

# Minutes

## Planning and Development Services Committee

**4 December 2018**



### **Meeting Procedures**

1. All Council meetings are open to the public, except for matters dealt with under 'Confidential Items'.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public may ask a question during 'Public Question Time'.
4. Meeting procedures are in accordance with the City's Standing Orders Local Law 2018.
5. To facilitate smooth running of the meeting, silence is to be observed in the public gallery at all times, except for 'Public Question Time'.
6. This meeting will be audio recorded in accordance with the resolution of Council of 17 May 2016.
7. Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.
8. In the event of an emergency, please follow the instructions of City of Bayswater Staff.

### **City of Bayswater**

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# Council Chambers

## Seating Plan



Andrew Brien  
CEO



Cr Dan Bull  
Mayor



Cr Elli Petersen-Pik



Cr Giorgia Johnson



Cr Catherine Ehrhardt



Cr Lorna Clarke



Cr Barry McKenna



Cr Stephanie Gray



Cr Sally Palmer



Cr Michelle Sutherland



Cr Chris Cornish  
Deputy Mayor



Cr Filomena Piffaretti



Des Abel, DCD



Doug Pearson, DWI



Carissa Bywater, DCS

Agendas  
and Minutes  
Officer

Press

Gallery

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## MINUTES

**Minutes** of the Planning and Development Services Committee Meeting which took place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Tuesday, 4 December 2018.

### 1. OFFICIAL OPENING

The Chairperson, Cr Dan Bull, Mayor, declared the meeting open at 6:30pm.

### 2. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Cr Dan Bull, Mayor, acknowledged the Traditional Custodians of the land, the Whadjuk people of the Noongar nation, and paid respects to Elders past, present and emerging.

### 3. DELEGATED AUTHORITY BY COUNCIL

#### Delegated Authority

In accordance with section 5.16(1) of the *Local Government Act 1995* and Council's resolution at its Special Council Meeting held on 31 October 2017 (Item 8.2) the Planning and Development Services Committee has been granted delegated authority by Council, subject to the limitations on delegation of powers and duties contained in section 5.17 of the *Local Government Act 1995*, therefore, in accordance with section 5.23(1)(b) of the *Local Government Act 1995*, this meeting is open to the public.

#### Terms of Reference

##### *Planning and Development Services:*

To receive reports and make decisions in accordance with delegated authority and to consider reports and make recommendations to Council in respect to issues relating to the delivery of services within the areas of:

- Planning,
- Building,
- Development,
- Planning and Development Policies,
- Regulations and enforcement; and
- all other aspects of the Planning and Development Services of the City of Bayswater.

### 4. ATTENDANCE

#### Members

##### West Ward

Cr Dan Bull, Mayor  
Cr Giorgia Johnson  
Cr Lorna Clarke

Chairperson

Central Ward

Cr Chris Cornish, Deputy Mayor  
Cr Sally Palmer

(Until 8:52pm)  
(From 8:07pm)

North Ward

Cr Stephanie Gray  
Cr Filomena Piffaretti  
Cr Michelle Sutherland

South Ward

Cr Catherine Ehrhardt  
Cr Elli Petersen-Pik

**Officers**

Mr Andrew Brien  
Mr Matt Turner  
Ms Helen Smith  
Ms Wardia Du Toit

Chief Executive Officer  
Manager Strategic Planning and Place  
Manager Development Approvals  
PA/Director of Works and Infrastructure

**Observers**

Press - 1  
Public - 41

**Leave of Absence**

Cr Barry McKenna

**4.1 Apologies**

Mr Des Abel

Director Community and Development

**4.2 Approved Leave of Absence**

<b>Councillor</b>	<b>Date of Leave</b>	<b>Approved by Council</b>
Cr Barry McKenna	4 Dec to 11 Dec 2018	OCM 23 Oct 2018
Cr Giorgia Johnson	20 Dec to 25 Dec 2018	OCM 23 Oct 2018
Cr Stephanie Gray	22 Dec to 6 Jan 2019	OCM 23 Oct 2018

**5. DISCLOSURE OF INTEREST SUMMARY**

The following disclosures of interest were made at the meeting:

<b>Name</b>	<b>Item No.</b>	<b>Type of Interest</b>	<b>Nature of Interest</b>
Cr Catherine Ehrhardt	10.7	Impartial	Organiser of Bayswater Streets referred to in report.
Cr Michelle Sutherland	10.6	Impartial	Knows the applicants.

**6. PUBLIC QUESTION TIME**

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Bayswater Standing Orders Local Law 2018* the following procedures relate to public question time:

1. A member of the public who raises a question during question time, is to state his or her name and address.
2. Each member of the public with a question is entitled to ask up to 3 questions.
3. The minimum time to be allocated for public question time is 15 minutes.
4. Questions from the public must relate to a matter affecting the local government. Questions relating to matters of business listed on the minutes will be considered in the first instance, followed by questions relating to Council business not listed on the minutes.
5. A summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.
6. Where a question is taken on notice at the meeting, a summary of the response to the question will be provided in writing to the member of public and included in the minutes for the following meeting.

**6.1 Responses to Public Questions Taken on Notice**

Nil.

**6.2 Public Question Time**

Nil.

**7. CONFIRMATION OF MINUTES****COMMITTEE RESOLUTION**

The Minutes of the Planning and Development Services Committee held on Tuesday, 13 November 2018 which have been distributed, be confirmed as a true and correct record.

CR STEPHANIE GRAY MOVED, CR MICHELLE SUTHERLAND SECONDED

CARRIED UNANIMOUSLY: 9/0

**8. PRESENTATIONS****8.1 Petitions**

Nil.

**8.2 Presentations**

Nil.

**8.3 Deputations****8.3.1 Proposed Three Storey Single House**

**Location: Lot 501, 14 Fourth Avenue East, Maylands**

In relation to Item 10.2, Ms Jaime Barrett (Resident - 2 The Look, Maylands) was in attendance, speaking against the officer's recommendation.

**8.3.2 Proposed Three Storey Single House**

**Location: Lot 501, 14 Fourth Avenue East, Maylands**

In relation to Item 10.2, Mr Charles Prager (Resident - 11 Fourth Avenue East, Maylands) was in attendance, speaking against the officer's recommendation.

**8.3.3 Proposed Three Storey Single House**

**Location: Lot 501, 14 Fourth Avenue East, Maylands**

In relation to Item 10.2, Ms Caroline Raines (Owner - 14 Fourth Avenue East, Maylands) was in attendance, speaking in support of the officer's recommendation.

**8.3.4 Proposed Three Storey Single House**

**Location: Lot 501, 14 Fourth Avenue East, Maylands**

In relation to Item 10.2, Dr Andrew Marsh (Owner - 14 Fourth Avenue East, Maylands) was in attendance, speaking in support of the officer's recommendation.

**8.3.5 Proposed Scheme Amendment No. 77 to Town Planning Scheme No. 24 - Noranda Nursery**

**Location: Lot 2, 81 Camboon Road, Noranda**

In relation to Item 10.6, Mr Gene Koltaz (Planning consultant on behalf of the Landowner), Mr David Maiorana (Planning Consultant - Harley Dykstra Planning & Survey Solutions, Level 1, 252 Fitzgerald Street, Perth) and Mr Bill Ntoumenopolous (Consultant) were in attendance, speaking on the item.

**8.3.6 Land Lease at Bert Wright Park for Café/Kiosk**

**Location: Lot 34, 23 King William Street, Bayswater**

In relation to Item 10.7, Mr Charles Stewart (Local Business Owner - Howdy Coffee, 11 King William Street, Bayswater) was in attendance, speaking on the item.

**8.3.7 Olive Tree House Lease**

**Location: Reserve 47382, 6 Blades Close, Morley**

In relation to Item 10.8, Mr Justin O'Meara Smith (Applicant - CEO, Interchange Everyone Belongs, Unit 2, 15 Blackburn Street, Maddington) was in attendance, speaking on the item.

## **9. METHOD OF DEALING WITH MINUTES BUSINESS**

With the exception of items identified to be withdrawn for discussion, the remaining reports will be adopted by exception (enbloc).

An adoption by exception resolution may not be used for a matter:

- (a) that requires a 75% majority or a special majority;
- (b) in which an interest has been disclosed;
- (c) that has been the subject of a petition or deputation;
- (d) that is a matter on which a Member wishes to make a statement; or
- (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

Withdrawn items:

- 10.2 that is a matter on which a Member wishes to make a statement and is the subject of a deputation.
- 10.6 that is a matter on which a Member wishes to make a statement and is the subject of a deputation.
- 10.7 that is a matter which a Member wishes to move a motion that is different to the recommendation and the subject of a deputation.
- 10.8 that is a matter which a Member wishes to make a statement, wishes to move a motion that is different to the recommendation and the subject of a deputation.
- 10.9 that is a matter which a Member wishes to make a statement, wishes to move a motion that is different to the recommendation and the subject of a deputation.
- 10.10 that is a matter which a Member wishes to move a motion that is different to the recommendation.
- 10.11 that is a matter which a Member wishes to make a statement.

**10. REPORTS****10.1 Proposed Single Storey Grouped Dwelling**

**Location:** Lot 1, 28A Kelvin Street, Maylands  
**File Number:** DA18/0357  
**Applicant:** BuildWA Pty Ltd  
**Owner:** David Cox  
**Reporting Branch:** Development Approvals  
**Responsible Directorate:** Community and Development

**EXECUTIVE SUMMARY****Application:**

A planning application dated 20 July 2018 and plans dated 8 August 2018 have been received for proposed single storey grouped dwelling at Lot 1, 28A Kelvin Street, Maylands.

**Key Issues:**

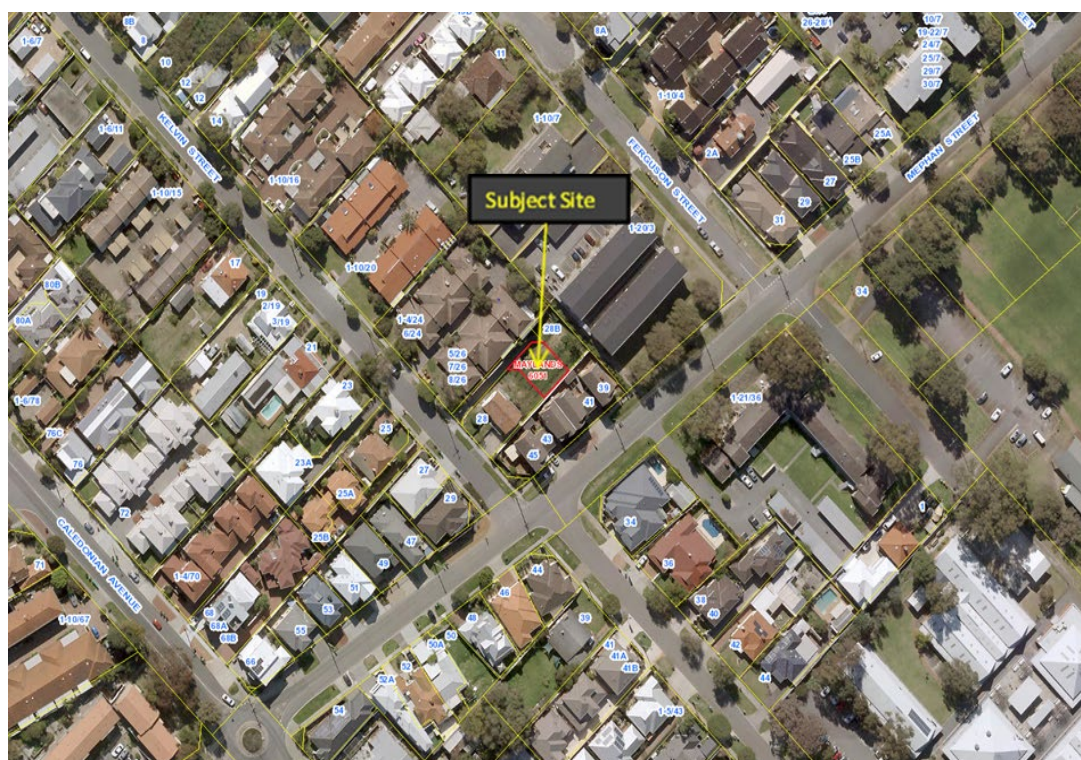
- The development is proposing variations to the lot boundary setbacks, boundary wall, visual privacy and car parking requirements of the Residential Design Codes (R-Codes)
- As per the City's Trees on Private Land and Street Verges one tree (35 litres and 2 metres in radius) is required to be provided on the site which the applicant is proposing to vary.
- No submission was received during the community consultation period.
- Impact of the development on the amenity and streetscape of the area.

**BACKGROUND**

<b>Town Planning Scheme No. 24 Zoning:</b>	Residential - R40
<b>Use Class:</b>	Grouped Dwelling - 'P'
<b>Lot Area:</b>	202m <sup>2</sup>
<b>Existing Land Use:</b>	Vacant Land
<b>Surrounding Land Use:</b>	Single House, Grouped and Multiple Dwellings
<b>Size/Nature of Proposed Development:</b>	Single Storey Grouped Dwelling

The primary consideration in relation to this application is the impact of the proposed development on the amenity and streetscape of the area, given the proposal does not meet the car parking requirements of the R-Codes and the City's Policy Trees on Private Land and Street Verges.

The proposed development also does not meet the lot boundary setbacks, boundary wall and visual privacy requirements of the R-Codes and the front setback as per the requirement of the City's Policy Grouped Dwellings Setback to a Communal Driveway- R-Codes Performance Criteria Policy.



## CONSULTATION

The City sought comment for the proposed variations from the adjacent affected property owners for a period of 14 days. At the completion of the advertising period, no submission was received.

## ANALYSIS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks:			
Front-North West	2 m	1.5 m	Variation
Side - North East	1.5 m	1.054 m	Variation
Side - South West	1.5 m	1.119 m	Variation
Rear - South East	1.1 m	1.026 m	Variation



Boundary Wall:			
Maximum Wall Height -			
Side- South West	3.5 m	3.2 m	Compliant
Maximum Average Wall Height -			
Side - South West	3m	2.8m	Compliant
Maximum Wall Length -			
Side - South West	9.46m	9.59m	Variation
Minimum Open Space	45%	49.6%	Compliant
Maximum Overshadowing of Adjoining Property	35%	10.9%%	Compliant
Minimum Parking	2 car bays	1 car bay	Variation
Retaining Wall	Average natural ground level for the site= 19.89 AHD	Height= 19.65 AHD	Compliant
Trees on Private Land and Street Verges	One tree on the property	Nil	Variation

### Site Context

The development is proposed on a vacant lot which forms the central lot of a three lot battle-axe configuration. The front lot 28 Kelvin Street contains a single house and the rear lot (28B Kelvin Street) is vacant. The lot slopes from the driveway to the southeast boundary by 2.2 metres, retaining walls are proposed to level the land.

### Car Parking

The development proposes one car parking bay in lieu of two car bays. As per the R-Codes the general design principles to be considered when varying car parking is type of dwellings, availability of on-street parking and proximity of proposed development to public transport. The proposed development is a 3 bedroom single storey dwelling which is the average house in the area. That part of Kelvin Street is a cul-de-sac and there is no heavy traffic in the street, therefore cars can park along the street. The subject site is located approximately 144m from a bus route on Caledonian Avenue and some 373m from a high frequency bus route on Guildford Road which is a high frequency bus route.

Given the above, there is availability of on-street car parking and proximity of the proposed development to public transport the variation to the car parking is supported in this instance.

### Tree

As per the City's Trees on Private Land and Street Verges Policy one tree is required to be provided on site. No tree has been shown on the plan. Therefore it is recommended that a tree is to be provided on site or an alternative design solution as per the City's Policy.

### Other Planning Matters

The other variations to the side and rear lot boundary setbacks requirements are considered to meet the relevant design principles of the R-Codes, did not receive any specific objections, and will not unduly impact the amenity of the adjacent properties. Accordingly these variations are supported.

The variation to the front setback will not unduly impact on the streetscape of the communal driveway given the dwelling is single storey and articulated with staggered setbacks, openings and varying materials.

The boundary wall length is 9.59m in lieu of 9.46m. The variation is considered minor (0.13m) and there will be no undue impact on the amenity of the adjoining south-western property in terms of bulk, overshadowing and privacy. No objection was received from the adjoining south-western property owner and in this instance the variation is supported.

### **OPTIONS**

The following options are available to Council:

1. Council approves the proposal with or without conditions.
2. Council refuses the proposal.

### **CONCLUSION**

In light of the above assessment of the proposed development, the application is recommended for approval subject to appropriate conditions.

### **FINANCIAL IMPLICATIONS**

Not applicable.

### **STRATEGIC LINK**

Theme: Our Built Environment  
Aspiration: A quality and connected built environment.  
Outcome B1: Appealing streetscapes.  
Outcome B3: Quality built environment.

### **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

- City of Bayswater Town Planning Scheme 24;
- City of Bayswater local planning policies including Car parking - R-Codes Performance Criteria Policy, Trees on Private Land and Street Verges Policy, Retaining Wall Policy and Grouped Dwellings Setback to a Communal Driveway- R-Codes Performance Criteria Policy; and
- State Planning Policy 3.1 Residential Design Codes.

### **VOTING REQUIREMENTS**

Simple Majority required.

### **ATTACHMENTS**

1. Plans for Development

**COMMITTEE RESOLUTION**  
**(OFFICER'S RECOMMENDATION)**

That Council grants planning approval for the proposed single storey grouped dwelling at Lot 1, 28A Kelvin Street, Maylands in accordance with planning application dated 20 July 2018 and plans dated 8 August 2018, subject to the following planning conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. The approved parapet wall and footings abutting the boundary must be constructed within the subject allotment. The external surface of the parapet wall shall be finished to a professional standard, to the satisfaction of the City of Bayswater.
3. The proposed development shall comply with the City's Trees on Private Land and Street Verges Policy. As per this Policy one tree is to be provided on the site or an alternative design solution to the satisfaction of the City of Bayswater.
4. A detailed landscape plan shall be submitted and approved by the City of Bayswater, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following:
  - (a) The location and species of all trees and shrubs to be retained or removed.
  - (b) The size and number of new plants to be established.
  - (c) Those areas to be reticulated or irrigated.
  - (d) Landscaping should be included within the front setback area.

Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.

5. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.
6. The proposed driveway being constructed with brick paving or concrete to the satisfaction of the City of Bayswater.
7. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

**Advice Notes:**

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.

4. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
5. Kerbs, roadways, footpaths, open drains, storm water pits, service authority pits and verge areas must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.

**CR MICHELLE SUTHERLAND MOVED, CR ELLI PETERSEN-PIK SECONDED**

**ADOPTED BY EXCEPTION (EN BLOCK RESOLUTION): 9/0**

**SERVICE LEGEND**

- DRAINAGE**
  - SIDE ENTRY PIT
  - STORM WATER MANHOLE
  - DRAINAGE PIPE
- ELECTRICITY**
  - POWER DOME
  - POWER PIT
  - POWER POLE
  - LIGHT POLE
  - STEEL WIRE ANCHOR
  - STAY POLE
  - POWER LINE
- GAS**
  - GAS MANHOLE
  - GAS MARKER
  - GAS METER
  - GAS VALVE
  - GAS LINE
- SEWER**
  - SEWER MANHOLE
  - SEWER INSPECTION OPENING
  - SEWER LINE
- COMMUNICATIONS**
  - COMMUNICATIONS PIT
  - COMMUNICATIONS MARKER
  - COMMUNICATIONS LINE
- WATER**
  - FIRE HYDRANT
  - STOP VALVE
  - WATER TAP
  - WATER MARKER
  - WATER METER
  - WATER PIPE
- UNDEFINED**
  - UNDEFINED SERVICE MARKER
  - UNDEFINED MANHOLE
  - UNDEFINED SERVICE
- SURVEY**
  - DATUM
  - PEG FOUND
- STRUCTURES**
  - BUILDING
  - RETAINING WALL
  - ROAD CENTRE LINE
- SERVICE RECORDS**

STATUS				
	LOCATED	ONLY SIGHTED	OBSERVATION	NOT SIGHTED
WATER				
SEWER				
GAS				
TEL/COMM				
POWER U/G				
O/H				

**WARNING!**  
BOUNDARY RE-ESTABLISHMENT SURVEY  
REQUIRED TO CONFIRM LOT BOUNDARY  
POSITION AND DIMENSIONS

**KELVIN STREET**

**SCALE @ A3:** 1:200

**DOCUMENT NUMBER:** 180712-170415-KM-FS

**SURVEYED DATE:** 12.7.2018

**DRAFTED DATE:** 12.7.2018

**REVIEWED DATE:** 16.7.2018

**BUILDER REF:** NA

**VERT. DATUM:** ARBITRARY

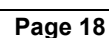
**LOT NUMBER:** 1

**PLAN/DIA:** SP70001

**CERT/TITLE:** 2877-553

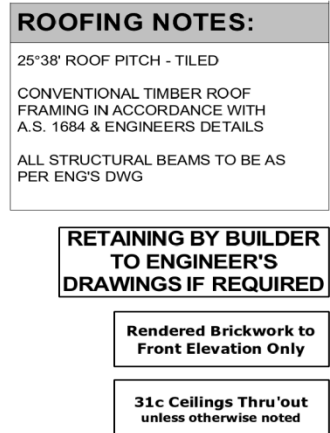
**ADDRESS:** LOT 1 (28) KELVIN STREET MAYLANDS


**BUILDER:** BUILDWA





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<div></div> <div><b>1stHaus</b></div> <div>BUILDWA PTY LTD t/as 1stHaus <i>Suite 1/28 Ruse Street, Osborne Park 6017</i> Tel: 08 6111 3308 www.1sthaus.com.au</div>	CLIENT:		REV	DATE	DWN	CHK	DESCRIPTION	THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE BUILDING CONTRACT			
	<b>COX</b>		-	20.06.18	PC	--	SKETCH	DATE .....	OWNER .....		
	SITE ADDRESS:		-	08.07.18	PC	--	FINANCE PLANS				
	<b>28A</b>		-	09.07.18	PC	--	FINANCE PLANS REV 1				
	<b>KELVIN STREET,</b>		-	25.07.18	PC	--	SITE PLAN CONCEPT				
	<b>MAYLANDS</b>		-	30.07.18	PC	--	DROP FOOTINGS			OWNER .....	
			-	1.08.18	PC	--	REVISED RETAINING				
	MODEL NAME: <b>UNIQUE</b>								OWNER .....		
	DRAWING: <b>ELEVATIONS</b>		SCALE: <b>1:100</b>						BUILDER .....	JOB No.: <b>1819</b>	SHEET No.: <b>4 of 7</b>



**10.2 Proposed Three Storey Single House**

**Location:** Lot 501, 14 Fourth Avenue East, Maylands  
**File Number:** DA18-0212  
**Applicant:** Weststyle Developments  
**Owner:** Regal Blade Pty Ltd  
**Reporting Branch:** Development Approvals  
**Responsible Directorate:** Community and Development

*Confidential Attachment(s) - in accordance with Section 5.23(2) of the Local Government Act 1995 - personal affairs of any person.*

**EXECUTIVE SUMMARY****Application:**

A planning application dated 7 May 2018, received 8 May 2018 and plans dated 9 November 2018 have been received for proposed three storey single house at Lot 501, 14 Fourth Avenue East, Maylands.

**Key Issues:**

- The proposed development does not meet the building height, lot boundary setbacks, and privacy requirements of the Residential Design Codes (R-Codes) and the City's Design Guidelines - Lot 1 and 12, No. 6-8 Fourth Avenue East, Maylands Policy.
- Consideration of the five objections received during the community consultation period.
- The impact of the development on the amenity and streetscape of the area.

**BACKGROUND**

<b>Town Planning Scheme No. 24 Zoning:</b>	Medium and High Density Residential - R50
<b>Use Class:</b>	Single House - 'P'
<b>Lot Area:</b>	300m <sup>2</sup>
<b>Existing Land Use:</b>	Vacant
<b>Surrounding Land Use:</b>	Single Houses
<b>Size/Nature of Proposed Development:</b>	Three Storey Single House

The primary consideration in relation to this application is the visual impact of the proposed development on the amenity of the area, including the streetscape and the affected adjacent properties, given the proposal does not meet the building height, lot boundary and privacy requirements of the R-Codes and the City's Design Guidelines - Lot 1 and 12, No 6-8 Fourth Avenue East, Maylands WAPC Subdivision Reference No. 124855 Policy, and to consider objections that have been received in relation to the proposed development.



The City sought comment for the proposed variations from the adjacent affected property owners for a period of 14 days. At the completion of the advertising period, five objections were received. One of the objections received also included an attached letter with 14 signatories of residents from eight different property addresses. Three comments of support have also been received. Details of the objections, applicant's responses and officer's comments are stated below.

ISSUE	NATURE OF CONCERN	APPLICANT RESPONSE	OFFICER COMMENT
Building Height	<p>Concern in relation to the building height and its impact to the streetscape and potential loss of views and amenity.</p> <p>Concern if the proposed</p>	<p>The proposed ridge and wall heights to the streetscape have been reduced to a variation to the permitted 6.0m wall height requirements by 0.925m and 1.31m above natural ground</p>	<p>See "Building Height" section.</p>

ISSUE	NATURE OF CONCERN	APPLICANT RESPONSE	OFFICER COMMENT
	height and setback variations were proposed they would set a precedent within the estate and have a detrimental impact on the adjoining property owners.	level.  The height proposed outside of the permitted heights is located towards the central portion of the lot away from adjacent neighbours and behind the street façade.	
Overshadowing	Concerned in relation to the proposed overshadowing and its impact to the solar arrays on the adjoining properties. Specifically the impact to outdoor living areas including pools.	The proposal is compliant with the overshadowing requirements of the R-Codes for the Residential R50 coding of the property of a maximum of 50% of the adjoining sites. The proposed development complies with a maximum of 37% of the adjoining lot and 17% to the south-east corner.	See "Overshadowing" section.
Lot Boundary Setbacks	<p>Concern in relation to the proposed variations to the proposed setbacks proposed and its impact on the adjoining properties. There are limited articulations in the rear wall and there is excess bulk proposed. The resulting impact of the scale limits the provision of sunlight and ventilation to adjoining properties.</p> <p>The garage has a large impact on the front elevation of the proposal.</p>	<p>The setbacks have been exceeded on the south-east boundary for the first floor to enable greater access to light and ventilation.</p> <p>The proposed garage is of a standard height with a width of 6m, given the fall of the land from the street the impact of it is largely minimised. The colour and finish of the garage is designed to blend in with the remainder of the dwelling.</p>	See "Lot boundary setbacks" section.

ISSUE	NATURE OF CONCERN	APPLICANT RESPONSE	OFFICER COMMENT
Impact on Other Sites.	Concern of the impact of the proposal to other lots which are still to be developed.	Each development will be assessed on its merits with its compliance with the R-Codes and design guidelines.	The proposed development is assessed as per the R-Codes and the Fourth Avenue East Design Guidelines on its merits.
Privacy	Concern in relation to the impact of privacy variations to the proposed development and their impact on the adjoining properties.	The cone of vision privacy setback to the master bedroom falls over the adjoining rear property but does not overlook any window openings or outdoor living areas.	See "Visual Privacy" section.
Ground Levels	The proposed ground levels are required to be maintained to the design guidelines. An excavation and modified ground floor level has been attempted.	The design guidelines do not preclude a reduction in natural ground levels.	See "Ground Levels" section.

The application was referred to the Department of Biodiversity, Conservation and Attractions (DBCA - Rivers and Estuaries), given the site abuts the Parks and Recreation Reserve, which is located within the Development Control Area of the DBCA, on the north-western side of the property, who provided their support subject to stormwater being contained onsite. The application was also referred to the estate developer Mirvac design consultant, who provided support for the proposal.

Following the community consultation period, the applicant amended their plans as follows:

- Reduced the finished floor level of the ground floor of the dwelling from 14.00RL to 13.9RL.
- Clarification that the windows along the south-eastern elevation on the first and second floor are to be cladded with obscure screens. This is included as a condition in the event of approval.

## ANALYSIS

Key Scheme Provisions	Required/ Allowable	Provided	Assessment
Minimum Setbacks (*):			
Front (Dwelling)	4.0m	4.0m	Compliant
(Garage)	5.5m	5.5m	Compliant
Side (north-west) - Ground	1.5m	2.385m	Variation
- First	4.9m	2.385m	Variation
- Second	6.6m	2.385m	Variation

Side (south-east) - Ground	Nil	Nil	Compliant
- First	Nil	1.0m	Compliant
- Second	2.6m	1.0m	Variation
Rear (south) - Ground	1.5m	2.555m	Compliant
- First	2.8m	2.555m	Variation
- Second	3.8m	2.555m	Variation
Boundary Wall (*):			
Maximum Wall Height -			
Side (south-east)	6.0m	3.0m	Compliant
Maximum Wall Length -			
Side (south-east)	25.75m	17.69m	Compliant
Maximum Building Height (*):			
Wall Height	6.0m	7.310m - 7.805m	Variation
Roof Pitch Height	9.0m	9.925m - 10.43m	Variation
Minimum Open Space (*)	40%	40.8%	Compliant
Maximum Overshadowing of Adjoining Property:	50%		
12 Fourth Avenue East		37.7%	Compliant
2 The Look		15%	Compliant
4 The Look		4%	Compliant
Minimum Car Parking	2 car bays	2 car bays	Compliant
Minimum Visual Privacy Setbacks:			
First Floor South -Master Bedroom	4.5m	2.555m	Variation

\* The front setback, boundary wall height, open space and building height requirements are as per the City's Design Guidelines - Lot 1 and 12, No. 6-8 Fourth Avenue East, Maylands WAPC Subdivision Policy.

### Site Context

The proposed development is located on vacant Lot 501, within the Design Guidelines - Lot 1 and 12, No 6-8 Fourth Avenue East, Maylands Policy area. The estate and design guidelines have been designed with the intention of enabling all lots access to river views which provide supplementary requirements to the R-Codes. The estate consists of 13 lots; five of which have completed developments comprising three or split level storey houses.

The proposed development is considered to be of a highly architectural style with a modern aluminium metal mesh façade or "rain-screen" skin with hipped-roof profile. The intention of the design of the building is to construct a sustainable dwelling in which all windows are provided with shading, walls are insulated and provided with significant solar access which assists with the control of heat. Furthermore the ground floor presents as a darker colour brick construction to differentiate between the floors of the building. The proposed development presents differently to other dwellings within the estate and the streetscape with the styles noted above.

The streetscape of Fourth Avenue East is characterised by a mix of single, two and three storey residential dwellings.

The subject lot has a width of 11.66m, which is the narrowest lot along the street façade of the estate; the other lots fronting Fourth Avenue East range from 12.39m - 12.77m.

### Building Height

The lots within the estate have been created with the intention of providing views of the river from all lots. This has been achieved to lots along the Fourth Avenue frontage by providing a slight benching of the lot over two levels. The remainder of the lots are provided with a more significant grade over the sites, with three storeys permitted as of right to the immediate river fronting lots. The subject lot is provided with a benching with a slight grade difference from front to rear.

The proposed building has a maximum roof pitch height of 9.925m - 10.4m in lieu of 9.0m, and a maximum wall height of 7.31m - 7.805m in lieu of 6.0m. The proposed roof pitch height of the dwelling represents a variation of 1.31m - 1.805m (11% increase); whilst the proposed external wall height presents a variation of 0.925m - 1.4m (30% increase) to the requirements of the R-Codes.

The R-Codes design principles for assessing building height variations are as follows:

*" Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:*

- *Adequate access to direct sun into buildings and appurtenant open spaces;*
- *Adequate daylight to major openings into habitable rooms; and*
- *Access to views of significance."*

The height variations principally relate to the additional storey proposed. The dwelling from the street appears as two storeys given the fall of the lot from the street and the proposed excavation of the site. The rear of the dwelling however appears as three storeys.

The roof pitch height of 9.925m - 10.4m is considered to be a substantial variation to the height requirements and as a result provides for a reduction to the provision of availability of light and visual impact of bulk and scale to the southern adjoining dwellings. The adjoining property at 12 Fourth Avenue East has two sections of two-storey boundary wall abutting the subject site on the south-eastern elevation, which will assist in limiting the impact of height. Due to the orientation of the lots, the most affected are considered to be the properties at 2 and 4 The Look, Maylands.

The rear/southern façade of 4 The Look consists of a blank wall on both storeys of the property which face the subject lot, which will not be unduly impacted by the development. Conversely the approved development but not yet constructed dwelling at 2 The Look, has an outdoor living area backing onto the rear of the subject property. This area is of the most concern from the proposed development given the levels of the adjoining dwellings being 3m lower than the subject site. It is considered though that the proposed dwelling under construction at 12 Fourth Avenue would provide a similar impact to this dwelling to the proposed development. The proposed overshadowing is compliant with the 'deemed-to-comply' requirements of the R-Codes at a maximum of 15% of this site.

Access to views of significance is also a relevant consideration given the river is visible from the properties along the opposite side of Fourth Avenue East. In this instance the proposed additional building floor pitch height is considered to have no further material impact given the area of the height variation is the top of the ridge of the dwelling and this section is minor in area when viewed from directly opposite. In addition, the dwelling under construction adjoining the subject site and the dwelling behind the subject site already impede retention of views in this direction. This is demonstrated in the streetscape perspective drawings submitted by the applicant (**Attachment 2**).

Based on the above the proposed height is supported.

### Lot Boundary Setbacks

The proposed setback variations of the dwelling relate to the north-western, south-eastern and southern boundaries, and are assessed against the relevant design principles which state the following:

*"P3.1 Buildings set back from lot boundaries so as to:*

- Reduce impacts of building bulk on adjoining properties;*
- Provide adequate direct sun and ventilation to the building and open spaces onsite and adjoining properties; and*
- Minimise the extent of overlooking and resultant loss of privacy on adjoining properties"*

The proposed south-east portion of wall consists of a section of boundary wall on the ground floor, whilst the first and second floors are setback 1.0m. The first floor is permitted to be setback at nil up to a height of 6.0m, whilst the second floor is required to be setback in accordance with the R-Codes. The second floor is therefore a variation with a setback of 1.0m provided in lieu of the 2.6m required. This section of wall is not articulated and would ordinarily provide some impact of bulk to the adjoining property currently under construction. However, the wall will abut a section of wall on the adjoining property at 12 Fourth Avenue which consists of a two storey height boundary wall with no major openings. Based on this the impact is therefore considered negligible.

The north-western boundary of the property abuts the existing Bardon Park Reserve and therefore the proposed north-west setback variations are considered acceptable. The presence of window openings along this façade will also assist with passive surveillance of the park.

The proposed southern portion of wall at the rear of the property has a setback of 2.55m on all floors, with the second floor incorporating an open balcony. Both of the first and second floor walls provide setback variations ranging from 0.245m and 1.245m respectively. It is considered the first floor provides a minor setback variation which in facing the blank wall of the adjoining lot and will have no undue impact. The second floor at a maximum height of 7.8m (balcony) to 10m beyond the proposed balcony is of note; however, the balcony forward of the solid section of wall enables some reduction of volume of bulk to the rear adjoining properties.

Whilst the proposed height will be limited in impact in the property immediately to the south of the subject site at 4 The Look, given it will mainly impact a non-active area (blank wall and roof), the approved plans for the adjoining property at 2 The Look include active habitable space to the rear of their property. Without the construction of the subject dwelling, this lot is impacted in its ability to have light and ventilation to these areas along with some overshadowing by the presence of a 3m high retaining wall, it is further impacted by the presence of the two storey dwelling at 12 Fourth Avenue East, immediately behind it. The proposed dwelling will contribute a minor area of overshadowing to this property from the building in addition to that existing or constructed. The presence of an open balcony area without a roof will assist in reducing bulk and providing light during periods of the year. The overshadowing of this property is however compliant at a maximum of 15%, meeting the 'deemed to comply' requirements of the R-Codes.

### Visual Privacy

The proposed southern (rear) first floor master suite window has a cone of vision privacy setback of 2.555m in lieu of 4.5m to the southern adjoining property. The area of visual privacy intrusion over 4 'The Look' principally falls over a non-active area (blank wall and roof) of this property and will provide no undue impact. The adjoining owner of this property has provided their support to the proposal. On this basis the variation is supported.

The proposed balcony on the second floor of the dwelling meets 'deemed to comply' requirements of the estate design guidelines, given that guidelines specify that *'all balconies facing the foreshore reserve shall be deemed as meeting the performance criteria with regard to the cone of visions.'*

#### Ground Levels

The nominated ground level as constructed on the site was intended as per the design guidelines, for measurement of the height envelope. The proposed development is excavating within the site, which in effect reduces the height of the building.

#### Overshadowing

The R-Codes permit a maximum 50% overshadowing of adjoining lots for properties coded Residential R50. In this instance, despite the variations to height and lot boundary setbacks, the proposed overshadowing is compliant at a maximum of between 3% to 37% of the adjoining properties. Whilst the overshadowing will fall over the rear section of No. 2 The Look at the winter solstice, and these areas are the outdoor living areas of this property, the proposed overshadowing meets the relevant 'deemed to comply' provisions of the R-Codes.

### **OPTIONS**

The following options are available to Council:

1. Council approves the proposal with or without conditions.
2. Council refuses the proposal.

### **CONCLUSION**

Overall the proposed development is considered to meet the intention for the estate which was to create development *"for a memorable development that reflects its Swan River context"*, by a design that has diversity in both its built form and materials, which will enliven the streetscape and the public realm. The design incorporates compliant overshadowing whilst the proposed lot boundary setbacks and privacy which are considered to meet the design principles of the R-Codes. Whilst the proposed height, pronounced by the narrowness of the lot, will not unduly impact the adjoining lots given the existing and under construction built form and the levels of the lots.

In light of the above assessment of the proposed development, the application is recommended for approval subject to appropriate conditions.

### **FINANCIAL IMPLICATIONS**

Not applicable.

### **STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme:	Our Built Environment
Aspiration:	A quality and connected built environment.
Outcome B1:	Appealing streetscapes.
Outcome B3:	Quality built environment.



**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

- City of Bayswater Town Planning Scheme No. 24;
- City of Bayswater local planning policies including the Design Guidelines - Lot 1 and 12 No 6-8 Fourth Avenue East, Maylands WAPC Subdivision Reference No. 124855 Policy; and
- State Planning Policy 3.1 - Residential Design Codes.

**VOTING REQUIREMENTS**

Simple Majority required.

**ATTACHMENTS**

1. Plans for Development
2. Streetscape Perspectives
3. Submission Location Plan (Confidential)

**COMMITTEE RESOLUTION****(OFFICER'S RECOMMENDATION)**

That Council grants planning approval for the proposed three-storey single house at Lot 5, 14 Fourth Avenue East, Maylands, in accordance with planning application dated 7 May 2018 and plans dated 9 November 2018, subject to the following planning conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. Revised plan(s) addressing the following matter to the satisfaction of the City of Bayswater shall be submitted to and approved by the City prior to the lodgement of a building permit application, and not result in any greater variation to the requirements of the Residential Design Codes and the City's policies:
  - (a) The windows overlooking the cone of vision less than 4.5m to the south-east boundary to 12 Fourth Avenue East, Maylands being screened with a permanent obscure material and be non-openable to a minimum of 1.6m above the respective finished floor level, in accordance with the Residential Design Codes.

Alternatively, prior to the submission of a building permit application, this revised plan(s) 13 are not required if the City receives written consent from the owners of 12 Fourth Avenue East, Maylands stating no objection to the respective proposed privacy encroachment(s).

3. A detailed landscape plan shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following:
  - (a) The size and number of new plants to be planted.
  - (b) The location of any lawn areas to be established.
  - (c) Those areas to be reticulated or irrigated.

Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.

4. All vehicle crossings being upgraded, designed, and constructed to the satisfaction of the City of Bayswater.
5. The approved parapet wall(s) and footings abutting the lot boundaries must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall(s) shall be finished in facebrick or rendered brickwork to a professional standard, to the satisfaction of the City of Bayswater.
6. A detailed 'Schedule of Colours and Materials' shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.
7. Prior to occupation of the development of one street tree is to be planted on the Fourth Avenue East verge in front of the subject site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater.
8. All stormwater shall be managed on-site to the satisfaction of the City of Bayswater.
9. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street, or designed integrally with the building and be located so as not to be visually obtrusive from the street.
10. No soil, building materials, rubbish or any other deleterious matter shall be deposited on the Parks and Recreation reserve.
11. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

**Advice Notes:**

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas including any verge trees must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
5. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.

6. Vehicle crossover shall be designed and constructed in accordance with the City's Specifications for Crossovers. Applicants/owners are advised to contact the City's Works and Infrastructure with regard to the crossover requirements, crossover application process and eligibility for the City's crossover subsidy.

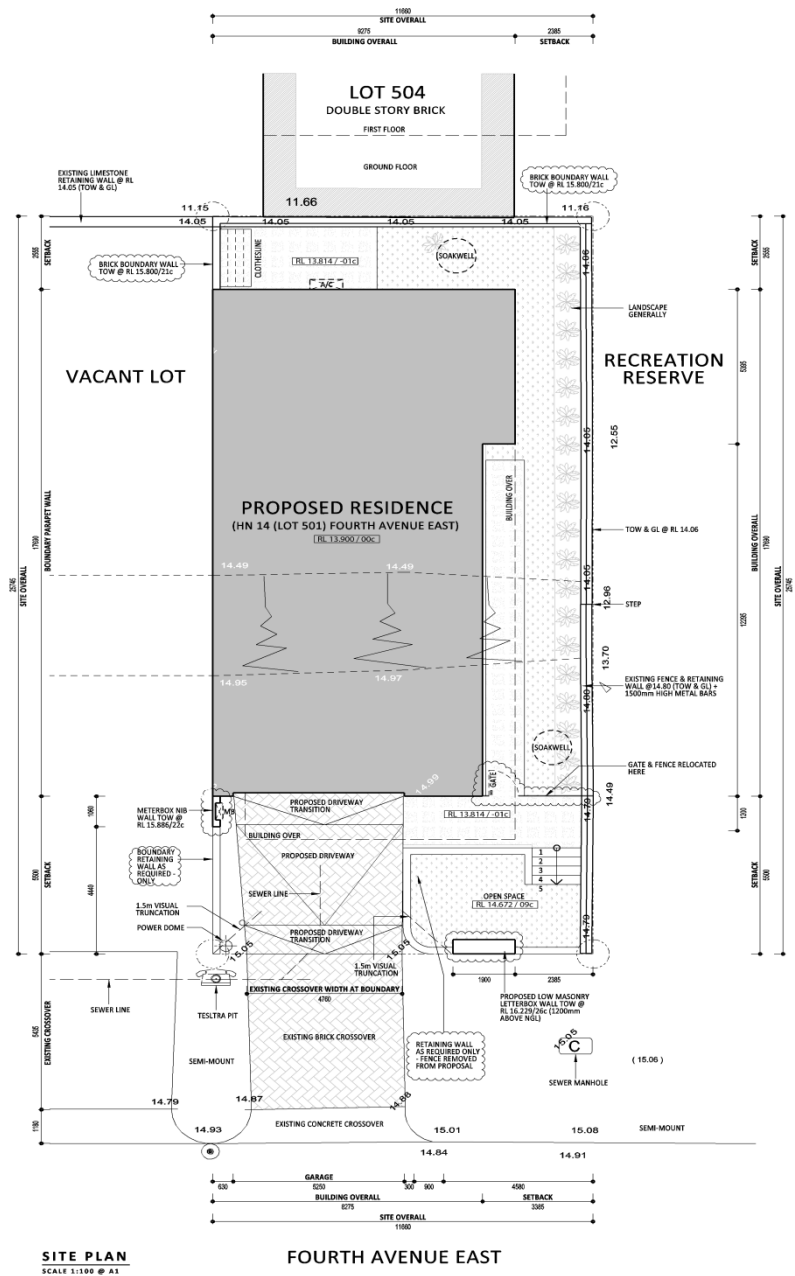
CR CATHERINE EHRHARDT MOVED, CR LORNA CLARKE SECONDED

CARRIED: 7/2

*FOR: Cr Dan Bull, Mayor, Cr Michelle Sutherland, Cr Filomena Piffaretti, Cr Stephanie Gray, Cr Lorna Clarke, Cr Catherine Ehrhardt and Cr Giorgia Johnson.*

*AGAINST: Cr Chris Cornish, Deputy Mayor and Cr Elli Petersen-Pik.*

<b>PERCENTAGE OPEN SPACE</b>	
BUILDING FOOTPRINT (m2)	- 151.5m2
SITE AREA (m2)	- 300m2
OPEN SPACE (m2)	- 124m2
 PERCENTAGE OPEN SPACE REQUIRED	 - 40%
<b>PERCENTAGE OPEN SPACE ACHIEVED</b>	<b>- 41.3%</b>

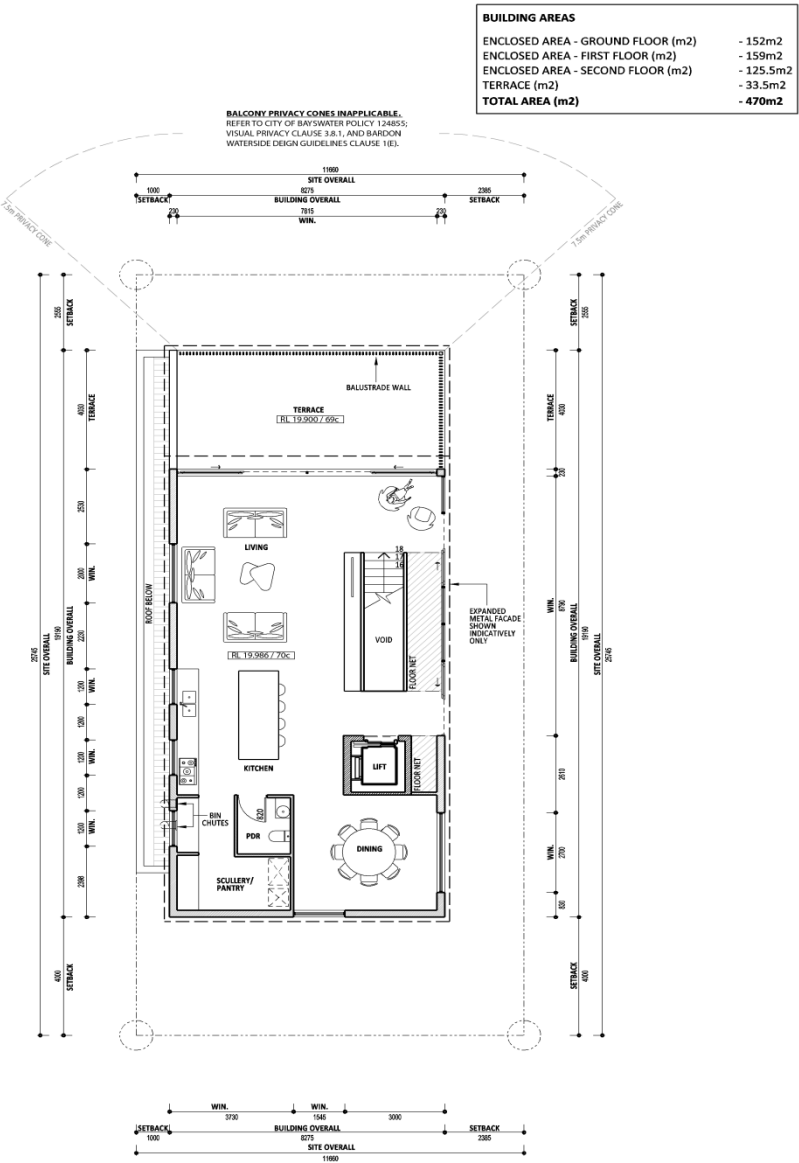
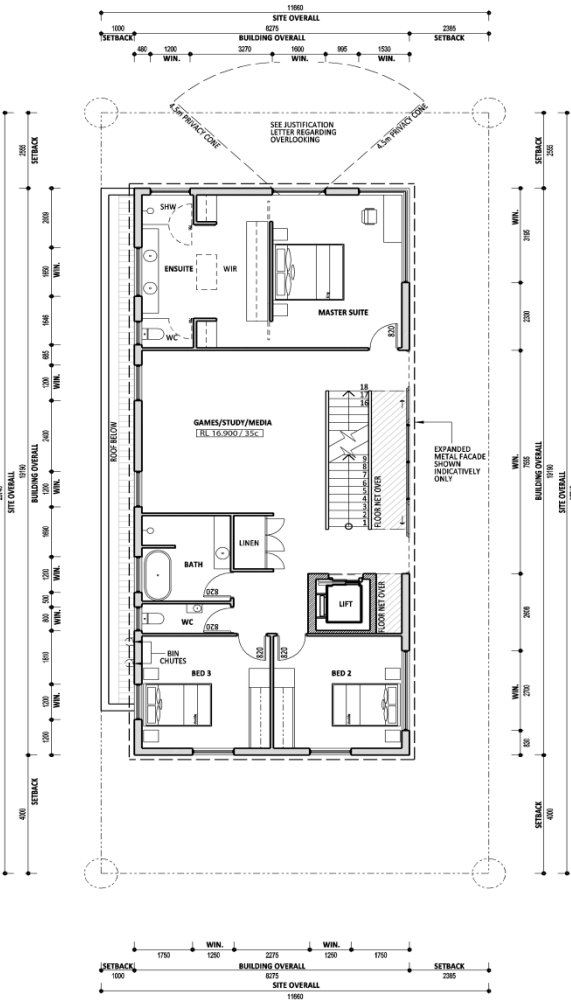
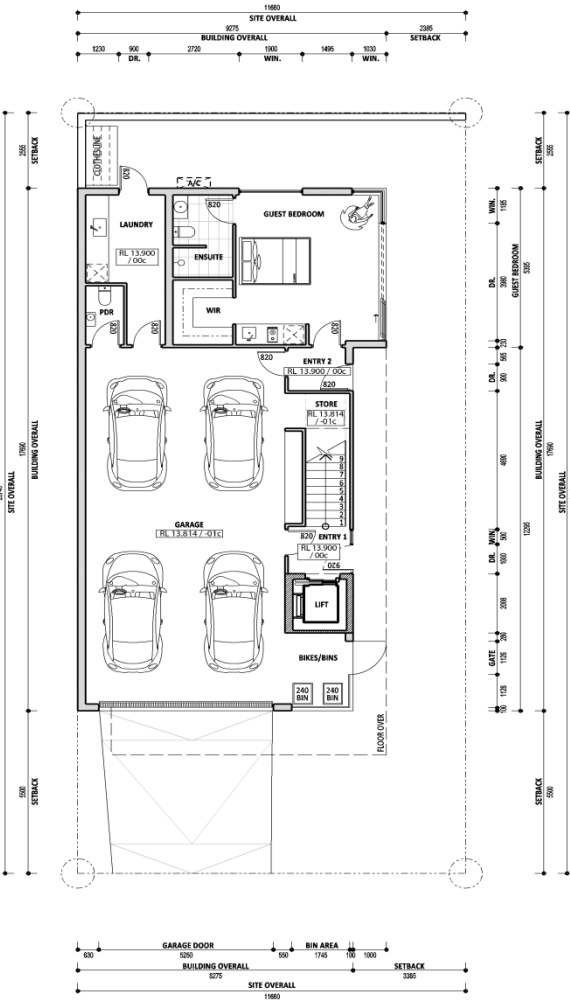


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DATE	REV	NOTE
30.07.18	A	FENCING AMMENDED, MB RELOCATED
31.10.18	B	NATURAL GROUND LEVELS AND HEIGHTS CLARIFIED

Document Set ID: 3293047  
Version: 3, Version Date: 22/11/2018



BUILDING AREAS	
ENCLOSED AREA - GROUND FLOOR (m2)	- 152m2
ENCLOSED AREA - FIRST FLOOR (m2)	- 159m2
ENCLOSED AREA - SECOND FLOOR (m2)	- 125.5m2
TERRACE (m2)	- 33.5m2
TOTAL AREA (m2)	- 470m2

BALCONY PRIVACY CONES INAPPLICABLE.  
REFER TO CITY OF BAYSWATER POLICY 1248835,  
VISUAL PRIVACY CLAUSE 3.8.1, AND HARBORON  
WATERSIDE DESIGN GUIDELINES CLAUSE 11E3.

PRIVATE RESIDENCE  
# 14 FOURTH AVENUE EAST, MAYLANDS  
RAINES/MARSH FAMILY



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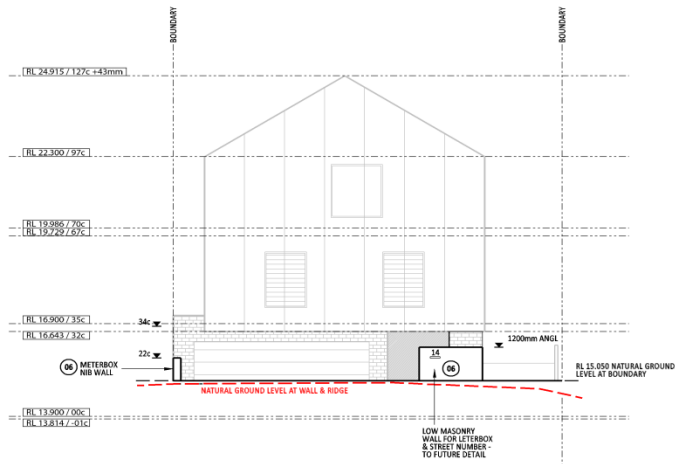
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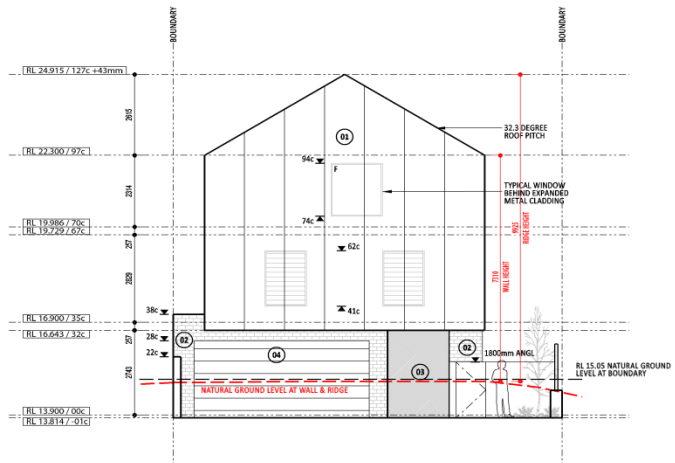
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STATUS PLANNING APPLICATION  
SCALE 1:100 @ A1  
DRAWN V.LABBATE

DATE	REV	NOTE
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31.10.18	B	NATURAL GROUND LEVELS AND HEIGHTS CLARIFIED

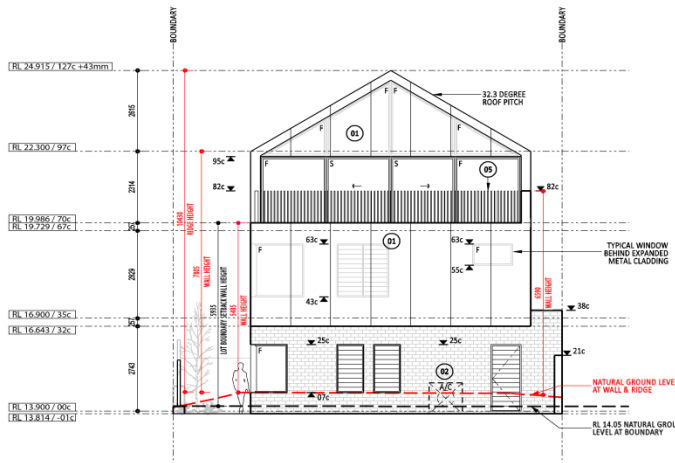
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REV.



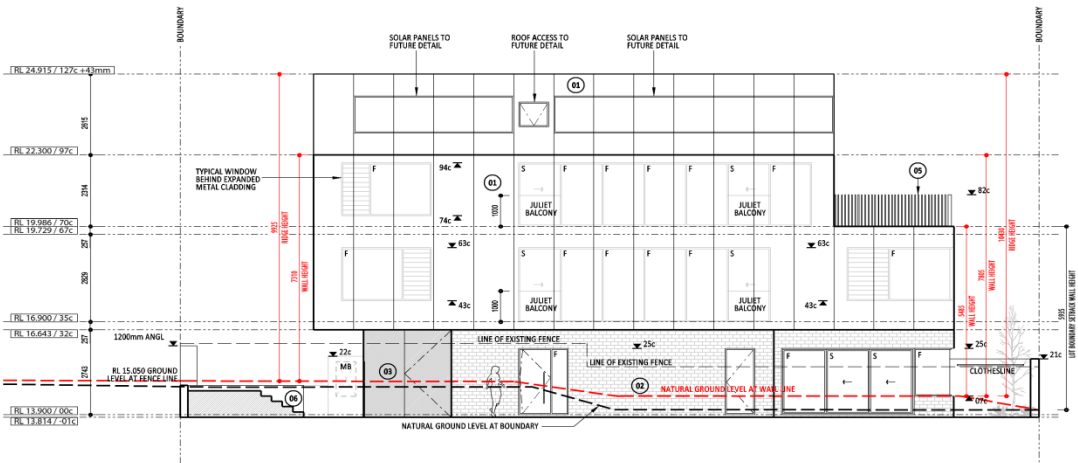
STREET ELEVATION  
SCALE 1:100 @ A1



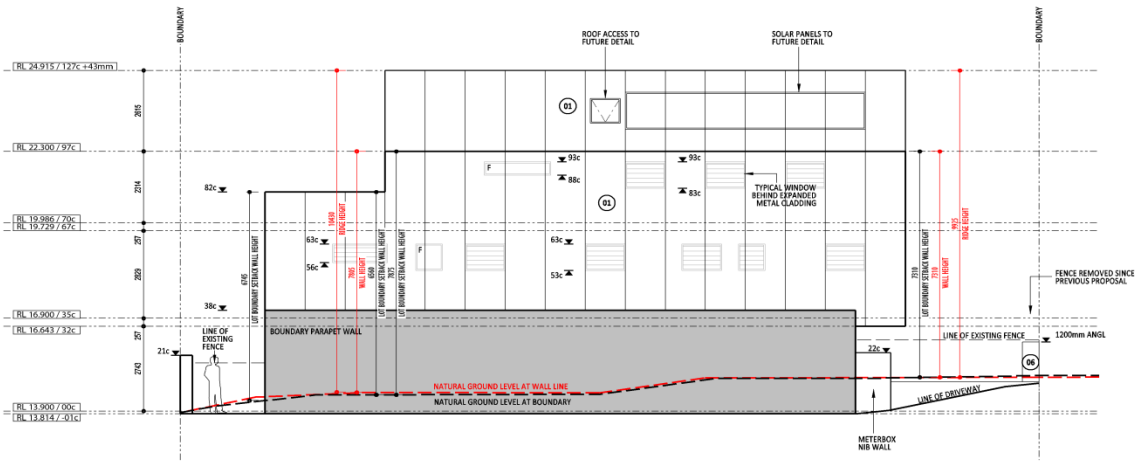
NORTH-EAST ELEVATION  
SCALE 1:100 @ A1



SOUTH-WEST ELEVATION  
SCALE 1:100 @ A1



NORTH-WEST ELEVATION  
SCALE 1:100 @ A1



SOUTH-EAST ELEVATION  
SCALE 1:100 @ A1

FINISHES LEGEND	
(01)	EXPANDED METAL SHEETING OVER GALVALUME METAL SHEETING OR GLAZING
(02)	FACE BRICK
(03)	PERFORATED METAL
(04)	COLORBOND
(05)	POWDERCOATED ALUMINIUM
(06)	ACRYLIC TEXTURE

PRIVATE RESIDENCE  
#14 FOURTH AVENUE EAST, MAYLANDS  
RAINES/MARSH FAMILY



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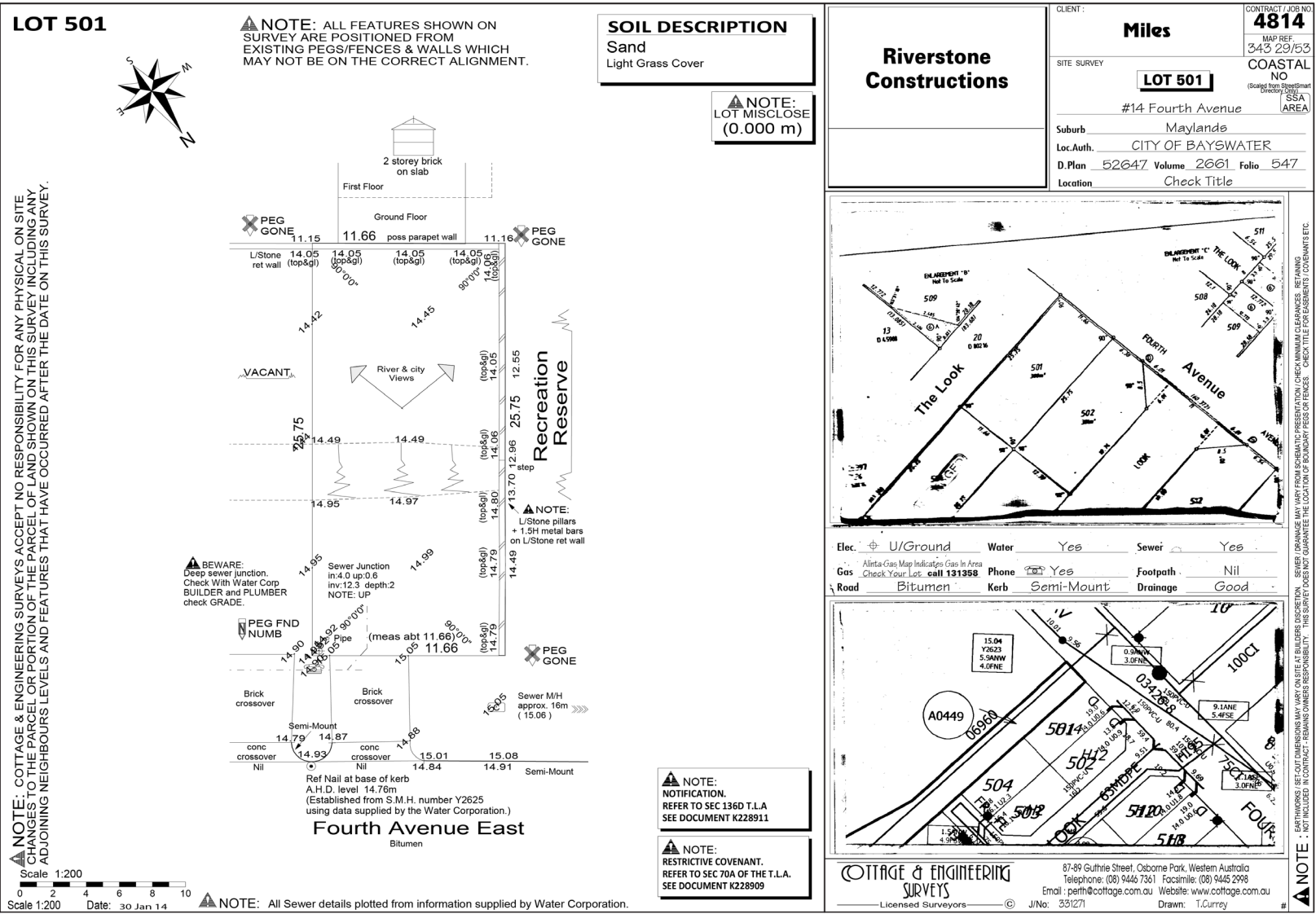
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DRAWING	ELEVATIONS
STATUS	PLANNING APPLICATION
SCALE	1:100 @ A1
DRAWN	V.LABBATE

DATE	REV	NOTE
30.07.18	A	FENCING AMENDED, WB RELOCATED
31.10.18	B	NATURAL GROUND LEVELS AND HEIGHTS CLARIFIED

DRAWING NO. **A301 b**



PRIVATE RESIDENCE  
# 14 FOURTH AVENUE EAST, MAYLANDS  
RAINES/MARSH FAMILY



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DRAWING	FEATURE SURVEY
STATUS	PLANNING APPLICATION
SCALE	AS SHOWN
DRAWN	AS SHOWN

DATE	REV	NOTE
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**Attachment 2**



***VIEW FROM THE CORNER OF  
FOURTH AVENUE EAST & VIEW STREET; EXISTING***





***VIEW FROM THE CORNER OF  
FOURTH AVENUE EAST & VIEW STREET; PROPOSED***





***VIEW FROM BARDON PARK; EXISTING***





***VIEW FROM BARDON PARK; PROPOSED***



# HOUSES ACROSS THE STREET SIGNIFICANTLY BLOCKED BY STREET TREES



VIEW FROM 14 FOURTH AVENUE ACROSS THE STREET



VIEW FROM DRIVEWAY OF 11 FOURTH AVENUE; EXISTING



**HOUSES ACROSS THE STREET SIGNIFICANTLY BLOCKED BY STREET TREES**



**VIEW FROM 14 FOURTH AVENUE ACROSS THE STREET**



**VIEW FROM DRIVEWAY OF 11 FOURTH AVENUE; PROPOSED**



***BUILT EXAMPLE;*** EXPANDED METAL MESH FACADE WITH OPERABLE SHUTTERS  
FOR FULL CONTROL OF SOLAR GAINS TO MAXIMISE SUSTAINABILITY



***MATERIAL DETAILS;*** EXPANDED METAL MESH EXAMPLE



**10.3 Additions and Alterations to Restaurant**

**Location:** Lot 9, 317 Guildford Road, Maylands  
**File Number:** DA18-0370  
**Applicant:** Merrellyn O'Callaghan  
**Owner:** Knowitt Pty Ltd  
**Reporting Branch:** Development Approvals  
**Responsible Directorate:** Community and Development

***Confidential Attachment(s) - in accordance with Section 5.23(2) of the Local Government Act 1995 - personal affairs of any person.***

**EXECUTIVE SUMMARY****Application:**

A planning application dated 14 August 2018 and plans dated 13 November 2018 have been received for retrospective approval of alterations and additions to restaurant at Lot 9, 317 Guildford Road, Maylands.

**Key Issues:**

- The alterations and additions the subject of this application are existing and approval is being sought retrospectively.
- The application involves variations to the car parking requirement in terms of Town Planning Scheme No. 24 (TPS24).
- Twenty-one submissions and a petition containing 14 signatures in support received during community consultation period.
- Impact upon the amenity and streetscape of the area.

**BACKGROUND**

<b>Town Planning Scheme No. 24 Zoning:</b>	Business
<b>Use Class:</b>	Restaurant - 'P' (permitted)
<b>Lot Area:</b>	811m <sup>2</sup>
<b>Existing Land Use:</b>	Shops and Restaurant
<b>Surrounding Land Use:</b>	Residential and commercial
<b>Size/Nature of Proposed Development:</b>	Existing Alterations and Additions to Restaurant

There are three separate tenancies including the Speedwell Bike Shop, a vacant shop (formerly a barber shop) and the subject restaurant (Garden Café) located on Lot 9, 317 Guildford Road, Maylands. The Garden Café is currently operating on the site having been granted conditional planning approval under delegated authority subject to conditions on 10 February 2016. However, this approval did not include the dry store room and cool room extension or alfresco dining area to the rear.

The primary consideration in relation to this application is the impact of the subject alterations and additions upon the amenity and streetscape of the area, in light of the construction materials and the car parking shortfall at the site.





## CONSULTATION

The City sought comment for the subject variations from the adjacent affected property owners for a period of 14 days. At the completion of the advertising period, 21 submissions and a petition containing 14 signatures in support of the proposal were received. Details of the submissions, applicant's responses and officer's comments are stated below.

ISSUE	NATURE OF CONCERN	APPLICANT RESPONSE	OFFICER COMMENT
Support	<p>" We have never had any issues with parking, congestion or access, and the café is a vibrant part of our local community"</p> <p>"many patrons walk as there is nothing similar nearby"</p>	N/A	Noted.



The application was also referred to Main Roads Western Australia (MRWA) for comment as the lot directly fronts onto Guildford Road. MRWA has advised that they have no objection to the application and have no recommended conditions of approval.

## ANALYSIS

Key Scheme Provisions				Required	Provided	Assessment
Minimum Setbacks:						
Primary Street				13.5m	Behind existing building	N/A
Secondary Street	Street	(Kenilworth Street)		3m		Nil
Side				3m	36m	Compliant
Rear				6m	7.1m	Compliant
Maximum Building Height:						
Wall Height				9m	2.6m	Compliant
Roof Pitch Height				12m	4.1m	Compliant
Maximum Plot Ratio				0.5	0.3	Compliant
Minimum Open Space				50%	55.8%	Compliant
Landscaping				10% of lot area + 2m wide landscaping strip along street frontages.	10% of lot area. No landscaping to street frontages.	Variation
Minimum Parking				33 car bays	4 car bays	Variation

### Site Context

The subject site is located in an existing commercial strip on the corner of Guildford Road and Kenilworth Street, Maylands. The subject site adjoins multiple dwellings to the north-west and single houses to the west and south of the site along Guildford Road. There are other existing commercial uses fronting onto Guildford Road to the east. There is an existing building on the site dating from the early 1960s containing three tenancies including a bike shop, a vacant shop and the subject restaurant.

This is the only restaurant located in the immediate area and is approximately 900m from Eighth Avenue in the Maylands Town Centre.

### Car Parking Provision

There is an unmarked car parking area on the site that is capable of accommodating four car parking spaces within the site to be shared amongst the three tenancies. The car parking area was originally larger, however the MRWA recently acquired a portion of the car parking area to facilitate the future widening of Guildford Road. Recent advice from the applicant via correspondence with MRWA indicates that the land is unlikely to be utilised by MRWA for any immediate purpose, given the recent proposal to widen Guildford Road has been rejected by the Minister. Therefore, it may be possible for the applicant to continue utilising this portion of land for informal parking for up to four additional vehicles on a temporary basis in the medium to long term. However, these additional parking bays will not form part of the assessment of this application as the land is not part of the subject site.

The application includes additional floor space to the restaurant which is capable of accommodating additional customers thereby increasing the demand for car parking. Based on the additional floor area, the car parking assessment has identified a further shortfall of seven car parking bays bringing the overall shortfall to 29 car parking bays. The applicant's Building Certifier has advised that a bay for people with a disability will not be required. The total car parking variation was advertised to surrounding land owners and residents with 22 submissions received in support of the proposal.

As there is no on street parking along Guildford Road, most customers are likely to park along Kenilworth Street when parking onsite is not available. A search of the City's records indicated that three car parking infringements have been issued along Kenilworth Street to date in 2018. However, two of these infringements were issued due to failure to park in the direction of moving traffic and one was issued for parking on a footpath. Given that no objections have been received, it is considered that the parking shortfall associated with the restaurant which is already operating has not resulted in an undue impact upon on street parking in Kenilworth Street.

The TPS24 requires that provision be made for the loading and unloading of delivery vehicles. Given that there is only four on site car parking bays, a designated loading bay has not been provided. To address this, the applicant has advised that all deliveries to the café premises take place outside of opening hours and those deliveries are made using small vans that are capable of parking within a standard car parking bay. Therefore, there are no conflicts between customer parking and delivery vehicles in this instance.

The site is located close to high frequency bus routes along Guildford Road and is located within 600m of Meltham train station. The applicant has advised that many of their customers live nearby and either walk or cycle to the restaurant which reduces the demand for car parking. In light of the above, the car parking variation is considered to have not resulted in an undue impact upon the amenity of the surrounding area.

The subject site is not located within an area designated for cash-in-lieu contributions under the City's Cash in Lieu of Car Parking Policy and it is therefore not considered appropriate to accept cash in lieu for the car parking shortfall in this instance.

#### Car Parking Configuration

Modifications to the car parking area are required to address the loss of the portion of land to MRWA and access from Guildford Road which is no longer permitted. The vehicle access way is required to be widened to 6m to ensure that two way access is achieved, however this will result in the loss of some of the landscaping along the rear boundary. The revised plan will also need to ensure the car parking area is compliant in terms of visual sightlines and manoeuvrability. The alfresco dining structure and fence will require modification to ensure that visual sightlines can comply where the access way meets the verge to ensure pedestrian safety is maintained. These aspects have been addressed via recommended conditions of approval.

#### Streetscape and Setback Variations

The application includes a setback variation of nil to the secondary street (Kenilworth Street) in lieu of 3m for the structure. Given that the structure does not have solid walls to full height and the structure is well setback from an adjoining property, it is considered that the setback variation is acceptable and would not result in unacceptable bulk and scale being imposed upon the streetscape.

Clause 8.5.6 of TPS24 requires that the ground floor level of all buildings, other than outbuildings, shall be constructed of brick, stone or concrete. Where a proposal includes the use of materials other than brick, stone or concrete the use of alternative building materials is permitted provided that they:

- Comply with the Building Codes of Australia;
- Comply with all other legislative requirements and standards;
- Are finished to a high quality standard; and
- Enhance the character of the streetscape and the amenity of the locality to the satisfaction of the City of Bayswater.

The alfresco dining shade structure is constructed of open steel mesh and a canvas canopy with polycarbonate weather screening over the mesh in the rear elevation. A 1.9m high timber fence semi-encloses the alfresco area with a gate provided for pedestrian access via Kenilworth Street. The applicant has submitted evidence that the structure has been certified by a structural engineer which indicates that the structure is likely to comply with the relevant legislative requirements and standards.

The existing structure however is not considered to be finished to a professional standard. The fence surrounding the structure has been constructed with uneven pieces of timber of varying lengths and sections of the fence contain gaps along the bottom. It is considered that more needs to be done to enhance the exterior of the structure to maintain the amenity of the streetscape. It is suggested that additional vertical landscaping could be incorporated along the Kenilworth Street frontage which could grow up a lattice along the fence and open mesh. The fence could also be painted to enhance the appearance of the structure within the streetscape. These aspects have been addressed via recommended conditions of approval. In addition, a Building Approval Certificate is required to be obtained given that the subject building works are existing without prior building approval.

#### Landscaping

Although the site can comply with the minimum 10% landscaping area required, it is considered that this area will be reduced by the widening of the vehicle access way to 6m. There are opportunities within the car parking area however to replace some of the paved area with additional landscaping areas to offset this loss.

Due to the existing building's location it is not possible for the site to achieve a 2m wide landscaping strip to the street frontages. As discussed in the streetscape section above, it is considered that more vertical landscaping could be incorporated alongside the Kenilworth Street frontage of the structure and there is also sufficient room on the verge for an additional street tree to be planted. A detailed landscaping plan and a new street tree are recommended as conditions of approval.

#### **OPTIONS**

The following options are available to Council:

1. Council approves the application with or without conditions.
2. Council refuses the application.

#### **CONCLUSION**

In light of the above assessment of the development, the application is recommended for approval subject to appropriate conditions.

#### **FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment  
Aspiration: A quality and connected built environment.  
Outcome B1: Appealing streetscapes.  
Outcome B3: Quality built environment.

**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

- City of Bayswater Town Planning Scheme 24 and Construction Materials Policy.

**VOTING REQUIREMENTS**

Simple Majority required.

**ATTACHMENTS**

1. Plans for Development
2. Submission Location Plan (Confidential)

**COMMITTEE RESOLUTION**  
**(OFFICER'S RECOMMENDATION)**

That Council grants planning approval for the alterations and additions to the restaurant at Lot 9, 317 Guildford Road, Maylands, in accordance with planning application dated 14 August 2018 and plans dated 12 November 2018, subject to the following planning conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. A Building Approval Certificate is required to be obtained from the City of Bayswater within 60 days of the date of approval.
3. Revised plan(s) addressing the following matters to the satisfaction of the City of Bayswater shall be submitted to and approved by the City prior to the lodgement of a Building Approval Certificate, and not result in any greater variation to the requirements of the City's Town Planning Scheme 24 and policies:
  - (a) The vehicle access way being widened to achieve a minimum width of 6m to ensure two way vehicle access is provided to the car parking area.
  - (b) Turning circles demonstrating adequate vehicle manoeuvring within the onsite car parking area to enable ingress and egress in forward gear to Kenilworth Street.
4. A detailed landscape plan shall be submitted to and approved by the City of Bayswater within 30 days of the date of approval. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of unnecessary hard stand and show the following:
  - (a) The location and species of all trees and shrubs to be retained or removed.
  - (b) The size and number of new plants to be planted.
  - (c) The location of any lawn areas to be established.
  - (d) Those areas to be reticulated or irrigated.

- (e) Vertical landscaping to be incorporated along the fences fronting to Kenilworth Street and the vehicle access way.
- (f) Additional landscaping to be provided within the car parking area including a minimum of one shade tree.

Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan within 90 days of the date of the landscaping plan being approved and thereafter maintained to the satisfaction of the City of Bayswater.

5. A detailed 'Schedule of Improvements' including colours and materials which addresses the required upgrading of the existing alfresco dining shade structure and associated fencing shall be submitted to and approved by the City of Bayswater, prior to the submission of a Building Approval Certificate. The upgrading works are to be completed within 90 days of the date of approval to the satisfaction of the City of Bayswater.
6. Within 90 days of the date of approval, one street tree is to be planted on the Kenilworth Street verge in front of the subject site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater.
7. Within 90 days of the date of approval all walls, fences and other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where the access leg/driveway meets the Kenilworth Street road reserve.
8. Within 90 days of the date of approval, a suitably screened refuse bulk bin area with a minimum area of 10m<sup>2</sup> shall be provided to the satisfaction of the City of Bayswater. The bin area is to be provided with a permanent water supply and drainage facility for wash-down and is to be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m. The bin area shall be accessible via a suitably constructed service road that will allow heavy vehicle movement.
9. Within 90 days of the date of approval, a refuse and recycling management plan shall be submitted to and approved by the City of Bayswater, and thereafter implemented and maintained to the satisfaction of the City of Bayswater. The plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.
10. The vehicle parking area shall be constructed/upgraded in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with suitable directional signs in accordance with the approved plans within 90 days of the date of approval, and thereafter maintained to the satisfaction of the City of Bayswater.
11. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
12. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City of Bayswater, prior to the erection of any signage.
13. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.

**Advice Notes:**

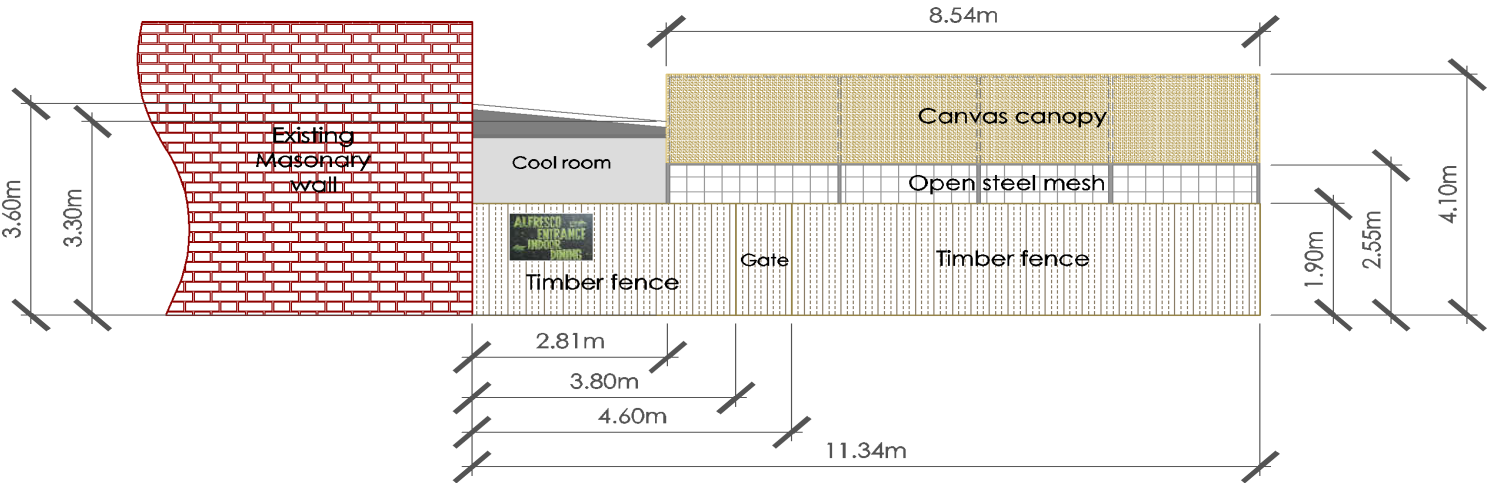
1. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

2. The development must comply in all respects with the Building Code of Australia and/or *Health (Public Building) Regulations 1992*. Plans and specifications that reflect these requirements are required to be submitted to the City of Bayswater with the Building Approval Certificate.
3. In relation to condition 6, a list of suitable tree species is provided on the City's website @ <http://www.bayswater.wa.gov.au/cproot/617/2/StreetTrees2010.pdf> or as determined by the City's Parks and Gardens Services. The recommended bag size is 45 litres (35 litres minimum).

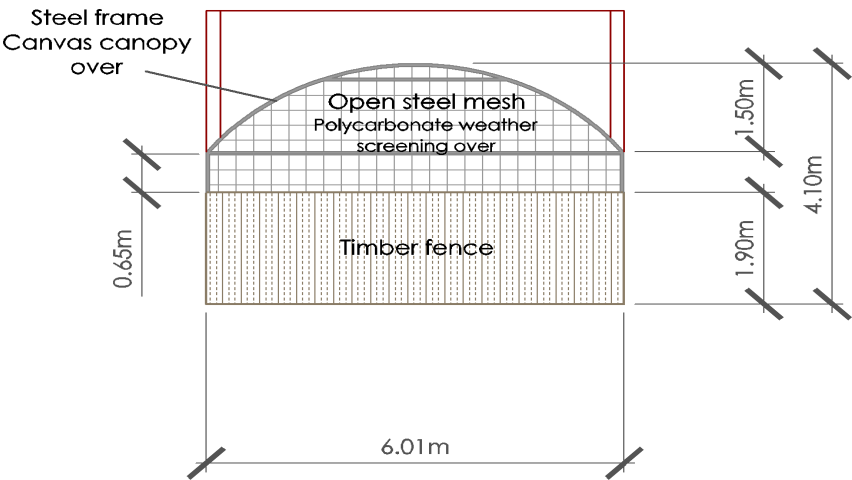
CR MICHELLE SUTHERLAND MOVED, CR ELLI PETERSEN-PIK SECONDED

ADOPTED BY EXCEPTION (EN BLOCK RESOLUTION): 9/0

Attachment 1



West (Kenilworth Street) Elevation

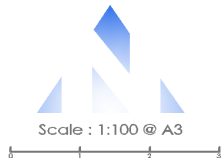


South (Access Way) Elevation

The Garden Cafe on Guildford

**Elevations**

Lot 9 (317) Guildford Road, Maylands

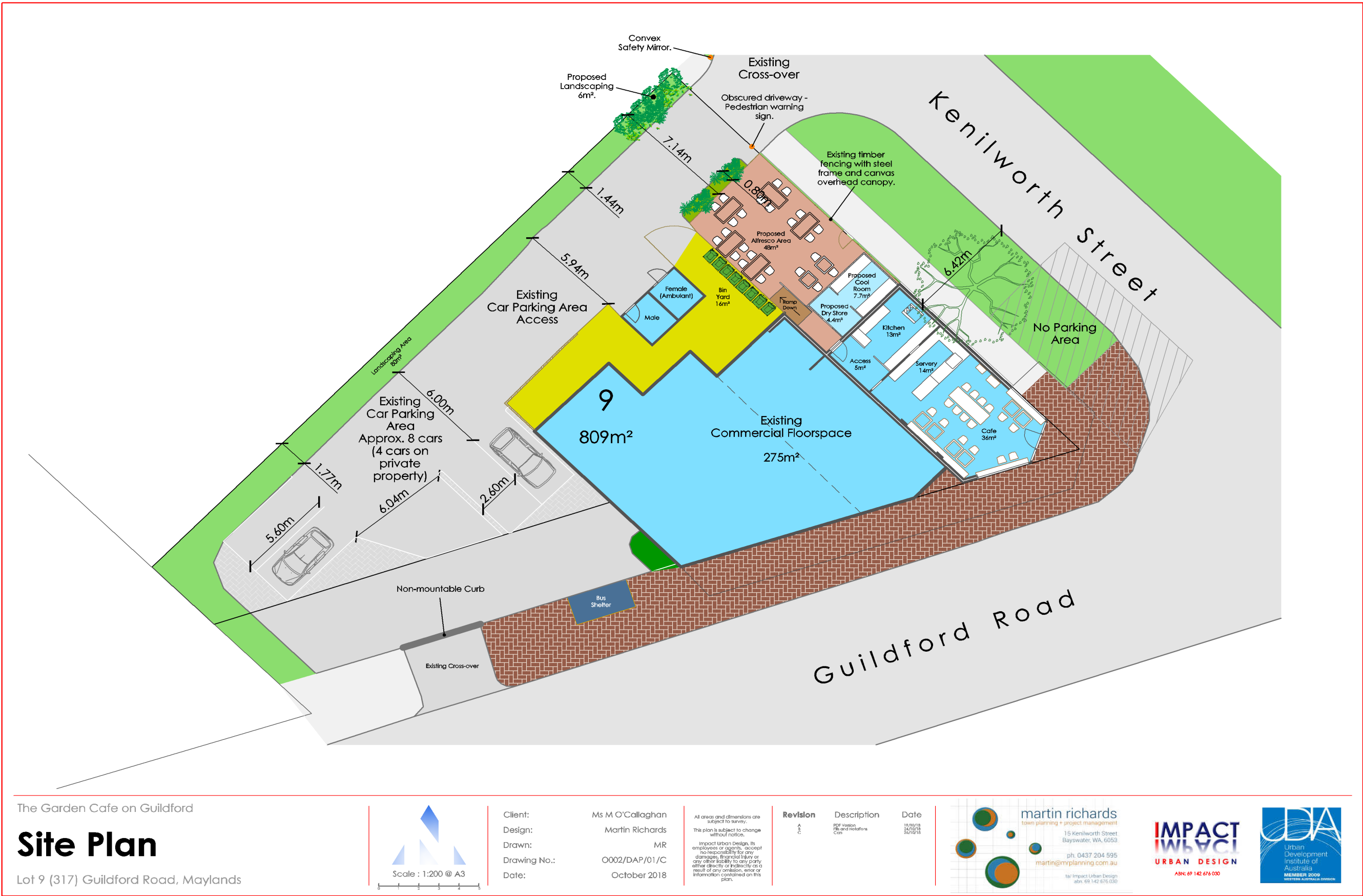


Client: Ms M O'Callaghan  
Design: Martin Richards  
Drawn: MR  
Drawing No.: O002/EP/01/B  
Date: October 2018

All areas and dimensions are subject to survey.  
This plan is subject to change without notice.  
Impact Urban Design, its employees or agents, accept no responsibility for any damages, financial injury or any other liability to any party either directly or indirectly as a result of any omission, error or information contained on this plan.

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**10.4 Proposed Alterations and Two Storey Additions to Shop**

**Location:** Lot 2, 180b Grand Promenade, Bedford  
**File Number:** DA17-0591  
**Applicant:** Manoj Kumar Sharma  
**Owner:** Manoj Kumar Sharma and Suman Sharma  
**Reporting Branch:** Development Approvals  
**Responsible Directorate:** Community and Development

**EXECUTIVE SUMMARY****Application:**

A planning application dated 17 November 2017 and plans dated 18 September 2018 have been received for proposed alterations and two storey additions to shop at Lot 2, 180b Grand Promenade, Bedford.

**Key Issues:**

- The application involves variations to car parking, open space and landscaping requirements of Town Planning Scheme No. 24 (TPS24).
- No submission was received during community consultation period.
- Impact upon the amenity and streetscape of the area.

**BACKGROUND**

<b>Town Planning Scheme No. 24 Zoning:</b>	Business
<b>Use Class:</b>	Shop - "P"
<b>Lot Area:</b>	277m <sup>2</sup>
<b>Existing Land Use:</b>	Shop
<b>Surrounding Land Use:</b>	Shops, Restaurant
<b>Size/Nature of Proposed Development:</b>	Alterations and Two Storey Additions to Existing Shop

The primary consideration in relation to this application is the visual impact of the proposed development on the amenity of the area, including the streetscape and the affected adjacent properties, given the proposal does not meet the car parking, open space and landscaping requirements of TPS24.



## CONSULTATION

The City sought comment for the proposed variations from the adjacent affected property owners for a period of 14 days. At the completion of the advertising period, no submissions were received.

**ANALYSIS**

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks:			
Front - (Second Storey)	13.5m	14.6m	Compliant
Side (west)	Nil	Nil	Compliant
Side (east)	Nil	Nil	Compliant
Rear	Nil	17.7m	Compliant
Maximum Wall Height	9m	6.9m	Compliant
Maximum Roof Pitch Height	12m	8.419m	Compliant
Maximum Plot Ratio	1.0 ( 277m <sup>2</sup> )	0.72 (192m <sup>2</sup> )	Compliant
Maximum Site Coverage	50%	46.3%	Variation
Minimum Car Parking	14 car bays	3 car bays	Variation
Minimum Landscaping	10% of lot area +2m wide landscaping strip along street frontages	5% or 14.2m <sup>2</sup> , (no street frontage available for landscaping as building built up to boundary)	Variation

**Site Context**

The site is adjacent to a number of traditional side by side 1950's constructed single storey shops with awnings over the footpath. Car parking is provided at the rear of the shops with access from a right-of-way (ROW). In addition, there are six on-street car park embayments along Grand Promenade immediately in front of the building.

The site is surrounded by commercial uses to the east and west, with residential properties to the north and a park opposite the subject site.

**Proposal**

The proposed ground floor alterations and additions to the building are to accommodate a small counter area within the existing tenancy for pre-packaged and takeaway food/coffee in addition to an area for lotto and post office functions of the existing newsagency business. The upper floor addition is proposed behind the existing building envelope with an area for storage accessible by an internal stairway. There is no customer seating proposed as part of the use. There is also a cool room for food, toilet facilities and staff room.

**Car Parking**

The existing use (shop) and the proposed alterations and additions to the building will require 14 car parking bays based on the 192m<sup>2</sup> floor space; 3 car parking bays are proposed at the rear of the property accessed from the ROW. Accordingly a shortfall of 11 car parking bays will result. The proposed first floor storage area (52.81m<sup>2</sup>) requires 4 car bays to be used in association with the shop use. The applicant has noted that this area will only be used to provide an area for excess stock associated with the post office function of the newsagency premises and clientele generating area.

The car parking variation was advertised to the adjoining affected land owners. At the conclusion of advertising, no comments were received in relation to the proposed car parking. Given that the car parking for the development has been designed to provide for the maximum amount possible onsite and the goods to be sold at the premises will require only short term clientele and mainly service the local community with the potential to walk/cycle, along with the provision of short term street bays, it is considered that the proposed amount of car parking bays is appropriate in this instance.

#### Site Coverage

The maximum site coverage for shop uses under TPS24 is 50% of the total lot area. The proposed development proposes maximum site coverage of 53.7% or 148.75m<sup>2</sup>, a 10.25m<sup>2</sup> (3.7%) variation.

Whilst a variation is proposed it is considered the extent of the proposed built form will largely not be seen from the street frontage with the second floor well setback from Grand Promenade. Furthermore the addition to the rear will largely correlate with the existing built form on both the eastern and western sides of the property. Based on these factors there will be no impact from the variation proposed.

#### Landscaping

The landscaping requirements for shop uses under TPS24 is 10% of the total lot area. The applicant has provided an indicative landscaping plan showing that only 5% (14.2m<sup>2</sup>) of the lot is proposed to be landscaped to the rear of the site. The landscaping requirements of the site also require a 2m wide landscaping strip to be provided to each street frontage. The site is built up to the street boundary, hence this cannot be accommodated.

Given the site is narrow and the building is built boundary to boundary, it would be difficult to site any additional landscaping other than as indicated on the proposed plans. Notwithstanding there are opportunities to provide trees to the car parking area. A landscaping plan is required to be provided to ensure the species to be located in these areas will add value to the site and provide a softening to the built form.

#### Two Storey Addition

Whilst the two storey addition is well setback from the street, the addition of further articulation in the form of an additional window(s) and other design elements would assist to break up the visual impact of the wall façade. As such, the section of wall facing Grand Promenade is required to be further articulated as part of a recommended condition of approval.

Overall, the proposed development will benefit the local area through the provision of additional retail services and modernisation of the existing shop and encourage further revitalisation of this shopping precinct.

### **OPTIONS**

The following options are available to Council:

1. Council approves the proposal with or without conditions.
2. Council refuses the proposal.

### **CONCLUSION**

In light of the above assessment of the proposed development, the application is recommended for approval subject to appropriate conditions.

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment  
Aspiration: A quality and connected built environment.  
Outcome B1: Appealing streetscapes.  
Outcome B3: Quality built environment.

**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

- City of Bayswater Town Planning Scheme No. 24.

**VOTING REQUIREMENTS**

Simple Majority required.

**ATTACHMENTS**

1. Plans for Development

**COMMITTEE RESOLUTION**  
**(OFFICER'S RECOMMENDATION)**

That Council grants planning approval for the proposed alterations and two storey additions to shop at Lot 2, 180b Grand Promenade, Bedford in accordance with planning application dated 17 November 2017 and plans dated 18 September 2018 and 14 November 2018 subject to the following planning conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. Revised plan(s) addressing the following matters to the satisfaction of the City of Bayswater shall be submitted to and approved by the City prior to the lodgement of a building permit application, and not result in any greater variation to the requirements of the City's Town Planning Scheme No. 24 and policies:
  - (a) Further articulation of the first floor elevation to Grand Promenade including windows and other design features.
3. Windows, doors and adjacent areas fronting Grand Promenade shall maintain an active and interactive relationship with the street, to the satisfaction of the City of Bayswater.
4. The storage space on the first floor of the development is to be directly related and incidental to the predominant approved use, to the satisfaction of the City of Bayswater.
5. The additions shall be in complementary materials, colours and design with the existing building(s) to the satisfaction of the City of Bayswater. Details shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.
6. The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City of Bayswater.

7. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.
8. No storage or display of goods is to occur outside the building, to the satisfaction of the City of Bayswater.
9. A construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.
10. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction.
11. A detailed landscape plan shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in the rear car park and show the following:
  - (a) The location and species of all trees and shrubs to be retained, removed or proposed.
  - (b) A minimum of two trees to be provided alongside the car parking bays at the rear of the property to provide shade.
  - (c) Reticulation details.Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.
12. A suitably screened refuse bulk bin area shall be provided to the satisfaction of the City of Bayswater. The bin area is to be provided with a permanent water supply and drainage facility for wash-down and is to be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m.
13. A waste management plan shall be submitted to and approved by the City of Bayswater, prior to commencement of any works. The plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

**Advice Notes:**

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. This approval is not a building permit or an approval under any other law than the *Planning and Development Act, 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.

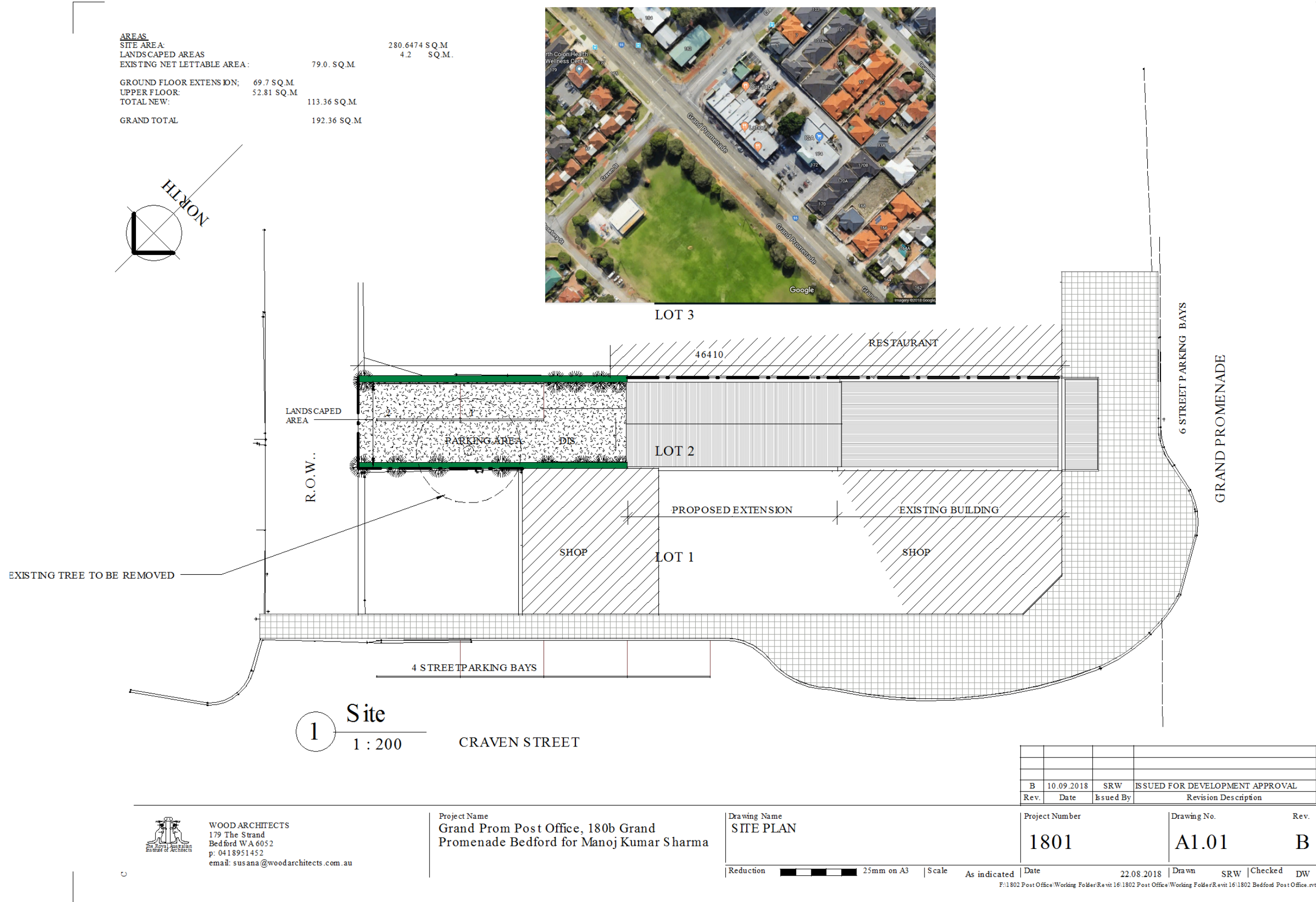
4. The development/use shall comply with any relevant environmental health regulations including the Health (*Miscellaneous Provisions*) Act 1911 as amended and all relevant health legislation, the City of Bayswater Health Local Laws 2001, *Environmental Protection (Noise) Regulations 1997* and *Health (Food Hygiene) Regulations 1993*.

CR MICHELLE SUTHERLAND MOVED, CR ELLI PETERSEN-PIK SECONDED

ADOPTED BY EXCEPTION (EN BLOCK RESOLUTION): 9/0

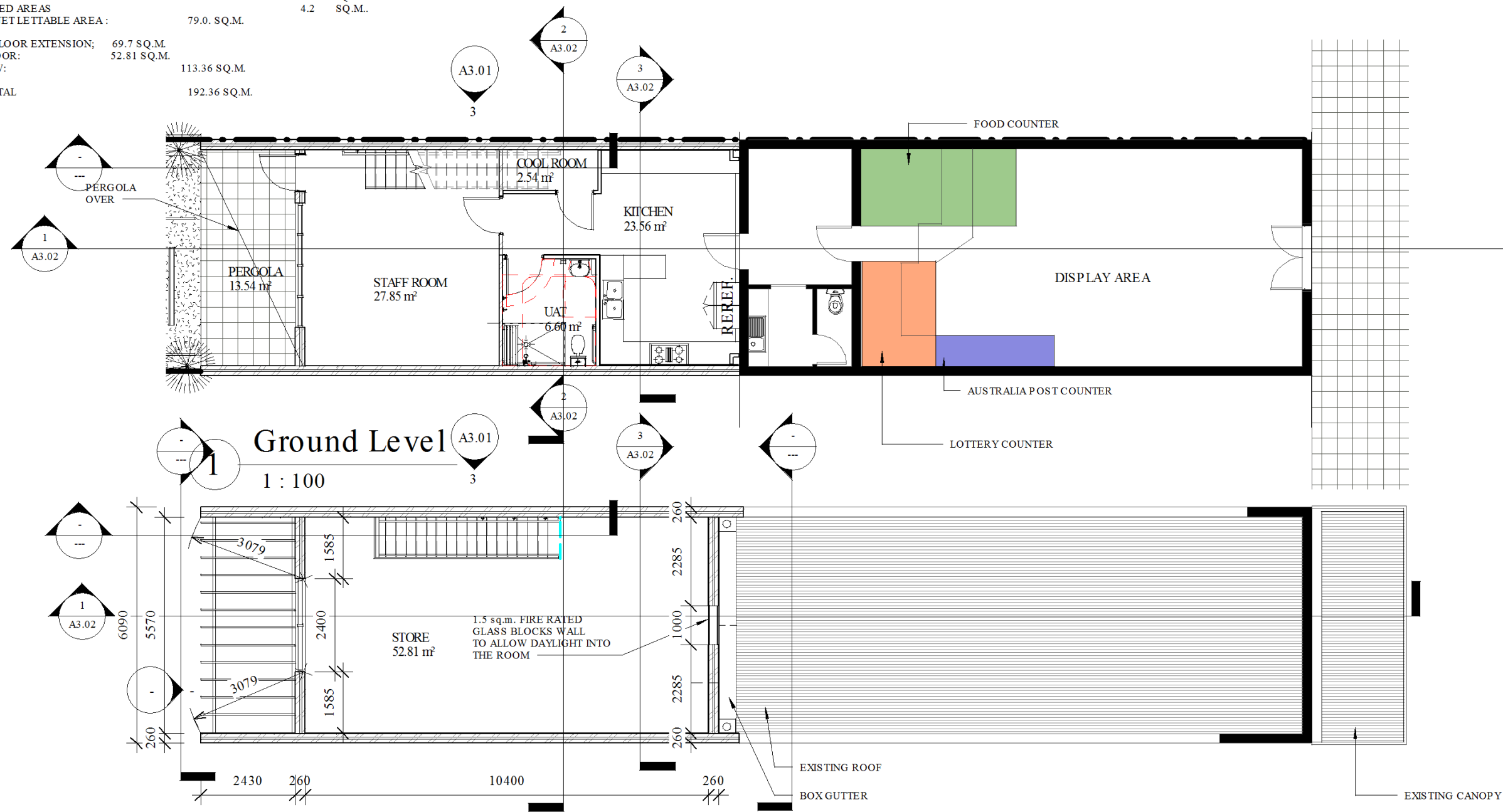


Attachment 1



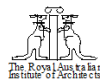
AREAS

SITE AREA:	280.6474 SQ.M
LANDSCAPED AREAS	4.2 SQ.M.
EXISTING NET LETTABLE AREA :	79.0. SQ.M.
GROUND FLOOR EXTENSION;	69.7 SQ.M.
UPPER FLOOR:	52.81 SQ.M.
TOTAL NEW:	113.36 SQ.M.
GRAND TOTAL	192.36 SQ.M.



2 First Floor  
1 : 100

D	17.11.2018	SRW	PROPOSED FLOOR PLANS GPHICS REVISED
C	13.11.2018	SRW	COUNTER'S AREAS SHOWN
B	10.09.2018	SRW	ISSUED FOR DEVELOPMENT APPROVAL
Rev.	Date	Issued By	Revision Description



WOOD ARCHITECTS  
179 The Strand  
Bedford WA 6052  
p: 0418951452  
email: susana@woodarchitects.com.au

Project Name  
Grand Prom Post Office, 180b Grand  
Promenade Bedford for Manoj Kumar Sharma

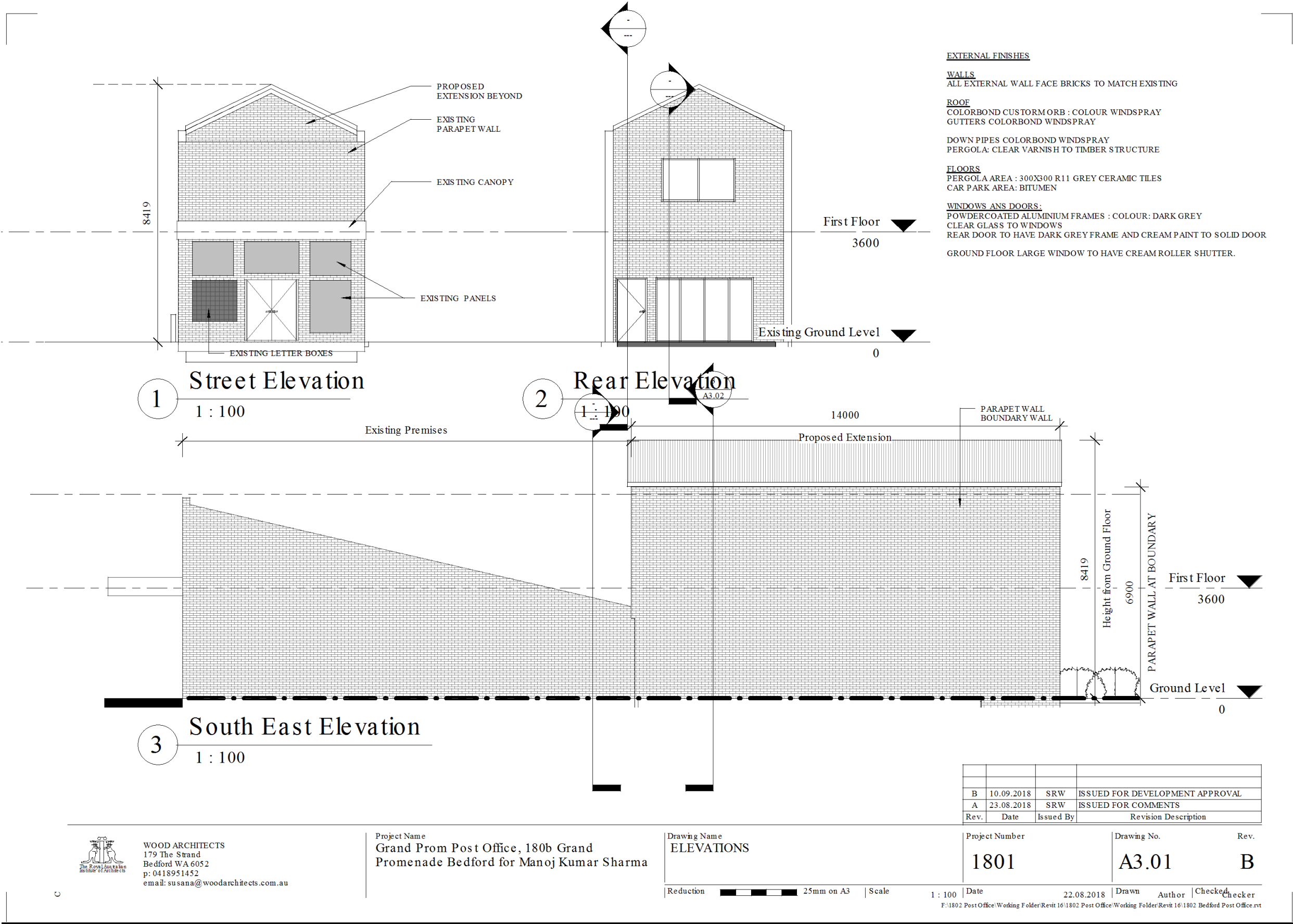
Drawing Name  
PROPOSED GROUND & FIRST FLOOR PLAN

Project Number  
1801

Drawing No.  
A2.02

Rev.  
D

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**10.5 Proposed Change of Use to Fast Food Outlet and Associated Alterations**

**Location:** Lot 75, 484 Walter Road East, Embleton  
**File Number:** DA18-0413  
**Applicant:** Planning Solutions Pty Ltd  
**Owner:** Forrest Highway Developments Pty Ltd  
**Reporting Branch:** Development Approvals  
**Responsible Directorate:** Community and Development  
**Refer:** Item 9.2: PDSC 17.07.2018  
 Item 9.1.3: PDSC 23.01.2018

**EXECUTIVE SUMMARY****Application:**

A planning application dated 12 September 2018 and plans dated 12 September 2018 have been received for proposed change of use to fast food outlet and associated alterations at Lot 75, 484 Walter Road East, Embleton.

**Key Issues:**

- Appropriateness of the proposed fast food outlet which is a discretionary use under Town Planning Scheme No. 24 (TPS24).
- The application involves a variation to car parking requirements in terms of TPS24.
- No submission was received during the community consultation period.
- Impact on the amenity of the area.

**BACKGROUND**

<b>Town Planning Scheme No. 24 Zoning:</b>	Light Industry
<b>Use Class:</b>	Fast Food Outlet - 'D'
<b>Lot Area:</b>	3,959m <sup>2</sup>
<b>Existing Land Use:</b>	Service Station, Showroom and Service Industry
<b>Surrounding Land Use:</b>	Shops, Restaurant, Residential
<b>Size/Nature of Proposed Development:</b>	Fast Food Outlet and Associated Alterations

The primary considerations in relation to this application are the impact of the proposed development on the amenity of the area, including the streetscape and the affected adjacent properties, given the proposal does not comply with the car parking requirement and requires Council to exercise its discretion on the appropriateness of the use.





## CONSULTATION

The City sought comment for the proposed use and variation from the adjacent affected property owners for a period of 14 days. At the completion of the advertising period no submissions was received.

## ANALYSIS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Parking	54 car bays	42 car bays	Variation

### Site Context

The development onsite received approval in January 2018 for a service station and associated convenience store, service industry and showroom, which is currently under construction.

The site is surrounded by industrial uses to the south and west, commercial and retail uses to the north and west and residential uses to the east and north-west of the site. The closest residential properties are located directly opposite the crossover onto Beechboro Road North. The primary access to the site is via Beechboro Road North.

The approved development onsite, consisting of service station, service industry and showroom, required 49 car parking bays whereas 42 car parking bays were provided. Accordingly a shortfall of 7 car bays resulted.

### Appropriateness of Use

The application involves changing a portion of the approved showroom tenancy into a fast food outlet (kebab shop). The kebab shop will entail the sale of take-away meals within a tenancy of 92m<sup>2</sup>. The remainder of the tenancy will continue as a showroom.

The fast food outlet is proposed to be in operation during normal working hours and into the early evening. A fast food outlet is defined under the TPS24 as follows:

*'means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises but does not include a fish shop or lunch bar'*

The proposed fast food outlet will provide an alternative retail and food use to the area and service the local residential community and commercial tenancies in close proximity to the subject site. Given the scale and nature of the fast food outlet and other approved uses on site including service station and associated convenience store, service industry and showroom, the use is considered compatible and appropriate for the site.

### Car Parking

The proposed fast food outlet requires 9 car parking bays in accordance with TPS24. Based on a reduction in the existing approved showroom together with the proposed fast food outlet, as well as the service station and service industry uses, a further shortfall of 5 bays to the approved 7 bay shortfall is proposed.

The car park for the overall development has been designed to enable reciprocal shared parking. Given the nature and general compatibility of the uses on-site, there is a likelihood that customers will visit more than one use whilst on-site. An example is the showroom and service industry uses are likely to operate during the normal working hours enabling variation in demand for the car parking provided onsite.

Additionally, the car parking variation was advertised to the adjoining affected land owners and the conclusion of advertising, no comments were received. Given the above and that the car park for the development has been designed to enable reciprocal shared car parking, it is considered that the proposed amount of car parking bays is appropriate in this instance.

## **OPTIONS**

The following options are available to Council:

1. Council approves the proposal with or without conditions.
2. Council refuses the proposal.

**CONCLUSION**

In light of the above assessment of the proposed development, the application is recommended for approval subject to appropriate conditions.

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC LINK**

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment  
Aspiration: A quality and connected built environment.  
Outcome B1: Appealing streetscapes.  
Outcome B3: Quality built environment.

**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

- City of Bayswater Town Planning Scheme 24.

**VOTING REQUIREMENTS**

Simple Majority required.

**ATTACHMENTS**

1. Plans for Development
2. Submission Location Plan (Confidential)



**COMMITTEE RESOLUTION**  
**(OFFICER'S RECOMMENDATION)**

That Council grants planning approval for the proposed change of use to fast food outlet and associated alterations at Lot 75, 484 Walter Road East, Bayswater, in accordance with planning application dated 12 September 2018 and plans dated 12 September 2018, subject to the following planning conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City of Bayswater, prior to the erection of any signage.
3. No storage or display of goods is to occur outside the building, to the satisfaction of the City of Bayswater.
4. The waste management plan for the development shall be updated to address the fast food outlet use and implemented and thereafter maintained to the satisfaction of the City of Bayswater.

**Advice Notes:**

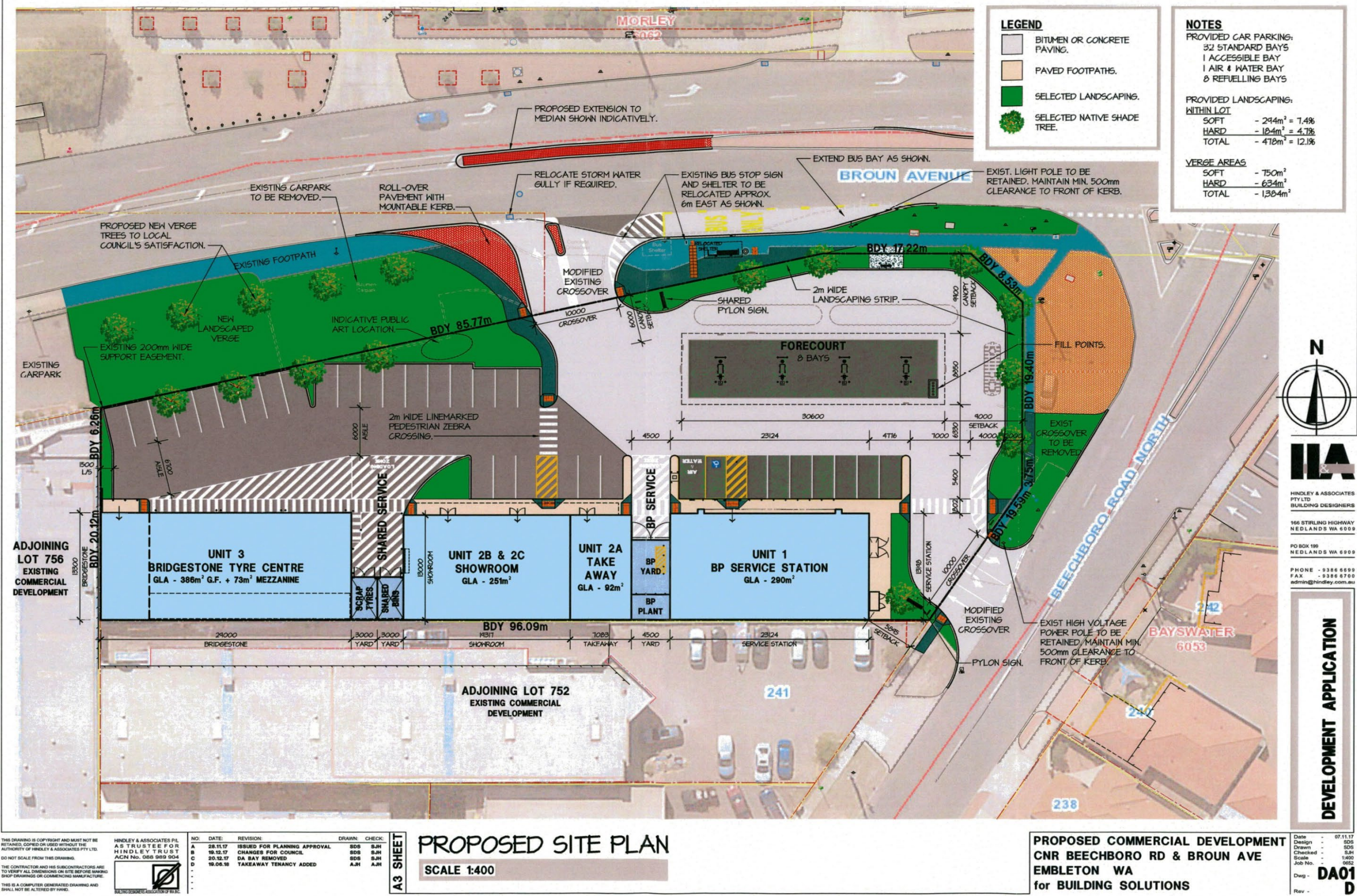
1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
4. The development/use shall comply with the *Health (Miscellaneous Provisions) Act 1911* and any relevant environmental protection or health regulations.

CR MICHELLE SUTHERLAND MOVED, CR ELLI PETERSEN-PIK SECONDED

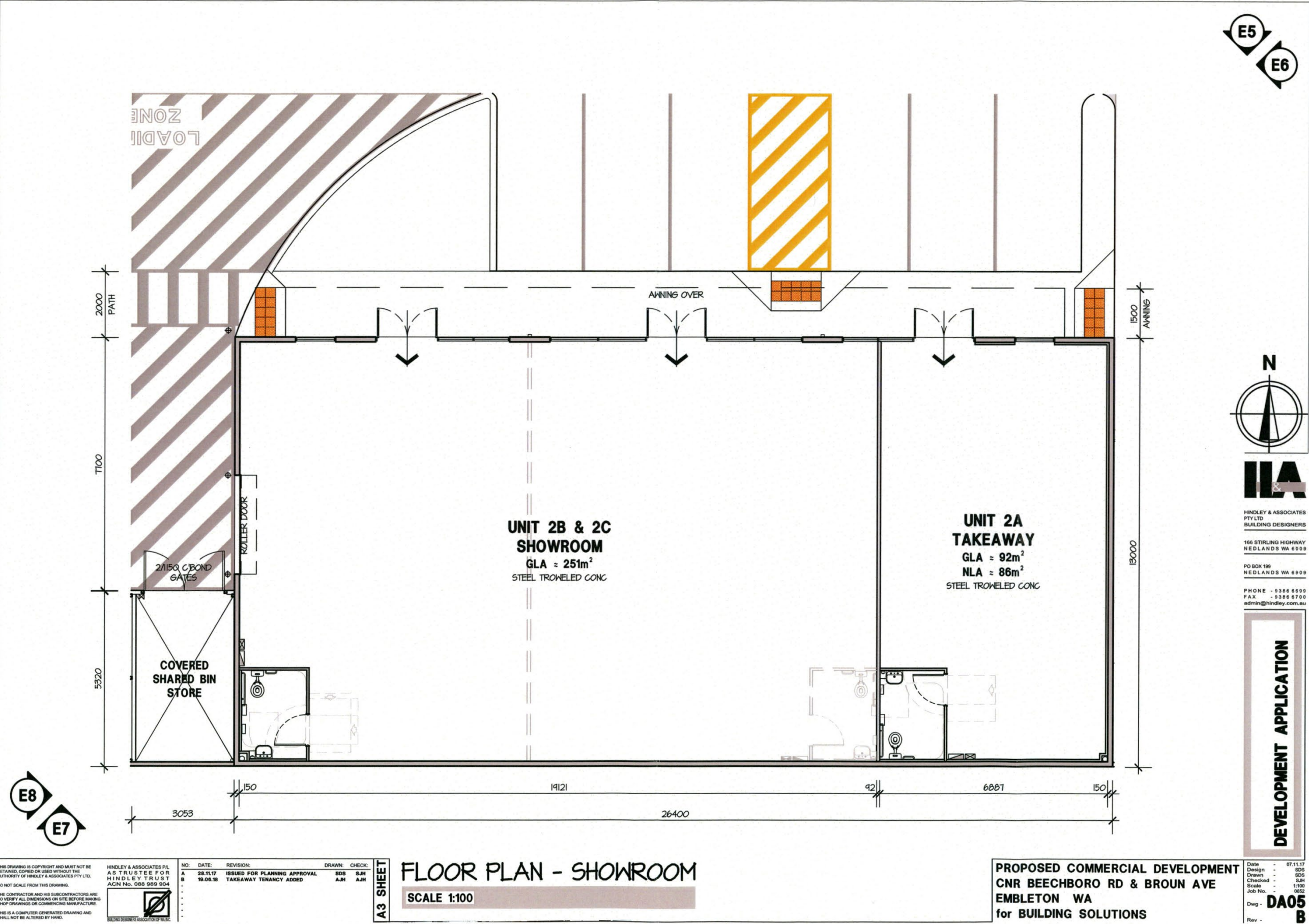
ADOPTED BY EXCEPTION (EN BLOCK RESOLUTION): 9/0



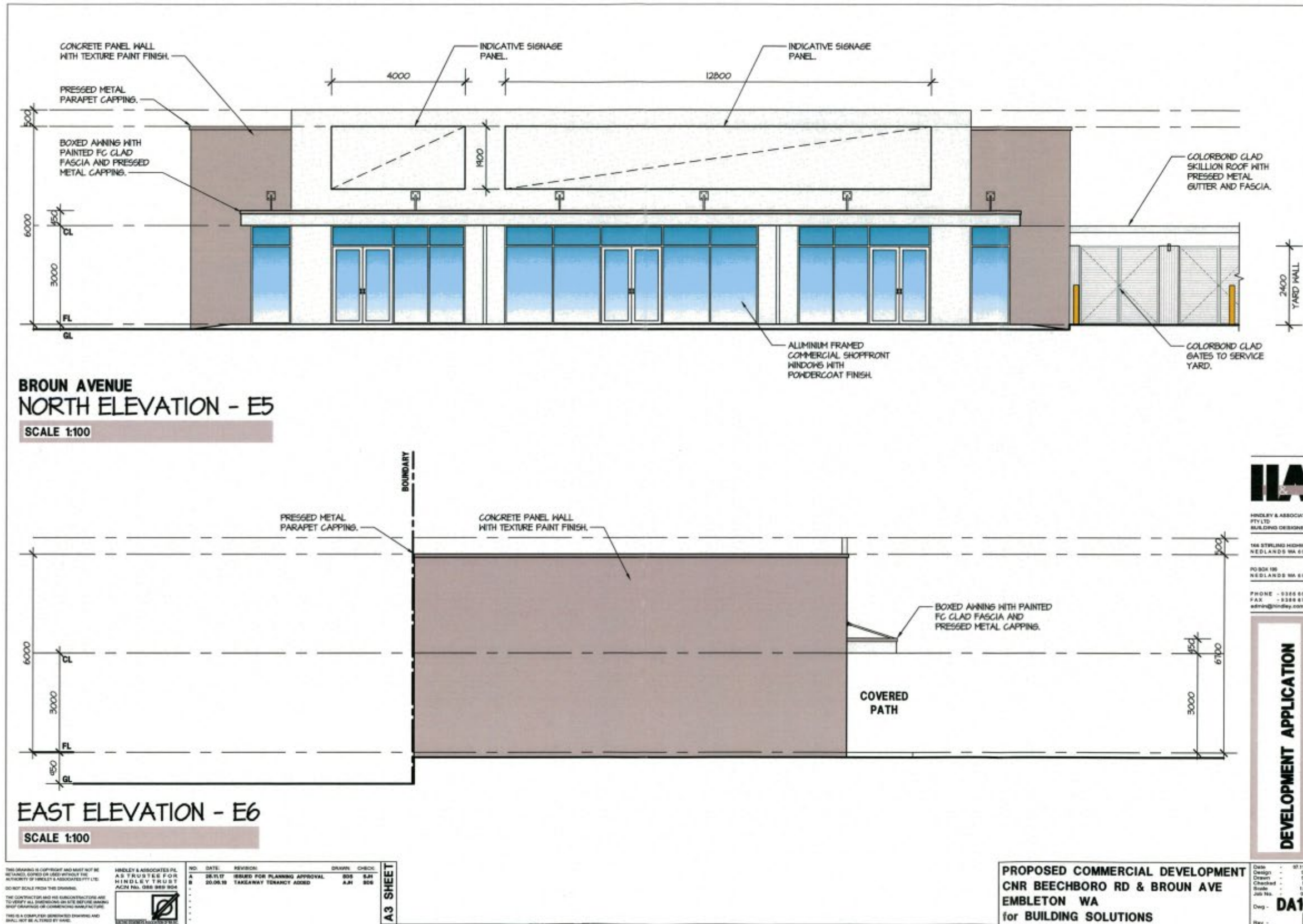
Attachment 1



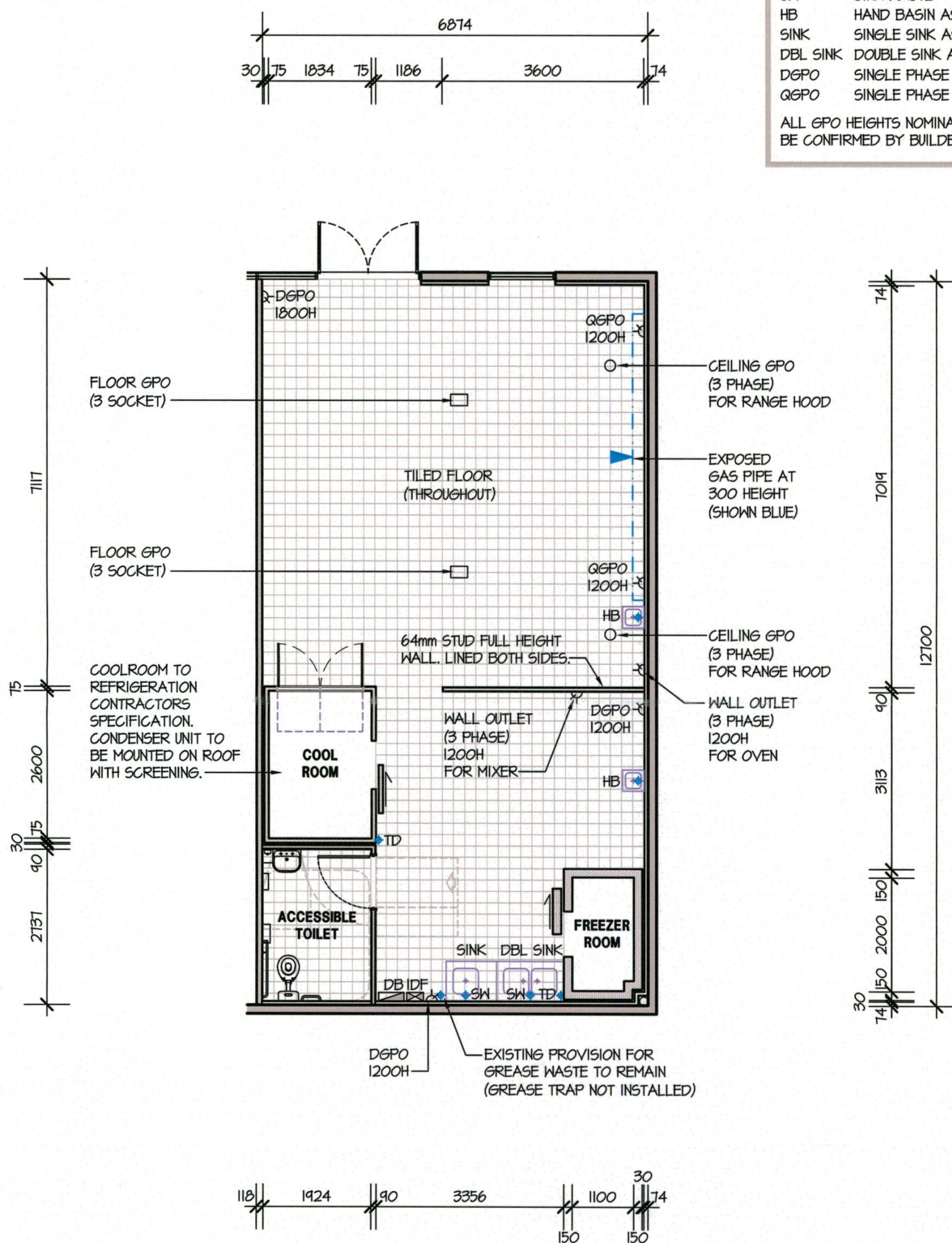












## UNIT 2A - FLOOR PLAN

**SCALE 1:100**

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No.	Date	Revision	Drawn	Check
A	29/06/2018	TOILET FLIPPED, COOLROOM DOORS	MDB	SDS
-	-	-	-	-

**COMMERCIAL DEVELOPMENT  
CNR BEECHBORO RD & BROWN  
AVE, EMBLETON  
for BUILDING SOLUTIONS**

Date - 29.06.18  
Design - SDS  
Drawn - AJH  
Checked - SDS  
Scale - 1:100  
Job No. - 0652

Dwg **U2A-1**  
Rev - **A**

## LEASING

**10.6 Proposed Scheme Amendment No. 77 to Town Planning Scheme No. 24 - Noranda Nursery**

<b>Location:</b>	<b>Lot 2, 81 Camboon Road, Noranda</b>
<b>Applicant:</b>	<b>Harley Dykstra</b>
<b>Owner:</b>	<b>Jarpel Pty Ltd</b>
<b>Reporting Branch:</b>	<b>Strategic Planning and Place</b>
<b>Responsible Directorate:</b>	<b>Community and Development</b>
<b>Refer:</b>	<b>Item 9.1.5: PDSC 7.11.2017</b>
	<b>Item 10.13: OCM 21.6.2016</b>

**CR MICHELLE SUTHERLAND DECLARED AN IMPARTIAL INTEREST**

*In accordance with Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Michelle Sutherland declared an impartial interest in this item as she knows the applicants. Cr Sutherland remained in the room for voting on this item.*

**EXECUTIVE SUMMARY****Application:**

Council consideration is sought regarding the submissions received during the public comment period on Amendment No. 77 to Town Planning Scheme No. 24 (TPS 24) to rezone Lot 2, 81 Camboon Road, Noranda from 'Special Purpose' to 'Business' with an overlaying Special Control Area (SCA) and the applicant's proposed modifications to the amendment.

**Key Issues:**

- Council at the Planning and Development Services Committee Meeting held 7 November 2017 resolved to initiate Amendment No. 77.
- The proposed amendment was advertised for a period of 49 days and 189 submissions, including a petition with 342 signatures were received.
- Of the submissions received 12 supported the proposed amendment, 164 opposed the proposed amendment and 13 provided general comments on the amendment.
- Based on the submissions received the applicant has proposed a number of modifications to Amendment No. 77.
- In the event Council support the proposed modifications (or other modifications) to Amendment No. 77, the modified scheme amendment is required to be advertised.

**BACKGROUND**

Council at the Ordinary Meeting held 21 June 2016 considered the a request to initiate a scheme amendment to rezone Lot 2, 81 Camboon Road, Noranda from 'Special Purpose (Nursery)' to 'Business' and resolved as follows:

*"That this item be deferred."*

At the Councillor Workshop held 14 March 2017 the applicant presented Councillors with further details on the proposed scheme amendment relating to the current use of the site, the proposed redevelopment and the site context.

The City awaited for additional information to be provided by the applicant. The additional information was received on 4 August 2017 and 13 October 2017. The additional information included proposed requirements for the SCA and a local development plan (LDP) for the site.



At the Planning and Development Services Committee held 7 November 2017 Council considered the proposed amendment and a LDP for the site and resolved as follows:

"That:

1. Council initiates Amendment No. 77 to the City of Bayswater Town Planning No. 24 as follows:
  - (a) Rezone Lot 2, 81 Camboon Road, Noranda to 'Business'.
  - (b) Insert a new Special Control Area 14 for Lot 2, 81 Camboon Road, Noranda in the Scheme.
  - (c) Amend Schedule 10 of the Scheme to insert Special Control Area 14 and the land use provisions detailed in Attachment 1 of this report with the following modification to the building heights section.
  - (d) Development shall be limited to a maximum height of 7m above natural ground level of the site.
  - (e) Amend clause 10.1.1 of the Scheme to include the following:
    - n) Special Control Area 14
  - (g) Lot 2, 81 Camboon Road, Noranda.
  - (h) Amend the Scheme Maps accordingly.
2. Council considers Amendment No. 77 to the City of Bayswater Town Planning Scheme No. 24 to be 'Standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
  - (a) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - (b) The amendment is not a complex or basic amendment.
3. The applicant prepares the scheme amendment documentation to the satisfaction of the City of Bayswater.
4. Council does not support the local development plan submitted for the subject site."





## CONSULTATION

### Environmental Assessment and Heritage Referral

The scheme amendment documentation was referred to Department of Water and Environmental Regulation (DWER) for assessment and the Heritage Directorate of the Department of Planning, Lands and Heritage for comment. In correspondence dated 19 February 2018 the DWER advised that the proposed scheme amendment would not require environmental assessment. Further, in correspondence dated 2 February 2018 the Department of Planning, Land and Heritage advised that there was no objection to the proposed amendment in terms of heritage.

### Public Advertising

Following notification from the DWER the City undertook public advertising of the proposed amendment in accordance with Division 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. During the consultation period over 370 letters were sent to land owners in the 300m surrounding the subject site and interested agencies, notification was placed in The Eastern Reporter newspaper on 6 March 2018 and information was made available at the City's Civic Centre and online on the City's engagement website.

### Submissions

A total of 189 submissions, including a petition with 342 signatures were received during the consultation period. Of the submissions received 12 supported the proposed amendment, 13 provided general comment and 164 opposed the proposed amendment. The majority of submissions were from land owners or renters in the surrounding area (140), the remaining submissions coming from elsewhere in the City (44) and government agencies (5).

A summary of the key comments received in support of the proposal were:

- General support of the proposed amendment.
- The proposed amendment enables an unused site to be redeveloped.
- The proposed amendment would encourage people to walk to local shops rather than drive.

A summary of the key comments received in objection to the proposal were:

- The proposed land uses are already available at the surrounding retail centres and are not considered necessary.
- The proposed amendment will increase traffic and congestion in an area which is already congested.
- The proposed amendment will reduce the amenity of the area.
- The subject site would be better used for residential or other similar uses.
- The proposed amendment will reduce the safety of students walking to the nearby schools.
- The proposed amendment will increase antisocial behaviour in the area.
- The proposed service station use is not supported due to the potential health and noise impacts and the location of other service stations close by.

The signatories of the petition were concerned with the following issues:

- Do not believe the proposed commercial uses are necessary so close to the existing centres;
- Concerned a liquor store or fast food restaurant will impact the amenity of the area;
- Do not support the fuel station given proximity to other fuel stations and traffic impacts;

- Concerned about any increase in traffic; and
  - Consider the proposed ingress and egress is too close to the existing roundabout.
- A full summary of the submissions received is contained in **Attachment 1** and the full officer response to the submissions is included in **Attachment 2**. Further details on the submissions are included in the 'Analysis' section below.

#### Advertising of Modified Scheme Amendment

In response to the submissions received the applicant has advised that they are proposing significant modifications to the amendment to better meet the expectations of the community. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) the City may readvertise proposed modifications which address issues raised in the submissions if the proposed modifications are considered to be significant. In the event Council supports the proposed (or other) modifications it is considered that the modified amendment be required to be advertised.

In the event Council support the proposed modifications (or other modifications) the proposed modified amendment will be advertised for public comment for a minimum of 42 days, by way of:

- Notification being published in The Eastern Reporter newspaper;
- Impacted land owners being notified in writing of the amendment details;
- Information being placed on the City's engagement website;
- Hard copies of the amendment documentation made available for inspection at the City of Bayswater Civic Centre; and
- Drop in session(s) in Noranda, with City officers and the applicant.

Due to the Christmas and school holiday period any public comment period will not occur until February 2019 at the earliest.

### **ANALYSIS**

#### Proximity to Other Shops

The primary concern raised by submitters was the proximity of the site to existing shops. Submitters considered that there is already a sufficient amount of retail space in the surrounding area to meet their needs and that increasing the amount of retail space in the area will negatively impact the existing businesses.

City officers do not support the retail land use on the site as it is proposing to develop a new neighbourhood centre within 650m of an existing district centre. This type of development would encourage ribbon commercial development and is against the State Strategic Planning Framework. Further it is considered the amendment may undermine the development of the Noranda district centre and would encourage retail development outside of an established district centre.

In light of the above City officers recommend that the amendment not be supported.

#### Traffic and Congestion

Increased traffic and congestion, particularly along Camboon Road was raised as a concern in a significant number of submissions. Submitters considered that the area is already congested especially during school drop off and pick up peak periods and that the proposed amendment would only increase the amount of traffic and congestion in the area.

The traffic modelling provided by the applicant indicates that during the peak PM period the site will attract an anticipated 414 vph (207 in and 207 out). This is not considered to be a significant increase in traffic. Additionally, it is considered that the majority of the vehicles accessing the site will be passing traffic, so will not have a significant increase on the overall number of cars on the road in the area.

A number of submissions raised concerns that the proposed amendment would reduce the safety of students walking to the nearby schools. It is considered that the peak periods for the proposed land uses do not coincide with school drop off and pick up periods and that the proposed land uses will not have an undue impact on the traffic during these times.

#### Amenity

The potential impact of the proposed amendment on the amenity and character of the area was raised as a concern by a number of submitters. Submitters considered that the proposed land uses would have a detrimental impact on the amenity of the area due to an increase in noise, light, and the loss of the residential nature and liveability of the area.

City officers do not support the proposed commercial land uses as it encourages ribbon development which expands the Noranda district centre outside its boundaries impacting the amenity of the surrounding residential area.

#### Residential and Other Uses

A number of submissions considered that the site would be better used for land uses other than commercial. The majority of submissions supported residential, aged care or a mixture of both on the site in lieu of the proposed commercial land uses.

The proposed amendment included 'Residential - R40' as a permitted use. In accordance with this the site would be able to be developed for residential uses. It is noted that under the current amendment 'Aged Care' was not a permitted use. In the event Council proceed with the amendment it is recommended that it be modified to include 'Aged or Dependent Persons Dwelling' as a discretionary use.

In response to the submissions received the applicant has reconsidered their proposed land uses on the site. They are now proposing to have a portion of the site developed as residential dwellings at an R50 density coding. Details on the proposed modifications are included in the 'Applicant Proposed Modifications' section below.

#### Service Station

The potential impact of the proposed service station use was raised by submitters as concern. Submitters were concerned that the service station was proposed close to residential dwellings, would have an environmental impact by leaking into the ground water supply, would increase traffic issues in the area and that it may have adverse health impacts on nearby residents.

City officers do not support the 'Service Station' land use on the site. In response to the concerns raised in the submissions the applicant is recommending modifications to the permitted land uses to delete 'Service Station' and 'Convenience Store'.

#### Antisocial Behaviour

Submitters raised concerns that the proposed amendment would increase antisocial behaviour in the area. Submitters were concerned that the proposed amendment would increase the amount of crime in the area and provide a space for school students and others to loiter.

In response there does not appear to be any evidence which substantiates that commercial developments of this type attract antisocial behaviour. This is considered speculative and not substantiated and not relevant to the planning assessment of the application.

The applicant's proposed modifications include some of the site being developed as residential and the inclusion of a child day care centre in lieu of the service station. It is considered these uses if supported would increase the passive surveillance of the site and limit the opportunity for antisocial behaviour.

#### Applicant Proposed Modifications

In response to the submissions received the applicant has proposed a number of significant modifications to the amendment.

The original amendment proposed for the site to be developed as a neighbourhood centre including:

- A supermarket (Aldi);
- Small retail outlets; and
- A convenience store / service station with eight fuel bowsers.

The applicant's modified amendment proposes the site be developed as a neighbourhood centre including the following:

- A supermarket (Aldi);
- A coffee shop / health studio (potentially both over two storeys);
- A child day care centre; and
- Seven residential dwellings at an R50 density coding.

#### Proposed Land Uses

As detailed above a number of submissions raised concerns with the proposed land uses. In response the applicant has reconsidered the proposed land uses and is recommending the amendment be modified to include the following land uses:

Land Uses Proposed in Original Amendment	Land Uses Proposed in Modified Amendment
<u>Permitted Uses</u> <ul style="list-style-type: none"> <li>• Consulting Rooms (medical);</li> <li>• Grouped Dwelling;</li> <li>• Multiple Dwelling;</li> <li>• Fast Food Outlet;</li> <li>• Office;</li> <li>• Restaurant; and</li> <li>• Shop.</li> </ul>	<u>Permitted Uses</u> <ul style="list-style-type: none"> <li>• Consulting Rooms (medical);</li> <li>• Grouped Dwelling (R50);</li> <li>• Office;</li> <li>• Restaurant; and</li> <li>• Shop.</li> </ul>
<u>Discretionary Uses</u> <ul style="list-style-type: none"> <li>• Convenience Store; and</li> <li>• Service Station.</li> </ul>	<u>Discretionary Uses</u> <ul style="list-style-type: none"> <li>• Child Day Care Centre;</li> <li>• Health Studio; and</li> <li>• Multiple Dwelling (R50).</li> </ul>

The submissions received raised concerns with the service station use and potential fast food outlet and considered that the site would be more appropriate for residential uses. In light of this the applicant has proposed to remove the service station, convenience store and fast food outlet land uses and to include a residential component.

The applicant considers that the proposed land uses are appropriate for the site due to the high level of accessibility to the site via the existing road network, the proximity of the site to residences and market demand.

The proposed 'Child Day Care' land use is a discretionary use under the standard 'Business' zone and a discretionary use in the surrounding 'Residential' zone. In light of this it is considered to be an appropriate use on the site.

The proposed 'Health Studio' land use is a discretionary use under a standard 'Business' zone and is not permitted in the 'Residential' zone. Health Studio is considered to better reflect the residential nature of the surrounding area than the previously proposed land uses. While it would not be permitted in the Residential zone it is considered that any issues relating to location, noise, parking etc. can be addressed as a part of the Local Development Plan which would be required prior to development of the site.

It is considered that the modified land uses are more appropriate for the site and better reflect the residential nature of the surrounding area. The previous concerns about the appropriateness of a service station close to residential dwellings have been addressed and greater consideration has been given to the residential nature of the area by incorporating some residential dwellings on the site. However, it is noted that the amendment still proposed to have a shopping centre on the site. As detailed above City officers do not support a shopping centre on the site as it proposes a new neighbourhood centre within 650m of an existing district centre.

#### Residential Component

The applicant has recommended that the amendment be modified to include grouped dwellings as a permitted use and multiple dwellings as a discretionary use with a proposed density code of R50 for any dwellings constructed on the site. The Concept Development Plan included seven town house style dwellings in the north eastern corner of the site. A copy of the Concept Development Plan and indicative elevations of the proposed dwellings are included in **Attachment 4**.

The City supports the inclusion of residential dwellings in the Concept Development Plan. The density code of R50 was suggested by the City as it reflects the outcomes of the Building Bayswater Community engagement project. It is acknowledged that this was a long term recommendation however given the size and prominence of the site it was considered appropriate to have this level of density when it is redeveloped.

#### Traffic

The applicants have commissioned an update to the Traffic Generation Report to determine the potential traffic impacts of the proposed modifications. The Traffic Report indicates the proposed modifications to the scheme amendment would generate significantly less traffic movements turning in and out at the site's driveways compared to the previous proposal. The tables below indicate the difference in traffic generation between the two proposals.

**Table 1: Trip generation (weekday PM peak hour) for 2015 development proposal**

Land use	Primary trips	Pass by or diverted trips	Total trips
Retail	196	64	260
Petrol station	16	92	108
Fast food outlet	28	64	92
<i>Subtotal</i>	<i>240</i>	<i>220</i>	<i>460</i>
10% reduction for linked trips	-24	-22	-46
<b>Total</b>	<b>216vph</b>	<b>198vph</b>	<b>414vph</b>

**Table 2: Trip generation (weekday PM peak hour) for 2018 development proposal**

Land use	Primary trips	Pass by or diverted trips	Total trips
Retail	166	54	220
Coffee shop	32	66	98
Day Care Centre	35	44	79
Residential	6	0	6
<i>Subtotal</i>	<i>239</i>	<i>164</i>	<i>403</i>
10% reduction for linked trips	-24	-16	-40
<b>Total</b>	<b>215vph</b>	<b>148vph</b>	<b>363vph</b>

The City supports modifications to the amendment which will reduce the amount of traffic accessing the site.

#### City Officer Modifications

In the event Council proceed with the proposed amendment as modified by the applicant a number of minor modifications are recommended by City officers.

#### Building Height

The scheme amendment currently includes a provision relating to building heights as follows:

*"Development shall be limited to a maximum height of 7m above the natural ground level of the site."*

It is recommended that the above provision be modified to include the word "Commercial" at the beginning of the sentence. This is considered necessary to provide clarity that this building height limit only applies to commercial development on the site. Any residential development on the site will be controlled by the provisions of the Residential Design Codes (R-Codes) or any subsequent documents (i.e. Design WA).

#### Land Uses

It is recommended that the permitted land uses be modified to include 'Aged and Dependent Persons Dwelling' as a discretionary use. It is considered this would better reflect the expectations of the community and that given the location and proximity to existing aged care facilities it would be an appropriate use for the site.

#### Officer Comment

Whilst it is acknowledged that the applicant has responded to some of concerns raised during the community consultation the proposed modifications do not fundamentally change the intent of the amendment to repurpose the site for a neighbourhood shopping centre. As detailed previously City officers do not support the use of the site for a neighbourhood centre within 650m of the existing district centre as it would encourage ribbon commercial development and would be

against the State strategic planning framework. Ribbon development is not supported as it expands the activity centre outside its boundaries impacting the amenity of the surrounding residential areas and reduces its walkability. Additionally, the proposed amendment is considered to be ad hoc planning as it does not relate to a broader, more logical area, or an area that is of particular strategic significance.

In light of the above it is recommended that Council not support the amendment.

### Next Steps

As the initial amendment has been initiated it is required to be sent to the Western Australian Planning Commission (WAPC) for final consideration. In accordance with *the Planning and Development (Local Planning Schemes) Regulations 2015* Council have three options for considering the proposed amendment:

- To support the amendment without modification;
- To support the amendment with proposed modifications to address the issues raised in the submissions; or
- Not to support the amendment.

In the event Council resolves not to support the amendment it is required to be sent to the WAPC for final consideration and may still be approved by the WAPC. Additionally, as detailed above, in the event Council proceed with a modified amendment it should be advertised.

### **OPTIONS**

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Not support Amendment No. 77, and forward the City's recommendation to the WAPC for final consideration.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>• Nil.</li> </ul>	<ul style="list-style-type: none"> <li>• Avoids ad-hoc planning.</li> <li>• Does not encourage ribbon commercial development.</li> <li>• Does not encourage development which may undermine development of the Noranda district centre.</li> <li>• Ensures development of activity centres within the City is aligned with State strategic planning framework.</li> </ul>	<ul style="list-style-type: none"> <li>• The WAPC may still approve the amendment.</li> <li>• The applicant's proposed modifications will not be considered by the WAPC.</li> </ul>
2. Adopt Amendment No. 77 with the applicant and/or City officer modifications for advertising.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>• All costs to be borne by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li>• The modified land uses are more appropriate for the site.</li> <li>• Will increase the amount of commercial space within the City.</li> <li>• Will activate a current underutilised site.</li> <li>• Will enable the community to provide feedback on the modified amendment.</li> </ul>	<ul style="list-style-type: none"> <li>• Will result in ad hoc planning.</li> <li>• Encourages ribbon commercial development.</li> <li>• Encourages commercial development outside an established activity centre.</li> <li>• May not meet the community's expectations for the site.</li> </ul>



3.	Adopt Amendment No. 77 with other modifications for advertising.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>All costs to be borne by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li>Dependent on the modification(s) proposed.</li> </ul>	<ul style="list-style-type: none"> <li>Dependent on the modification(s) proposed.</li> <li>May not meet the community's expectations for the site.</li> </ul>
4.	Adopt Amendment No. 77 with modifications and no advertising, and forward the modified amendment to the WAPC for final approval.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>All costs to be borne by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li>The modified land uses are more appropriate for the site.</li> <li>Will increase the amount of commercial space within the City.</li> <li>Will activate a current underutilised site</li> </ul>	<ul style="list-style-type: none"> <li>Will result in ad hoc planning.</li> <li>Encourages ribbon commercial development.</li> <li>Encourages commercial development outside an established activity centre.</li> <li>May not meet the community's expectations for the site.</li> <li>Does not enable the community to provide feedback on the modified amendment.</li> </ul>
5.	Adopt Amendment No. 77 with no modifications and forward the amendment to the WAPC for final approval.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>All costs to be borne by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li>Will increase the amount of commercial space within the City.</li> <li>Will activate a current underutilised site.</li> </ul>	<ul style="list-style-type: none"> <li>Does not meet the community's expectations for the site.</li> <li>Will result in ad hoc planning.</li> <li>Encourages ribbon commercial development.</li> <li>Encourages commercial development outside an established activity centre.</li> </ul>

## CONCLUSION

In light of the above it is recommended that Council proceed with Option 1 to not support Amendment No. 77 and forward the City's recommendation to the WAPC for final consideration.

## FINANCIAL IMPLICATIONS

All costs to be borne by the applicant.

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment  
 Aspiration: A quality and connected built environment.  
 Outcome B3: Quality built environment.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* prescribes the process for the preparation of scheme amendments.

**VOTING REQUIREMENTS**

Simple Majority required.

**ATTACHMENTS**

1. Summary of Submissions.
2. Officer Response to Submissions.
3. Applicant Response to Key Issues Raised.
4. Concept Development Plan and Indicative Elevations.
5. Applicant Modified Amendment.

*At 8:07pm, Cr Sally Palmer arrived at the meeting.*

**COMMITTEE RESOLUTION****(OFFICER'S RECOMMENDATION)**

That Council advises the Western Australian Planning Commission that it does not support Amendment No. 77 to Town Planning Scheme No. 24 to rezone Lot 2, 81 Camboon Road, Noranda from 'Special Purpose' to 'Business' with an overlaying Special Control Area (SCA) for the following reasons:

1. The proposal is not considered to be of a strategically significant or urgent nature.
2. To change the zoning of an area with limited strategic planning justification represents ad hoc planning and would undermine the commenced Local Planning Strategy and town planning scheme review process.
3. The proposed scheme amendment will encourage commercial development outside an identified district activity centre.
4. The proposed scheme amendment is not supported by the activity centres framework identified in *State Planning Policy 4.2 Activity Centres for Perth or Perth and Peel@3.5 million*.

**CR STEPHANIE GRAY MOVED, CR CHRIS CORNISH, DEPUTY MAYOR SECONDED**

**CARRIED UNANIMOUSLY: 10/0**

**Attachment 1 - Summary of Submissions**

No.	Support / Oppose / Comment	Interest in the Proposal	Summary of Submission
1.	Support	Owns a property in the area.	<ul style="list-style-type: none"> <li>• Redevelopment of the site as a small supermarket, a service station and other small retail spaces would be welcomed.</li> <li>• Support the proposal.</li> </ul>
2.	Oppose	Owns a property in the area.	<ul style="list-style-type: none"> <li>• Changing the permitted land uses will increase traffic along Camboon Road.</li> <li>• Bramwell Road is the main walking route for children accessing Morley SHS.</li> <li>• The Noranda shops are 500m down the road, providing similar services, we do not need more shops.</li> <li>• Changing the land uses will disturb the existing quiet neighbourhood.</li> <li>• Keeping the land as a nursery is the best for people in the area.</li> </ul>
3.	Opposed	Owns a property in the area.	<ul style="list-style-type: none"> <li>• Very opposed to the amendment.</li> <li>• The fumes from the service station will have a negative impact on their health.</li> <li>• The proposed amendment will increase traffic, making it more dangerous for kids playing outdoors.</li> <li>• Will increased traffic congestion.</li> </ul>
4.	Comment	Interested Agency	<ul style="list-style-type: none"> <li>• Reticulated water and waste water services are currently unavailable to the subject lot to cater for the proposed development.</li> <li>• The Developer will need to compensate any additional drainage flows on their own land.</li> <li>• No adverse discharge or run off from the subject land would be allowed into the Water Corporation's drainage system.</li> <li>• Prior to development a Drainage and Water Management Plan needs to be completed and approved, by the Department of Water.</li> <li>• The proposal will require approval by the Water Corporation's Building Service section prior to commencement of works.</li> <li>• Infrastructure contributions and fees may be required to be paid prior to approved being</li> </ul>

			<p>issues.</p> <ul style="list-style-type: none"> <li>• The developer is expected to provide all water and sewerage reticulation if required.</li> <li>• The developer may be required to fund new works or the upgrading of existing works and protection of all works.</li> <li>• Any temporary works needed are required to be fully funded by the developer.</li> <li>• The Water Corporation may also require land being ceded free of cost for works.</li> </ul>
5.	Support	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Supports the proposal.</li> </ul>
6.	Comment	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Camboon Road already has heavy traffic flow, the proposed amendment will make it worse.</li> </ul>
7.	Opposed	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The City needs to consider the primary schools students who cross the street at this location daily.</li> <li>• Fast food restaurant is not a good option here because of the number of children who walk past.</li> </ul>
8.	Support	Owens property in the area.	<ul style="list-style-type: none"> <li>• Supports the amendment.</li> <li>• The site is currently an eye sore.</li> <li>• Redeveloping the area as proposed will have a positive benefit to all locals.</li> </ul>
9.	Oppose	Owens property in the area.	<ul style="list-style-type: none"> <li>• Does not want access to the site to be permitted off Thornber Place.</li> <li>• Does not support late night opening of any retail premises.</li> <li>• Concerned will devalue property.</li> <li>• If approved wants compensation for devaluing property.</li> </ul>
10.	Comment	Owens property in the area.	<ul style="list-style-type: none"> <li>• Concerned about how traffic will enter and depart proposed shopping centre.</li> <li>• Currently there is minimal traffic flow entering and exiting the site but this will change with the new development.</li> <li>• Will traffic lights be placed at proposed new premises?</li> </ul>
11.	Comment	Owens property in the area.	<ul style="list-style-type: none"> <li>• Concerned that the proposal will allow access to the site via Thornber Place.</li> <li>• Does not support access via Thornber Place as it will increase traffic and be dangerous for pedestrians.</li> <li>• Also concerned about increased traffic along Camboon Road making it difficult for pedestrians</li> </ul>

			(particularly Morley SHS students) to cross at the roundabout.
12.	Supports	Owns property in the area.	<ul style="list-style-type: none"> <li>No objection to the proposed amendment.</li> <li>The mature trees on the site need to be retained.</li> </ul>
13.	Oppose	Owns property in the area.	<ul style="list-style-type: none"> <li>The proposal will significantly increase the density of the area, near the aged care facility and in close proximity to residences.</li> <li>The proposed density will impact the amenity of the area.</li> <li>Camboon Road will struggle to keep up with the increased traffic.</li> <li>Transport engineering can only do so much and adding the proposed activities will result in inconvenience, congestion and traffic accidents.</li> <li>Already have these services close by (Noranda Shopping Centre and Wellington Village Shops). Should invest in these areas instead.</li> <li>Want to retain the quietness and relatively peaceful nature of the area.</li> <li>Don't want the area to turn into an inner City area.</li> <li>Shops, food outlets and fuel stations will take away from the amenity of the area.</li> </ul>
14.	Opposes	Owns a Property in the area	<ul style="list-style-type: none"> <li>Concerned that any commercial business will be operating outside normal business hours and will make loud noises after hours (i.e. café / restaurant)</li> <li>Concerned it will increase congestion in a residential / school area.</li> <li>The industrial expansion across Morley into Noranda will have an impact on the community and quality of life in the area.</li> </ul>
15.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>All the proposed land uses are already available in the area at the Noranda Shopping Centre or the Benara Road BP.</li> <li>The area is residential and should remain residential.</li> <li>The site backs onto a nursing home and with the social problems that come from fast food outlets and liquor stores believes this to be an inappropriate business for the area.</li> <li>Will increase the crime rate in the area.</li> <li>Will cause noise issues for the surrounding land owners from the undesirables accessing the site for alcohol and fast food.</li> <li>Will ruin the family orientated amenity of the area.</li> <li>Does not support three pedestrian access ways off Thornber Place, as it will cause issues for</li> </ul>



			<p>adjoining landowners.</p> <ul style="list-style-type: none"> <li>• Will result in rubbish from the take-away store in the street and Kirkpatrick Reserve.</li> <li>• Will result in shopping trolleys being left throughout the suburb.</li> <li>• Does not support a liquor store there.</li> <li>• The City should be supporting local businesses not multinationals who will take their profits elsewhere.</li> <li>• Will result in a nett loss of jobs as any new jobs created will be at the cost of others in the surrounding area.</li> <li>• Will result in increased traffic congestion on a road that is already struggling.</li> <li>• Supply trucks will have difficulties accessing the site and manoeuvring around the site.</li> <li>• Considers single storey grouped dwelling residential development of the site more appropriate for the area.</li> <li>• Alternatively would support aged care facilities on the site.</li> </ul>
16.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>• The proposed amendment will further fragment development across the suburb and adversely affect the amenity of nearby properties.</li> <li>• Allowing another supermarket development close to two others would potentially compromise the upgrading of the existing facilities which better serve the needs of Noranda residents.</li> <li>• It would be preferable in my view if ALDI were to be part of the redevelopment of either of these existing shopping centres.</li> <li>• The proposed development would adversely impact on the amenity of its neighbours, particularly through noise (during and after hours) and fumes from the fuel.</li> <li>• Concerned about the amount of parking, as it is likely to draw large crowds during peak periods</li> <li>• Increase in traffic due to the development may lead to unacceptable levels of congestion on Camboon Road, due to cars entering and existing the car park.</li> <li>• Considers more substantial modelling needs to be undertaken with a view to establishing the extent of upgrades required to the adjacent roads to ensure maintenance of reasonable traffic flows.</li> <li>• Developers should be required to pay for any upgrades to the road network.</li> <li>• Considers that medium density residential or another nursing home is a better use of the site.</li> </ul>

17.	Opposes	Resides in the area.	<ul style="list-style-type: none"> <li>Does not support further development of a supermarket, service station and alcohol within 200m of a primary school and child care centre.</li> <li>The subject site is within 600m of an existing petrol station, major grocery, two liquor stores and other retail.</li> <li>Camboon road is already busy enough without adding more traffic.</li> <li>Will be unsafe for children walking to the primary school or children catching the bus to other schools.</li> <li>Proposal will have a significant impact on their lifestyle.</li> </ul>
18.	Supports	Owens a property in the area.	<ul style="list-style-type: none"> <li>Supports if there has been enough growth in the area to support an additional shopping centre.</li> <li>Concerned about traffic congestion.</li> <li>Considered that traffic lights may be required at Bramwell Road.</li> <li>Will increase congestion with kids walking to the school and increased traffic flow.</li> <li>Don't want to have traffic problems like near Coventry's in Morley.</li> <li>Concerned about the service station use.</li> <li>Doesn't support a service station near residences due to fire risk.</li> <li>Does support having shops in the area for convenience.</li> </ul>
19.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Do not believe another shopping centre is required so close to the Noranda Palms shopping centre.</li> <li>Would support single level residential units rather than commercial development.</li> <li>Does not support the proposed development at the subject site for the following reasons: <ul style="list-style-type: none"> <li>Businesses proposed for this site are trading 7 days a week with late closure times.</li> <li>Aldi – Liquor Store</li> <li>Located in the residential area, retails business too close to homes</li> <li>Increased noise levels to the residential area</li> <li>Potential increased anti-social behaviour from undesirable persons</li> <li>Increased pollution from the petrol station. Any disaster involving the Petrol station the 'Main drain' system is located across the road, which would allow the pollutant to enter the Swan River</li> <li>Traffic congestion on road network that already experiences heavy traffic issues daily</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>• Camboon Road is already congested due to traffic at the school and with people trying to access the Noranda Palms shopping centre.</li> <li>• Will potentially be another location for student truancy and loitering before and after school.</li> <li>• Will increase light haze from security lights.</li> <li>• Concerned about fuel station trading from 7am - 11pm particularly noise (from tankers and patrons) and increased pollution from the fumes.</li> <li>• Concerned fuel spillage may leak into main drain across the road and leak into the Swan River.</li> <li>• Concerned about the supermarket trading 7 days a week 8am -9pm.</li> <li>• Concerned about noise from the supermarket - from compressors running utilities and service delivery trucks (particularly if they are permitted to deliver from 3am like the Noranda Coles).</li> <li>• The loading dock for the proposed Aldi adjoins neighbouring properties making the noise issues greater.</li> <li>• Doesn't consider a business precinct on the proposed site appropriate for the area.</li> </ul>
20.	Opposes	On Behalf of Camboon Primary	<ul style="list-style-type: none"> <li>• The proposal will impact / increase the safety risk to children walking to school.</li> <li>• Strongly objects to the proposal.</li> </ul>
21.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>• The proposal will significantly increase congestion in the area, which is already bad due to the school.</li> <li>• The proposal is in a residential area and it should stay that way.</li> <li>• Will increase traffic and noise by 'Service and Delivery' trucks to the site.</li> <li>• A significant number of parents and students walk to Morley SHS and Camboon Primary.</li> <li>• The Noranda Palms shopping centre is walking distance down the road, which already has all the proposed services.</li> <li>• There is also an IGA off Noranda Avenue.</li> <li>• Will cause undue stress to the residents of the neighbouring retirement home.</li> <li>• Request that the rezoning not proceed.</li> </ul>
22.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>• Concerned about traffic, the area is already congested, especially during peak times, the proposal will cause chaos in terms of traffic control.</li> <li>• There is no need for an additional supermarket, fast food restaurant or petrol station. The area is already well serviced by Noranda Palms and Galleria.</li> </ul>

			<ul style="list-style-type: none"> <li>This proposal will severely impact on the people who live in the area.</li> </ul>
23.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>There is already an existing shopping centre less than 1km away which services the area.</li> <li>There is traffic congestion in the area already at peak times due to the high school.</li> <li>Considers the proposal unnecessary and unwanted.</li> </ul>
24.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>The area is a residential zone, not a commercial zone.</li> <li>There are already traffic issues in the area during school time and this will only make it worse.</li> <li>Will create more rubbish and social issues.</li> </ul>
25.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>The area is residential and is already well serviced by existing shopping precincts close by.</li> <li>Traffic along Camboon will become a massive problem.</li> <li>There is already traffic problems during school drop off and pick up.</li> <li>Is not appropriate to have late night trading next to the aged care facility.</li> </ul>
26.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>Considers there to be enough shopping facilities to service the area.</li> <li>The site would be better used as an aged care facility.</li> <li>Traffic is already dangerous in the area. Turning out of the site onto the roundabout is dangerous.</li> <li>Concerned about trucks accessing the site.</li> <li>Would support an over 55's development or residential.</li> </ul>
27.	Supports	Owns a property in the area.	<ul style="list-style-type: none"> <li>Will provide more options as a consumer or service user.</li> </ul>
28.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>The site is within a residential area, rezoning it would have a negative impact on the residents in the surrounding area.</li> <li>Goes against Bayswater's 'Greening Policy' as the ground water on the site is only 8m below the surface, the service station would impact on the water.</li> <li>There are already 6 service stations within a 3km radius, would put surrounding residents at risk unnecessarily.</li> <li>There is no need for increased competition there are already 2 Aldis in the area (Galleria and Mirrabooka). As well as numerous other supermarkets.</li> <li>The should be encouraging development at the current Noranda Palms which has excess capacity and will enable it to become the economic and social hub documented in the City</li> </ul>

			<p>Plan.</p> <ul style="list-style-type: none"> <li>• Traffic congestion is already a problem, particularly due to the schools. The proposal will make it a more dangerous situation.</li> <li>• There are already a sufficient number of take-away food outlets in the surrounding area.</li> <li>• Adding another fast food outlet close to schools goes against dietary health guidelines.</li> <li>• The area needs more small lot housing. To create greater housing diversity, increase patronage of existing businesses. While maintaining the social fabric and not negatively impacting existing residents, services or transport.</li> </ul>
29.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>• There are already 2 major grocery stores close by, there is no need for more.</li> <li>• The land is perfect for an apartment block.</li> </ul>
30.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>• There are sufficient shopping facilities and fuel stations already within close proximity.</li> <li>• Access to the site will be difficult due to the roundabout.</li> <li>• Site would be better used as multiple dwellings (1/2 bedrooms).</li> <li>• Or alternatively turn it into greenspace, to break up the concrete jungle in the area.</li> </ul>
31.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>• The intersection on Camboon Road is already very busy, especially during school drop off and pick up.</li> <li>• Extra traffic accessing the site will cause more accidents.</li> <li>• The existing Noranda Palms shopping centre is very close so the additional retail space is redundant.</li> </ul>
32.	Opposes	Owns a property in the area	<ul style="list-style-type: none"> <li>• Doesn't consider more shops necessary, already enough with Noranda Palms and Galleria.</li> </ul>
33.	Opposes	Owns a property in the area	<ul style="list-style-type: none"> <li>• There is already a convenient shopping centre in the area.</li> <li>• Developing another will create traffic issues.</li> <li>• There are already traffic issues due to the school.</li> <li>• The proposal will cause social problems in the area.</li> <li>• Already find it difficult to get out of driveway, proposal will make it worse.</li> </ul>
34.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>• No Comment</li> </ul>
35.	Opposes	Private citizen who has	<ul style="list-style-type: none"> <li>• No Comment.</li> </ul>



		an interest in the area.	
36.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>Concerned about traffic, already congested during drop off and pick up, proposal would make it worse. Also a lot of kids walk to school.</li> <li>There are already sufficient shops at the Noranda shopping centre and Galleria. The proposal will impact small businesses in the area.</li> <li>Concerned Aldi would have a liquor store which would cause anti-social behaviour. There are already a sufficient number of liquor stores in the area.</li> <li>Liquor store would be close to the school and may encourage underage drinking.</li> </ul>
37.	Comment	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>Supports redeveloping the site for something other than a nursery.</li> <li>Does not consider another grocery necessary in the area, already a sufficient number in the area.</li> <li>Would support low cost restaurants and a liquor store.</li> <li>Considers the area needs more accommodation units for younger disabled people.</li> <li>The area lacks entertainment for younger residents.</li> <li>The area needs to be better serviced by public transport before any development occurs on the site.</li> <li>Would like to see the site developed into a City facility similar to the RISE.</li> </ul>
38.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>Not necessary due to existing Aldi at Mirrabooka and Noranda Shops.</li> </ul>
39.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>No need for another business in the area.</li> <li>Will cause increased congestion</li> <li>The area is already congested due to traffic from the schools.</li> <li>Leave the area residential.</li> </ul>
40.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Considered the proposal an unnecessary duplication of existing services within 650m (Noranda Palms) and at Wellington Village.</li> <li>Concerned about an increase in traffic along Camboon Road, which could pose a threat to the safety of residents in the area.</li> <li>Concerned the proposal will impact the quiet amenity of the area.</li> <li>Will increase the number of heavy vehicles in the area which will increase traffic and may</li> </ul>

			<ul style="list-style-type: none"> <li>cause accidents.</li> <li>Concerned about noise and unruly behaviour.</li> <li>Does not consider the proposed site appropriate.</li> </ul>
41.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>Does not consider another set of shops necessary due to proximity of Noranda Palms.</li> <li>Would like to see the site as a family restaurant or child's play care centre.</li> </ul>
42.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>Considers there to be enough shops in the area already.</li> <li>Would create traffic issues.</li> <li>Need to spend the money on eliminating congestion and updating the Noranda Palms.</li> </ul>
43.	Support	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>Supports the proposal.</li> <li>Would like to see the smaller shops as cafes, take away shops and restaurants.</li> <li>Concerned about the impact of traffic on the area.</li> </ul>
44.	Oppose	Owens a property in the area.	<ul style="list-style-type: none"> <li>Camboon Road is already busy, this will intensify the issues.</li> <li>Concerned about children walking to the primary school with an increase in traffic.</li> <li>Concerned about social issues and rubbish associated with fast food and liquor stores.</li> <li>The area is residential not commercial.</li> </ul>
45.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>There is a shopping centre and petrol station within walking distance.</li> <li>Would increase congestion in the area.</li> <li>Would support residential.</li> </ul>
46.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>There are already two shopping centres within walking distance.</li> <li>Camboon Road cannot accommodate additional traffic. It is already too busy.</li> </ul>
47.	Support	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>No comment.</li> </ul>
48.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>The intersection is already busy during peak times.</li> <li>Concerned about pedestrian traffic from the local schools.</li> <li>Small businesses are already struggling from too much competition.</li> <li>The proposed services are already provided elsewhere close by.</li> </ul>
49.	Comment	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>Not against the proposal but concerned about traffic.</li> </ul>

			<ul style="list-style-type: none"> <li>• Camboon and Benara intersection already very congested during school drop off and pick up.</li> <li>• Already difficult for children to cross the road.</li> <li>• Proposal will bring more traffic to the area.</li> </ul>
50.	Opposes	MLA for Morley.	<ul style="list-style-type: none"> <li>• Proposes a commercial centre within 1km of an existing centre.</li> <li>• Requires ad-hoc spot rezoning for commercial/retail area, against the State Planning Strategy.</li> <li>• There is currently no lack of shopping centres in the area.</li> <li>• Could create potential traffic issues in an area that already supports 2 schools.</li> <li>• Currently a lack of adequate public transport (bus) to support the proposal.</li> <li>• It is not keeping with the principles of smart land use as a part of Metronet.</li> <li>• An additional petrol station will not improve the general amenity of the area.</li> <li>• There is already a significant amount of underutilised space at the existing Noranda Palms.</li> <li>• Should build on the existing Noranda centre not support ad-hoc development which draws away from these centres.</li> </ul>
51.	Support	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>• No comment.</li> </ul>
52.	Oppose	Occupies a property in the area.	<ul style="list-style-type: none"> <li>• Already have a nearby petrol station and shopping centre.</li> <li>• With the recent opening of Aldi near Galleria there is no need for another one in close proximity.</li> <li>• Will result in a lack of trees.</li> <li>• Will result in excessive car parking bays which would be unappealing from a safety and amenity perspective</li> <li>• Should encourage business at the existing Noranda Shopping village.</li> </ul>
53.	Oppose	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Considers the site more appropriate for residential uses.</li> <li>• Considers there to be sufficient shopping centres close by.</li> <li>• Already an Aldi supermarket in Morley and Mirrabooka and plenty of restaurants in Morley.</li> <li>• Opposes the scheme amendment as it will be congestion and anti-social problems to the area.</li> </ul>
54.	Oppose	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Proposal will cause increased traffic along Bramwell Road.</li> <li>• The Noranda Shopping centre already has everything needed there. There is no need to</li> </ul>

			<ul style="list-style-type: none"> <li>• duplicate it.</li> <li>• Would impact the quiet and safe nature of the neighbourhood.</li> </ul>
55.	Oppose	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Do not consider the proposed services necessary as the Noranda Palms Shopping Centre, Morley Galleria, Wellington Road Village and Mirrabooka Shopping Centre already provide them.</li> <li>• Consider it will cause major traffic issues and social problems in the area.</li> </ul>
56.	Opposes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>• Concerned it will worsen traffic congestion, particularly around the Benara Road roundabout.</li> <li>• Concerned someone, particularly the children who walk to school, will get hit by a car crossing the road.</li> <li>• Will increase noise levels in the area.</li> <li>• Will increase the risk of fire and pollution from the service station.</li> <li>• Concerned the service station is so close to residential dwellings.</li> <li>• Concerned it is so close to the Juniper Care home.</li> </ul>
57.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Increased traffic will cause increased risk for students crossing the road at Camboon Road, the Benara Roundabout, and Smeed Street.</li> <li>• There is no buffer between the site and homes, which will cause issues with noise.</li> <li>• It is already difficult to turn onto Camboon Road from Smeed Street. Increased traffic will make access from Smeed Street more difficult.</li> </ul>
58.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The roundabout is already very busy at peak times.</li> <li>• There are always kids walking in the area to the nearby schools.</li> <li>• Thornber Place is used by pedestrians and bikes to cut through to the school and the proposal will affect that.</li> <li>• Noranda Palms shopping centre in 500m away, Wellington Village is 1km away, don't need more shops in the area.</li> <li>• Would prefer to see the site redeveloped as a nursery or as residential.</li> </ul>
59.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Concerned about traffic congestion on Camboon Road, near the Benara Road intersection.</li> <li>• It will result in antisocial behaviour from gathering high school students.</li> <li>• Does not support the service station use as it causes long term environmental issues, particularly with ground water.</li> </ul>

60.	Supports	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> <li>No comment.</li> </ul>
61.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>Does not support a service station, liquor store or other shops on the site.</li> <li>The location is dangerous and should only be used for housing.</li> <li>Already enough liquor stores within the area.</li> <li>Would make it unsafe for children going to the schools.</li> </ul>
62.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>Agrees that the 'Nursery' zoning is no longer relevant.</li> <li>Traffic at the roundabout is already a problem during peak periods.</li> <li>Will impact the safety of schools children walking to and from the nearby schools, due to increased traffic at the roundabout.</li> <li>There is no need for another small shopping centre as the area is already well serviced by surrounding shops.</li> <li>The proposal will increase competition for struggling small businesses.</li> <li>The rezoning is of no benefit to the surrounding community, it will only benefit the current land owner to sell the property.</li> <li>The rezoning serves no planning purpose.</li> <li>The area is residential and should remain residential.</li> </ul>
63.	Supports	Owns a property in the area	<ul style="list-style-type: none"> <li>Would be better than what is currently on the site.</li> <li>Would be convenient.</li> </ul>
64.	Supports	Owns a property in the area.	<ul style="list-style-type: none"> <li>Will provide retail outlets within easy walking distance, rather than a short drive.</li> <li>Walking to the shops would be beneficial exercise.</li> <li>Will help reduce traffic as less people will need to drive to the shops.</li> </ul>
65.	Opposes	Owns a property in the area	<ul style="list-style-type: none"> <li>Camboon Road is already congested</li> <li>Will cause safety problems for vehicles going around the roundabout as it is single lane.</li> <li>Trucks and large vehicles servicing the site will increase congestion by holding up traffic while trying to enter the site.</li> <li>Cheap petrol days will increase congestion as vehicles are forced to wait on the road.</li> <li>As single lane other traffic won't be able to pass vehicles waiting to enter the site.</li> </ul>



			<ul style="list-style-type: none"> <li>• Will be dangerous for pedestrians walking past the proposed shops and for children trying to cross at the roundabout.</li> <li>• Increased traffic will cause issues for emergency services trying to get to emergency situations.</li> <li>• Will cause parking issues in the surrounding streets during peak times.</li> <li>• Will result in shopping trolleys being left in the surrounding streets.</li> <li>• Visitors will likely use the Juniper car parking as overflow.</li> <li>• Concerned about the operating hours of the proposed uses.</li> <li>• Concerned about smell and impact of fast food on the environment.</li> <li>• Too close to residential properties.</li> <li>• Concerned about noise from truck and light issues impacting sleep of surrounding properties.</li> <li>• Concerned will increase crime in the area.</li> <li>• Considers more information about proposed tenants should have been provided.</li> <li>• Concerned about a lack of parking.</li> <li>• Will impact on the housing prices in the area.</li> <li>• Should be used for residential.</li> </ul>
66.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The area already has enough commercial space.</li> <li>• Represents ad-hoc planning and may have unintended consequences</li> <li>• Can use the existing commercial space for efficiently if more commercial space is needed.</li> <li>• Would impact the amenity of the existing residential area. Due to light, noise, odour, loss of privacy and traffic.</li> <li>• Is contrary to the orderly planning process set out by the City and the State Government.</li> <li>• There is no identified extraordinary need to amend the scheme.</li> </ul>
67.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• There is already an existing Aldi close by.</li> <li>• Would cause issues for residents and children walk to and from school.</li> <li>• The area is already congested in the morning.</li> <li>• Would cause more traffic issues when Aldi has specials on due to lack of car parking.</li> <li>• Area is made up of elderly and families with small children.</li> </ul>

			<ul style="list-style-type: none"> <li>Doesn't support the service station use due to environmental impacts and existing surrounding service stations.</li> <li>Service station will cause traffic issues when there is a low price.</li> <li>These uses are not appropriate near the adjoining aged care facility.</li> <li>There is already shopping facilities within walking distance.</li> </ul>
68.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Traffic congestion, already bad in the area during drop off and pick up.</li> <li>Existing shopping centre is sufficient.</li> <li>Noise during construction would be intolerable.</li> </ul>
69.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Consider the site better for single storey residential development or retirement village.</li> <li>Already enough services within the surrounding 1km.</li> <li>Concerned about anti-social behaviour particularly if there is a fast food outlet and service station on the site.</li> <li>The congestion between Benara and Smeed Street is already bad, due to poorly design roundabout, proposed rezoning will make it worse.</li> <li>Concerned about the safety of school students crossing the road.</li> <li>Consider the proposed amendment will negatively impact the quiet amenity of the area.</li> </ul>
70.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>There are already enough shops in the area.</li> <li>The service station will create a traffic hazard in a predominately residential area.</li> <li>Concerned about the safety of school children.</li> </ul>
71.	Opposes	Private Resident with an interest in the area.	<ul style="list-style-type: none"> <li>Support redevelopment of the site.</li> <li>Does not support a commercial development on the site.</li> </ul>
72.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>There are existing shops within walking distance, which provide a variety of services.</li> <li>Commercial development would be inappropriate in a residential area, and close to a nursing home and schools.</li> <li>The extra traffic would cause congestion at the roundabout.</li> <li>Extra noise would affect the quality of life of surrounding residents.</li> <li>The local population is not big enough to support another shopping centre in the area. So it would not be financially viable.</li> </ul>

			<ul style="list-style-type: none"> <li>• Supports a residential development (units or town houses) or another care facility.</li> </ul>
73.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Considered the proposed rezoning out of context with the current zoning in the area.</li> <li>• Proposal will cause traffic problems in the area.</li> <li>• The area is adequately serviced by shops at the Noranda Palms centre.</li> <li>• Supports the site being rezoning for residential.</li> </ul>
74.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The existing shops already provide all the services proposed on the site.</li> <li>• Will cause an increase in traffic. The traffic report is two years out of date.</li> <li>• Will increase noise from vehicles, engines, reversing tones etc.</li> <li>• Increase in pollution from exhaust fumes and fuel vapours when vehicles are refuelled.</li> <li>• Possible leakage from underground fuel storage, after they have been in use for a period. Contamination can extend a significant distance impacting ground water and soils.</li> <li>• Would impact on surrounding small businesses.</li> <li>• The fast food outlet could attract an undesirable element resulting in more crime.</li> <li>• Security lighting could create an inconvenience to residents.</li> <li>• Data collected in support of an Aldi store is from 2015 and out of date.</li> <li>• Concerned about the shops being permitted to operate 24/7.</li> <li>• Concerned about a liquor store being permitted on the site.</li> <li>• Would support residential or aged care facility on the site.</li> </ul>
75.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The proposal will increase traffic in the area which is already very busy.</li> <li>• The existing shopping centre is approx. 700m away and already provides all the proposed services.</li> <li>• The area will become dangerous for pedestrians, cyclists and motorists in an already busy area.</li> <li>• The area is already congested in the afternoon and Saturday mornings.</li> <li>• Concerned about the noise impacts.</li> </ul>
76.	Opposes	Resides in a property in the area.	<ul style="list-style-type: none"> <li>• Will cause an increase in traffic and noise in the area.</li> <li>• Concerned the shops will be 24hrs and will attract anti-social behaviour.</li> <li>• Will add not value to the area as there are already nearby shops which provide the same</li> </ul>

			<p>services.</p> <ul style="list-style-type: none"> <li>• Would unnecessarily increase competition in the area.</li> <li>• May support residential.</li> </ul>
77.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The area already has a lot of traffic without the proposal making it worse.</li> <li>• Concerned about noise and anti-social behaviour.</li> </ul>
78.	Comment	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Supports the site being rezoned for residential.</li> </ul>
79.	Oppose	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>• The site should be used for residential only.</li> <li>• The area is already congested due to the schools, netball courts and synagogue.</li> <li>• The proposed uses will create more rubbish in the area.</li> <li>• Will cause an increase in noise.</li> <li>• Will increase illegal parking.</li> <li>• Commercial development will make the above problems worse.</li> <li>• Benara / Camboon intersection already congested at peak times.</li> <li>• Development will push commuters to use residential streets to avoid the roundabout.</li> <li>• Have plenty of shops within a 3km to cater to the needs of the area.</li> </ul>
80.	Oppose	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The traffic in the area is already bad during morning peak periods the proposal will make it worse.</li> <li>• Concerned about the impact of a petrol station on the amenity of the area.</li> <li>• A smaller commercial precinct without the shopping centre and service station would be better.</li> <li>• Need more diversity of housing options in the area. (townhouses and over 55's living)</li> <li>• Would be better to utilise the existing Noranda shops to create a vibrant centre.</li> </ul>
81.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The proposed development would be out of character with the residential design along Camboon Road.</li> <li>• Concerned about the danger of having a fuel station so close to residential properties.</li> <li>• Concerned trucks servicing the site will cause traffic issues.</li> <li>• Concerned people trying to access cheap fuel will increase congestion.</li> <li>• The site is in close proximity to the existing Noranda Palms shopping centre and Wellington</li> </ul>

			<p>Street IGA.</p> <ul style="list-style-type: none"> <li>Concerned any restrictions placed on loading times will not be adhered to.</li> <li>Concerned any noise mitigation measures will not work.</li> <li>Concerned about signage visual pollution.</li> <li>Increased traffic will be dangerous for students walking to school.</li> <li>Will increase traffic issues in the area.</li> </ul>
82.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>There is already a shopping centre and service station only 700m away.</li> <li>The proposed development will cause traffic issues.</li> <li>Should be a retirement village / nursing home.</li> </ul>
83.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>Will substantially increase traffic flow in the area.</li> <li>Already difficult to exit onto Camboon Road during peak periods, proposal will make it worse.</li> <li>Already an oversupply of commercial / retail in the area.</li> </ul>
84.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Traffic, density, flow and congestion during 24 hr.</li> <li>Already have existing shops close by.</li> <li>Doesn't want commercial development of any type.</li> <li>Should be residential or retirement village.</li> <li>There is already an over supply of commercial space in the area.</li> <li>Concerned about the safety of school kids.</li> </ul>
85.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Site should be rezoned for residential, aged care or retirement purpose.</li> <li>Already have the proposed services close by.</li> <li>Will create traffic issues</li> <li>Will increase competition for existing businesses.</li> <li>Will cause anti-social behaviour in the area.</li> </ul>
86.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>Will only support residential development on the site.</li> <li>Noise and disruption of a commercial development will create a hostile environment for the adjoining aged care facility.</li> </ul>
87.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>Already enough supermarkets, fast food options and fuel within close proximity.</li> </ul>



			<ul style="list-style-type: none"> <li>• Already too much traffic along Camboon Road.</li> <li>• Lifestyle village or aged care is more appropriate for the site.</li> </ul>
88.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Should be rezoned residential.</li> <li>• The area already has sufficient shopping areas.</li> <li>• Traffic flows is already a big problem during school pick up and drop off.</li> <li>• Would support extension of the aged care facility.</li> </ul>
89.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Does not consider the site suitable for the proposed uses.</li> <li>• Considers the site better for residential or a retirement village.</li> <li>• Already sufficient shopping areas close by.</li> </ul>
90.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Concerned it will increase traffic in the area.</li> <li>• Concerned a liquor store will bring unsavoury character to the area.</li> <li>• Concerned Thornber Place will be opened for public access to the proposed development.</li> <li>• It is already difficult to cross the road at the roundabout on foot the proposal will make it worse.</li> </ul>
91.	Comment	Owens a property in the area.	<ul style="list-style-type: none"> <li>• As a private resident interests are not affected.</li> </ul>
92.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Opposes any plan which permits a retail centre, fast food outlet, service station or liquor store on the site.</li> <li>• There are already sufficient shops within a 3km radius.</li> </ul>
93.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Consider the proposal to be inappropriate</li> <li>• Traffic is already very heavy at peak times when schools start and finish.</li> <li>• The area is already well serviced by existing shops, there is no need for more.</li> <li>• The site should be used for residential to reflect the character of the existing area.</li> </ul>
94.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• There is already a shopping centre close by.</li> <li>• Camboon Road is already busy, extra traffic will make it worse.</li> <li>• Opposes a shopping centre on the site.</li> </ul>
95.	Oppose	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Traffic is already a problem, the proposal would make it worse.</li> <li>• Noranda Palms is sufficient for the area.</li> <li>• Should be residential in this area.</li> </ul>

96.	Oppose	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Traffic is already congested in the area.</li> <li>• Does not support any type of commercial structure on the site.</li> <li>• Would support an aged care facility.</li> <li>• Noranda Palms is sufficient.</li> <li>• Would support residential on the site.</li> </ul>
97.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Shares a boundary with the subject site, the proposal will devalue own property.</li> <li>• Considers proposal to be ill-conceived and poorly planned.</li> <li>• Will impact the safety of the surrounding residents.</li> <li>• Area already well serviced by existing shops.</li> </ul>
98.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Proposal will interrupt the quiet enjoyment of the area.</li> <li>• The roundabout is inadequate for the traffic generated by a petrol station.</li> <li>• The area does not need another fuel station.</li> <li>• Trucks servicing the site will disrupt traffic.</li> <li>• Signage and lighting will be out of context with the area and disturb surrounding residents.</li> <li>• Concerned petrol station will leak into the ground water.</li> <li>• Would impact the amenity of the area as shopping centres tend to deteriorate in appearance over time.</li> <li>• The area does not need any commercial land uses.</li> <li>• A fast food restaurant will impact the area due to smell and associated grease.</li> <li>• Impact on retirement facility cannot be overstated.</li> </ul>
99.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>• Does not support a new shopping centre, service station or liquor store on the site.</li> <li>• There are already 2 liquor stores in the area.</li> </ul>
100.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• There is already too much traffic and noise in the area, this will be worse if the proposal goes through.</li> <li>• Does not believe another shopping complex is necessary.</li> </ul>
101.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The subject site is unsuitable as it is in a residential area and too close to schools. It would negatively impact the surrounding residents.</li> <li>• The proposal will duplicate services already available at nearby centres.</li> </ul>

			<ul style="list-style-type: none"> <li>• The additional traffic would be disastrous.</li> <li>• The area is already congested at school drop off and pick up times.</li> <li>• The inclusion of fast food restaurant and service station would result in after-hours commercial activity which would impact the amenity of the area.</li> <li>• The proposal is ad-hoc and against the State Government's planning framework.</li> <li>• Would support the site being used for residential (single houses, apartments or retirement facilities).</li> </ul>
102.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Will increase parking pressure on Garson Court.</li> <li>• Is an ad-hoc development that does not enhance the area.</li> <li>• Will result in an asphalt jungle.</li> </ul>
103.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>• Considers the proposed development unnecessary.</li> <li>• There are already sufficient shopping facilities within the area.</li> <li>• Traffic is already a problem along Camboon Road and Benara Road.</li> <li>• The proposal will decrease the value of the surrounding properties.</li> <li>• Will create noise from large trucks.</li> <li>• the surrounding shops are family owned and should be supported rather than supporting multinationals.</li> </ul>
104.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>• Does not consider another commercial property so close to existing ones necessary.</li> <li>• Camboon Road is already very busy, especially during school peak periods the proposal will make it worse.</li> <li>• There is an existing petrol station close by so another is not necessary.</li> <li>• Goes against the City's greening policy to replace a nursery with a commercial development.</li> </ul>
105.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>• Will cause significant traffic management issues.</li> <li>• The proposed land uses are already available close by.</li> <li>• Would significantly impact the retirement village.</li> <li>• Site should be utilised for child and elderly care facilities.</li> </ul>
106.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Inappropriate for the area due to traffic congestion.</li> <li>• Existing Noranda Palms is adequate for current needs.</li> </ul>

107.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Does not support any commercial development on the site.</li> <li>Consider the site would be better rezoned for residential uses.</li> <li>Noranda already has adequate shopping centres.</li> <li>Concerned about the increase in traffic and danger to local school students walking to school.</li> </ul>
108.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Camboon Road already busy with school kids using to cross to school.</li> <li>Road is single lane.</li> <li>Close to old age home.</li> <li>There is already existing shopping centres in the area.</li> </ul>
109.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>The plan is creating a false perception.</li> <li>Gives little consideration to the changes to urban landscape or impact on increased traffic flow.</li> </ul>
110.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>Commercial land uses will cause an increase in traffic and congestion.</li> <li>The high school already causes traffic issues in the area, during peak times, the proposal will add to this.</li> <li>There are already the proposed services nearby and within walking distance of the site.</li> <li>Residential zoning of the site would be more appropriate and would help existing businesses.</li> </ul>
111.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Commercial development on the site will destroy the amenity of the area.</li> <li>The site should only be used for residential.</li> <li>The is already the Noranda shops less than 1km away.</li> </ul>
112.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>Trucks may uses Bunya and Bramwell to cut through.</li> <li>High school traffic would worsen.</li> <li>There is already too much traffic</li> <li>There are already enough shops in the area.</li> <li>Would support residential on the site.</li> </ul>
113.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Already have two shopping centres along Benara Road, don't need another one.</li> <li>There will be too much traffic.</li> </ul>
114.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>Does not support commercial uses on the site.</li> <li>Would support residential.</li> </ul>

			<ul style="list-style-type: none"> <li>• The proposal will increase traffic and congestion along Camboon Road.</li> <li>• Commercial development would impinge on nearby existing facilities.</li> <li>• Concerned about the impact on the adjoining retirement village and schools.</li> <li>• Low or medium density residential would help support existing services.</li> </ul>
115.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Will increase traffic along Camboon Road and exits at Smeed Street and Benara Road.</li> <li>• There are already traffic congestion will school pick up and drop off.</li> <li>• There are already the proposed services nearby.</li> <li>• Should only consider residential zoning for a retirement village, care facility or town houses on the site.</li> </ul>
116.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Proposal will cause traffic congestion and noise.</li> <li>• Will impact the existing shops at Noranda Palms.</li> <li>• There is no need for extra retail outlets in the area.</li> <li>• Would be more beneficial to have residential.</li> <li>• The surrounding roads are already congestion during school drop off times. The proposal will make it worse.</li> <li>• There is adequate shops nearby already, the proposal will impact the viability of the existing shops.</li> <li>• Should rezone the site for retirement homes or residential.</li> <li>• Want to keep the area quiet and safe.</li> </ul>
117.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• There are already two shopping precincts close by.</li> <li>• There is an over saturation of shops for a limited number of residents.</li> <li>• The roundabout is already congested the proposal will make it worse.</li> <li>• Would support the site being redevelopment for medium - high density residential.</li> </ul>
118.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Proposal will significantly increase the amount of noise heard from property, especially if permitted to operate after 5pm and on weekends.</li> <li>• Will devalue property.</li> </ul>
119.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Would no longer be able to cross the road safely.</li> <li>• Would increase the traffic.</li> </ul>



			<ul style="list-style-type: none"> <li>• Impact the amenity of the area.</li> <li>• Would devalue property.</li> <li>• Wants to see the nursery restored or the site used for residential.</li> </ul>
120.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The proposal is not in keeping with the surrounding residential area.</li> <li>• The proposed services are all available nearby.</li> <li>• Should only rezone the site for residential or aged care to complement the existing area.</li> </ul>
121.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Believe the proposal will increase traffic on Camboon Road.</li> <li>• Would be more sensible to have a retirement village or care facility on the site.</li> <li>• The area is residential close to shops, schools and existing clubs.</li> </ul>
122.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• The proposed development is unnecessary as there are adequate services close by.</li> <li>• Traffic congestion will increase, especially at peak times.</li> <li>• It will make the Camboon / Benara intersection dangerous for pedestrians.</li> <li>• Will negatively impact surrounding residents due to noise and anti-social behaviour.</li> </ul>
123.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>• Will increase traffic.</li> <li>• Should only be rezoned for residential.</li> <li>• Proposal will impact Wellington Village and Noranda Palms, there is no need for another shopping centre.</li> <li>• The noise will impact the nursing home.</li> </ul>
124.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The traffic study does not consider the local context as it relied on data from other areas in Australia.</li> <li>• Camboon Road is already an arterial road between Morley and Widgie / Alexander / Reid. Resulting in a high volume of flow through traffic.</li> <li>• A number of the surrounding roads have significant trouble accessing Camboon road due to traffic congestion at the roundabout.</li> <li>• Should not permit cross overs on the site so close to the roundabout.</li> <li>• The existing Noranda Palms shopping centre is adequate for the community's needs.</li> <li>• The existing centre has room to expand to cater for a growing population.</li> <li>• Liquor, fuel and fast foods are not wanted by the community.</li> </ul>

			<ul style="list-style-type: none"> <li>• The area is residential, the site is out of character with that.</li> <li>• Will impact the amenity of the area.</li> <li>• In summary any commercial/retail development is environmentally unsound in terms of traffic congestion, traffic access, school zones, child access, truck noise, after-hours unwanted antisocial behaviour, car park hoons and semi-trailers negotiating the Camboon/Benara roundabout and the 3 nearby ones also to access the site.</li> <li>• The area should be rezoned residential.</li> <li>• The proposal will not increase employment in the area it will only increase competition with the existing nearby shops.</li> <li>• Concerned the proposal will bring empty shops to the area and cause anti-social behaviour.</li> <li>• Traffic entering and exiting the site would cause further bottle necks.</li> </ul>
125.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The proposed services are already available close by.</li> <li>• Would be more logical to have an old persons home or over 55's village.</li> </ul>
126.	Opposes	Private resident with a property in the area.	<ul style="list-style-type: none"> <li>• A service station will cause congestion at the roundabout.</li> <li>• Camboon Road is not a through road, so there is no reason to widen it.</li> <li>• Once the Northlink road works are completed there will be little through traffic from outside the area using the road.</li> <li>• The existing Noranda Palms shops meet the day to day needs of the area well. There are also other shopping centres close by.</li> <li>• The existing service stations adequately provide for the area.</li> <li>• A service station will pollute the air and impact on the nursing home. Would this meet health regulations?</li> <li>• Children accessing the school use the cul-de-sac to reach their school, additional traffic and the proposed development will impact their safety.</li> <li>• Is a quiet residential area.</li> <li>• Would be better used for housing, with some entry level housing.</li> </ul>
127.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>• The proposal will make congestion along Camboon Road and Forder Road worse.</li> <li>• The proposal will encourage more kids to be hanging out at night.</li> <li>• There are already enough shops at Noranda Palms.</li> </ul>

			<ul style="list-style-type: none"> <li>Will impact the nursing home due to noise.</li> </ul>
128.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Will cause traffic issues along Camboon Road.</li> <li>Will reduce safety of children walking to the nearby schools.</li> <li>The existing Noranda Shopping centre is sufficient, don't need any more.</li> <li>Will likely result in Camboon Road being widened to two lanes and traffic lights which is not supported by the community.</li> <li>24hr outlets will cause anti-social behaviour and devalue properties.</li> <li>Site should be rezoned for residential.</li> </ul>
129.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Concerned about the traffic increase and potential for Forder Road to become a rat route,</li> <li>Forder Road will be a safety hazard if it becomes a rat run.</li> <li>The proposal will be dangerous for the large number of pedestrians, especially school children and elderly, who use the area.</li> <li>Parking is already stretched during peak hours, the proposal will result in people parking on the surrounding roads.</li> <li>Should be rezoned for housing and aged care.</li> </ul>
130.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Already have the proposed services in the surrounding area.</li> <li>Will increase anti-social behaviour.</li> <li>Will reduce property values.</li> </ul>
131.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>The site should only be rezoned for residential purposes.</li> <li>There is currently sufficient commercial structure to support the community.</li> <li>The area is already congested at peak times.</li> <li>Will reduce safety of pedestrians, particularly children and the elderly.</li> <li>Concerned it will devalue property.</li> </ul>
132.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>Commercial development will bring an increase of unwanted through traffic and interfere with the amenity of the neighbourhood.</li> <li>There are sufficient shopping centres close by.</li> <li>The proposal is not aligned with Metornet's Smarthubs strategy.</li> </ul>
133.	Opposes	Owens a property in the	<ul style="list-style-type: none"> <li>Roads in the area are not designed to cater for the increase in traffic.</li> </ul>

		area.	<ul style="list-style-type: none"> <li>• There are similar businesses already in the vicinity of the site.</li> <li>• Will result in undesirables frequenting the area, causing social and behavioural issues.</li> <li>• Should be used for residential.</li> </ul>
134.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>• Camboon Road is already congested during peak times, the proposal will increase traffic in the area.</li> <li>• Does not support traffic lights in the area.</li> <li>• The community may support more community beneficial commercial ie professional services.</li> <li>• Does not support fast food outlets on the site.</li> </ul>
135.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Does not support additional commercial uses in a residential area.</li> <li>• The proposed services are already provided close by, and would likely be impacted by the proposal.</li> <li>• The noise created by the proposal will impact the quiet nature of the area.</li> <li>• Concerned any signage would be visible from backyard.</li> <li>• Concerned about increased congestion.</li> <li>• Would be better used as an aged care facility.</li> </ul>
136.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Commercial land uses will create traffic issues at the Camboon / Benara intersection.</li> <li>• The area is already adequately supplied by existing shops.</li> <li>• Any further commercial development threatens the viability of existing retailers.</li> <li>• Need more retirement properties and low cost housing for young home buyers.</li> </ul>
137.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Noranda has adequate shops and doesn't need more.</li> <li>• It will cause increased traffic congestion, particularly on weekends.</li> <li>• The area is residential and should remain residential.</li> </ul>
138.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• There are already sufficient service stations, 9 within 2.6km of the site.</li> <li>• Service station will have an environmental impact.</li> <li>• The service station will generate additional traffic, as well as fumes from exhausts and bowsers.</li> <li>• Consider it dangerous to have the service station in such close proximity to high voltage power lines.</li> </ul>

			<ul style="list-style-type: none"> <li>• There is no need for an Aldi there are already two within 2.7km.</li> <li>• There are already sufficient shops within a 2.5km radius.</li> <li>• Concerned about issues with abandoned trolleys.</li> <li>• Will generate increase traffic which will negatively impact local traffic.</li> <li>• Concerned the site would be permitted to have a mobile phone tower.</li> <li>• Believes that it will result in a drop in property values.</li> <li>• Believes it will increase anti-social behaviour at Kirkpatrick Park, particularly if alcohol is sold on the site.</li> <li>• Will impact the amenity of the area.</li> </ul>
139.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The area is residential not commercial.</li> <li>• It will bring property values down.</li> <li>• It will bring more traffic to the area particularly during school drop off and pick up.</li> <li>• Will cause rubbish and rodents issues.</li> <li>• Will attract more misbehaviour in the area.</li> <li>• Would support residential, age care or retirement village on the site.</li> </ul>
140.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The proposed services are already provided at nearby existing shopping centres.</li> <li>• Prefer the site to be used as an extension of the retirement village.</li> <li>• Would support residential on the site</li> </ul>
141.	Opposes	Occupies a property in the area.	<ul style="list-style-type: none"> <li>• There are already the proposed services nearby.</li> <li>• Concerned it will attract anti-social behaviour.</li> <li>• Will cause traffic issues.</li> </ul>
142.	Opposes	Occupies a property in the area.	<ul style="list-style-type: none"> <li>• There are already the proposed services nearby.</li> <li>• Concerned it will attract anti-social behaviour.</li> <li>• Will cause traffic issues.</li> </ul>
143.	Opposes	On behalf of property owner in the area.	<ul style="list-style-type: none"> <li>• Do not consider that the proponent has demonstrated there is a need for an additional activity centre, particularly as there is no WAPC endorsed structure plan or LPS for the area.</li> <li>• The SCA provisions should include a definition of 'Interface Area' to ensure there is a compatibility of existing and possible future sensitive land uses along the northern boundary of</li> </ul>



			<p>the site.</p> <ul style="list-style-type: none"> <li>• The service station, fast food and restaurant land uses should be 'A' uses as they have the potential to have a significant impact on the amenity of the area. Alternatively they should be 'X' uses.</li> <li>• The increase in traffic generated by the development has the potential to create a traffic hazard and may impact on the quality of life for aged care facility residents.</li> <li>• The prohibition of aged or dependent person's accommodation is not appropriate where other residential land uses are permitted. These uses should be 'P' uses.</li> </ul>
144.	Opposes	Occupies a property in the area.	<ul style="list-style-type: none"> <li>• Traffic flow will increase making it harder to turn in and out of side streets.</li> <li>• Already have two Aldi's close by.</li> <li>• Will negatively impact on established nearby groceries.</li> <li>• Concerned about the potential health and fire hazard from the service station being close to residential.</li> <li>• Concerned about fumes from any fast food premise.</li> <li>• Would prefer to see the nursery revitalised.</li> </ul>
145.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The site should be rezoned for residential.</li> <li>• Proposal will increase traffic congestion. The area is already congested during peak times.</li> <li>• Would increase the number of heavy vehicles using the area.</li> <li>• It would create an oversupply of services in the area. The existing centres are sufficient.</li> <li>• Would increase competition and cause existing centres to suffer.</li> <li>• It represents ad hoc planning.</li> <li>• Is not aligned with Metronet.</li> <li>• Concerned about the safety of children walking to nearby schools.</li> <li>• Increase traffic is likely to cause an increase in traffic accidents in the area.</li> <li>• The area is residential and should remain residential.</li> </ul>
146.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• There are already the proposed services nearby.</li> <li>• Concerned it will attract anti-social behaviour.</li> <li>• Will cause traffic issues.</li> </ul>

147.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• There are already the proposed services nearby.</li> <li>• Concerned it will attract anti-social behaviour.</li> <li>• Will cause traffic issues.</li> </ul>
148.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• The proposed plans will increase traffic on an already busy road. It is particularly bad during peak school periods.</li> <li>• The proximity of the site to the roundabout will create traffic jams in all directions.</li> <li>• Does not believe the traffic report reflect the current conditions.</li> <li>• Late night operating of fast food and service station may lead to increased anti-social behaviour.</li> <li>• There are already sufficient business zones in the area.</li> <li>• Better use of the land would be residential.</li> </ul>
149.	Opposes	Private citizen with an interest in the area.	<ul style="list-style-type: none"> <li>• Considers there to be a lack of justification for the proposed rezoning, it is primarily based on the benefit of introducing Aldi as an alternative to Woolworths and Coles. - However two Aldi's have recently opened in the area.</li> <li>• Considers the scheme report to be misleading by saying residents currently lack access to and Aldi.</li> <li>• Considers the information in the report to be out of date (2015).</li> <li>• Considers that while the development application has not been submitted, approving the proposed amendment indicates that the indicative development is supported.</li> <li>• Considers there to have been a lack of assessment to determine the most appropriate use for the site.</li> <li>• Scheme amendment seeks to justify ad hoc commercial rezoning.</li> </ul>
150.	Opposes	Owens a property in the area.	<ul style="list-style-type: none"> <li>• Traffic is already bad along Camboon Road, already difficult to exit property onto Camboon Road. The proposal will make it worse.</li> <li>• Concerned about the safety impact on students walking to and from nearby schools.</li> <li>• Consider the area to be well service by shopping centres.</li> <li>• The area should remain residential, would support residential, aged care and a possible retirement home.</li> </ul>
151.	Opposes	Owens a property in the	<ul style="list-style-type: none"> <li>• The area is already well serviced by shops.</li> </ul>

		area.	<ul style="list-style-type: none"> <li>• More shops may not be viable.</li> <li>• The area already has a number of service stations, a new one may not be viable.</li> <li>• The site is close to the Camboon / Benara roundabout, the single land road network would need significant upgrades to accommodate safe access to the site.</li> <li>• The population is relatively stable so there is not the population growth to support more retail in the area.</li> </ul>
152.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>• Traffic flow is difficult now and would be worse with more commercial structures.</li> <li>• Noranda Palms is sufficient for the area.</li> <li>• Residential only for this area.</li> </ul>
153.		Occupies a property in the area.	<ul style="list-style-type: none"> <li>• Wants to see the site redeveloped as current state is encouraging anti-social behaviour.</li> <li>• Consider the proposed land uses inappropriate for the location.</li> <li>• Concerned about the safety of children walking to school.</li> <li>• If the plans go ahead would like to see more creative use along the boundaries of the site and their property. IE small playground and some car park for community space.</li> <li>• Encourage the site to be used for higher density residential and low density commercial (café or deli).</li> </ul>
154.	Opposes	Occupies a property in the area.	<ul style="list-style-type: none"> <li>• The area already has too many super markets.</li> <li>• Its already difficult for small businesses to operate in the area the proposal will make it worse.</li> </ul>
155.	Opposes	Occupies a property in the area.	<ul style="list-style-type: none"> <li>• The area already has too many super markets.</li> <li>• Its already difficult for small businesses to operate in the area the proposal will make it worse.</li> </ul>
156.	Opposes	Owns a property in the area.	<ul style="list-style-type: none"> <li>• Traffic is already heavy in the area during peak school times and the evening peak period.</li> <li>• Already difficult to make a right turn from Bramwell Road onto Camboon.</li> <li>• More commercial in the area will exacerbate the situation.</li> <li>• Concerned that more people will use side streets at rat runs.</li> <li>• Concerned people will park on Thornber Place rather than going out onto Camboon Road and into the car park.</li> <li>• Concerned residents nearby will be impacted by light and noise from 24hr operation.</li> <li>• Area is already well serviced by shops.</li> </ul>

			<ul style="list-style-type: none"> <li>• Would support low or medium density residential.</li> </ul>
157.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Traffic is already heavy in the area during peak school times and the evening peak period.</li> <li>• Access to nursery site difficult due to roundabout, concerned people will use Bramwell Rd for access.</li> <li>• Area is already well serviced by shops, will negatively affect existing businesses.</li> <li>• The area should remain residential, would support residential, townhouses, aged care and a possible retirement home.</li> </ul>
158.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Traffic congestion during school pickup and drop off times</li> <li>• Adequate shopping facilities in the area, sufficient retail and commercial precincts.</li> <li>• Would support residential or retirement development.</li> <li>• Upgrades to Noranda palms would be more desirable</li> </ul>
159.	Comment	Interested agency	<ul style="list-style-type: none"> <li>• Existing double-circuit 132 kV transmission line is located on the eastern boundary of the subject site.</li> <li>• Recommends that an easement is registered on title as part of the future statutory planning process.</li> <li>• All future development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict.</li> <li>• Development will not be permitted within Western Power line easements or restriction zones without prior written approval of Western Power or relevant power line operator</li> <li>• Any new subdivision or development proposal shall be designed to mitigate perceived amenity impacts associated with Western Power infrastructure</li> </ul>
160.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Would support low/medium density residential.</li> <li>• Area is already well serviced by shops, will place economic stress on existing businesses.</li> <li>• Will negatively impact on amenity and liveability of area.</li> <li>• Area already congested during peak hour and by school traffic.</li> </ul>
161.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Area is already well serviced by shops</li> <li>• Traffic congestion will increase in the area which already supports two schools.</li> <li>• Within 1km of the existing commercial centre.</li> </ul>

			<ul style="list-style-type: none"> <li>• Petrol station within 1km from site</li> </ul>
162.	Opposes	Private citizen with an interest in the area.	<ul style="list-style-type: none"> <li>• Existing commercial centre within 1km of the proposed commercial site.</li> <li>• Not in keeping with State Planning Strategy</li> <li>• Area is already well serviced by shops</li> <li>• Traffic and pedestrian problems.</li> <li>• Will adversely impact amenity and liveability of area.</li> <li>• Does not have sufficient public transport</li> </ul>
163.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Traffic flow and congestion during school term.</li> <li>• Would support residential.</li> </ul>
164.	Opposes	Private citizen with an interest in the area	<ul style="list-style-type: none"> <li>• Roundabout is already too busy, concerned for pedestrians.</li> <li>• Area is already well serviced by shops, and may affect existing commercial centre (oversupply)</li> <li>• Would support residential development</li> </ul>
165.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Would support residential development or retirement village.</li> <li>• Commercial venture would cause further traffic congestion in busy area due to school.</li> </ul>
166.	Opposes	Private citizen with an interest in the area	<ul style="list-style-type: none"> <li>• Area is already well serviced by shops and services</li> <li>• Increased traffic and congestion on Camboon Rd and intersection of Benara Rd. Concerned for children going to and from school.</li> <li>• Would support retirement village or aged care facility.</li> </ul>
167.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Increased traffic in area leading to congestion</li> <li>• Would support residential development</li> </ul>
168.	Opposes	On behalf of property owner in the area	<ul style="list-style-type: none"> <li>• The unplanned neighbourhood centre will undermine the existing activity centres hierarchy.</li> <li>• The proposed rezoning will encourage ad hoc retail development outside an established activity centre which is not in accordance with policy objectives of SPP 4.2 and the City's Commercial, Retail and Industrial Analysis.</li> <li>• Not consistent with key State Planning Policy or the city's Commercial, Retail and Industrial Analysis</li> <li>• Not supported by an accurate retail impact assessment</li> <li>• Intended development outcome will inevitably impact adversely on surrounding area and</li> </ul>



			<ul style="list-style-type: none"> <li>amenity of nearby residents.</li> <li>May undermine the LPS process.</li> </ul>
169.	Opposes	Owns a property in the area	<ul style="list-style-type: none"> <li>Would support residential development.</li> <li>Increased congestion on Camboon Rd.</li> <li>Area is sufficiently catered for with supermarkets and petrol stations.</li> <li>Late opening hours and parking area would encourage antisocial behaviour and increases in noise levels.</li> <li>Concerns for safety of residents and school children</li> </ul>
170.	Opposes	Owns a property in the area	<ul style="list-style-type: none"> <li>Increased congestion of traffic on Camboon/Benara/Widgee/Bramwell Roads</li> <li>Pedestrian traffic (school children &amp; adults) at risk at Benara Rd/ Camboon roundabout</li> <li>Area is already well serviced by shops and service stations</li> <li>Would support retirement village, nursing home, over 55s development or townhouses (single storey)</li> </ul>
171.	Opposes	Occupies a property in the area	<ul style="list-style-type: none"> <li>Area is already well serviced by shops.</li> <li>Will adversely affect existing businesses in surrounding area</li> <li>Traffic congestion will increase on Camboon Rd and Benara Rd roundabout</li> <li>Would support aged care facilities.</li> </ul>
172.	Opposes	Owns a property in the area	<ul style="list-style-type: none"> <li>Existing traffic congestion from schools in area will be increased.</li> <li>Kids will hang around proposed development after school</li> <li>Area is already well serviced by shops.</li> </ul>
173.	Opposes	Owns a property in the area	<ul style="list-style-type: none"> <li>Road infrastructure cannot cope with increased congestion</li> <li>Would support residential development</li> <li>Area is already well serviced by shops</li> <li>Late opening hours will lead to antisocial behaviour.</li> </ul>
174.	Comment	Owns a property in the area	<ul style="list-style-type: none"> <li>Traffic congestion/jams</li> </ul>
175.	Comment	Owns a property in the area	<ul style="list-style-type: none"> <li>Traffic congestion/jams</li> </ul>
176.	Opposes	Private citizen with an	<ul style="list-style-type: none"> <li>Increased traffic congestion on Camboon Rd</li> </ul>

		interest in the area	<ul style="list-style-type: none"> <li>• Would support residential development, over 55s development, care facility or retirement village.</li> </ul>
177.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Increased traffic will be dangerous and congested</li> </ul>
178.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Area is already well serviced by shops</li> <li>• Increased traffic congestion</li> </ul>
179.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Would support residential development</li> <li>• Commercial development not suitable, will generation traffic congestion and noise</li> </ul>
180.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Area is already well serviced by shops</li> <li>• Traffic flow, density and congestion in peak hours</li> </ul>
181.	Opposes	Private citizen with an interest in the area	<ul style="list-style-type: none"> <li>• Will not support commercial structures of any type on the site.</li> </ul>
182.	Opposes	Private citizen with an interest in the area	<ul style="list-style-type: none"> <li>• Area is already well serviced by shops</li> <li>• Increased traffic congestion</li> </ul>
183.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Traffic congestion in peak hours</li> <li>• Area is already well serviced by shops</li> <li>• Dangerous for pedestrians/ school children</li> </ul>
184.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Increased traffic congestion during peak hours on Widgee and Camboon Road</li> <li>• Would support residential development, retirement village, over 55s care facility or town houses.</li> <li>• Area is already well serviced by shops</li> </ul>
185.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>• Would support low-medium density residential development</li> <li>• Area is already well serviced by shops</li> <li>• Rezoning is an adhoc approach to planning and does not fit within strategic direction for Noranda</li> <li>• Adverse effect on liveability and amenity in Noranda</li> <li>• Increased traffic congestion during peak hours, exacerbated by insufficient public transport to area.</li> </ul>

186.	Opposes	Owens a property in the area	<ul style="list-style-type: none"> <li>Area is already well serviced by shops</li> <li>Would support residential development</li> <li>Adverse impact on access to high school for students.</li> </ul>
187.	Opposes	Private resident with an interest in the area.	<ul style="list-style-type: none"> <li>Does not support commercial land uses as there are enough close by.</li> <li>Would increase traffic along Camboon Road.</li> <li>Would cause issues for nearby schools and residents.</li> <li>Should be town houses, private homes or a retirement village.</li> </ul>
188.	Comment	Government Agency	<ul style="list-style-type: none"> <li>No objection to the proposed rezoning.</li> <li>Any Local Development Plan should have access to the site at the southern end of the lot to provide the maximum separation distance between the roundabout and to not affect its functionality.</li> </ul>
189	Opposes	Petition with 342 signatures	<p style="text-align: center;"><b>PETITION</b></p> <p>To the City of Bayswater, We the undersigned formally petition the City of Bayswater to address the following: <u><b>The rezoning of Lot 2, 81 Camboon Road, Noranda.</b></u></p> <p>We do not believe a Supermarket and other small stores are necessary so close to a well provided, diverse and well-functioning centre nearby. An over supply of shops may also spell ruin for some operators.</p> <p>There is concern that a liquor store and 'fast food' outlets will be incorporated and degrade the ambience of the residential area.</p> <p>A fuel outlet is not welcome because there are three (3) in Morley and four (4) in Malaga besides the Noranda one (1) if it remains. Such fuel outlet is likely to be 24 hour with 24 hour convenience store bringing an excess of unwanted traffic.</p> <p>Camboon Rd. is a busy traffic route alone with Benara Rd intersecting as well. It is quite congested at peak times and school times (Camboon Primary and Morley Senior Schools - witness the escape of traffic at Bramwell Rd.) An increase of traffic from Benara Rd. and elsewhere onto Camboon Rd. to enter the proposed 'shopping precinct' will compound the congestion as will the exit of vehicles onto Camboon Rd. Further, vehicles arriving southward will require to 'right turn' through oncoming traffic to enter the complex.</p> <p>The ingress and egress of vehicles, including trucks, so close to the roundabout is a congestion problem in itself. Also for pedestrians, the elderly and school children especially, many of whom have to navigate the crossing as it is currently.</p>

**Attachment 2 - Officer Response to Submissions**

<b>Traffic</b>	<b>Officer Comment</b>
Concerned that the proposal would increase traffic and congestion in the area (61)	Noted. The traffic assessment submitted with the scheme amendment documentation indicates that during the peak PM period the site will attract an anticipated 414 vph (207 in and 207 out). With the majority of those vehicles being passing traffic which would already be using the surrounding road network. It is considered that the proposed amendment will not significantly increase the amount of traffic using the surrounding road network.
Concerned that Camboon Road was already congested and that the proposal would increase it (36)	Noted. The traffic assessment submitted with the scheme amendment documentation indicates that during the peak PM period the site will attract an anticipated 414 vph (207 in and 207 out). With the majority of those vehicles being passing traffic which would already be using the surrounding road network. It is considered that the proposed amendment will not significantly increase the amount of traffic using Camboon Road.
Concerned that the area was already congested during school times and the proposal would make it worse (26)	Noted. The peak periods for the proposed land uses are not considered to coincide with school drop off and pick up periods. It is considered the proposed land uses will have limited impact on the traffic during these times.
Concerned that the area in general was already congested and that the proposal would make it worse (22)	Noted. The traffic assessment submitted with the scheme amendment documentation indicates that during the peak PM period the site will attract an anticipated 414 vph (207 in and 207 out). With the majority of those vehicles being passing traffic which would already be using the surrounding road network. It is considered that the proposed amendment will not significantly increase the amount of traffic using the surrounding road network.
Concerned about the roundabout not being able to accommodate the increase in traffic (11)	Noted. The traffic assessment submitted with the scheme amendment documentation indicates that the roundabout will only be at 48% capacity with the increased traffic.
Concerned about pedestrians being able to cross the road at the roundabout (6)	Noted.
Concerned about the impact on other surrounding roads (6)	Noted. The traffic assessment submitted with the scheme amendment documentation indicates that there will be a minor increase in traffic on the surrounding roads (between 5.8% and 11.5%). This is considered to be a minor increase which will not significantly impact on traffic movement in the area.
Will increase the number of heavy vehicles in	Noted.

the area which will increase traffic and may cause accidents. (6)	
Concerned it will reduce safety for pedestrians in the area (4)	Noted.
Does not want access to the site to be permitted off Thornber Place. (3)	Noted. No access is proposed to be permitted off Thornber Place.
Concerned about how traffic will enter and depart proposed shopping centre.	Access to the site will be finalised as a part of the development application process. However indicative design indicates that there would be two entrances to the site, one near the proposed service station which permits left in left out access only and a T-junction at the southern end of the site permitting movements in all directions. The indicative designs for the modified amendment include one entrance to the site which would permit vehicle movements in all directions. This entrance is further from the roundabout that proposed in the initial amendment.
Development will push commuters to use residential streets to avoid the roundabout. (3)	This is considered speculative and not substantiated.
As single lane other traffic won't be able to pass vehicles waiting to enter the site. (2)	Noted. It is considered that the road is currently wide enough for traffic to pass waiting traffic. Further at the development application stage turning lanes may need to be considered.
Considers more substantial modelling needs to be undertaken with a view to establishing the extent of upgrades required to the adjacent roads to ensure maintenance of reasonable traffic flows.	Noted. As a part of the scheme amendment application a detail traffic study was included. It is not considered necessary to do further studies for the area.
Extra traffic accessing the site will cause more accidents.	This is considered speculative and not substantiated.
Increased traffic will cause issues for emergency services trying to get to emergency situations.	Noted.
Concerned people trying to access cheap fuel will increase congestion.	Noted. It is considered that the road is currently wide enough for traffic to pass waiting traffic. Further at the development application stage turning lanes may need to be considered.
Trucks may use Bunya and Bramwell to cut through.	Noted. Given the size and manoeuvrability of these streets it is considered unlikely that large trucks will use them to access the site.
The traffic study does not consider the local context as it relied on data from other areas in Australia.	Noted. The New South Wales Roads and Traffic Authority Guide to Traffic Generating Developments is used as the standard as there is no similar document specifically for Western Australia.
Camboon Road is already an arterial road between Morley and Widgie / Alexander / Reid. Resulting in a high volume of flow	Noted.



through traffic.	
Should not permit cross overs on the site so close to the roundabout.	There is already an entrance to the site at the proposed location. The indicative plans propose to modify this entrance so it only permits left in left out access making it safer.
Camboon Road is not a through road, so there is no reason to widen it.	Noted. Camboon Road is not proposed to be widened as a part of the proposed amendment.
The service station will generate additional traffic, as well as fumes from exhausts and bowsers.	Noted. The service station land use on the site is not supported.
Increase traffic is likely to cause an increase in traffic accidents in the area.	Noted. This is considered speculative and not substantiated.
Does not believe the traffic report reflect the current conditions.	Noted.
The site is close to the Camboon / Benara roundabout, the single land road network would need significant upgrades to accommodate safe access to the site.	Noted.
The increase in traffic generated by the development has the potential to create a traffic hazard and may impact on the quality of life for aged care facility residents.	Noted.

Existing Shops and Services	Officer Comment
Considered that there was no need for more retail space as the area was already well serviced by existing centres (147)	Noted. The additional retail floor space on the site is not supported.
Consider that it will unfairly cause increased competition for existing businesses (15)	Noted. This is not considered a relevant planning consideration. It is up to the market to determine what can and cannot be supported.
Considered that it would be better to upgrade existing facilities rather than make a new one (6)	Noted. As the existing shopping centres are not owned or run by the City, the City cannot force the shopping centre to upgrade its facilities.

Safety Concerns for School Children	Officer Comment
Consider it will reduce the safety of children walking to nearby schools (22)	Noted. The peak periods for the proposed land uses are not considered to coincide with school drop off and pick up periods. It is considered the proposed land uses will have limited impact on the traffic during these times.
Concerned that the proposal would make it more difficult for students walking to nearby schools (5)	Noted. The peak periods for the proposed land uses are not considered to coincide with school drop off and pick up periods. It is considered the proposed land uses will have limited impact on the traffic during these times.
Concerned about pedestrians being able to cross the road at the roundabout (3)	Noted.

Amenity	Officer Comment
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Considered that the proposed amendment would reduce the amenity of the area. (27)	Noted.
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Service Station	Officer Comment
Consider the proposed service station use to be an environmental risk, primarily due to fuel leaking into the water table (11)	Noted. The service station land use on the site is not supported.
Concerned with service station being so close to residential properties (6)	Noted. The service station land use on the site is not supported. However, EPA Guidance No. 3 - Separation Distance between industrial and Sensitive land uses recommends a 50m buffer between service stations and residential properties. The closest residential property is 57m from the proposed convenience store location, which is greater than the requirement.
Considered that there were already sufficient service station in the area to provide for the community's needs (6)	Noted. The service station land use on the site.
Concerned that the service station would cause traffic issues (3)	Noted. The City does not support the 'Service Station' land use on the site is not supported.
Concerned that the service station use would increase health risks for nearby residents (2)	Noted. The service station land use on the site is not supported. However, EPA Guidance No. 3 - Separation Distance between industrial and Sensitive land uses recommends a 50m buffer between service stations and residential properties. The closest residential property is 57m from the proposed convenience store location, which is greater than the requirement.
Concerned about the service station use.	Noted. The service station land use on the site is not supported.
Does not support a service station, liquor store or other shops on the site.	Noted. The service station land use on the site is not supported.
Concerned about the impact of a petrol station on the amenity of the area.	Noted. The service station land use on the site is not supported.
An additional petrol station will not improve the general amenity of the area.	Noted. The service station land use on the site is not supported.
Concerned about fuel station trading from 7am - 11pm particularly noise (from tankers and patrons) and increased pollution from the fumes.	Noted. The service station land use on the site is not supported.

Fast Food	Officer Comment
Concerned about the impact of a fast food outlet, either due to smell or health risks (9)	Noted. It is recommended to remove the fast food land use from the proposed amendment.

Other Uses	Officer Comment
Support the site being rezoned for residential uses (either low, medium or high density - no consensus) (26)	Noted. Under the proposed amendment the site would be permitted to be developed for residential purposes at a density for R40.
Support the site being rezoned for residential or aged care uses (22)	Noted. Under the proposed amendment the site would be permitted to be developed for

	residential purposes at a density for R40. In the event the amendment proceeds it is recommended that the amendment be modified to include 'Aged or Dependent Persons Dwelling' as a 'Permitted' use.
Support the site being rezoned for aged care facilities (14).	Noted, in the event the amendment proceeds it is recommended that the amendment be modified to include 'Aged or Dependent Persons Dwelling' as a 'Permitted' use.
Only supported the site remaining a nursery (3)	Noted. The applicant has advised that it is unfeasible to retain the nursery use on the site.
Turn the site into greenspace, to break up the concrete jungle in the area.	Noted. Given it is private land and there are five other areas of public open space within a 500m radius it is not considered necessary to rezone the site for public open space.
Would support low cost restaurants and a liquor store.	Noted. Under the proposed amendment restaurants would be permitted. However it is noted that a liquor store would not be permitted.
Considers the area needs more accommodation units for younger disabled people.	Noted. In the event the amendment proceeds it is recommended that the amendment be modified to include 'Aged or Dependent Persons Dwelling' as a 'Permitted' use.
The area lacks entertainment for younger residents.	Noted.
Would like to see the site developed into a City facility similar to the RISE.	Noted. As it is private land this is not supported at this time.
Would like to see the site as a family restaurant or child's play care centre.	Noted. Under the proposed amendment restaurants would be permitted.
A smaller commercial precinct without the shopping centre and service station would be better.	Noted. The service station land use on the site is not supported.
Site should be utilised for child and elderly care facilities.	Noted, in the event the amendment proceeds it is recommended that the amendment be modified to include 'Aged or Dependent Persons Dwelling' as a 'Permitted' use.
Encourage the site to be used for higher density residential and low density commercial (café or deli).	Noted. Under the proposed amendment the site would be permitted to be developed for residential purposes at a density for R40, and cafes would be permitted.
Prefer it to be turned into a public library / community centre.	Noted. As it is private land this is not supported at this time.

Operating Hours	Officer Comment
Concerned about the retail spaces being open outside of normal operating hours (9am - 5pm) (8)	Noted. Operating hours can be limited at the development application stage to limit the impact on the amenity of the area.

Remain Residential	Officer Comment
Consider that the area should remain residential (25)	Noted. Under the proposed amendment the site would be permitted to be developed for residential purposes at a density for R40

<b>Social Issues</b>	<b>Officer Comment</b>
Concerned that the proposed amendment will attract anti-social behaviour (21)	Noted. This is considered speculative, not substantiated and not relevant to the planning assessment of the application.
Concerned that the proposed amendment would increase crime in the area. (4)	Noted. This is considered speculative, not substantiated and not relevant to the planning assessment of the application.
Concerned that the proposal would encourage anti-social behaviour from school kids loitering. (4)	Noted. This is considered speculative, not substantiated and not relevant to the planning assessment of the application.

<b>Liquor Stores</b>	<b>Officer Comment</b>
Does not support a liquor store being permitted on the site (8)	Noted. The proposed scheme amendment does not include 'Liquor Store - Large' or 'Liquor Store - Small' as a permitted use.

<b>Noise and Light Issues</b>	<b>Officer Comment</b>
Concerned the proposal will crease noise issues for surrounding land owners (20)	The applicant raised a number of noise mitigation measures which can be implemented at the development application stage once the final design and layout has been determined.
Concerned about the impact of light from the site on surrounding land owners (4)	The applicant raised a number of light mitigation measures which can be implemented at the development application stage once the final design and layout has been determined.
Concerned about the impact of noise and light from the proposed development on surrounding land owners	The applicant raised a number of noise and light mitigation measures which can be implemented at the development application stage once the final design and layout has been determined

<b>Parking</b>	<b>Officer Comment</b>
Concerned about an increase in illegal parking the in the surrounding areas (7)	Noted. The amount of car parking will be considered as part of the development application stage once the site design has been finalised.
Concerned about there not being enough parking on site (3)	Noted. Car parking will be required to be provided in accordance with the City's TPS 24 requirements.
Concerned there is too much parking on site. (2)	Noted. Car parking will be required to be provided in accordance with the City's TPS 24 requirements.

<b>Other</b>	<b>Officer Comment</b>
Does not support a commercial development on the site. (12)	Noted.
Concerned it will devalue properties in the area (9)	Noted. This is considered speculative, not substantiated and not relevant to the planning assessment of the application.

Consider it to be ad-hoc planning against the City's policies. (9)	Noted.
Proposal is against the State Government's Metronet Strategy (5)	Noted.
Will cause undue impact to the residents of the neighbouring retirement home. (5)	Noted.
The area needs to be better serviced by public transport before any development occurs on the site (3).	Noted.
Will result in shopping trolleys being left throughout the suburb. (3)	Noted.
Considers the proposal unnecessary and unwanted. (2)	Noted.
May undermine the LPS process.	Noted.
Not in keeping with State Planning Strategy.	Noted.
Goes against the City's greening policy to replace a nursery with a commercial development.	Noted.
Will traffic lights be placed at proposed new premises?	No new traffic lights are proposed at this time.
The mature trees on the site need to be retained.	Noted. This will be considered at the development application stage.
Does not support three pedestrian access ways off Thornber Place, as it will cause issues for adjoining landowners.	Noted.
Will result in a nett loss of jobs as any new jobs created will be at the cost of others in the surrounding area.	Noted. This is considered speculative, not substantiated and not relevant to the planning assessment of the application.
Supply trucks will have difficulties accessing the site and manoeuvring around the site.	Ensuring service vehicles can manoeuvre around the site will be considered as part of the development application stage once the design has been finalised.
Developers should be required to pay for any upgrades to the road network.	Noted.
Considered that traffic lights may be required at Bramwell Road.	No new traffic lights are proposed at this time.
Does not consider the proposed site appropriate.	Noted.
Need to spend the money on eliminating congestion and updating the Noranda Palms.	Noted. As the subject site and Noranda Shopping Centre are privately owned it is not the City's reasonability to spend money updating them.
Will result in a lack of trees.	Noted. This City has required that a significant number of street trees be provided as part of any development on the site.
Concerned it is so close to the Juniper Care home.	Noted.
Agrees that the 'Nursery' zoning is no longer relevant.	Noted.



The rezoning is of no benefit to the surrounding community, it will only benefit the current land owner to sell the property.	Noted.
The rezoning serves no planning purpose.	Noted.
Too close to residential properties.	Noted.
Considers more information about proposed tenants should have been provided.	The City does not have the power to approve specific tenants, only land uses, therefore this information was not considered to be necessary as a part of the amendment.
There is no identified extraordinary need to amend the scheme.	Noted.
Area is made up of elderly and families with small children.	Noted.
These uses are not appropriate near the adjoining aged care facility.	Noted.
The local population is not big enough to support another shopping centre in the area. So it would not be financially viable.	Noted. The increased retail space on the site is not supported.
Data collected in support of an Aldi store is from 2015 and out of date.	Noted.
The proposed uses will create more rubbish in the area.	Noted. This is considered speculative, not substantiated and not relevant to the planning assessment of the application.
Concerned any restrictions placed on loading times will not be adhered to.	Noted. In the event any restrictions on loading times are not adhered to the City can initiate compliance action.
Concerned about signage visual pollution.	Noted. Any signage will be limited in accordance with the City's 'Signage' Policy.
Concerned Thornber Place will be opened for public access to the proposed development.	The proposal does not propose to open access to Thornber Place.
Considers proposal to be ill-conceived and poorly planned.	Noted.
Will result in an asphalt jungle.	Noted. This City has required that a significant number of street trees be provided as a part of any development on the site.
The plan is creating a false perception.	Noted.
Once the Northlink road works are completed there will be little through traffic from outside the area using the road.	Noted.
Will likely result in Camboon Road being widened to two lanes and traffic lights which is not supported by the community.	There is no proposal to widen Camboon Road or install traffic lights.
Does not support traffic lights in the area.	There is no proposal to install traffic lights.
The community may support more community beneficial commercial ie professional services.	Noted.
Concerned any signage would be visible from backyard.	Noted. Any signage will be limited in accordance with the City's 'Signage' Policy.

Concerned the site would be permitted to have a mobile phone tower.	Noted. Any application for a telecommunications towers would be considered in accordance with the City's 'Telecommunication Towers and Other Associated Activities Policy' which does not permit telecommunications towers within 250m of residential properties.
Will cause rubbish and rodents issues.	Noted.
Do not consider that the proponent has demonstrated there is a need for an additional activity centre, particularly as there is no WAPC endorsed structure plan or LPS for the area.	Noted.
The SCA provisions should include a definition of 'Interface Area' to ensure there is a compatibility of existing and possible future sensitive land uses along the northern boundary of the site.	Noted.
The service station, fast food and restaurant land uses should be 'A' uses as they have the potential to have a significant impact on the amenity of the area. Alternatively they should be 'X' uses.	Noted. It is recommended that the amendment be modified to remove the 'Fast Food' land use.
The prohibition of aged or dependent person's accommodation is not appropriate where other residential land uses are permitted. These uses should be 'P' uses.	Noted, in the event the amendment proceeds it is recommended that the amendment be modified to include 'Aged or Dependent Persons Dwelling' as a 'Permitted' use.
Considers there to be a lack of justification for the proposed rezoning, it is primarily based on the benefit of introducing Aldi as an alternative to Woolworths and Coles. - However two Aldi's have recently opened in the area.	Noted.
Considers the scheme report to be misleading by saying residents currently lack access to and Aldi.	Noted.
Considers the information in the report to be out of date (2015).	Noted.
Considers that while the development application has not been submitted, approving the proposed amendment indicates that the indicative development is supported.	Noted. In the event the amendment is approved it supports the identified land uses on the site, not the specific layout of the site which may change as a part of the development application process.
Considers there to have been a lack of assessment to determine the most appropriate use for the site.	Noted.
The population is relatively stable so there is not the population growth to support more retail in the area.	Noted.

Wants to see the site redeveloped as current state is encouraging anti-social behaviour.	Noted.
If the plans go ahead would like to see more creative use along the boundaries of the site and their property. IE small playground and some car park for community space.	Noted. This may be considered as a part of the development application process.
Existing double-circuit 132 kV transmission line is located on the eastern boundary of the subject site.	Noted.
Recommends that an easement is registered on title as part of the future statutory planning process.	Noted. The City will advise the applicant of this.
All future development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict.	Noted. The City will advise the applicant of this.
Development will not be permitted within Western Power line easements or restriction zones without prior written approval of Western Power or relevant power line operator	Noted. The City will advise the applicant of this.
Any new subdivision or development proposal shall be designed to mitigate perceived amenity impacts associated with Western Power infrastructure	Noted. The City will advise the applicant of this.
Not supported by an accurate retail impact assessment	Noted.
Any Local Development Plan should have access to the site at the southern end of the lot to provide the maximum separation distance between the roundabout and to not affect its functionality.	Noted. The City will advise the applicant of this.

**Attachment 3 - Applicant Response to Key Issues Raised**

**Issue 1 - Traffic:** the proposal will increase congestion in the area

- Applicant Response: An additional technical note on traffic generation has been prepared by Transcore to support the modified Scheme Amendment proposal, which considers the land uses as illustrated on the concept site plan. The technical note confirms that the traffic generated by the amended proposal is significantly less (363 vph during the weekday PM peak hour as opposed to 414 vph as previously proposed). The proposed development will not increase traffic on any lanes on Camboon Road or Benara Road by more than 100vph. Therefore, the impact on the surrounding road network is considered to be insignificant.

**Issue 2 - Existing Shops:** the proposed services are already provided in other shops close by

- Applicant Response: The retail analysis provided advises that the proposed Aldi supermarket will bring greater competition, choice for consumers and cheaper grocery prices in comparison to existing services.

**Issue 3 - Service Station:** Community does not support the proposed service station use.

- Applicant Response: The modified scheme amendment proposal no longer includes a service station or fuel refilling use.

**Issue 4 - Amenity:** Consider that the proposed amendment will unduly impact on the quiet residential and family amenity of the area. (Specific concerns were raised about noise, too close to residential, lighting, anti-social behaviour, operating hours)

- **Too Close to Residential**

- Applicant Response: Noted. The updated plans have regard the adjacent residential development, and significantly has introduced an R50 residential component on the north-west portion of the site, fronting Thornber Avenue.

- **Noise**

- Applicant Response: the noise impacts of the loading bay and incidental noise would be managed by an acoustic report at the Development application stage once the final layout and design was known.

- **Lights**

- Applicant Response: As no formal development application has been received the lighting requirements are unknown at this stage. Lighting will be considered as a part of the development application stage.

- **Operating Hours**

- Applicant Response: This is a reference to the convenience store/retail fuel outlet which is no longer proposed, and therefore this concern has been addressed.



[illegible]

<b>1. Site Area (Lot A)</b>		
a. Lot A - Commercial Site		10,228m <sup>2</sup>
<b>2. Landscaping</b>		1,022m <sup>2</sup>
a. Landscaping Required 10% of Site		
b. Landscaping Provided		
i. Soft		924.2m <sup>2</sup>
ii. Yard (Soft)		746.7m <sup>2</sup>
iii. Hard		957.0m <sup>2</sup>
<b>Total</b>		<b>2,337.2m<sup>2</sup> (22.89% of Site)</b>
<b>3. Proposed Floor Area</b>		
a. Tenancy 1 Supermarket		1,756.5m <sup>2</sup>
b. Tenancy 2 Coffee Shop		250.0m <sup>2</sup>
c. Tenancy 3 Day Care Centre		746.0m <sup>2</sup>
Yard		746.0m <sup>2</sup>
<b>Total</b>		<b>3,452.5m<sup>2</sup></b>
<b>4. Carparking</b>		
a. Carparking Required		
i. Tenancy 1 Supermarket	1,756.5m <sup>2</sup> @ 7/100m <sup>2</sup>	123 Carbays
ii. Tenancy 2 Coffee Shop	250.0m <sup>2</sup> @ 7/100m <sup>2</sup>	25 Carbays
iii. Tenancy 3 Day Care Centre	1 per Staff	20 Carbays
	1 per 5 Child	15 Carbays
		<b>183 Carbays</b>
b. Carparking Provided		
<b>Total</b>		<b>184 Carbays</b>
<b>1. Site (Lot B)</b>		
a. Lot B - Residential Site R50 Zoning		
b. 7 Residential Units @ 180m <sup>2</sup> Min		
7 x 180m <sup>2</sup> = 1,260m <sup>2</sup>		
Provided = 1,268m <sup>2</sup>		

**Landscaping:**

- A. Hard Landscaping  
Defined as paved walkways either open or covered.
- B. Soft Landscaping  
Defined as vegetative landscaping.

**Grade Floor Area - GFA**

- A. All Floor Areas on this plan are shown as GROSS FLOOR AREA.
- Unfinished exterior walls are not in Floor Area.
- B. Ceiling of Gross Floor Area is defined as:
- 1. GROSS FLOOR AREA OF TENANCY
- Gross Floor Area of an individual Tenancy is defined as the area contained between the centre line of common boundary walls and the outside edge of the external walls.
- 2. GROSS FLOOR AREA OF A BUILDING
- Gross Floor Area of a Building is defined as the total area contained between the outside edge of external walls.

**Nett Floor Area - NFA**

- A. Nett Floor Area of a Tenancy on this plan is defined as the area between external or tenancy dividing walls and the outside edge of the external walls exclusive to the Tenancy.

A diagram of a circle in the complex plane. The horizontal axis is the real axis, and the vertical axis is the imaginary axis. A circle is centered at the origin. A thick black line segment is drawn along the positive real axis, starting from the origin and extending to the right edge of the circle. This segment is labeled with a bold 'z' at its right end.

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THORNER PLACE ELEVATION

PROPOSED COMMERCIAL DEVELOPMENT  
LOCATION: LOT 2, CAMBOON ROAD, NORANDA WA  
FOR: JARPEL P/L BY: VEND PROPERTY

SK021  
NOV 2018  
2  
@ B1

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**Attachment 5 - Applicant Modified Amendment**

Planning and Development Act 2005

**RESOLUTION TO ADOPT AMENDMENT TO  
LOCAL PLANNING SCHEME****City of Bayswater Town Planning Scheme No. 24  
Amendment No. 77**

Resolved that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. Rezoning Lot 2, 81 Camboon Road, Noranda from 'Special Purpose (Nursery)' to 'Business' Zone.
2. Inserting a new Special Control Area 14 for Lot 2, 81 Camboon Road, Noranda in the Scheme.
3. Amend Schedule 10 of the Scheme to insert Special Control Area 14 and the following site particulars and land use provisions:

	AREA	SITE PARTICULARS	PROVISIONS
SCA 14	<b>Special Control Area 14</b> Lot 2 (No. 81) Camboon Road, Noranda	Lot 2 (No. 81) Camboon Road, Noranda Special Control Area 14 is generally bound by Camboon Road reserve to the east, Thornber Place road reserve to the north, the common boundary of the site with No.s 77 and 79 Camboon Road to the south and the common boundary of the site with No.68 Bramwell Road and No.s 27, 29 & 31 Newell Way to the west.	<p><b>Purpose</b></p> <p>To allow for redevelopment of the Noranda Hills Nursery site to allow for commercial uses including shop, restaurant, health studio, child care centre, and residential use, whilst preserving the amenity of adjacent residential development.</p> <p><b>Development Standards</b></p> <p><u>Local Development Plan</u></p> <p>Development standards for the site shall be established via the preparation of a Local Development Plan to the satisfaction of the local authority prior to development approval being issued.</p> <p>The Local Development Plan shall address matters including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Building design elements</li> <li>• Residential interfaces</li> <li>• Streetscape</li> <li>• Vehicular access</li> <li>• Setbacks</li> <li>• Landscaping</li> </ul> <p><i>Continued on next page...</i></p>

			<p><i>...Continued from previous page</i></p> <p><u>Building Height</u></p> <p>Development shall be limited to a maximum height of 7m above the natural ground level of the site.</p> <p><u>Landscaping</u></p> <p>A landscaping plan shall be prepared in support of any application for planning approval. The Landscaping Plan should address, but not be limited to the interface with Thornber Place.</p> <p><u>Net Lettable Area (NLA)</u></p> <p>The total NLA for the site shall be limited to 3000m<sup>2</sup>.</p> <p><u>Residential Development Standards</u></p> <p>Residential development shall be in accordance with the R50 provisions of the Residential Design Codes.</p> <p><b>Land Use</b></p> <p>Notwithstanding uses listed within Table No. 1 – Zoning Table of the Scheme, only the following uses shall be permissible within SCA 14. No other uses shall be permitted:</p> <p><u>Permitted Uses</u></p> <ul style="list-style-type: none"> <li>• Consulting Rooms (medical)</li> <li>• Grouped Dwelling</li> <li>• Office</li> <li>• Restaurant</li> <li>• Shop</li> </ul> <p><u>Discretionary Uses</u></p> <ul style="list-style-type: none"> <li>• Child Day Care Centre</li> <li>• Health Studio</li> <li>• Multiple Dwelling</li> </ul>
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4. Amend clause 10.1.1 of the Scheme to include the following:

*n) Special Control Area 14 Lot 2, 81 Camboon Road, Noranda.*

5. Amending the Scheme Map accordingly.

The Amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

- a) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and*
- b) The amendment is not a complex or basic amendment.*

**10.7 Land Lease at Bert Wright Park for Cafe /Kiosk**

**Location:** Lot 34, 23 King William Street, Bayswater  
**Reporting Branch:** Strategic Planning and Place  
**Responsible Directorate:** Community and Development  
**Refer:** Item 9.5: PDSC 08.05.2018  
Item 9.1: OCM 23.05.2017

**CR CATHERINE EHRHARDT DECLARED AN IMPARTIAL INTEREST**

*In accordance with Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Catherine Ehrhardt declared an impartial interest in this item as she was the organiser of Bayswater Streets, which is referred to in the report. Cr Ehrhardt remained in the room for voting on this item.*

**EXECUTIVE SUMMARY****Application:**

Council consideration is sought in relation to a proposal to lease a portion of Bert Wright Park for the installation and operation of a café/kiosk.

**Key Issues:**

- The City has been approached by an existing café operator on King William Street, Bayswater who has been unable to find suitable alternate premises to relocate their business.
- There is an opportunity to lease land at Bert Wright Park for the installation and operation a café/kiosk which would support the recreational use of the park and the Bayswater Library and Senior Citizens Centre.
- An Expression of Interest (EOI) process is recommended to provide transparency and to seek the best operator for the space.

**BACKGROUND**

In March 2017, the City of Bayswater held a community workshop for the Bayswater Town Centre to ascertain placemaking priorities for the centre. These priority actions comprised the Bayswater Town Centre Place Activation Plan, which was adopted at the Ordinary Council Meeting of 23 May 2017. The community vision of the Plan is as follows:

*“An authentic river town destination, proud of its heritage and protective of its environment. The town centre is people focused, engaging and sociable day and night. People feel invite to participate, enjoy and relax at all times of year.”*

The Plan includes a number of actions relating to an improved and beautified public realm, including:

- Quality public realm;
- Alfresco dining;
- Use or reuse underutilised spaces;
- Improve area around entry to library;
- (Potentially) artistic/architectural shade structure;
- Beautification/streetscape enhancement; and
- Entry statement (Bert Wright Park/Library/Senior Citizens' Centre is the entry point from Guildford Road).



Council adopted the Bayswater Town Centre Structure Plan at the Planning and Development Services Committee meeting held 8 May 2018 and forwarded it to the Western Australian Planning Commission (WAPC) for their approval. It is currently awaiting determination by the WAPC. Part 5.5 of the Structure Plan relates to open space and the public realm. In relation to Bert Wright Park it was noted that there is *“little overlooking or positive address form the properties with direct frontage onto the park.”* To increase the activity levels of Bert Wright Park, one of the proposals by the consultants was a landmark corner building and associated public plaza space in Bert Wright Park on the northern side of the park fronting King William Street (site of the former child health centre). The potential community benefit of this was described as:

*“Improved activity, safety, functionality and enjoyment of Park and enhanced sense of connection to the retail activity along King William Street through encouraging pedestrian movement past retail offerings.”*

Howdy café, currently operating at 11 King William Street, has contacted the City requesting support in finding new premises in the town centre. Due to the demolition of 9 and 11 King William Street at some time in the future to accommodate the approved mixed use development on the site, they have been searching for new premises within the town centre for over a year without success. They have noted that they receive significant numbers of customers from visitors to Bert Wright Park, the Bayswater Library and Bayswater Senior Citizens Centre.

Bert Wright Park is owned in freehold by the City and is reserved for Local Public Open Space under the City's Town Planning Scheme No. 24. There are no restrictions on the Certificate of Title which preclude the proposed use. Any future café/kiosk on the site would be required to obtain development approval, however it is considered that this use would be ancillary, and supporting, of the park's public open space function.

In 2016, a trial of six mobile food vehicles was held at Bert Wright Park. The vehicles were able to operate in the area now designated to the nature playground. The food vehicle operators were not supportive of the location as that part of the park was not very visible to passing traffic, and they struggled to attract sufficient trade.

## CONSULTATION

The community workshop for the Bayswater Town Centre in March 2017 involved over 50 participants, including representation from numerous community groups such as Baysie Rollers, Future Bayswater, Bayswater Deserves Better, and Bayswater Urban Tree Network. An improved public realm and public spaces was a clear community priority at the workshop.

## ANALYSIS

City officers has developed a proposal for a short to medium term test of a location within Bert Wright Park for a café/kiosk in line with its possible long term activation as a plaza under the Bayswater Town Centre Structure Plan. Bert Wright Park has amenities including the library, senior citizens centre, half court and nature play area. However, there is an opportunity to enhance its activation and surveillance through a food and beverage offering. Increasing park visitors are drawn to locations with a café or kiosk are now a feature of many high quality parks and public spaces, including the Woodbridge Riverside Park, Tomato Park in Kewdale, Esplanade Park in Fremantle, the South Perth Foreshore, Kings Park, the Perth Cultural Centre and Urban Orchard, and many of the Perth's beaches.

The recommended location in Bert Wright Park is the former child infant health centre site which fronts King William Street, as shown on the images below. This location could service the park and create a logical linkage between the park and commercial activities along King William Street.



It is proposed to explore the market via EOI the interest in a 5 year land lease of 150m<sup>2</sup>, with the successful party to install and operate the café/kiosk. Given it is a short to medium term lease to test the site, it is anticipated that respondents would propose lightweight prefabricated or transportable structures such as a sea container or similar. Alternatively, it may be a simple structure such as those in the Perth Cultural Centre shown in the image below.





Source: <https://www.weekendnotes.com/perth-cultural-centre/>

The appearance of the structure to ensure that it enhances, rather than detracts, from the amenity of the park, is proposed to form one of the selection criteria in the EOI.

An area of 150m<sup>2</sup> is considered sufficient for a lightweight structure and associated seating and umbrellas or similar shade structures.

This land lease will ensure that the infrastructure is provided at no cost to the City. The lessee will be responsible for set up, running costs and maintenance of the building and any associated infrastructure such as seating or shade structures on the lessee. When the lease ends and the building removed, the lessee will be required to 'make good' the site and reinstate it to public open space.

#### Impact on Bayswater Town Centre

In preparing this proposal, the City has considered the impact on existing landowners and businesses in the town centre, particularly given the challenges relating to empty shops and vacant tenancies in the current economic climate.

In the immediate area of the town centre near Bert Wright Park, this proposed café/kiosk would be replacing an existing café at 11 King William Street, rather than introducing an additional café. Therefore it is considered that it will not be increasing the competition in this sector.

An audit of vacant tenancies in the Bayswater Town Centre in November 2018 found the following:

- One vacant office/commercial space on King William Street.
- No vacant tenancies on Whatley Crescent.
- Two vacant tenancies on Beechboro Road South (north of the Midland Railway line).

The owners of the business in 11 King William Street have advised that they have been actively seeking a new location for over 12 months. They have advised that the vacant office/commercial space on King William Street (a former house close to Bert Wright Park) is not suitable for food and beverage or retail uses. The use of the adjacent former house as an accountant's office reflects the suitability of this space for more office/commercial types uses.

The vacancies on Beechboro Road South cater for a different walkable catchment at this time. The future upgrade of the Bayswater Train Station to improve connectivity may change this, but at this time the physical separation means that the vacant shops at the northern end of the commercial area on Beechboro Road South are considered to be a different catchment for localised services such as a café.

On this basis, it is considered that it is reasonable for the City to seek to establish a new café/kiosk at Bert Wright Park and that this would support the economic activity of the other businesses within the town centre. Providing an alternative economic and activation opportunity at the eastern end of King William Street is also considered important in light of the disruption that will occur whilst the Bayswater Train Station is being upgraded. Increasing the existing amenity of the centre is considered vital for maintaining and increasing visitation to the town centre and therefore its businesses.

#### Leasing Options

If Council determines to pursue a land lease for the site, Section 3.58 of the *Local Government Act 1995* applies to the disposal of City property. It provides that the City has three options for the disposal:

- the highest bidder at public auction;
- the most acceptable public tender; or
- a private treaty after giving local public notice and inviting submissions.

Public auction is generally not used for disposal by way of lease and where there are other criteria such as level of service to be considered. The City can invite public tenders for the lease but this has some limitations in terms of the marketing of the lease and the process of accepting and assessing tenders under local government practices and statutory requirements. The public tender option was used for the café/kiosk lease at The RISE in 2011 and the City received only one tender.

The use of the option of a private treaty, either after marketing and an EOI, or by negotiating the terms of a new lease with one potential lessee is the final option under the *Local Government Act*. The outcome is advertised in a local newspaper(s) prior to Council make a final decision.

There is one potential lessee that is interested in the site (Howdy café). Negotiating with them would support an existing business within the town centre that has a known customer base.

However, it is considered that the site should be opened for any interested parties. This will ensure that the City seeks the proposals for the community that provide the maximum benefit for the park and its visitors. This is proposed to be via an EOI, with the marketing done by the City in this instance. This method will enable the City to confirm that it is getting maximum value before resolving to lease via private treaty, giving public notice of this intention and considering submissions received.

The selection criteria to assess the EOIs received are proposed to be:

- Contribution to the activation of Bert Wright Park (including proposed hours of operation);
- Quality and appearance of the building/structure and associated external fixtures proposed;
- Experience of the operator and demonstrated financial capacity;
- Variety and quality of food and beverage offerings; and
- Financial return to the City.

The rental received for the site is expected to reflect that the lessee will be installing and maintaining the infrastructure.

**OPTIONS**

The following options are available to Council:

OPTION	BENEFIT	RISK
<p>1. Seek EOI for a 5 year land lease to enable installation and operation of a café/kiosk in Bert Wright Park.</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>\$1,500 for advertising of the EOI.</li> </ul>	<ul style="list-style-type: none"> <li>Provides improved amenity for the major public space within the Bayswater Town Centre.</li> <li>Tests a location within Bert Wright Park for a café/kiosk in line with its possible long term activation as a plaza under the Bayswater Town Centre Structure Plan.</li> <li>Facilitates implementation of key actions in the Bayswater Town Centre Place Activation Plan.</li> <li>The EOI will ensure that an open and accountable process is followed and that the City obtains proposals that maximise the benefit for the Park and its visitors.</li> </ul>	<ul style="list-style-type: none"> <li>The existing café at 11 King William Street may not be selected as the preferred applicant and their business may be lost to the town centre.</li> </ul>
<p>2. Negotiate a 5 year land lease to enable installation and operation of a café/kiosk in Bert Wright Park with the operator of the café at 11 King William Street and give public notice of the intention to lease the site via private treaty.</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Provides improved amenity for the major public space within Bayswater Town Centre.</li> <li>Tests a location within Bert Wright Park for a café/kiosk in line with its possible long term activation as a plaza under the Bayswater Town Centre Structure Plan.</li> <li>Facilitates implementation of key actions in the Bayswater Town Centre Place Activation Plan.</li> </ul>	<ul style="list-style-type: none"> <li>This process has less accountability and the City will not be certain that they have obtained the maximum benefit for the Park and its visitors.</li> </ul>



OPTION	BENEFIT	RISK
<p>3. Advertise a Tender for a 5 year land lease to enable installation and operation of a café/kiosk in Bert Wright Park.</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>\$1,500 for advertising of the tender.</li> </ul>	<ul style="list-style-type: none"> <li>Provides improved amenity for the major public space within Bayswater Town Centre.</li> <li>Tests a location within Bert Wright Park for a café/kiosk in line with its possible long term activation as a plaza under the Bayswater Town Centre Structure Plan.</li> <li>Facilitates implementation of key actions in the Bayswater Town Centre Place Activation Plan.</li> <li>The tender will ensure that an open and accountable process is followed.</li> </ul>	<ul style="list-style-type: none"> <li>A tender has limitations on the marketing of the lease and the process of accepting and assessing tenders under local government practices and statutory requirements.</li> <li>The existing café at 11 King William Street may not be selected as the preferred tenderer and their business may be lost to the town centre.</li> </ul>
<p>4. No further action on a land lease to enable installation and operation of a café/kiosk in Bert Wright Park.</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>The amenity of the Park will not be improved via the addition of a café/kiosk.</li> <li>This opportunity will not be realised to test a location within Bert Wright Park for a café/kiosk in line with its possible long term activation as a plaza under the Bayswater Town Centre Structure Plan.</li> <li>Key actions in the Bayswater Town Centre Place Activation Plan to improve the amenity of public open space may not be realised.</li> <li>The existing café at 11 King William Street may be lost to the town centre.</li> </ul>

## CONCLUSION

It is recommended that Council seek EOI (Option 1) from parties for a 5 year land lease of a 150m<sup>2</sup> portion of Lot 34, 23 King William Street, Bayswater (Bert Wright Park) for the installation and operation of a café/kiosk with the following selection criteria:

1. Contribution to the activation of Bert Wright Park.
2. Quality and appearance of the building/structure and associated external fixtures and furniture.
3. Experience of the operator and demonstrated financial capacity.
4. Variety and quality of food and beverage offerings.
5. Financial return to the City.

## FINANCIAL IMPLICATIONS

Disposal of this land through a lease would provide income to the City. The final amount would depend on the offer accepted.

**Item 1:** New Land Lease EOI

**Asset Category:** N/A

**Source of Funds:** N/A

**LTFP Impacts:** Not itemised in the LTFP

**Notes:** Nil

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	\$1,500	-	-	-	-	\$14,000 (for advertising)

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment  
 Aspiration: A quality and connected built environment  
 Outcome B3: Quality built environment.

Theme: Our Local Economy  
 Aspiration: A business and employment destination.  
 Outcome E2: Active and engaging town and City centres.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Section 3.58 of the *Local Government Act 1995* applies to the disposal (via lease) of the subject land.

## VOTING REQUIREMENTS

- Simple Majority required.

## ATTACHMENTS

Nil.

**COMMITTEE RESOLUTION**  
**(OFFICER'S RECOMMENDATION)**

That Council seeks Expressions of Interest from parties for a 5 year land lease of a 150m<sup>2</sup> portion of Lot 34, 23 King William Street, Bayswater (Bert Wright Park) for the installation and operation of a café/kiosk with the following selection criteria:

1. Contribution to the activation of Bert Wright Park.
2. Quality and appearance of the building/structure and associated external fixtures and furniture.
3. Experience of the operator and demonstrated financial capacity.
4. Variety and quality of food and beverage offerings.
5. Financial return to the City.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR ELLI PETERSEN-PIK SECONDED

CARRIED: 9/1

**FOR:** *Cr Dan Bull, Mayor, Cr Sally Palmer, Cr Michelle Sutherland,  
Cr Chris Cornish, Deputy Mayor, Cr Filomena Piffaretti, Cr Stephanie Gray,  
Cr Lorna Clarke, Cr Giorgia Johnson and Cr Elli Petersen-Pik.*

**AGAINST:** *Cr Catherine Ehrhardt.*

**10.8 Olive Tree House Lease**

**Location:** Reserve 47382, 6 Blades Close, Morley  
**Owner:** City of Bayswater  
**Reporting Branch:** Strategic Planning and Place  
**Responsible Directorate:** Community and Development  
**Refer:** Item 10.3.2: PDSC 23.10.2018  
Item 9.3: PDSC 09.10.2018  
Item 9.11: OCM 17.04.2018

**EXECUTIVE SUMMARY****Application:**

Council consideration is sought on a request received from Interchange to reduce the rental amount of 6 Blades Close, Morley (Olive Tree House) from \$40,120 to \$13,600.

**Key Issues:**

- Interchange proposed a rental amount of \$41,000 (including outgoings) as a part of the Olive Tree House expression of interest (EOI) process.
- The City has received a request from Interchange to reduce the rental amount to \$13,600.

**BACKGROUND**

At the Ordinary Council Meeting (OCM) held 25 September 2018 Council considered the draft Community Lease policy which aimed to provide a standard set of provisions for the assessment of community leases to ensure there is consistency between all of the City's community leases. Council resolved as follows:

*"That this item be deferred to a Councillor Workshop."*

At the Planning and Development Services Committee (PDSC) Meeting held 9 October 2018 Council considered three EOIs for Olive Tree House and resolved as follows:

*"That this item be deferred to the Ordinary Council Meeting to be held 23 October 2018."*

The item was deferred to determine if there was opportunity to provide a tenancy within the City for each of the three organisations which submitted an EOI for Olive Tree House.

At the OCM held 23 October 2018 Council further considered the three EOI's and alternative locations for the interested organisations and resolved, in part, as follows:

*"That Council:*

1. *Approves the lease for Reserve 47382, 6 Blades Close, Morley to Interchange with the following key terms, and payments made by Interchange:*
  - (a) *Term: Five years.*
  - (b) *Rental: \$40,120 plus GST.*
  - (c) *Rent Review: Yearly with CPI.*
  - (d) *Rates and Charges: Emergency Services Levy (currently \$880).*
  - (e) *Utilities: All utility charges and outgoings."*

On 13 November 2018 the City received a written request from Interchange requesting Council's reconsideration of the rental amount for Olive Tree House.



## CONSULTATION

No consultation is proposed to occur on this matter.

## ANALYSIS

At the OCM held 23 October 2018 Council considered three EOI's for the lease of Olive Tree House. As a part of their EOI application Interchange proposed a rental figure of \$41,000, inclusive of all outgoings. This amount was reinforced during deputations presented by Interchange to the PDSC Meeting held 9 October 2018 and to the 23 October 2018 OCM.

On 13 November 2018 the City received a request from Interchange that Council reconsider the rental of the lease for Olive Tree House. A copy of the letter has been included in **Attachment 1**.

In accordance with Council's resolution Interchange would be required to pay a rental of \$40,120, the emergency services levy (ELS) of \$880 and any outgoings (water, electricity, gas etc. the organisation's usage fees). In their letter Interchange highlighted that their original offer of \$41,000 was inclusive of all outgoings and that they were not in a position to pay for outgoings on top of the rental fee of \$41,000 (including ESL) while growing their services in the northern suburbs in partnership with the community and the City and extending the facility to other community and not for profit groups at an affordable rate.



Interchange has requested consideration to reduce the rental to \$13,600 in accordance with the draft Community Lease Policy presented to Council at the OCM held 25 September 2018. In the report to the PDSC held 9 October officers recommended that the rental amount be \$13,600, which is 40% of the valuation of the building (\$34,000) in accordance with the draft policy. The report was written prior to the draft policy being deferred by Council. Given that Council deferred the draft policy for further consideration at a Councillor Workshop it is not considered appropriate to apply the recommended rental amount in accordance with the draft policy as it may change prior to it being adopted by Council.

Additionally, in deciding to award the lease of Olive Tree House to Interchange the rental amount was a significant consideration. It is not considered fair to significantly reduce the rental amount below what was included in the EOI process as the lower rental offer may have changed the outcome of the EOI process.

An assessment of the outgoings for Olive Tree House was undertaken to determine their estimated cost. The estimated outgoings for Olive Tree House are considered to be:

- Rubbish services (for one bin) - \$347;
- Security system Inspection - \$220;
- Security monitoring - \$240;
- Maintenance of air conditioner - \$245;
- Gutter cleaning - \$200;
- Tag and test of appliances - \$330; and
- Pest control - \$220.

The total cost of outgoings for Olive Tree House is approximately \$1,802.

In addition to the outgoings Interchange will be required to pay for all their utilities (water, electricity, gas, internet, phone line etc.). As the cost of utilities is dependent on Interchange's usage and provider it is not considered appropriate to reduce the rental figure to include those costs.

In light of the above it is considered appropriate to reduce the rental amount from \$40,120 to \$38,310 plus outgoings. This would ensure that Interchange do not exceed their maximum amount of \$41,000 including outgoings and that they will be able to provide the expected services to the community.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
<p>1. Modify the key terms for the lease of Olive Tree House (6 Blades Close, Morley) to have a rental of \$38,310 per annum with Perth CPI applied annually, plus the Emergency Services Levy, all applicable outgoings and utility charges.</p> <p><b><i>Estimated Cost:</i></b> <u>Costs Per Annum:</u></p>	<ul style="list-style-type: none"> <li>• The City receives rental income to cover the ongoing cost of maintaining the building.</li> <li>• Aligns with the amount Interchange indicated they were able to pay during the EOI process.</li> <li>• Enables Interchange to provide services to the</li> </ul>	<ul style="list-style-type: none"> <li>• The City will receive \$1,810 less in income for the building.</li> <li>• Interchange may still not be satisfied with the rental amount as it is more than the \$13,600 requested.</li> </ul>

OPTION	BENEFIT	RISK
<p>ESL \$880 Current annual maintenance costs: \$6,966 Building maintenance \$2,848 Preventative maintenance \$2,848 Insurance \$1,270 Total: \$11,964</p> <p><u>Income Per Annum:</u> Rental Income: \$38,310 ESL \$880 Total: \$39,190</p> <p><u>Balance Per Annum:</u> \$27,226 net income</p>	<p>expected standard.</p> <ul style="list-style-type: none"> <li>Enables Interchange to extend the facility to other community and not for profit groups at an affordable rate.</li> </ul>	
<p>2. Maintain the key terms of the lease for Olive Tree House (6 Blades Close, Morley) with the rental to be \$40,120 per annum (as offered) with Perth CPI applied annually, plus the Emergency Services Levy, all applicable outgoings and utility charges.</p> <p><b><i>Estimated Cost:</i></b> <u>Costs Per Annum:</u> ESL \$880 Current annual maintenance costs: \$6,966 Building maintenance \$2,848 Preventative maintenance \$2,848 Insurance \$1,270 Total: \$11,964</p> <p><u>Income Per Annum:</u> Rental Income: \$40,120 ESL \$880 Total: \$41,000</p> <p><u>Balance Per Annum:</u> \$29,036 net income</p>	<ul style="list-style-type: none"> <li>The City receives rental income to cover the ongoing cost of maintaining the building.</li> <li>Consistent with Council's previous decision on the rental.</li> </ul>	<ul style="list-style-type: none"> <li>The higher rental will reduce frontline service delivery by Interchange.</li> </ul>
<p>3. Modify the key terms for the lease of Olive Tree House (6 Blades Close, Morley) to have a rental of \$13,600 per annum with Perth CPI applied annually, plus the Emergency Services Levy, all applicable outgoings and utility charges.</p> <p><b><i>Estimated Cost:</i></b> <u>Costs Per Annum:</u> ESL \$880 Current annual maintenance costs: \$6,966 Building maintenance \$2,848</p>	<ul style="list-style-type: none"> <li>The City receives rental income to cover the ongoing cost of maintaining the building.</li> <li>The lower rental will enable more frontline service delivery by Interchange.</li> </ul>	<ul style="list-style-type: none"> <li>May not be consistent with the final Community Lease Policy.</li> <li>City could have received more rental from the other EOI applicants.</li> <li>It is considered inequitable to consider all of the EOIs received on their merit and then significantly lower the rental later.</li> </ul>

OPTION		BENEFIT	RISK
	Preventative maintenance \$2,848 Insurance \$1,270 Total: \$11,964  <u>Income Per Annum:</u> Rental Income: \$13,600 ESL \$880 Total: \$14,480  <u>Balance Per Annum:</u> \$2,516 net income		

## CONCLUSION

In light of the above, it is recommended that Council proceed with Option 1 to modify the key terms for the lease of Olive Tree House (6 Blades Close, Morley) to have a rental of \$38,310 per annum with Perth CPI applied annually, plus the Emergency Services Levy, all applicable outgoings and utility charges.

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Offer lease agreement with a reduced rental of \$38,310 to Interchange

**Asset Category:** Lease

**Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in LTFP

**Notes:** Nil

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	\$11,964	-	\$39,190	-	-	\$49,633 (expenditure)

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Community

Aspiration: An active and engaged community.

Outcome C1: A strong sense of community through the provision of quality services and facilities.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Not applicable.

## VOTING REQUIREMENTS

Simple Majority required.

## ATTACHMENTS

- Interchange's Request to Reconsider Lease Costs.

**OFFICER'S RECOMMENDATION**

That Council approves the lease for Reserve 47382, 6 Blades Close, Morley to Interchange with the following key terms, and payments to be made by Interchange:

1. Term: Five years.
2. Rental: \$38,310 plus GST.
3. Rent Review: Yearly with CPI.
4. Rates and Charges: Emergency Services Levy (currently \$880).
5. Utilities: All utility charges and outgoings.

**COMMITTEE RESOLUTION**

That Council approves the lease for Reserve 47382, 6 Blades Close, Morley to Interchange with the following key terms, and payments to be made by Interchange:

1. Term: Five years.
2. Rental: \$30,000 plus GST.
3. Rent Review: Yearly with CPI.
4. Rates and Charges: Emergency Services Levy (currently \$880).
5. Utilities: All utility charges and outgoings.

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR STEPHANIE GRAY SECONDED**

**CARRIED: 9/1**

**FOR:** *Cr Dan Bull, Mayor, Cr Sally Palmer, Cr Michelle Sutherland, Cr Chris Cornish, Deputy Mayor, Cr Filomena Piffaretti, Cr Stephanie Gray, Cr Catherine Ehrhardt, Cr Giorgia Johnson and Cr Elli Petersen-Pik.*

**AGAINST:** *Cr Lorna Clarke,*

**REASON FOR CHANGE**

*The Committee changed the officer's recommendation as it considered that the lower rental should be applied to recognise the community benefit of the proponents similar to other organisations, and still providing a favourable outcome for the City's ratepayers.*

**Attachment 1 - Interchange's Request to Reconsider Lease Costs.**

13 November 2018

Mr Andrew Brien  
CEO, City of Bayswater  
[andrew.brien@bayswater.wa.gov.au](mailto:andrew.brien@bayswater.wa.gov.au)

Dear Mr Brien,

Re: Consideration of lease costs for Olive Tree House

We are very pleased to be offered the lease for Olive Tree House as a home for the people we support in the Bayswater locality, this is an exciting opportunity for us and we are very grateful for it.

We would however, like to point out that our original position on occupancy costs, outlined in our EOI, was stated as **\$41,000 per annum including rent and all outgoings**, however the recommendation from Council is for a lease to be drawn up equating to \$41,000 per annum inclusive of the ESL, but not including the other outgoings. We are of the understanding that Council has exempted Interchange from payment of Rates which is generally one of the more significant costs but we feel it is important to understand that our offer was our maximum budget and that all other outgoings such as security, rubbish removal, air con maintenance etc was intended come within that budget.

While we hope the above paragraph has made clear what our maximum budget is we would be very grateful if consideration could be given to offering Interchange a community lease rate that would assist us in extending the use of the facility to other community and not for profit groups at an affordable rate – aligned to the other City facilities made available for occasional hire.

From reviewing the Planning and Development Services Committee Meeting minutes of 9 October 2018 we note that the property had been considered for a community lease rate of \$13,600 plus GST (representing 40% of the independent evaluation undertaken on 18 September 2018) with the tenant to pay all utility charges and outgoings. If it is possible, Interchange would value the opportunity to benefit from a community lease in place of the current terms.

Interchange is a not for profit organisation that provides services to people with disability and their families across the metropolitan area. We have a strategic objective to grow our services in the Northern suburbs and Olive Tree House would provide us with an accessible base to achieve this objective and develop new community partnerships with the City and community groups in the locality. We reiterate our willingness and intention to invite and encourage other community groups to access to the facility on a cost recovery basis to maximise its

**Head Office**

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T 9329 9399 F 9459 9652  
E [office@interchangewa.org.au](mailto:office@interchangewa.org.au)  
W [www.interchangewa.org.au](http://www.interchangewa.org.au)

**Postal Address**

PO Box 109  
Maddington WA 6989  
ABN 94 378 383 723





potential and add further benefit to the wider community and the people and families we support.

Interchange respectfully requests Council to review the lease costs for Interchange to lease Olive Tree House to align with our EOI, or if possible to authorise a community lease arrangement that would assist us to share this asset with other community groups looking to create an inclusive and thriving community where Everyone Belongs.

Should you require any additional information, please contact Mr Justin O'Meara Smith on 0412 826 185 or by email to [j.omearasmith@interchangewa.org.au](mailto:j.omearasmith@interchangewa.org.au). Thank you for your consideration of our request.

Yours respectfully

A handwritten signature in blue ink, appearing to read 'J. O'Meara Smith', is written over a circular blue stamp.

Justin O'Meara Smith  
CEO, Interchange WA

CC  
Mayor, Cr Dan Bull  
[dan.bull@bayswater.wa.gov.au](mailto:dan.bull@bayswater.wa.gov.au)  
Director Community and Development, Mr Des Abel  
[des.abel@bayswater.wa.gov.au](mailto:des.abel@bayswater.wa.gov.au)

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**10.9 Charles Newman Gardens Lease Renewal**

**Location:** Lot 4, 480 Guildford Road, Bayswater  
**Owner:** Spine and Limb Foundation  
**Reporting Branch:** Strategic Planning and Place  
**Responsible Directorate:** Community and Development  
**Refer:** Item 12.4.5 OCM: 30.01.2007  
Item 12.4.5: OCM: 26.09.2006

**EXECUTIVE SUMMARY****Application:**

For the City to consider taking up a new lease on Lot 4, 480 Guildford Road, Bayswater (Charles Newman Gardens).

**Key Issues:**

- The land is owned by the Spine and Limb Foundation (SLF) and the City has been using the gardens as public open space through a lease since 24 November 1987.
- SLF have offered the City a new peppercorn lease for 10 years with the same terms as the previous lease.

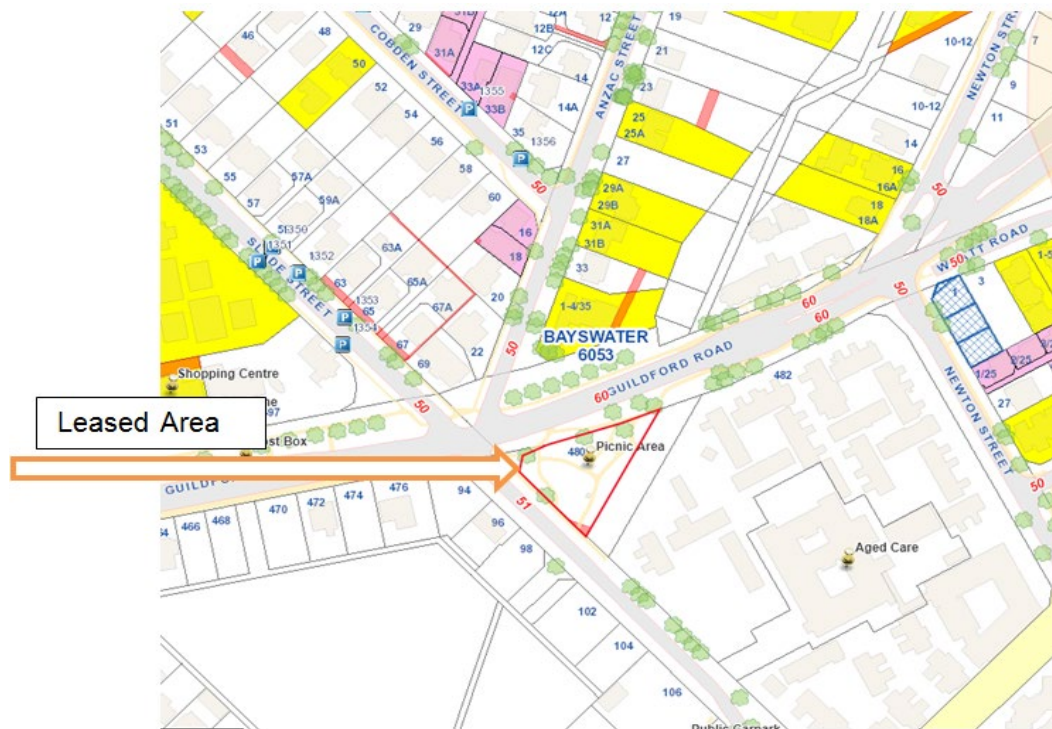
**BACKGROUND**

Charles Newman Gardens, Lot 4, 480 Guildford Road, Bayswater is owned by the SLF. It is split into two land parcels by a Water Corporation drain. The major portion of the lot is located to the east of the drain and contains a retirement village, which was constructed in several stages between 1975 and 1988. The smaller triangular portion located west of the drain forms the Charles Newman Gardens, which is an area of local open space maintained by the City.

The City has been leasing the Charles Newman Gardens to use as public open space since 24 November 1987. The City first leased the land through a 21 year peppercorn lease from 24 November 1987. It then signed an additional 10 year lease which expired on 24 November 2018.

On 10 August 2018 the SLF sent a letter to the City stating that the current lease was due to expire and offering the City a new lease with the same terms. Officers contacted SLF and confirmed the offer and mentioned preliminary interest.

On 1 November 2018 officers wrote to SLF to confirm that the Council report would occur after the lease expired and requested that the lease terms be rolled over until a decision was reached. SLF agreed to this request.



## CONSULTATION

No public consultation is proposed.

## ANALYSIS

The leased area is a 2,026sqm block located at the intersection of Guildford Road and Slade Street and contains walkways and picnic benches.

The SLF has proposed the following key terms for the lease:

- Peppercorn rental;
- 10 year term;
- City to pay all outgoings;

- City to maintain premise, fences and gardens including all structural maintenance;
- The City to not alter or modify the building without SLF's permission; and
- The permitted use is for unrestricted public open space.

The above terms are the same as the previous lease.

The City currently has \$30,703 allocated to Charles Newman Gardens for maintenance in the 2018/19 budget.

The Charles Newman Gardens is a well-maintained local park which forms an eastern entry statement to the City along Guildford Road, and also forms an entry statement to Riverside Gardens on Slade Street. It is considered that the park offers an aesthetic benefit to the City and nearby residents.

In light of the above it is recommended to renew the lease of Charles Newman Gardens as it offers a benefit to the community and reflects the City's commitment to upholding the Garden City motto.

### OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
<p>1. Accept SLF's offer for a new lease on Lot 4, 480 Guildford Road, Bayswater subject to the following terms:</p> <ul style="list-style-type: none"> <li>• Peppercorn rental;</li> <li>• 10 year term;</li> <li>• City to pay all outgoings;</li> <li>• City to maintain premise, fences and gardens including all structural maintenance;</li> <li>• The City to not alter or modify the building without SLF's permission; and</li> <li>• The permitted use is for unrestricted public open space.</li> </ul> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>• Wages - \$10,619</li> <li>• Contract garden maintenance - \$6,700</li> <li>• Electricity - \$490</li> <li>• Overhead allocation - \$11,686</li> <li>• Plant depreciation -\$1,207</li> <li>• Total Cost - \$30,703</li> </ul>	<ul style="list-style-type: none"> <li>• Continued use of the open space at Charles Newman Garden.</li> <li>• Continued use of a well maintained local park.</li> <li>• The park forms an entry statement to the City and Riverside Gardens.</li> <li>• The park offers an aesthetic benefit to the City and nearby residents.</li> </ul>	<ul style="list-style-type: none"> <li>• The City is responsible for the maintenance and outgoings relating to the property.</li> </ul>

OPTION		BENEFIT	RISK
2.	<p>Decline the SLF's offer for a new lease on Lot 4, 480 Guildford Road, Bayswater.</p> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>To make good – Unknown at this stage</li> </ul>	<ul style="list-style-type: none"> <li>The City is no longer responsible for the maintenance and outgoings relating to the property.</li> </ul>	<ul style="list-style-type: none"> <li>The public would no longer have access to Charles Newman Gardens</li> <li>Loss of this public open space.</li> <li>City would have to make good the property back to an acceptable standard and similar to start of the lease</li> </ul>

## CONCLUSION

In light of the above it is recommendation the Council proceed with Option 1 to accept SLF's offer for a new lease on Lot 4, 480 Guildford Road, Bayswater subject to the following terms:

- Peppercorn rental;
- 10 year term;
- City to pay all outgoings;
- City to maintain premise, fences and gardens including all structural maintenance;
- The City to not alter or modify the building without Spine and Limb Foundation's permission; and
- The permitted use is for unrestricted public open space.

## FINANCIAL IMPLICATIONS

The following financial implications are applicable:

**Item 1:** Accept Lease Offer

**Asset Category:** N/A

**Source of Funds:** Municipal

**LTFP Impacts:** Not itemised in the LTFP

**Notes:** Nil

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	\$20,084	\$10,619	-	-	-	\$30,703

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Community

Aspiration: An active and engaged community

Outcome C1: A strong sense of community through the provision of quality services and facilities.



**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority Required.

**ATTACHMENTS**

Nil

**MOTION**

That Council declines the Spine and Limb Foundation's offer for a new lease on Lot 4, 480 Guildford Road, Bayswater.

**CR CATHERINE EHRHARDT MOVED**

**LAPSED: NO SECONDER**

**COMMITTEE RESOLUTION****(OFFICER'S RECOMMENDATION)**

That Council accepts Spine and Limb Foundation's offer for a new lease on Lot 4, 480 Guildford Road, Bayswater (Charles Newman Gardens) subject to the following terms:

1. Peppercorn rental;
2. 10 year term;
3. City to pay all outgoings;
4. City to maintain premise, fences and gardens including all structural maintenance;
5. The City to not alter or modify the building without Spine and Limb Foundation's permission; and
6. The permitted use is for unrestricted public open space.

**CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR LORNA CLARKE SECONDED**

**CARRIED: 9/1**

**FOR:** *Cr Dan Bull, Mayor, Cr Sally Palmer, Cr Michelle Sutherland, Cr Chris Cornish, Deputy Mayor, Cr Filomena Piffaretti, Cr Stephanie Gray, Cr Lorna Clarke, Cr Giorgia Johnson and Cr Elli Petersen-Pik.*

**AGAINST** *Cr Catherine Ehrhardt*

**10.10 Proposed Agreement to Transfer Land - Lot 50 Morley Drive, Morley**

**Owner:** City of Bayswater  
**Reporting Branch:** Strategic Planning and Place  
**Responsible Directorate:** Community and Development

**EXECUTIVE SUMMARY****Application:**

Council consideration is sought to agree to the transfer of Lot 50 Morley Drive, Morley, free of cost, to the State of Western Australia to be dedicated as road.

**Key Issues:**

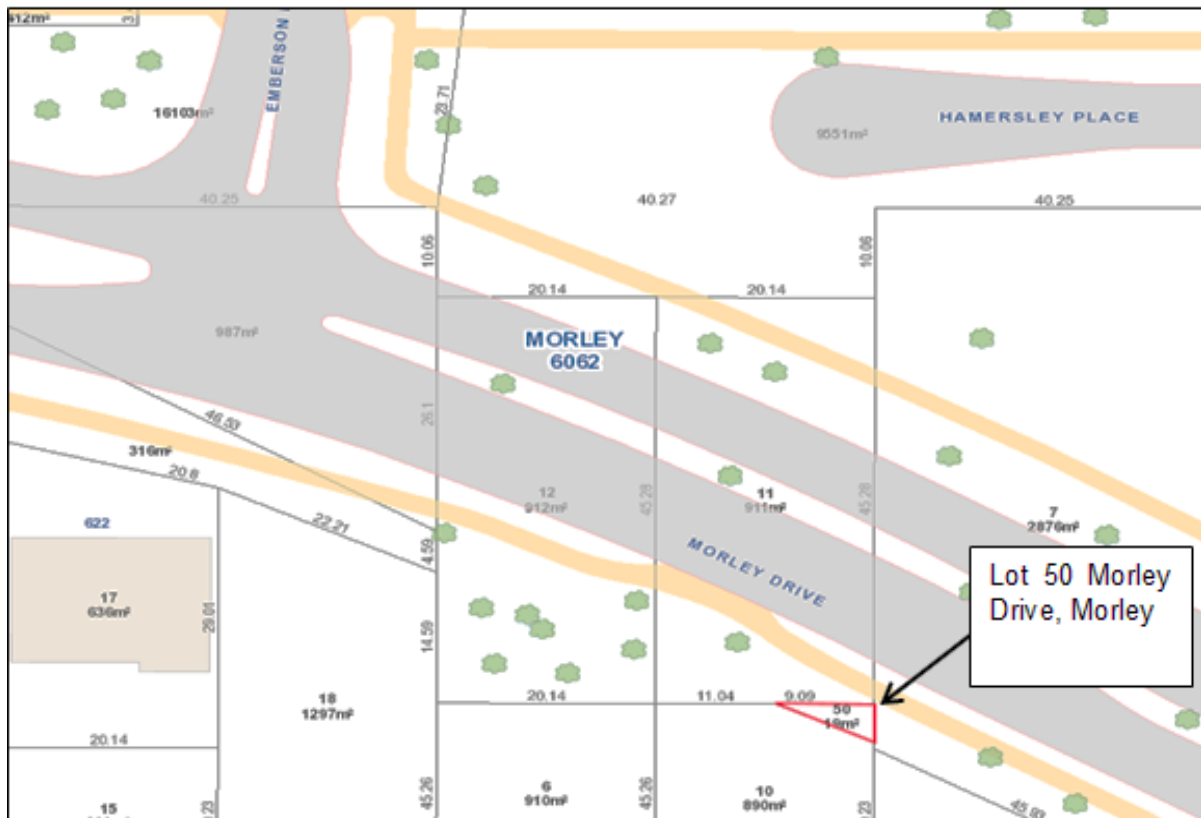
- The subject freehold lot is considered to be a tenure anomaly.
- The lot forms part of Morley Drive, which is a Primary Regional Road under the control of Main Roads WA (MRWA).
- MRWA is seeking the agreement of Council to transfer the lots free of cost.

**BACKGROUND**

<b>Town Planning Scheme No. 24 Zoning:</b>	"Primary Regional Road" under the Metropolitan Region Scheme.
<b>Applicant:</b>	Main Roads WA
<b>Owner:</b>	City of Bayswater
<b>Lot Areas:</b>	Lot 50: 19m <sup>2</sup>

MRWA has written to the City seeking the agreement of Council to transfer Lot 50 Morley Drive, Morley, free of cost, to the State of Western Australia in order to dedicate the land as road in accordance with Section 168(5) of the *Planning and Development Act 2005*.





MRWA has advised that the subject lot is a remnant of a super lot that was once owned by the then Shire of Bayswater. MRWA is not aware of how the subject lot came into the ownership of the then Shire of Bayswater. As part of MRWA review of outstanding main road dedications in the metropolitan area, the freehold lot has been identified as a tenure anomaly, which MRWA wishes to dedicate as road.

### CONSULTATION

Consultation is not required in this instance.

## ANALYSIS

The subject lot comprises landscaping and gives the impression that it is part of the Morley Drive verge/road reserve. The land is managed and maintained by the City of Bayswater.

MRWA could acquire the land, either compulsorily or by negotiation, under *Section 29 of the Main Roads Act 1930*, if the City does not agree to transfer the land. However MRWA has advised that it would not be willing to do so as they have no funds budgeted for this type of land acquisition and it would not be willing to pay for the land as it cannot be used by the City for any other purpose other than road.

Therefore, if the City does not agree to the transfer of the land, it would remain in the City's ownership and MRWA would take no further action in this transfer matter.

The proposed agreement to the transfer Lot 50 Morley Drive, free of cost, to the State of Western Australia to be dedicated as a road is considered acceptable, subject to the City not being responsible for any costs associated with the transfer, for the following reasons:

- The lots are entirely within part of the verge of Morley Drive, which is a Primary Regional Road under the control of MRWA.
- There is no other purpose for which the lot could reasonably be used.
- Regardless of the land tenure, the City would remain responsible for the management of the Morley Drive verge area, including footpaths and landscaping as per the current arrangement between MRWA and the City. Further, the City's liability would not change as a result of a change in land tenure.

## OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Agree to the transfer of Lot 50 Morley Drive, free of cost, to the State of Western Australia, subject to the City not being responsible for any costs associated with the transfer.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Would provide consistency in the ownership of Morley Drive in this area.</li> <li>• Would resolve a tenure anomaly within the City.</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
2. Agree to the sale of Lot 50 Morley Drive, to the State of Western Australia at a price to be negotiated with MRWA.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Could resolve a tenure anomaly within the City.</li> <li>• May generate revenue for the City.</li> </ul>	<ul style="list-style-type: none"> <li>• MRWA has no funds budgeted for this type of land acquisition.</li> <li>• MRWA has indicated that it would not be willing to pay for the lot as it is cannot be used by the City for any other purpose.</li> </ul>
3. Refuse to the transfer of Lot 50 Morley Drive, free of cost, to the State of Western Australia.  <b>Estimated Cost:</b> <ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Would not provide consistency in the ownership of Morley Drive in this area.</li> <li>• Would not resolve a tenure anomaly within the City.</li> </ul>

## CONCLUSION

In light of the above, it is recommended that Council agrees to the transfer of Lot 50 Morley Drive, Morley, free of cost, to the State of Western Australia, subject to the City not being responsible for any costs associated with the transfer (Option 1).

## FINANCIAL IMPLICATIONS

**Item 1:** Land Transfer

**Asset Category:** N/A

**Source of Funds:** N/A

**LTFP Impacts:** Not itemised in the LTFP

**Notes:** N/A

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	-	-	-	-	-	-

## STRATEGIC LINK

In accordance with the City of Bayswater's Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment.

Aspiration: A quality and connected built environment.

Outcome B2: A connected community with sustainable and well maintained transport.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

The transfer of land in order to dedicate the land as road is to be undertaken in accordance with *Section 168(5) of the Planning and Development Act 2005*.

## VOTING REQUIREMENTS

Simple Majority required.

## ATTACHMENTS

Nil.

***At 8:39pm, Cr Chris Cornish, Deputy Mayor, left the meeting and returned at 8:41pm.***

***At 8:40pm, Cr Catherine Ehrhardt left the meeting and returned at 8:44pm.***



**OFFICER'S RECOMMENDATION**

That Council agrees to the transfer of freehold Lot 50 Morley Drive, Morley, free of cost, to the State of Western Australia to be dedicated as road pursuant to *Section 168(5) of the Planning and Development Act 2005*, subject to the City not being responsible for any costs associated with the transfer.

**CR LORNA CLARKE MOVED, CR FILOMENA PIFFARETTI SECONDED**

**LOST: 5/5**

**FOR:** *Cr Michelle Sutherland, Cr Chris Cornish, Deputy, Mayor, Cr Filomena Piffaretti, Cr Catherine Ehrhardt and Cr Giorgia Johnson.*

**AGAINST:** *Cr Dan Bull, Mayor, Cr Sally Palmer, Cr Stephanie Gray, Cr Lorna Clarke and Cr Elli Petersen-Pik.*

In accordance with Section 5.21(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member (Chairperson), Cr Dan Bull, Mayor, cast a second vote.

**FORESHADOWED MOTION**

That Council refuses to the transfer of Lot 50 Morley Drive, free of cost, to the State of Western Australia.

**CR DAN BULL, MAYOR MOVED, CR LORNA CLARKE SECONDED**

**LOST: 4/6**

**FOR:** *Cr Dan Bull, Mayor, Cr Sally Palmer, Cr Stephanie Gray and Cr Lorna Clarke*

**AGAINST:** *Cr Michelle Sutherland, Cr Chris Cornish, Deputy, Mayor, Cr Filomena Piffaretti, Cr Catherine Ehrhardt, Cr Giorgia Johnson and Cr Elli Petersen-Pik*

**FORESHADOWED MOTION**

That Council agrees to the transfer of freehold Lot 50 Morley Drive, Morley, free of cost, to the State of Western Australia to be dedicated as road pursuant to *Section 168(5) of the Planning and Development Act 2005*, subject to:

- a) the City not being responsible for any costs associated with the transfer; and
- b) the planting of five trees along Morley Drive, Morley, to the satisfaction of the City at Main Road WA's cost.

**CR ELLI PETERSEN-PIK MOVED, CR CATHERINE EHRHARDT SECONDED**

**LOST: 4/6**

**FOR:** *Cr Chrish Cornish, Deputy Mayor, Cr Filomena Piffaretti, Cr Catherine Ehrhardt and Cr Elli Petersen-Pik.*

**AGAINST:** *Cr Dan Bull, Mayor, Cr Sally Palmer, Cr Michelle Sutherland, Cr Stephanie Gray, Cr Lorna Clarke and Cr Giorgia Johnson.*

*At 8.52pm, Cr Chris Cornish, Deputy Mayor, left the meeting and did not return.*

**10.11 Bayswater Industrial Estate Improvement and Enforcement Programs**

**Reporting Branch:** Strategic Planning and Place  
**Responsible Directorate:** Community and Development  
**Refer:** Item 14.2: OCM 28.08.2018  
Item 9.1.12: PDSC 16.05.2017  
Item 16.1: OCM 6.12.2016

**EXECUTIVE SUMMARY****Application:**

For Council to consider improvement and enforcement programs for the Bayswater Industrial Estate.

**Key Issues:**

- In response to the Council resolution of 28 August 2018, the City has prepared programs and associated costs for landscaping improvements, parking and material storage on verges compliance, and planning compliance in the Bayswater Industrial Estate.
- The unbudgeted costs associated with the improvement and enforcement programs are considered to be beyond the capacity of the mid-year budget review and are proposed to be referred to the City's 2019/20 budget process.
- The City also proposes to investigate opportunities for land use changes and attracting strategic catalyst activities/development, such as an educational institution to the Bayswater Industrial Estate.

**BACKGROUND**

At its Ordinary Meeting on 6 December 2016, Council resolved:

*"That Council requests the Acting Chief Executive Officer prepare a draft economic/business framework by 31 April 2017 for Council's consideration that aims to support, enhance and revitalise existing local businesses within the City of Bayswater as well as provide incentives for new businesses to emerge and existing businesses to relocate to the district. Such draft is to be developed in consultation with ratepayers, existing businesses and business representative groups (such as CEBA, MBA, BVTA, and BB)."*

The draft Economic/Business Framework was prepared and presented to the 16 May 2017 Planning and Development Services Committee meeting. In preparing the Framework the City undertook extensive public consultation with businesses in both the Town Centres and industrial areas. 107 written surveys were completed and approximately 50 interviews undertaken. Council adopted the Framework and requested the City commence implementation of the short term actions.

Businesses self-identified the main challenges for themselves and most important matters that the City could do assist them (incentives). The following three actions in the Framework are relevant to compliance and landscaping programs in the Bayswater Industrial Estate:

Actions	Delivery Method	Estimated Resourcing and Timing
<b>Improve cleanliness</b> 7.2.1 Undertake ongoing compliance that delivers immediate and ongoing improvement to the cleanliness of the area focussing on verges, verge improvement and the removal of junk on public and private property.	Direct City delivery	<b>Years 2-5</b> <ul style="list-style-type: none"> <li>Proactive activity of City's compliance officer (current resourcing is reactive only).</li> <li>1 FTE ongoing (currently proposed in draft Work Force plan for 2018-2019).</li> </ul>
7.2.2 Communicate the benefits the existing verge policy and its benefit to the overall precinct.	Co-delivery by the City and business or other groups	<b>Years 2-5</b> <ul style="list-style-type: none"> <li>Prepare communication and publicity strategy and implement.</li> <li>0.1 FTE for three-months.</li> <li>Include CEBA in the communication channels.</li> </ul>
7.2.3 Improve verges and open space to provide more visual amenity shade, and footpaths.	Direct City delivery	<b>Year 5+</b> <ul style="list-style-type: none"> <li>\$30,000 for a walkability and landscape plan.</li> <li>0.2 FTE for six-months to manage preparation of the plan.</li> <li>Future capital costs and resourcing required for implementation (to be determined in landscaping plan).</li> </ul>

Council considered a motion relating to the Bayswater Industrial Estate at the Ordinary Meeting held on 28 August 2018, and resolved as follows:

*"That Council:*

1. *Authorises the Mayor to write to all property owners within the Bayswater Industrial Estate requesting that they note and inform the tenants/occupiers of their property of the following:*
  - (a) *The City will be commencing an increased enforcement regime to target illegally parked vehicles on verges;*
  - (b) *The City will be commencing a process to look at enforcement options to address the accumulation of goods on verges across the estate; and*
  - (c) *The City seeks their support for a process to improve the aesthetics of the estate through the planting trees and improved maintenance of verges.*
2. *Authorises the CEO to develop an improvement program and enforcement program for the estate with a report to come back to Council by December 2018 along with appropriate costings for either implementation in the 2018/19 year or for inclusion in the 2019/20 budget (based on overall costs)."*

Letters were subsequently sent to all landowners within the Bayswater Industrial Estate in accordance with Point 1 of the resolution.

This report proposes improvement and enforcement programs in relation to Point 2 of the resolution.

## **CONSULTATION**

No consultation has occurred with the public or other agencies on this matter.

## **ANALYSIS**

### Verge Improvement Program

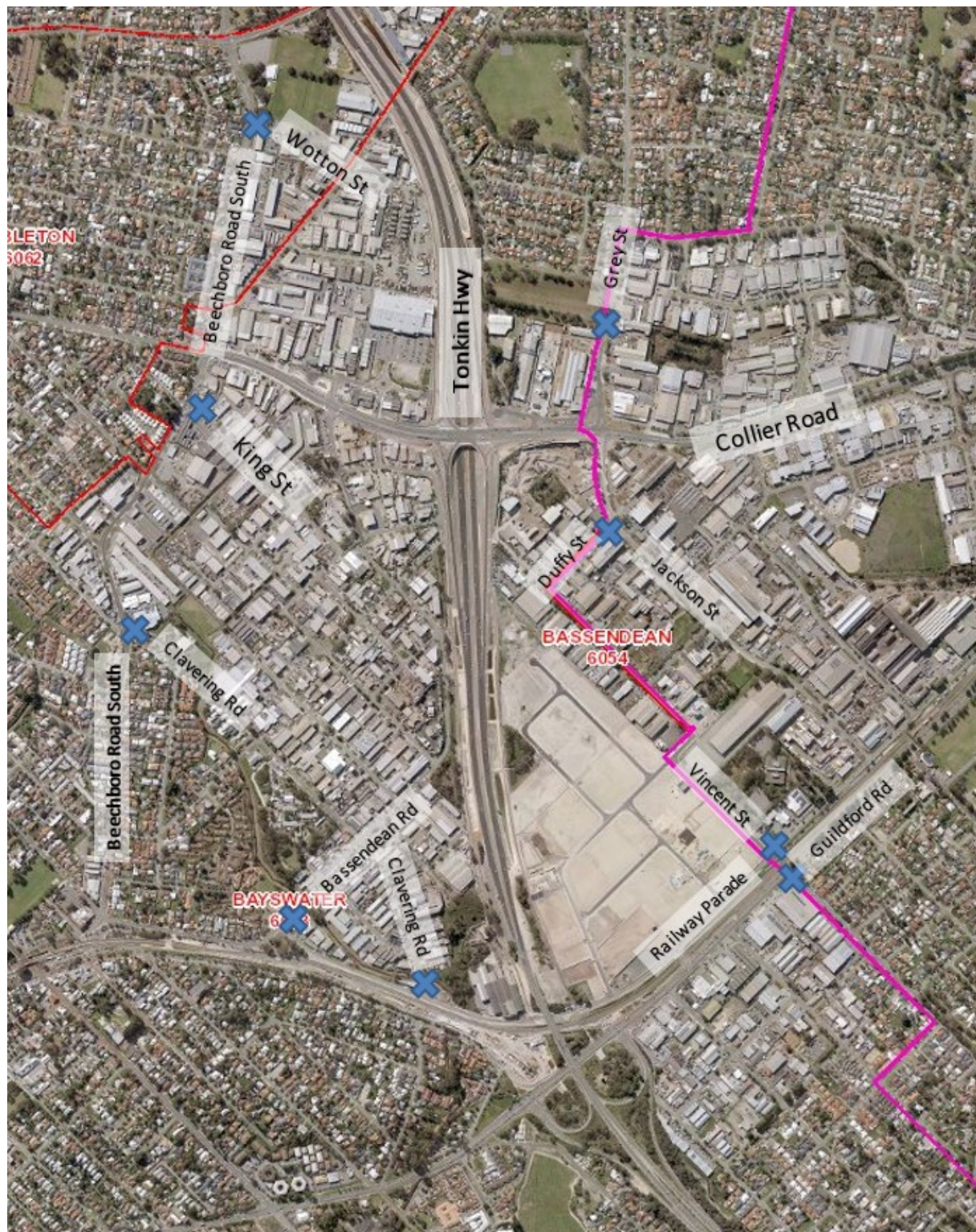
The Economic/Business Framework recommended that beyond 2022 that the City prepare a walkability and landscape plan to improve verges and open space to provide more visual amenity, shade, and footpaths. In the interim it is proposed to focus street tree planting efforts in the Bayswater Industrial Park in the winter of 2019. This can be undertaken within existing resources. If the City takes the same approach to the residential areas where landowners have the opportunity to opt out of having a tree on their verge, it is expected that the take up will be in the range of 10-20% of properties. This year in Noranda, approximately 80% of landowners declined to have a free tree planted in their verge and it is anticipated that this percentage would be even higher throughout the Bayswater industrial area. Alternatively, landowners are not given the opportunity to opt out of a verge tree in front of their property. The verges in the industrial area are generally wider and are considered to be able to adequately accommodate a tree without impacting on the business. On this basis it is recommended that street trees be planted in the Bayswater industrial area in locations determined by the City.


The lack of City water extraction bores within the Bayswater Industrial Estate and the difficulty obtaining new water extract licences limits the ability to have extensive landscaping installed in the verges and medians. It is considered the alternative of installing new scheme (drinking quality) water connections for irrigation would be cost prohibitive and not a sustainable use of scheme water.

However, a program of upgrading the key entry statements is proposed. The works would comprise new high quality landscaping at the key intersections leading into the Bayswater Industrial Estate. This will create a sense of arrival and a good first impression for the estate which may in turn encourage land owners to support the planting of a street tree on their verge. The nine intersections to be targeted are indicated on the map below. Main Roads have recently completed works on Collier Road as part of the Northlink Project and therefore the intersections on this road have not been considered at this time.

The estimated cost per new entry statement is \$15,000 (\$135,000 for all nine statements), including earthworks, new trees and plants, irrigation and a temporary (two years) connection to scheme water. The proposal is to complete three entry statements per annum over three financial years (2019-2020, 2020-2021 and 2021-2022). It is estimated that each new entry statement will require \$5,000 (\$45,000 for all nine statements) per annum to be maintained.





 *Proposed Entry Statement*

#### Parking and Materials on Verges Compliance

Enforcement of unregistered vehicles and vehicles on verges with no registration plates affixed has been provided utilising provisions of subdivision 4 of the *Local Government Act 1995* however this has largely been unsuccessful in the industrial area. This is because automotive related businesses are aware that they must remove the vehicle within 24 hours, which they do to avoid being infringed, regularly replacing vehicles.



This process has been reviewed and the City now utilises the City of Bayswater Parking And Parking Facilities Local Law, Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law and *Litter Act* to take earlier enforcement action.

Essentially strategies have been developed and implemented to improve compliance and are ongoing which include taking a more enforcement focused approach to breaches and issuing infringements, rather than warnings.

It is considered that the practice of dumping goods and (unregistered) vehicles on verges is not widespread throughout the industrial estate and is restricted to a limited number of businesses, who have been warned and are now being infringed for transgressions.

Notwithstanding, the City has costed an intensive enforcement program utilising contract rangers and administration staff. The additional resources would enable the City to target for three months illegal parking and material on verges within the Bayswater Industrial Estate.

The cost of two additional full-time rangers and one additional administration officer employed for a three month period is approximately \$103,000 in salaries and overheads.

The involvement of the Manager Rangers and Security, Senior Ranger and other operational staff will also be required, impacting on their responsiveness to other matters during the three month period. Depending on the nature of the matter, staff from other service areas such as Environmental Health and Development Approvals may also be involved.

#### Planning Compliance

The City can instigate a prosecution against any person/body for the storage of vehicles (registered or unregistered) without having obtained the relevant development approval under Part 8 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, thereby contravening the Scheme, contrary to section 218(a) of the *Planning and Development Act 2005* (PD Act). In addition, non-compliance with any development approval may be pursued under the provisions of the PD Act.

The majority of compliance matters are resolved without formal intervention through negotiation by the City's officers via on-site inspections, telephone discussion and liaison amongst the relevant City service areas. Other more complex matters usually require further compliance action, such as written directions or prosecution, which incurs significant time, costs and staff resources and can be on-going over weeks and months.

With respect to the Bayswater industrial area of which there are 603 properties, based on anecdotal evidence (visual), a significant number of these properties appear to be non-compliant with on-site car parking availability, landscaping and unkempt curtilages of sites largely as a result of disused materials and debris accumulation. Accordingly, an estimation to record and review each site and research the compliance with development approvals per property, would be approximately 8-10 months for one officer based on approximately two hours per property. However, given the complex nature of negotiating with applicants/owners to bring properties into compliance, processing applications for retrospective approval or in some cases prosecution action, it is difficult to accurately determine the exact period of time required for each non-compliance.

Accordingly, to bring the Bayswater industrial area into greater conformity with development approvals and the town planning scheme more generally would require the resources of one full time compliance officer for two years at an estimated cost of \$107,000 per annum. To maintain compliance in the long term basis would require the appointment of a permanent fulltime Development Compliance Officer to undertake a proactive program of liaison with landowners and would likely involve similar work to that of the City's town centre place managers.

### Strategic Considerations

In addition to improvement and enforcement programs, it is considered that the City could investigate opportunities for land use changes and attracting strategic catalyst activities/development to the Bayswater Industrial Estate.

As part of the preparation of a draft Local Planning Strategy, the City is investigating possible land use changes for the Bayswater Industrial Estate to create mixed-use enterprise precinct(s) and also buffer industrial areas from residential areas via different zonings and/or controlling the land use permissibility. The outcome of this investigation could, if implemented in the City's town planning scheme and supported by appropriate marketing and investment resources, drive a change in the type of businesses, such as more strategic catalyst activities/development locating in the estate and lead to new investment.

New investment could also be supported by the attraction of a trade or technical training/educational institution to the Bayswater Industrial Estate. The accessibility of the estate by car and public transport give it an advantage over all Perth industrial estates. It is proposed that the City proactively investigate the current opportunities for these type of activities/development. This can be undertaken within existing resources.

### **OPTIONS**

The following options are available to Council:

OPTION	BENEFIT	RISK
1. <ul style="list-style-type: none"> <li>Note the improvement and enforcement programs.</li> <li>Consider the funding as part of draft 2019/20 Budget process.</li> <li>Commence a verge tree planting program for the Bayswater industrial area in the winter of 2019 in locations determined by the City (no landowner opt-out).</li> <li>Investigate the current opportunities for new strategic catalyst activities/development in the Bayswater Industrial Estate.</li> </ul> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>\$452,000</li> </ul>	<ul style="list-style-type: none"> <li>Improved cleanliness and amenity for the Estate.</li> <li>Could result in new investment.</li> <li>Costs associated with the programs can be considered in the context of the City's 2019/20 budget.</li> </ul>	<ul style="list-style-type: none"> <li>Complaints from businesses and land owners that are the subject of increased compliance action.</li> </ul>
2. <ul style="list-style-type: none"> <li>Note the improvement and enforcement programs.</li> <li>Consider the funding as part of the City's mid-year 2019/20 Budget review.</li> <li>Commence a verge tree planting program for the Bayswater industrial area in the winter of 2019 in locations determined by the City (no landowner opt-out).</li> </ul>	<ul style="list-style-type: none"> <li>Improved cleanliness and amenity for the estate.</li> <li>Could result in new investment.</li> <li>The matters will be progressed earlier.</li> </ul>	<ul style="list-style-type: none"> <li>Complaints from businesses and land owners that are the subject of increased compliance action.</li> <li>Costs associated with the programs could be beyond the capacity of the mid-year budget review to fund and/or commit the City to additional ongoing costs.</li> </ul>

OPTION	BENEFIT	RISK
<ul style="list-style-type: none"> <li>Investigate the current opportunities for new strategic catalyst activities/development in the Bayswater Industrial Estate.</li> </ul> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>\$452,000</li> </ul>		
<p>3.</p> <ul style="list-style-type: none"> <li>Modify the improvement, enforcement and verge tree planting programs, and when to consider funding for them.</li> <li>Investigate the current opportunities for new strategic catalyst activities/development in the Bayswater Industrial Estate.</li> </ul> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>Dependant on the modification(s).</li> </ul>	<ul style="list-style-type: none"> <li>Dependent on the modification(s).</li> </ul>	<ul style="list-style-type: none"> <li>Dependent on the modification(s).</li> </ul>
<p>4.</p> <ul style="list-style-type: none"> <li>Do not further consider the improvement and enforcement programs, nor refer them for consideration as part of the Budget process.</li> <li>Not undertake a verge tree planting program for the Bayswater industrial area.</li> <li>Do not investigate the current opportunities for new strategic catalyst activities/development in the Bayswater Industrial Estate.</li> </ul> <p><b>Estimated Cost:</b></p> <ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Existing enforcement actions and programs will continue.</li> <li>No additional capital, staffing and maintenance costs.</li> </ul>	<ul style="list-style-type: none"> <li>No significant improvements in the compliance and amenity of the estate.</li> </ul>

## CONCLUSION

On the basis of the above, Option 1 is recommended such that Council notes the improvement and enforcement programs, and considers these programs and associated funding as part of the draft 2019/20 Budget process. Further, it is recommended that the City commences a verge tree planting program through in the Bayswater industrial area in the winter of 2019 in locations determined by the City with no option for the landowner to opt-out and investigate the current opportunities for new strategic catalyst activities/development in the Bayswater Industrial Estate.

## FINANCIAL IMPLICATIONS

No funding exists in the current 2018/19 Budget or the Long Term Financial Plan (LTFP) to develop an improvement program or enforcement program for the Bayswater Industrial Estate.

The Council resolution was that costings for implementation were to be considered in either the 2018/19 year (via the mid-year budget review) or for inclusion in the 2019/20 budget. Given the significant unbudgeted costs associated with the improvement and enforcement programs, it is considered that they are beyond the capacity to be considered in the mid-year budget review and therefore it is recommended that they are considered as part of the 2019/20 budget process.

The following financial implications are applicable:

**Item 1:** Entry Statement Landscaping

**Asset Category:** New **Source of Funds:** Municipal

**LTFP Impacts:** Not included in the LTFP

**Notes:** Nil.

**Item 2:** Intensive Parking and Materials on Verges Enforcement Program

**Asset Category:** N/A **Source of Funds:** Municipal

**LTFP Impacts:** Not included in the LTFP

**Notes:** Three month intensive program

**Item 3:** Proactive Planning Enforcement Program

**Asset Category:** N/A **Source of Funds:** Municipal

**LTFP Impacts:** Not included in the LTFP

**Notes:** Two year program

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$135,000 (over three financial years)	\$15,000	\$30,000	-	-	-	0
2	\$103,000 (over a three month period)	-	-	-	-	-	0
3	\$214,000 (over two financial years)	-	-	-	-	-	0

## STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment  
 Aspiration: A quality and connected built environment.  
 Outcome B1: Appealing streetscapes.  
 Outcome B3: Quality built environment.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

- *Local Government Act 1995;*
- City of Bayswater Parking and Parking Facilities Local Law; and Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;
- *Litter Act 1979;*

- *Planning and Development Act 2005; and*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*

**VOTING REQUIREMENTS**

Simple Majority required.

**ATTACHMENTS**

Nil.

**OFFICER'S RECOMMENDATION**

That:

1. Council notes the Bayswater Industrial Estate improvement and enforcement programs outlined in the report.
2. Council considers funding of \$255,000 for the improvement and enforcement programs as part of the City's draft 2019/20 Budget process and refers the proposed funding to the participatory budgeting process for inclusion in the panel deliberations.
3. The City commences a verge tree planting program for the Bayswater Industrial Estate in the winter of 2019 in locations determined by the City with no option for the landowner to opt-out.
4. Council requests the Chief Executive Officer to investigate the current opportunities for new strategic catalyst activities/development in the Bayswater Industrial Estate.

*At 8.53pm, Cr Filomena Piffaretti left the meeting and returned at 8:55pm*

**COMMITTEE RESOLUTION**

That:

1. Council notes the Bayswater Industrial Estate improvement and enforcement programs outlined in the report.
2. Council considers funding of \$255,000 for the improvement and enforcement programs as part of the City's draft 2019-20 Budget process and refers the proposed funding to the participatory budgeting process for information as part of the panel deliberations.
3. The City commences a verge tree planting program for the Bayswater Industrial Estate in the winter of 2019 in locations determined by the City subject to allowing adjacent land owners/business owners an option to opt-out.
4. Council requests the Chief Executive Officer to investigate the current opportunities for new strategic catalyst activities/development in the Bayswater Industrial Estate.

**CR DAN BULL, MAYOR MOVED, CR LORNA CLARKE SECONDED**

**CARRIED UNANIMOUSLY: 9/0**

**REASON FOR CHANGE**

*The Committee changed the officer's recommendation as it was felt that adjacent land/business owners should be provided the opportunity to opt-out of verge tree planting to allow the City and businesses to work in partnership to improve car parking and the amenity of the area and allow the City's resources to be used in an economical manner.*



**COUNCIL RESOLUTION - ADOPTION BY EXCEPTION**

That the recommendations relating to items: 10.1, 10.3, 10.4 and 10.5 contained in the agenda be adopted by exception as per section 5.5 of the *City of Bayswater Standing Orders Local Law 2018*.

**CR MICHELLE SUTHERLAND MOVED, CR ELLI PETERSEN-PIK SECONDED**

**CARRIED UNANIMOUSLY: 9/0**

**11. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

	<b>Councillor / Question</b>	<b>Response / Action</b>
<b>1</b>	<b>Cr Lorna Clarke</b>	
	<i>What has Council been doing to represent the voices of the local people in relation to the Bayswater Train Station in relation to discussions with the State Government, Public Transport Authority (PTA), Main Roads WA (MRWA), Metronet etc. to put on the public record everything the Council/City has done.</i>	The Mayor, Cr Dan Bull, clarified that the information is required from Mayor, Councillors, CEO and officer level and would be taken on notice.
<b>2</b>	<b>Cr Catherine Ehrhardt</b>	
2.1	<i>Some years ago, a motion was adopted by Council to investigate sites for sea container business modules (café/bar etc.) in parks, especially Riverside Gardens. What has happened to this? Where is it at?</i>	Taken on notice.
2.2	<i>Some years ago, the previous Deputy Mayor, Cr Stephanie Coates, successfully moved a motion regarding replacement of signage in the Bayswater Town Centre. What happened to this?</i>	The Mayor, Cr Dan Bull, recalled that this may have been for the blue signs to not be replaced at the end of their useful life, however, will be taken on notice.
2.3	<i>The Public Transport Authority had a development which came to Council for consideration in relation to installing a bus bay which was going to remove 12 sealed car parking bays at the Maylands Train Station and the City placed a condition that PTA had to replace the 12 bays by sealing the adjacent unsealed portion of car parking which went to the Western Australian Planning Commission (WAPC) who also stipulated that condition. PTA has come and gone and a year later, they still have not addressed that condition of the development. Has the City followed up with WAPC on this non-compliance issue with the PTA?</i>	Taken on notice.
2.4	<i>The large planters either side of the Civic Centre front entrance has been gone for some time. Where are they and why were they removed?</i>	Taken on notice.

**12. NEW BUSINESS OF AN URGENT NATURE**

Nil.

**13. MEETING CLOSED TO THE PUBLIC****13.1 Matters for Which the Meeting May be Closed**

Nil.

**13.2 Public Reading of Resolutions That May be Made Public**

Nil.

**14. CLOSURE**

There being no further business to discuss, the Chairperson, Cr Dan Bull, Mayor, declared the meeting closed at 9:07pm.