Part Lot 100 and the subject properties.</p> <p>7.4 The City has no security or guidance for development of the subject properties.</p>
8	Western Power Locked Bag 2511 Perth WA 6111		<p>8.1 Perth One Call Service (Phone 1100 or 9424 8117) must be contacted and location details (of Western Power's underground cables) obtained prior to any excavation commencing.</p> <p>8.2 Work Safe requirements must be observed when excavation work is undertaken in the vicinity of Western Power's assets.</p>
9	West Net Energy P O Box 8491 Perth BC 6849		<p>9.1 All work carried out on Alinta Gas Networks existing network to accommodate the proposed subdivision/amalgamation or any development will be at the proponent's expense.</p> <p>9.2 West Net Energy requires one month's notice prior to the commencement of the work on site. Notice should be given to the Project Coordinator on Ph. 9499 5166.</p>
10	Main Roads WA		<p>10.1 This section of South Western Highway is under DPI/WAPC control and as such there will be no comment.</p>

7.1 Noted. This could be addressed by clarifying the 'Additional Use' provisions.
7.2 & 7.3 Refer to 6.1, 6.3 and 6.4 above.
7.4 Not supported. The scale, nature, location, access points and parking of any proposed development can be addressed at the development application stage.

Noted.

Noted.

Noted.

SCHEDULE OF SUBMISSIONS			
TOWN PLANNING SCHEME NO.4 AMENDMENT NO. 34			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION
11	Water Corporation PO Box 100 Leederville WA 6902		<p>11.1 The Water Corporation can't support this amendment in its current format as the Water Corporations infrastructure requires protection.</p> <p>11.2 The Water Corporation has a Water Pump Station located on Lot 18 South Western Highway adjacent to Lot 17 and has a 20metre radius buffer around it that is not contained within Lot 18. The 20m radius noise buffer is a recommendation in the EPA guidelines No.3 and the draft 'State Industrial Buffer Policy 4.1'</p> <p>11.3 Therefore, the Water Corporation requests to have the Noise Buffer reflected in the City of Armadale Town Planning Scheme No.4 that will ensure that development within the noise buffer is compatible (see attached compatibility and use table), or a suitable memorial on the title of Lot 17 to acknowledge the noise buffer.</p> <p style="text-align: right;">Noted.</p>
			RECOMMENDATION

PLN 3.4	THE SITING AND SCALE OF OUTBUILDINGS IN RESIDENTIAL AND RURAL AREAS
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1. INTRODUCTION

Outbuildings are dealt with under the Residential Design Codes in respect of Residential areas. Additional guidance is required for outbuildings in General Rural and Rural Living zones not covered by the Residential Design Codes and to provide additional guidance for the design and placement of outbuildings in Residential and Special Residential zones.

This policy supersedes Policy PLN 3.4 adopted by Council on 19 September 2005 which is hereby revoked.

2. APPLICATION OF POLICY

This policy applies to proposals to develop outbuildings in the Residential zone where the Acceptable Development standards of the Residential Design Codes are not met and for outbuildings in Special Residential, Rural Living and General Rural zones.

3. OBJECTIVE

To ensure that all outbuildings located in Residential, Special Residential, Rural Living and General Rural zones, particularly those exposed to public view from a street, are sited and designed in a manner which will not detract from the amenity of the area.

4. POLICY STATEMENT

4.1 Siting of Outbuildings

Outbuildings should generally be sited in accordance with the following requirements in addition to the requirements of the Scheme set out at 5.3.1 (for Special Residential Zones), and 5B1 (for Rural Living and General Rural Zones) and Policy PLN 3.5 for Rural Living and General Rural Zones:

i. Primary Street Boundary Setbacks

In Residential and Special Residential zones outbuildings should not be sited forward of the building line of the main dwelling.

In Rural Living zones outbuildings proposed to be constructed forward of the main dwelling line, *but behind the primary street setback*, should be constructed of materials that match the main dwelling or be suitably screened from public view. An outbuilding should not be located forward of the required primary street boundary setback unless it is constructed of materials that match the main dwelling.

ii. Side and Rear Boundary Setbacks

Outbuildings may be approved up to a nil setback from the side and rear boundaries on Residential lots, subject to:

- (a) The written consent being obtained from the affected adjoining land owners for the proposed setback; and

- (b) The minimum standard of finish for the wall cladding should be Colorbond or masonry, in tones to match or complement the existing dwelling; and
- (c) Compliance with the Building Code of Australia Volume 2 Part 3.7.1 – Fire Separation.

Where an outbuilding is proposed to be set back within 1.0 metre from the side or rear boundary that abuts a reserve, public open space or the like, the provisions of 4.1.ii (b) above shall apply.

iii. *Other Street Frontage*

In situations where lots back or side onto distributor roads, highways and the like, and where access to those lots is prohibited or not intended from those roads, outbuildings may be approved set back a minimum of 1.0 metre from the street boundary subject to consideration of the following factors:

- (a) The presence or provision of suitable fencing and/or screening;
- (b) Whether the construction of the outbuilding is sympathetic with the streetscape and designed not to detract from the amenity of the area; and
- (c) Any precedent having already been established in the locality.

4.2 Floor Area of Outbuildings

The maximum aggregate floor area of an outbuilding or combination of outbuildings on any lot may be approved in accordance with the floor areas for each lot size category indicated on Table No.1.

Measurement of floor area includes all enclosed roofed areas but excludes areas beneath eaves overhangs, verandahs or patios unenclosed on at least two sides, and pergolas.

4.3 Height of Outbuildings

Outbuildings may be approved having a height in accordance with those for each lot size category indicated on Table 1.

The heights indicated on Table 1 shall be measured from the natural level immediately below the relevant point on the wall or roof except in the case of lots with modified levels resulting from approved land subdivision wherein height measurements shall be from the approved subdivision levels.

TABLE 1 – Maximum Dimensions for Outbuildings¹

Lot size (m ²)	Less than 600	600 and over	1000 and over	1500 and over	2000 and over	3000 and over	4000 and over	6000 and over	1 ha and over	2ha and over	4ha and over
Floor area^{2,3}											
(m ²)	10% of site area	60	70	80	100	110	130	150	200	250	300
Height											
Top of pitched roof (m)	4.2	4.2	4.2	4.2	4.2	4.2	4.5	4.5	5.0	5.0	5.0
Top of external wall (m)	2.4	2.7	3.0	3.0	3.0	3.0	3.0	3.0	3.6	3.6	3.6

¹Table 1 does not apply where land is zoned General Rural and a proposed outbuilding is to be used in pursuance of an agricultural activity.

²Note under Scheme Clauses 5.3.2 and 5B.3 maximum total building coverage of 500m² to apply in areas coded R5 or less and in Rural Living and General Rural zones.

³Area limits apply to outbuildings in aggregate

4.4 Habitation of outbuilding

Outbuildings should not be habitated and are normally subject to the following condition:

"The proposed outbuilding shall only be used for the purposes incidental to the residential or rural use of the property and shall not be used for habitable, commercial or industrial purposes".

The temporary habitation of an outbuilding requires the development approval by the City and may only be permitted in a Rural Living or General Rural zone under the following conditions:

- i. A caravan is parked inside the shed and connected to an approved effluent disposal system. The Caravan Parks and Camping Ground Regulations 1997 permit the occupation of a caravan for a period of up to 12 months in conjunction with the construction of a dwelling;
- ii. The shed must be brought up to the minimum standards of a dwelling house as specified in the Building Code of Australia, be connected to an approved effluent disposal system ~~and the applicant entering into a legal agreement with the City to establish~~ and be subject to conditions of the development approval specifying the purpose of the habitation, its duration and its reversion following temporary habitation.

4.5 Colour and Materials of Outbuildings in Special Residential Zones

The materials and colour of outbuildings shall reflect those of the dwelling. This requirement may be met by the outbuilding being constructed with a similar roofing material and colour, similar roof pitch and similar wall colouring to complement the existing buildings or environment.

(Reference is made to Clause 5.9 of the City's Town Planning Scheme which states that no outbuildings shall be constructed east of the Albany Highway from the City's northern boundary to its junction with South Western Highway and thereafter east of the South Western Highway with any external surface of zincalume, metallic or white coloured finish without the City's approval).

5. ADMINISTRATIVE PROCEDURES

Notwithstanding that a building licence application may or may not comply with the provisions of this policy, standards may be varied or additional requirements imposed to meet the objectives of this policy where the topography or built environment would result in the need to modify the design, size or height of a proposed outbuilding.

Where the proposed outbuilding will not be visible, or is only marginally visible from the street or adjoining property due to the height of the outbuilding, topography, existing or proposed fencing, established vegetation or other reasons, the provisions of this policy may be varied providing that the policy objective will be met.

Where an applicant wishes to construct an outbuilding not meeting the provisions of this Policy and Element 6.10 of the Residential Design Codes, the City may undertake consultation or the applicant will be required to advise the affected adjacent landowners of the proposal and provide a full set of detailed plans for their comment. A period of 14 days should be provided for the receipt of comments.

Where objections are received, if the applicant wishes to continue with the non-complying proposal one of the following options may be pursued:

- Liaise with the affected landowner with the view of reaching a compromise design,
- Modify the design to meet the standards specified in this Policy,
- Request that the matter be determined by EDDS as sufficiently meeting the objectives of the Policy or placed before Council for its determination.

