



CITY OF BAYSWATER

MINUTES

FOR THE PLANNING AND DEVELOPMENT SERVICES COMMITTEE MEETING

17 July 2018

By signing these minutes I certify that they were confirmed at the Planning and Development Services Committee dated 14 August 2018.

**CR DAN BULL, MAYOR
CHAIRPERSON**



PLANNING AND DEVELOPMENT SERVICES COMMITTEE MINUTES

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CITY OF BAYSWATER

MINUTES of the meeting of the Planning and Development Services Committee which was held in Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on 17 July 2018 commencing at 6:30pm.

MINUTES**1. OFFICIAL OPENING**

Notice is hereby given that the Meeting will be audio recorded in accordance with the resolution of Council of 17 May 2016.

Persons are not permitted to record (visual or audio) at the Committee meeting without prior approval of the Council.

Andrew Brien, Chief Executive Officer, welcomed those in attendance and declared the meeting open for the ordinary business of Committee at 6:30 pm.

1.1 Election of Chairperson

In accordance with section 5.12 of the *Local Government Act 1995* the members of the Committee are to elect a Chairperson (presiding member) from amongst themselves in accordance with Schedule 2.3, Division 1. The Chief Executive Officer is to preside that the meeting until the office of Chairperson is filled.

The Chief Executive Officer took the chair and called for nominations of Chairperson for the Committee.

Cr Sally Palmer, nominated Cr Dan Bull, Mayor. Cr Barry McKenna seconded the nomination. Cr Dan Bull, Mayor, accepted the nomination.

The Chief Executive Officer called for further nominations. As there were no further nominations, Cr Dan Bull, Mayor, was declared duly elected.

At 6:32pm, Cr Dan Bull, Mayor assumed the Chair.

1.2 Election of Deputy Chairperson

As Cr Dan Bull, Mayor was formerly the Deputy Chairperson, there was a vacancy in the Deputy Chairperson position.

In accordance with section 5.12 of the *Local Government Act 1995* the members of the Committee may elect a Deputy Chairperson from amongst themselves in accordance with Schedule 2.3, Division 1.

Cr Chris Cornish, Deputy Mayor, nominated Cr Sally Palmer. Cr Lorna Clarke seconded the nomination.

The Chief Executive Officer called for further nominations.

Cr Catherine Ehrhardt nominated Cr Filomena Piffaretti. Cr Elli Petersen-Pik seconded the nomination.

A secret ballot was conducted and Cr Filomena Piffaretti was declared duly elected.

1.3 Traditional Owners Acknowledgement

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.

1.4 Declaration of Due Consideration

The Chairperson read the Declaration of Due Consideration and all Councillors present raised their hands to indicate that due consideration was given to all matters contained in the Agenda.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE (PREVIOUSLY APPROVED) & ABSENCE

Members

West Ward

Cr Dan Bull, Mayor
Cr Lorna Clarke
Cr Giorgia Johnson

Chairperson
(Until 8:53pm)

Central Ward

Cr Chris Cornish, Deputy Mayor
Cr Barry McKenna
Cr Sally Palmer

North Ward

Cr Stephanie Gray
Cr Filomena Piffaretti

(Until 8:53pm)

South Ward

Cr Catherine Ehrhardt
Cr Elli Petersen-Pik

Officers

Mr Andrew Brien
Mr Des Abel
Ms Helen Smith
Mr Matt Turner
Ms Karen D'Cunha
Ms Jo Boone
Ms Alix Bray

Chief Executive Officer
Director Community and Development
Manager Development Approvals
Manager Strategic Planning and Place
Administration Officer
Administration Assistant
Coordinator Strategic Planning

Observers

Public - 22
Press - 1

Apologies

Nil

Leave of Absence

Nil.

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. PUBLIC QUESTION TIME

In accordance with section 5.24(1)(b) of the *Local Government Act 1995* and regulation 5(b) of the *Local Government (Administration) Regulations 1996*, time is allocated for questions to be raised by members of the public, as follows:

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Pursuant to regulation 7(4)(c) of the *Local Government (Administration) Regulations 1996*, questions from the public must relate to a matter affecting a function of the Committee.

In accordance with section 5.25(1)(f) of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* regulation 11(e) 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.

Where a question is taken on notice at the meeting, in accordance with clause 5.6(7)(b) of the *City of Bayswater Standing Orders Local Law 2013* a summary of the response to the question

will be included in the minutes for the following meeting of the Committee at which the questions were raised.

4.1 Responses to Public Questions Taken 'On Notice'

Nil.

4.2 Public Question Time

Public Question Time commenced at 6:36pm.

The following questions were submitted both in writing/verbally:

Ms Deborah Bowie on behalf of No Houses in Wetlands - 125 King William Street Bayswater

Question 1

With regards to the trees (50 plus) removed from the fringe of Carter's Wetland, is Council aware (or have they calculated) the value of these trees, given that the trees were healthy and at least 50 years old as per advice received from a local botanist, Mr Malcolm Trudgeon.

Cr Dan Bull, Mayor, replied this question would be taken on notice and an answer provided in writing.

Question 2

Does the planned revegetation by the developer of the "Iternio" site provide for the replacement of the 50 plus trees that were removed?

The Manager Development Approvals stated the City has looked into revegetating along the buffer with Carters Wetland with paperbark trees, probably around 20 or 30. There are a number of landscaping options across the total site, relating to the buffers with King William St and Carters Wetland, and the street trees. There are tree and rain gardens within the development itself. Upon receiving a landscaping plan the City's Arborist will ascertain how many trees are reasonably able to be planted on the buffer.

Question 3

In Consideration of this new subdivision application will Council enact the recommendations made by the Swan River Trust from the previous application that was approved by the WAPC?

Cr Dan Bull, Mayor advised this would be considered in the debate of the evening.

Mr Greg Da Rui - 1 King William Street Bayswater

Question 1

My question relates to Scheme Amendment 76, item 9.5. The Officer's report indicates there were 36 submissions against the proposed scheme amendment, and not one person supporting it. It is clear in the report that a number of town planners and architects have provided detailed submissions on the proposal yet despite the high level of concern and zero community support there was a recommendation to approve the scheme

amendment. Can you please describe why Council requests community feedback on such matters, and why has the unanimous community feedback been ignored?

The Manager Strategic Planning and Place advised that in considering planning matters and in undertaking public advertising on matters such as a scheme amendment, Officers consider all the submissions and there is a detailed consideration of those in the report. Officers consider whether there are grounds that are raised in those submissions or aspects that hadn't been considered in the draft proposal. The Officers' commitment to the community in that process is to inform, listen and acknowledge those concerns, and provide feedback on how that input influenced the decision. In the case of item 9.5, all of those submissions were considered and there is a response to each. However in this instance, Officers didn't consider the submissions raised matters that should result in a change to the scheme amendment.

Question 2

Will the City reply to each submission?

The Manager Strategic Planning and Place advised that each submission with a specific response to each point had been addressed in the attachments to the report.

Ms Linda Slater - 20 Burnside Street Bayswater

In reference to item 9.5, can the Council please describe what expert advice from architects, planners and other relevant professionals were used in developing the Scheme Amendment 76 to limit discretion on building heights and as there's been nothing that has been obvious that you have could you please explain why you did not engage experts from at least it's Design Advisory Committee to draft Scheme Amendment 76?

The Manager Strategic Planning and Place replied that provisions were developed up by City Officers based on experience dealing with these matters in a number of situations, the Design Review Panel did not meet until after advertising period had concluded and the report was being prepared.

Cr Dan Bull, Mayor advised he believes the Design Review Panel doesn't go beyond reviewing specific applications.

Question 2

What research did the Council undertake with property owners, investors, developers, market and experts to determine the effective of scheme amendment 76 on the level of investment and future revitalisation of places like the City of Bayswater?

The Manager Strategic Planning advised the City did not conduct any research with the experts aforementioned.

Ms Mary Van Wees - 63 Murray Street Bayswater

Question 1

This Question is regarding the new development application at Lots 6-10 King William Street. In the plans that the COB sent out for us to look at, there were two tiny areas allocated as rain gardens, a couple of square metres each that would not fit many paperbarks. Are the 50 plus paperbarks that were removed in July 2016 to be replaced?

The Manager Development Approvals advised that there are a number of places where the site will be revegetated. There are two buffers, one to King William Street Road Reserve which is the buffer to the Eric Singleton Bird Sanctuary and there is also the buffer to Carter's Wetlands,

which is their nominated public open space. The report mentions a number of ways the site is going to be revegetated, with the buffer to Carter's Wetlands being the main area where the paperbarks will be planted. The rain gardens are being proposed by the applicant, however this is not necessarily the approved plan. There are some significant conditions that will affect the outcome of the subdivision, including the landscaping of the individual lots, the overall street tree planting program and how those buffers interface with the City-owned land.

So the Council will be insisting that the developers try to replace the 50 plus paperbarks?

The Manager Development Approvals clarified that there is a local development plan condition. Officers can only make a recommendation to the Western Australian Planning Commission, the City is not the determining authority. The City is recommending a local development plan which looks at how the developer landscapes the individual sites and is asking for a landscape plan which looks at those buffers and that they replant with those paperbark species. The applicant has also indicated the raingardens as opportunities for vegetation. In short, there is a lot more work to be done however those conditions have to be imposed first. The City Arborist and Environmental Officer will ensure that a planting methodology will be followed when revegetating the site.

Question 2

Will there any consideration towards cat control? Will there be insistence on cats being contained in cat runs?

Cr Dan Bull, Mayor advised he had enquired with the administration to see whether that kind of restriction could be included in a recommendation to the Western Australian Planning Commission. He was informed this was not something that could be enforced under the planning regime. On this basis it is up to the Council to think about appropriate policies to deal more generally with cat runs and protecting natural wildlife.

Question 3

Given that the recommended buffer has not been applied, are there any measures taken to protect the wildlife from the bird sanctuary from the effect of light?

The Manager Development Approvals advised the Local Development Plan Conditions talk about those sorts of matters. This includes how the buffer is going to be treated, and the building envelope of the actual houses that interface with the Eric Singleton Bird Sanctuary. In the previous recommendations to the Western Australian Planning Commission, the City noted concerns about the bird flight paths, and the City hopes to be able to address those matters. If the WAPC imposes those conditions, the City will have discussions with the Applicants about those concerns.

Mr Keith Clements - 8 Veitch St Bayswater

Question 1

In regards to item 9.1, will retaining walls have a fence on top, and will all houses next to retaining walls have a setback of four to six metres as recommended in the geotechnical report and endorsed by Council staff in a meeting a couple of years ago?

The Manager Development Approvals advised the Local Development Plan Conditions address measures relating to the setback of houses which interface with the King William St Road Reserve and the building Envelope will also consider these matters. They are relatively small lots and the City hasn't had those detailed discussions with the applicant but has made them aware that the Local Development Plan Condition should be used to address those matters.

Because the soils nearby those retaining walls have not been stabilised, the geotechnical report states that they must set back four to six metres.

The Manager Development Approvals advised this question would be taken on notice and an answer provided in writing.

Question 2

Is the proposed public open space of any value to the community or is it the developer itself trying to rid itself of land which it can't develop?

The Manager Development Approvals advised that the WAPC's policy on public open space allows public open space provision to include land use to buffers to wetlands. It is an improvement on the previous plan where there was no public open space provision. The City had asked that the plan address a buffer so this amended plan does go some way to provide a buffer to Carter's Wetland.

Question 3

Will council reconsider better protections for large trees on private property?

Cr Dan Bull, Mayor, informed this was not on agenda tonight but Councillors have heard the question and no doubt will take it on board but he cannot predict what Council will do regarding this in the future.

Mr Warren Lance - 21 Watervista Place Maylands

Preamble

My questions relate to the planning discussions over the Maylands Brickworks, the involvement of the Heritage Directorate and the petitions and concept that we lodged only with the City.

I spoke with Mike Betham at the Heritage Commission yesterday. He told me that the report had been completed on all the 465 responses they got directly. I was told response it included our petition that we only lodged with the City. He also told me he had a copy of the alternate concept that we only lodged with the City.

Question 1

My question is where is that report? I was told I'd get a copy. I am yet to receive one. I received an email late this afternoon, after I had earlier texts and so on telling me I'd get a copy. I was told in the email I won't get one. I want to know why not?

The Chief Executive Office remarked that any document lodged in a Council meeting is a matter of public record and it is available to anyone who wishes to have access to that document. There is no issue of breach of privacy in this instance. The *Local Government Act 1995* under Section 5.94 specifically states that any document tabled at a Council meeting is publicly accessible in its entirety.

As I understand it under Federal law if you lodge a petition the only parts that are public is the statement at the front and who the promoter is and if need be the number of signatories, it does not allow for private information of the names who signed it, I thought this Federal law would take precedence over local law.

The Chief Executive Officer explained that any document where bound by the *Freedom of Information Act* which is State legislation, also the *Local Government Act 1995* which is State legislation. Both of those provide that information tabled at a Council meeting is fully publicly accessible, it is exempt information under the *Freedom of Information Act* because it is publicly

accessible. That included all of the information in its entirety. Anyone has the right to inspect a petition, including the names and addresses of the people who signed that petition to ensure the position is valid.

Question 2

Why was the petition and concept released to the Heritage directorate without our authority? The people who signed that petition did not authorise me to release it to anyone but the City. So why was our privacy completely disregarded and the documents distributed to someone else? Why was this done and who was responsible?

The Manager Strategic Planning and place mentioned it is correct that the Maylands Brickworks Community Engagement Survey Results Report was intended to be released publicly today. At Mr Lance's request the City has held off releasing the report so that he might address the Committee during this evening's Public Question Time.

Question 3

What is the council going to do about this report given it has information in it the Heritage Commission should never have seen?

The Manager Strategic Planning and Place advised the City will make a decision tomorrow about whether to publicly release the report based on the information provided by Mr Lance at public question time tonight.

Ms Stella Grey - 7 Cityview Close Maylands

Question 1

Is Council intending to impose a Special Area Rate (SAR) on this new development to assist with restoration and rehabilitation of the wetlands? Or is this rate simply targeted at existing households on the Maylands Peninsula?

Cr Dan Bull, Mayor advised the question of Special Area rates does not form part of this evening's decision making and is not being considered by Council. The question of Special Area Rates was debated heavily a number of months ago. Although he cannot speak for other Councillors his feeling is that the Council would be extremely cautious about going down that road.

Question 2

This question is regarding the petition discussed earlier by Mr Lance. To this date we have not received update on progress of petition. Who has this petition been referred to, what Directorate is responsible, who was the assigned staff member from the City of Bayswater that is looking after this petition, what action has been undertaken regarding the petition, why has a detailed report not been submitted to Council regarding the petition and why have we not been advised of the progress of the petition and why have the 400 Community members been completely ignored?

Cr Dan Bull, Mayor advised that this question would be taken on notice and replied to in writing.

Ms Tessa Hopkins - 7 Lawrence Street Bayswater

Question 1

I was just wondering if there was any update on the progress of the review of MHI given it has been about two years or more now?

The Manager Strategic Planning and Place advised this would be discussed at an upcoming Councillor workshop on 7 August 2018.

Public Question Time was closed at 7:04pm.

5. DECLARATION OF INTEREST

5.1 Disclosures at the Planning and Development Services

In accordance with section 5.60A and 5.65 of the *Local Government Act 1995* the following disclosures of financial interest were made at the meeting:

Date	Name	Item No.	Item Name
17 July 2018	Cr Catherine Ehrhardt	9.5	Proposed Amendment No. 76 to Town Planning Scheme No. 24 - Limitation of Discretionary Powers
17 July 2018	Cr Lorna Clarke	9.7	Proposed Amendment to Local Planning Scheme No 24 - Bunnings Morley Site
17 July 2018	Cr Giorgia Johnson	9.4	Modified Food Vehicles Policy

In accordance with section 5.61 of the *Local Government Act 1995* the following disclosures of indirect financial interest were made at the meeting:

Date	Name	Item No.	Item Name
17 July 2018	Cr Barry McKenna	9.5	Proposed Amendment No. 76 to Town Planning Scheme No. 24 - Limitation of Discretionary Powers

In accordance with section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of proximity interest were made at the meeting:

Nil.

In accordance with regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007* the following disclosure of interests affecting impartiality (Elected Members) were made at the meeting:

Date	Name	Item No.	Item Name
17 July 2018	Cr Barry McKenna	9.1	Proposed 23 Lot Freehold Subdivision - Skippers Row
17 July 2018	Cr Barry McKenna	9.2	Proposed Public Art to Service Station, Convenience Store, Showroom and Service Industry
17 July 2018	Cr Giorgia Johnson	9.1	Proposed 23 Lot Freehold Subdivision - Skippers Row
17 July 2018	Cr Catherine Ehrhardt	9.4	Modified Mobile Food Vehicles Policy
17 July 2018	Cr Sally Palmer	9.1	Proposed 23 Lot Freehold Subdivision - Skippers Row

In accordance with regulation 34C of the *Local Government (Administration) Regulations 1996* and clause 5.5 of the City of Bayswater's Code of Ethics, the following disclosure of interests affecting impartiality (Officers) were made at the meeting:

Nil.

6. CONFIRMATION OF MINUTES**COMMITTEE RESOLUTION**

The Minutes of the Planning and Development Services Committee held on 12 June 2018 which have been distributed, be confirmed as a true and correct record.

CR STEPHANIE GRAY MOVED, CR SALLY PALMER SECONDED

CARRIED UNANIMOUSLY: 10/0

7. DEPUTATIONS***CR CATHERINE EHRHARDT DECLARED A FINANCIAL INTEREST***

In accordance with section 5.60A of the Local Government Act 1995, Cr Catherine Ehrhardt declared a financial interest in item 9.5, as she co-owns property that may be affected by the amendment. At 7:09pm, Cr Catherine Ehrhardt withdrew from the meeting.

7.1 Proposed Amendment No. 76 to Town Planning Scheme No. 24 - Limitation of Discretionary Powers

In relation to Item 9.5., Mr Greg Da Rui (Property owner - Shop 3, Maylands Park Shopping Centre, 238 Guildford Road) was in attendance, speaking against the officer's recommendation (*refer page 72*).

7.2 Proposed Amendment No. 76 to Town Planning Scheme No. 24 - Limitation of Discretionary Powers

In relation to Item 9.5., Ms Linda Slater (Resident - 20 Burnside Street, Bayswater) was in attendance, speaking on the item (*refer page 72*).

Cr Catherine Ehrhardt returned to meeting at 7:17pm.

8. PETITIONS

Nil.

ORDER OF BUSINESS

Items were dealt with in the following order: Items 9.5, 9.1, 9.2, 9.6, 9.4, 9.7, 9.8 and 9.3.

9. REPORTS BY OFFICERS (COMMITTEE DELEGATION)**9.1 Proposed 23 Lot Freehold Subdivision - Skippers Row**

Location:	Lots 6, 7, 8, 9, and 10, 130 King William Street, Bayswater
File Number:	SD18-0069
Applicant:	Everett Bennett Pty Ltd
Owner:	Greg, Jessica, Rocco and Tommaso D'Orazio
Reporting Branch:	Development Approvals
Responsible Directorate:	Community and Development
Refer:	Item 10.1: OCM 25.10.2016
	Item 8.1: OCM 2.8.2016
	Item 11.1.9: OCM 23.2.2016
	Item 11.1.12: OCM 2.2.2016
	Item 11.1.14: OCM 15.12.2015

CR GIORGIA JOHNSON DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Giorgia Johnson declared an impartial interest in this item as she has a business which operates nearby, but has several lots between, so it is not a proximity interest. Cr Giorgia Johnson remained in the room during voting on this item.

CR SALLY PALMER DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Sally Palmer declared an impartial interest in this item as she knows many land owners in the area. Cr Sally Palmer remained in the room during voting on this item.

CR BARRY MCKENNA DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Barry McKenna declared an impartial interest in this item as he knows many land owners in the area. Cr Barry McKenna remained in the room during voting on this item.

EXECUTIVE SUMMARY**Application:**

A subdivision application dated 17 May 2018 has been received for a 23 freehold lot subdivision at Lots 6, 7, 8, 9, and 10, 130 King William Street, Bayswater. The Western Australian Planning Commission (WAPC) reference for this application is 156678, and is a separate application from the previous 27 lot subdivision approval affecting this site and Lot 14, 128 King William Street issued by the WAPC on 9 June 2016 (WAPC ref 152768).

Key Issues:

- The visual and environmental impacts of the proposed subdivision, adjacent to the Eric Singleton Bird Sanctuary (ESBS), Lot 14, 128 King William Street, Bayswater (commonly known as 'Carters Land'), and the Riverside Gardens (RG).
- Council at its Ordinary Meeting held on 23 February 2016 recommended refusal for a 27 lot freehold subdivision application for reasons relating to inadequate street width and truncation, undue impact to the amenity of the locality, no public open space contribution, impact to ESBS and RG, and lack of geotechnical information.

- The WAPC resolved to approve the 27 lot freehold subdivision application on 9 June 2016, subject to 18 conditions.
- Council at its Ordinary Meeting held on 27 June 2017 agreed to purchase the adjoining Lot 14 with State Government assistance.
- The site is currently undergoing earth and remedial works to prepare it for development.

BACKGROUND

Town Planning Scheme No. 24 Zoning:	Medium and High Density Residential - R25
Use Class:	Single House - 'P'
Lot Area:	11,568m ² (total across five lots)
Existing Land Use:	Vacant
Surrounding Land Use:	Single Houses, Wetland Reserves and Parks and Recreation Reserve
Size/Nature of Proposed Development:	23 Lot Freehold Subdivision

The previous WAPC subdivision approval affecting this site encompassed both the lots subject to this application and the north-western adjoining Lot 14, 128 King William Street which was recently purchased by the City (settlement on 25 October 2017). The application included 27 freehold lots, including utilisation of Lot 14 for the purposes of two temporary cul-de-sacs.

The City's Sustainable Environment Services investigated the potential impacts the proposal would have on EBSB at the time of the previous subdivision application and noted the development may:

- impact on nesting, migration, habits of birds and fauna populations due to the increase in artificial lighting and noise;
- increase weed infestation, given a major source of weeds in Western Australian bushlands are from what is called 'gardens escapees'. Which are plants that spread from gardens into the bushlands;
- increase domestic animals, particularly dogs and cats which can scare or predate upon birds and fauna in the wetland;
- result in stormwater and drainage discharge carrying nutrients and inorganic materials. This can occur during significant storm events whereby the wetland floods from the main drain. If the development is not designed with strong water sensitive urban design principals material from the development could be transferred to the ESBS;
- minimise avian flight paths and foraging areas, and some birds and animals may forage on the land parcel or use it as a flight path. The closer the development is to the bird sanctuary the more likely it is that it will have an adverse impact on wildlife; and
- may cause future residence to have ongoing concerns with the normal ecosystem cycle and how it affects their lifestyle including odours, required drying of the wetland, algae, wildlife noise/visits and mosquitoes. This can affect the management of the reserve for environmental outcomes.

Council at its Ordinary Meeting held on 23 February 2016 resolved to recommend refusal to the WAPC on previous subdivision application for the following reasons:

- "1. The proposed road layout does not comply with the category 'C' road widths in accordance with Western Australian Planning Commission Liveable Neighbourhoods 2009 Update 02."
2. The proposal is considered to unduly impact the amenity of the locality as the subdivision has not been designed to reduce the visual impact of required retaining walls.
3. The proposal does not include a 10% public open space contribution in accordance with Western Australian Planning Commission Development Control Policy 2.3 - Public Open Space in Residential Areas.
4. The proposal is considered to unduly impact the fauna and flora associated with the Eric Singleton Bird Sanctuary.
5. The proposal does not provide a sufficient buffer to the Eric Singleton Bird Sanctuary in accordance with the Western Australian Planning Commission State Planning Policy 2.10 - Swan-Canning River System and associated Guideline for the Determination of Wetland Buffer Requirements (Draft).
6. The battering proposed as part of the subdivision to Riverside Gardens is considered to unduly impact existing mature vegetation and trees in the parkland.
7. A 6m by 6m truncation is not provided at the intersection of Skipper's Row and the Bellevue Street road junction.
8. Insufficient supporting information regarding the geotechnical conditions of the site to establish finished levels of the proposed lots and their impact on the amenity of the area and compliance with the Contaminated Sites Act."

Notwithstanding Councils recommendation, the WAPC resolved to approve the subdivision application on 9 June 2016, subject to 18 conditions as follows:

- "1. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy. (Local Government)
2. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost. As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
3. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and
 - b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and
 - c) temporary turning areas are provided to those subdivisional roads that are subject to future extension.to the satisfaction of the Western Australian Planning Commission. (Local Government)
4. An area(s) of land at least 1157m² in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited

- plan) as a reserve for recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)
5. *Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and in the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government)*
 6. *Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:*
 - a) *lots can accommodate their intended use; and*
 - b) *finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)*
 7. *Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
 8. *All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)*
 9. *An acid sulphate soils self-assessment form and, if required as a result of the self assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment Regulation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan. (Department of Environment Regulation)*
 10. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases. ' (Western Australian Planning Commission)
 11. *A Bushfire Management. Plan being prepared, approved and relevant provisions implemented during subdivisional works in accordance with the approved plan (attached), in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas (December 2015) to the specifications of the local government and/or the Department of Fire and Emergency Services. (Local Government)*

12. *A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*
'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land' (Western Australian Planning Commission)
13. *Uniform fencing being constructed along the boundaries of all of the proposed lots abutting the King William Street road reserve and Bayswater Riverside Gardens. (Local Government)*
14. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
15. *Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*
16. *Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)*
17. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)*
18. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)"*

Since this time the applicant has undertaken works on site to prepare the land for future development, most notably clearing of the site and fill to a considerable height.

This subdivision application seeks to develop Lots 6-10 of the original subdivision in a similar fashion to that of the initial WAPC approval, with the following key amendments:

- Reduction from 27 to 23 freehold lots.
- Amended design for the cul-de-sac turnaround areas.
- Inclusion of 1,302m² public open space.

An application is with the WAPC for amendment to the Metropolitan Region Scheme to transfer Lot 14, ESBS and other land from an Urban zone to a Parks and Recreation reservation. The amendment is proposed to facilitate the protection of wetlands and land with identified areas of environmental significance. The application is currently being advertised until Friday 31 August 2018.



CONSULTATION

The WAPC has referred this subdivision application to the Department of Biodiversity, Conservation and Attractions, the Department of Water and Environmental Regulation, the Department of Health, Water Corporation, Western Power, and the City of Bayswater for comment.

ANALYSIS

Site Area and Lot Frontage

The average and minimum site area requirements for the R25 code are 350m² and 300m² respectively. The proposal includes lots ranging from 300m² to 381m², resulting in an average site area of 333m². The minimum lot frontage permitted under the R25 code is 8.0m, and the minimum lot frontage proposed is 10m.

The development complies with minimum site area and lot frontage requirements, however proposes a 5% variation to average lot size. The WAPC's Development Control Policy 2.2 (DC 2.2) states that variations to average lot size up to 5% may be supported where:

- no more than one lot proposes a minimum lot size variation;
- the variation to minimum lot size is no greater than 5%;
- the variation to minimum lot size results in a variation to average lot size no greater than 5%; and
- in considering lot size and frontage variations the WAPC will give regard to the recommendation of the local government.

In this instance no variations to minimum lot size or lot frontage are proposed so the 5% variation is supportable and considered to be of no undue impact to the functionality of the subdivision and future development of the lots.

Street Reserve Width

The applicant has indicated a 14.2m wide street reserve width in accordance with 'access street D' requirements of the WAPC's Liveable Neighbourhoods policy which provides for the design requirements for access streets. The City considers that a minimum street reserve width of 15.4m should be imposed, in accordance with the requirements for 'access street C' which is considered the appropriate street type for the subdivision proposed.

The draft revised Liveable Neighbourhoods policy released in 2015 increases the minimum street reserve width for an 'access street D' to 15.5m (comprising 5.5m wide road pavement and 5.0m wide verges either side), closely aligning with the width required for 'access street C' under the current policy.

This is the minimum width recommended for any street reserve (excluding laneways) under the draft policy and reinforces the City's position that a wider street reserve should be provided. An adequate street reserve width is required not only for vehicular access and manoeuvring, but also to facilitate adequate space to accommodate servicing, utilities, and streetscape amenities (street trees, lighting, footpaths) expected within residential areas.

The portion of Bellevue Street adjoining RG indicated at 11.5m wide is considered acceptable as it will only accommodate dwellings on the northern side of the street. This will allow for an adequate pavement width and verge area to the north, but will require a reduced verge width adjoining RG which is considered acceptable.

Increasing street reserve width will result in a reduction to the site area of the proposed lots. This can be achieved whilst maintaining the minimum 300m² site area requirement, however the average site area will be reduced from 333m² (5% variation) to 325m² (9% variation). In accordance with DC 2.2 a variation to average lot size greater than 5% may be supported where:

- a single coding of R10 to R35 applies to the land;
- the site is a corner lot with frontage to more than one dedicated street;
- all proposed lots comply with minimum lot size and frontage requirements;
- crossovers and driveways are in accordance with AS2890 and the Residential Design Codes (R-Codes); and
- corner truncations and access ways are excluded from minimum lot size calculations.

All of the above criteria can be met in this instance with exception to the second point relating to a corner site. The intent of this requirement is considered to be for lots to have direct frontage, such that an access leg does not contribute to meeting the minimum site area and thereby impact on and design of the lots created. As all lots within the subdivision will have direct frontage to a dedicated street and do not contain any 'unusable' area it is not considered that the variation to average lot size will result in any impact on functionality. Accordingly all streets (with exception to Bellevue Street adjoining RG) will be requested at a width of 15.4m.

Public Open Space

The WAPC's Development Control Policy 2.3 (DC 2.3) relating to public open space in residential areas requires a 10% public open space (POS) contribution where a subdivision is proposed involving the creation of six or more lots. Given this proposal involves creation of 23 new lots the requirement for a POS contribution is applicable.

Based on the total site area a POS contribution of 1,157m² will be required. The applicant has indicated a POS contribution of 1,302m² (145m² surplus) which extends around the north-east and north-west boundaries of the site. The POS to the north-east is 4.0m wide, and the POS to the north-west ranges in width from 4.8m to 10.4m (8m average). This provision of POS is considered acceptable given it will assist in providing a buffer between development and the adjoining wetland sites including ESBS and Lot 14, 128 King William Street, however the POS is expected to be landscaped appropriately with local native vegetation suitable to the adjoining wetland environment.

The policy objectives of DC 2.3 include reference to the protection and conservation of the margins of wetlands to residential development, and whilst acknowledging the POS indicated is relatively narrow, it is an improvement over the original approval which did not incorporate any public open space, and is considered capable of use for enhancing the effectiveness of the buffer between the residential development and wetland reserves.

The Bushfire Management Plan submitted by the applicant does however indicate that portion of the POS between the cul-de-sacs will be required for an emergency access way, and will limit the space where vegetation can be planted and reduce the effectiveness of the buffer. It is recommended that any space required for provision of an emergency access way is deducted from the POS provision as it is not considered to meet the objectives of POS as outlined in DC 2.3. Should any deduction to POS result in a shortfall, a cash-in-lieu contribution will be requested to make up the difference.

The applicant has provided a concept landscaping plan to accompany the proposal, however a formal landscaping plan will be required for development of the POS. An advice note has been included in the officer recommendation detailing aspects of the landscaping plan which should be further addressed or amended from the concept plan to the satisfaction of the City.

Wetland Site Buffers

The site adjoins two wetlands sites, ESBS to the north-east, and Lot 14, 128 King William Street to the north-west. The WAPC released draft Guidelines for the Determination of Wetland Buffer Requirements (Guidelines) which assists in categorising wetlands and stipulating appropriate buffer distances. As the time of the initial subdivision ESBS was categorised as multiple use 'M', however since that time both ESBS and Lot 14 have been categorised to resource management 'R'.

In accordance with draft guidelines for the determination of wetland buffer requirements, the separation distances for wetlands are based on individual site investigations and on the potential threats that are present. It is recommended that wetlands categorised as 'R' should be provided with a buffer from development of 10m - 50m.

The City's preference would be to achieve the 50m separation buffer, however this is not considered an achievable or reasonable position under the existing circumstances given the zoning of the site which permits residential development and the existing WAPC subdivision approval. Currently King William Street provides a 20m buffer to ESBS, however the development site directly adjoins Lot 14. At the time of the original subdivision the City endeavoured to require POS be provided to the north-east lot boundary to achieve an increased buffer of approximately 30m as a compromise from the proposal being considered which included no POS contribution.

The proposal currently being considered includes a POS contribution, however still does not achieve the 30m separation from ESBS as it has been split across both northern boundaries to also provide separation from Lot 14. Utilising the proposed POS in conjunction with a local development plan to impose setback requirements for structures it is considered reasonable that a buffer from development of 30m to ESBS (20m King William Street, 4m POS, 6m minimum rear setback within lots) and 10m to Lot 14 (9m POS, 1m minimum side setback within lots) can be achieved internally within the site to the north-east and north-west boundaries.

The role of an increased separation distance between the proposed subdivision and the wetlands sites will assist to:

- provide avian flight paths, given it is likely some birds and animals previously foraged on the land parcel or use it as a flight path;
- reduce the impacts on browsing fauna;
- reduce the effects of nuisance insects and odours; and
- provide a barrier to visual, lighting and noise effects of conflicting landscapes.

A condition is also requested to be imposed for the provision of a landscaping plan to the satisfaction of the City which will address the treatment of the POS, including matters such as appropriate vegetation and changes to topography.

Interface with Adjoining Wetlands Sites and Reserves

In addition to adjoining ESBS and Lot 14, the development site also adjoins RG to the south-east. The site is located within a floodplain area and it will require fill to ensure the lots are sufficiently above the 1:100 year average recurrence interval (ARI) flood level. The Department of Water has previously advised the lots shall achieve a minimum habitable floor level of 4.67AHD. The levels on site prior to preloading works are considered to be between 3.4 - 3.9AHD, and the applicant is proposing levels between 4.7 - 5.1AHD which would result in fill of 0.8m - 1.7m.

Following the initial subdivision approval a significant amount of earthworks and filling took place on site, resulting in the current state which is currently filled to heights greater than the proposed levels as a means of stabilising the ground levels. Once the levels have stabilised a significant proportion of this fill will be removed, lowering the ground of the site to a level more closely aligned with the nearby dwelling at 11 Bellevue Street, Bayswater.

In order to address the difference in finished ground level between the subject and surrounding sites battering is proposed. This is considered preferable to retaining walls (with possible fencing above) only as it will reduce the visual impact of retaining walls by decreasing their visible height, and will provide a smoother transition between levels, maintaining space suitable for planting of native vegetation. As a result the quality and impact of the buffer will improve, and there will be increased amenity for the pedestrian pathway through King William Street. Due to the maximum gradients acceptable to the City and space available within the site, some battering is likely to be required within adjoining sites (RG primarily) to make up the difference in level, subject to detailed plans to the satisfaction of the City.

The battering (inclusive of any areas of batter required outside of the subject site) will need to be demonstrated to the City's satisfaction through a landscaping plan. Consideration will also need to be given to existing trees within any areas subject to batter, and retaining around the bases of those trees may be required to ensure their survival.

Local Development Plan

A local development plan may be requested where appropriate to respond to site specific features which are not otherwise adequately addressed by the Residential Design Codes (R-

Codes). The scope of a local development plan may include matters from Table 9 of Liveable Neighbourhoods. The City considers four of the matters relevant for inclusion in a local development plan over the subdivision site, these are as follows:

- Building envelope - minimum 10m setback for all buildings from King William Street and Lot 14, 128 King William Street to enhance the effectiveness of the buffer to ESBS and Lot 14 whilst also reducing impact of nuisance insects and odours on the future dwellings.
- Fencing - permeable fencing to be provided to the side and rear boundaries of lots adjoining public open space to enhance the effectiveness of the buffer and reduce visual impact to ESBS and Lot 14.
- Landscaping - landscaping plans to be provided for all dwellings incorporating only suitable native plant species to reduce risk of habitat modification / weed infestation to the adjoining wetland reserves.
- Noise buffering - acoustic reports to be provided accompanying all dwellings within close proximity to the water pump station to the east of the site to address potential noise and vibration issues.

In addition to the noise buffering measures indicated above, it is considered necessary that a noise wall be provided adjoining the pump station as part of the subdivision process as this is considered to be necessary irrespective of the design proposed for development of the lot nearest the pump station.

Additional Matters

In addition to the above discussed matters, there are a number of aspects which recommended conditions address, including:

- Notifications on title to inform future owners of potential issues relating to mosquitoes, landfill gas, and bushfire risk.
- Provision of geotechnical reports, an urban water management plan including rain gardens, acid sulfate self-assessment form, and construction and environmental management plan.
- The provision of engineering drawings relating to site works, urban water management plan, and road construction.
- Removal of the City from obligations associated with the Asset Protection Zone (APZ) proposed within the Bushfire Management Plan (APZ's are not to include wetland reserves), and provision of information relating to the proposed emergency access way and the APZ.
- Street trees being planted in accordance with the City's Trees on Private Land and Street Verges Policy.
- Removal of any septic systems.

Council Resolution on the Initial Subdivision Application

The application being considered is a new subdivision application, separate from the existing approval, and therefore may be considered on its own merits. In the event this application is refused the applicant could still amend and progress the existing approval.

Council resolved to recommend refusal for eight reasons on the initial subdivision application. On reviewing these reasons in light of the existing circumstances and current subdivision application the City's position is summarised below:

- "1. *The proposed road layout does not comply with the category 'C' road widths in accordance with Western Australian Planning Commission Liveable Neighbourhoods 2009 Update 02.*"

The City's position on this matter has not changed, and the application is being supported subject to a condition being imposed to address street width.

- "2. *The proposal is considered to unduly impact the amenity of the locality as the subdivision has not been designed to reduce the visual impact of required retaining walls.*"

In light of the site works and clearing of land already undertaken, it is not considered that this subdivision will further impact the amenity of the locality. This subdivision provides an opportunity to improve the amenity and interface with the locality through the implementation of public open space, a landscaping plan and local development plan which will provide scope for the City to guide improved outcomes for the site, compared to the previous WAPC approved subdivision.

- "3. *The proposal does not include a 10% public open space contribution in accordance with Western Australian Planning Commission Development Control Policy 2.3 - Public Open Space in Residential Areas.*"

This proposed plan of subdivision currently indicates greater than 10% public open space, and therefore this matter is addressed.

- "4. *The proposal is considered to unduly impact the fauna and flora associated with the Eric Singleton Bird Sanctuary.*"

The impact to Eric Singleton Bird Sanctuary is still acknowledged, however in light of the existing site works and clearing that has already occurred it is not considered that the currently proposed subdivision will result in any further impact to fauna and flora, but rather reduces the impact.

- "5. *The proposal does not provide a sufficient buffer to the Eric Singleton Bird Sanctuary in accordance with the Western Australian Planning Commission State Planning Policy 2.10 - Swan-Canning River System and associated Guideline for the Determination of Wetland Buffer Requirements (Draft).*"

The City's preference remains for a 50m separation buffer to be achieved, however this is not considered an achievable or reasonable position under the existing circumstances given the zoning of the site which permits residential development and the existing WAPC subdivision approval. The outcome proposed in the current application with the recommended conditions provides an increased buffer than that of the existing approval and therefore the City is supportive of the change.

- "6. *The battering proposed as part of the subdivision to Riverside Gardens is considered to unduly impact existing mature vegetation and trees in the parkland.*"

Battering is supported as a means to provide a more appropriate transition between the changes in site levels and reduce the visual impact of retaining walls. Existing mature vegetation will need to be retained, and this can be achieved through retaining the battering around the base of trees.

- "7. *A 6m by 6m truncation is not provided at the intersection of Skipper's Row and the Bellevue Street road junction.*"

The amended proposal is being supported subject to a condition being imposed to address truncations in accordance with the WAPC's Liveable Neighbourhoods policy.

- "8. *Insufficient supporting information regarding the geotechnical conditions of the site to establish finished levels of the proposed lots and their impact on the amenity of the area and compliance with the Contaminated Sites Act.*"

The amended proposal is being supported subject to a condition being imposed requiring pre and post works geotechnical reports to address these concerns.

OPTIONS

The following options are available to Council:

1. Council recommends approval for the proposed subdivision to the WAPC with or without conditions.
2. Council recommends refusal for the proposed subdivision to the WAPC.

CONCLUSION

In light of the existing WAPC subdivision approval and the above proposed subdivision, 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;
- State Planning Policy 3.1 Residential Design Codes;
- Development Control Policy 2.2 - Residential Subdivision;
- Development Control Policy 2.3 - Public Open Space in Residential Areas;
- WAPC Liveable Neighbourhoods Policy; and
- WAPC Draft Guideline for the Determination of Wetland Buffer Requirements.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Proposed plan of subdivision (ref: 156678)
2. Proposed concept landscaping plan
3. WAPC approved plan of subdivision (ref: 152768)

OFFICER'S RECOMMENDATION

That Council, in light of the existing subdivision approval granted by the Western Australia Planning Commission (WAPC) in relation to Lots 6-10, 130 King William Street, (and Lot 14, 128 King William Street) Bayswater, recommends approval to the proposed 23 lot freehold subdivision at Lots 6-10, 130 King William Street, Bayswater, in accordance with the subdivision referral from the WAPC dated 17 May 2018, subject to the following conditions being met to the satisfaction of the City of Bayswater:

1. Notifications, pursuant to Section 165 of the *Planning and Development Act 2005* are to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notifications are to state as follows:

"This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases."

"This lot is in close proximity to a former landfill site with the potential to produce landfill gas. All new buildings will be required to be designed incorporating gas mitigation measures."

"This lot is in close proximity to a wetland reserve and may be adversely affected by virtue of odour emissions from the wetland and associated wildlife."
2. Uniform fencing being constructed along the boundaries of all of the proposed lots abutting public open space, reserved land and Lot 14, 128 King William Street.
3. A noise wall designed by a suitably qualified acoustic engineer to mitigate noise impact from the pump station located within Bayswater Riverside Gardens, being constructed along the south-east boundary of the eastern most proposed lot. The noise wall shall incorporate articulation to minimise visual impact to the Bayswater Riverside Gardens.
4. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (a) lots can accommodate their intended use; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting.
5. Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with any approved Local Water Management Strategy or Drainage and Water Management Plan.
6. All drainage associated with the subdivision shall be directed to raingardens to the City's specifications. The raingardens shall be of capacity to manage the 1 in 100 ARI event and include an appropriate bio-retention media.
7. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site.
8. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development.

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.
9. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before any subdivision works or development are commenced.

Where an acid sulfate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan.

10. The works program included in table 4 of the bushfire management plan prepared by Eco Logical Australia, dated 1 June 2018 (version 2) shall be amended to remove any responsibility to the City of Bayswater. Responsibilities associated with the bushfire management plan are to be limited to the landowner and/or developer only.
11. Information is to be provided to demonstrate that the measures contained in the amended bushfire management plan address the following:
 - (a) specification and construction of the proposed emergency access way; and
 - (b) establishment and maintenance of the Asset Protection Zonehave been implemented during subdivisional works.
12. A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land."
13. All street reserve widths (with exception to the portion of Bellevue Street adjoining Bayswater Riverside Gardens) shall be increased to 15.4m in accordance with the WAPC's Liveable Neighbourhood requirements for an 'Access street C'. No lot shall be modified so that it is less than 300m² in area.
14. Local Development Plan(s) being prepared and approved for all lots shown on the approved plan of subdivision that address the following (as relevant):
 - (a) building envelope;
 - (b) fencing;
 - (c) landscaping; and
 - (d) noise buffering.
15. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply.
16. An area(s) of land at least 1,157m² in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for Parks and Recreation and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
17. Arrangements being made for the proposed public open space to be developed by the landowner/ applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the City of Bayswater.

The landscape plan shall be approved by the City of Bayswater prior to any works on site, and shall address landscaping of the nominated public open space and integration of the subdivision area with surrounding sites (inclusive of any works required within surrounding sites), including topography changes, retaining walls, battering, rain gardens, new vegetation and retention of existing trees.

18. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/ applicant's cost.
19. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - (a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and
 - (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly.
20. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy.
21. Street trees of a suitable species and maturity shall be planted in an appropriate location within the street verge at a rate of one tree per lot to the satisfaction of the City of Bayswater.
22. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/ applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.
23. Prior to the commencement of subdivisional works, a Construction and Environmental Management Plan is to be prepared and approved.

Advice Notes:

1. Condition 5 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Published by the then Department of Water 2008).
2. Condition 9 makes reference to an "acid sulfate soils self-assessment form". This form can be downloaded from the Western Australian Planning Commission's website at: www.planning.wa.gov.au

The "acid sulfate soils self-assessment form" makes reference to the Department of Water and Environmental Regulation's "Identification and Investigation of Acid Sulfate Soils" guideline. This guideline can be obtained from the Department of Water and Environmental Regulation's website at: www.der.wa.gov.au
3. Condition 13 relating to street reserve width is only applicable to the portions of street perpendicular to the original Bellevue Street (including widening of Skippers ROW), the proposed 11.5m wide street reserve for the portion adjoining Bayswater Riverside Gardens is considered acceptable.
4. Condition 14 requiring preparation of a local development plan shall include the following detail to the satisfaction of the City of Bayswater in respect of each element listed:
 - (a) Building envelope - no structures shall be constructed within 10m of the north-east or north-west site boundaries (inclusive of indicated public open space).

- (b) Fencing - appropriately designed fencing for lots with frontage to the wetland sites including Lot 14, 128 King William Street to the north-east and Eric Singleton Bird Sanctuary to the north-west, and King William Street. Fencing to the north-west shall incorporate a high level of permeability.
 - (c) Landscaping - a landscaping plan shall be prepared for all sites within the subdivision incorporating only native plant species.
 - (d) Noise buffering - lots nearby the existing pump station located within the Bayswater Riverside Gardens shall have appropriate sound attenuation measures implemented to address noise and vibration impact from the pump station.
5. Condition 16 requires the provision of public open space associated with the subdivision. The City does not consider areas proposed for vehicle manoeuvring or access (including the emergency access way indicated in the Bushfire Management Plan) to meet the requirement of public open space. A cash-in-lieu contribution will be required for any public open space shortfall in the event public open space as indicated on the approved plan of subdivision is required for vehicular access.
6. Condition 17 requiring a landscaping plan will require amendments/additional information from that included in the concept landscaping plan, including the following:
- (a) Removal of the White Mulberry Tree, acceptable alternatives include *Arbutus unedo*, *Punica granatum*, or *Murraya koenigii*.
 - (b) Any batter proposed along the south-east interface between Bellevue Street and Bayswater Riverside Gardens must achieve a 1 in 6 grade, with all existing trees being protected (consideration will need to be given to traffic safety and clear zone for any required retaining around existing trees).
 - (c) The embankment planting currently indicated is not appropriate for the site, local native plantings suitable for wetland areas are required.
 - (d) Paperbark trees are required along the north-west boundary embankment adjacent the Lot 14, 128 King William Street wetland.
 - (e) Grassroots synthetic matting is not supported, a biodegradable alternative shall be utilised.
 - (f) Raingardens must be correctly sized based on the 1 in 100 ARI event and details of bio-retention media are required. Rock-mulch is not a supported bio filter material.
 - (g) Dead wooding is only be supported for safety purposes, and would need to be under the supervision of the City Arborist.
 - (h) Mulch specification to be provided, preferably street tree prunings as opposed to rubber mulch or coloured mulch.
7. Condition 23 requiring a Construction and Environmental Management Plan is to detail how works associated with the subdivision will be managed to minimise the impact on the surrounding area, and shall address:
- (a) traffic management including vehicle access and parking;
 - (b) stormwater and sediment control;
 - (c) noise control and vibration management;
 - (d) air and dust management; and
 - (e) public safety, amenity and site security.
8. The landowner/applicant and the City of Bayswater are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice

requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.

9. No fill, building materials, rubbish or any other deleterious matter shall be deposited outside the boundary of the proposed subdivision.

COMMITTEE RESOLUTION

1. That Council notes its previous recommendation of refusal for a subdivision in relation to Lots 6-10, 130 King William Street, (and Lot 14, 128 King William Street) Bayswater, and in light of the existing subdivision approval granted by the Western Australia Planning Commission (WAPC) in relation to these lots, if the WAPC decides to approve the proposed 23 lot freehold subdivision at Lots 6-10, 130 King William Street, Bayswater, in accordance with the subdivision referral from the WAPC dated 17 May 2018, Council recommends that any approval be subject to the following conditions being met to the satisfaction of the City of Bayswater:
 - (a) Notifications, pursuant to Section 165 of the *Planning and Development Act 2005* are to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notifications are to state as follows:

"This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases."

"This lot is in close proximity to a former landfill site with the potential to produce landfill gas. All new buildings will be required to be designed incorporating gas mitigation measures."

"This lot is in close proximity to a wetland reserve and may be adversely affected by virtue of odour emissions from the wetland and associated wildlife."
 - (b) Uniform fencing being constructed along the boundaries of all of the proposed lots abutting public open space, reserved land and Lot 14, 128 King William Street.
 - (c) A noise wall designed by a suitably qualified acoustic engineer to mitigate noise impact from the pump station located within Bayswater Riverside Gardens, being constructed along the south-east boundary of the eastern most proposed lot. The noise wall shall incorporate articulation to minimise visual impact to the Bayswater Riverside Gardens.
 - (d) Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (i) lots can accommodate their intended use; and
 - (ii) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting.
 - (e) Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with any approved Local Water Management Strategy or Drainage and Water Management Plan.

- (f) All drainage associated with the subdivision shall be directed to raingardens to the City's specifications. The raingardens shall be of capacity to manage the 1 in 100 ARI event and include an appropriate bio-retention media.
- (g) Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site.
- (h) Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development.
In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.
- (i) An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before any subdivision works or development are commenced.
Where an acid sulfate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan.
- (j) The works program included in table 4 of the bushfire management plan prepared by Eco Logical Australia, dated 1 June 2018 (version 2) shall be amended to remove any responsibility to the City of Bayswater. Responsibilities associated with the bushfire management plan are to be limited to the landowner and/or developer only.
- (k) Information is to be provided to demonstrate that the measures contained in the amended bushfire management plan address the following:
 - (i) specification and construction of the proposed emergency access way; and
 - (ii) establishment and maintenance of the Asset Protection Zonehave been implemented during subdivisional works.
- (l) A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land."
- (m) All street reserve widths (with exception to the portion of Bellevue Street adjoining Bayswater Riverside Gardens) shall be increased to 15.4m in accordance with the WAPC's Liveable Neighbourhood requirements for an 'Access street C'. No lot shall be modified so that it is less than 300m² in area.

- (n) Local Development Plan(s) being prepared and approved for all lots shown on the approved plan of subdivision that address the following (as relevant):
 - (i) building envelope;
 - (ii) fencing;
 - (iii) landscaping; and
 - (iv) noise buffering.
- (o) The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply.
- (p) An area(s) of land at least 1,157m² in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for Parks and Recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.
- (q) Arrangements being made for the proposed public open space to be developed by the landowner/ applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the City of Bayswater.

The landscape plan shall be approved by the City of Bayswater prior to any works on site, and shall address landscaping of the nominated public open space and integration of the subdivision area with surrounding sites (inclusive of any works required within surrounding sites), including topography changes, retaining walls, battering, rain gardens, new vegetation and retention of existing trees.
- (r) Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/ applicant's cost.
- (s) Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - (i) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and
 - (ii) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly.
- (t) All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy.
- (u) Street trees of a suitable species and maturity shall be planted in an appropriate location within the street verge at a rate of one tree per lot to the satisfaction of the City of Bayswater.
- (v) All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the *Health (Treatment of Sewerage*

and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/ applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.

- (w) Prior to the commencement of subdivisional works, a Construction and Environmental Management Plan is to be prepared and approved.

Advice Notes:

- (a) Condition 5 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008) and clauses 7.2.9 and 7.2.10 (Implementing responsible stormwater management practices) of State Planning Policy 2.10 - Swan-Canning River System. Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Published by the then Department of Water 2008).

- (b) Condition 9 makes reference to an "acid sulfate soils self-assessment form". This form can be downloaded from the Western Australian Planning Commission's website at: www.planning.wa.gov.au

The "acid sulfate soils self-assessment form" makes reference to the Department of Water and Environmental Regulation's "Identification and Investigation of Acid Sulfate Soils" guideline. This guideline can be obtained from the Department of Water and Environmental Regulation's website at: www.der.wa.gov.au

- (c) Condition 13 relating to street reserve width is only applicable to the portions of street perpendicular to the original Bellevue Street (including widening of Skippers ROW), the proposed 11.5m wide street reserve for the portion adjoining Bayswater Riverside Gardens is considered acceptable.

- (d) Condition 14 requiring preparation of a local development plan shall include the following detail to the satisfaction of the City of Bayswater in respect of each element listed:

- (i) Building envelope - no structures shall be constructed within 10m of the north-east or north-west site boundaries (inclusive of indicated public open space).
- (ii) Fencing - appropriately designed fencing for lots with frontage to the wetland sites including Lot 14, 128 King William Street to the north-east and Eric Singleton Bird Sanctuary to the north-west, and King William Street. Fencing to the north-west shall incorporate a high level of permeability.
- (iii) Landscaping - a landscaping plan shall be prepared for all sites within the subdivision incorporating only native plant species.
- (iv) Noise buffering - lots nearby the existing pump station located within the Bayswater Riverside Gardens shall have appropriate sound attenuation measures implemented to address noise and vibration impact from the pump station.
- (v) Condition 16 requires the provision of public open space associated with the subdivision. The City does not consider areas proposed for vehicle manoeuvring or access (including the emergency access way indicated in the Bushfire Management Plan) to meet the requirement of public open space. A cash-in-lieu contribution will be required for any public open

space shortfall in the event public open space as indicated on the approved plan of subdivision is required for vehicular access.

- (vi) Condition 17 requiring a landscaping plan will require amendments/additional information from that included in the concept landscaping plan, including the following:
 - (vii) Removal of the White Mulberry Tree and replacement with an appropriate species, acceptable alternatives include *Arbutus unedo*, *Punica granatum*, or *Muraya koenigii*.
 - (viii) Any batter proposed along the south-east interface between Bellevue Street and Bayswater Riverside Gardens must achieve a 1 in 6 grade, with all existing trees being protected (consideration will need to be given to traffic safety and clear zone for any required retaining around existing trees).
 - (ix) The embankment planting currently indicated is not appropriate for the site, local native plantings suitable for wetland areas are required.
 - (x) Paperbark trees are required along the north-west boundary embankment adjacent the Lot 14, 128 King William Street wetland.
 - (xi) Grassroots synthetic matting is not supported, a biodegradable alternative shall be utilised.
 - (xii) Raingardens must be correctly sized based on the 1 in 100 ARI event and details of bio-retention media are required. Rock-mulch is not a supported bio filter material.
 - (xiii) Dead wooding is only be supported for safety purposes, and would need to be under the supervision of the City Arborist.
 - (xiv) Mulch specification to be provided, preferably street tree prunings as opposed to rubber mulch or coloured mulch.
 - (e) Condition 23 requiring a Construction and Environmental Management Plan is to detail how works associated with the subdivision will be managed to minimise the impact on the surrounding area, and shall address:
 - (i) traffic management including vehicle access and parking;
 - (ii) stormwater and sediment control;
 - (iii) noise control and vibration management;
 - (iv) air and dust management; and
 - (v) public safety, amenity and site security.
 - (f) The landowner/applicant and the City of Bayswater are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.
 - (g) No fill, building materials, rubbish or any other deleterious matter shall be deposited outside the boundary of the proposed subdivision.
2. The City requests that officers of the Department of Fire and Emergency Services, Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation, Department of Health, Water Corporation, Western Power and Department of Planning, Lands and Heritage who will be asked to provide comments in respect of this subdivision application, as well as the WAPC, undertake

an on-site investigation with the City to help inform their comments and recommendations to the WAPC, and to help inform the decision of the WAPC.

CR DAN BULL, MAYOR MOVED, CR STEPHANIE GRAY SECONDED

CARRIED: 8/2

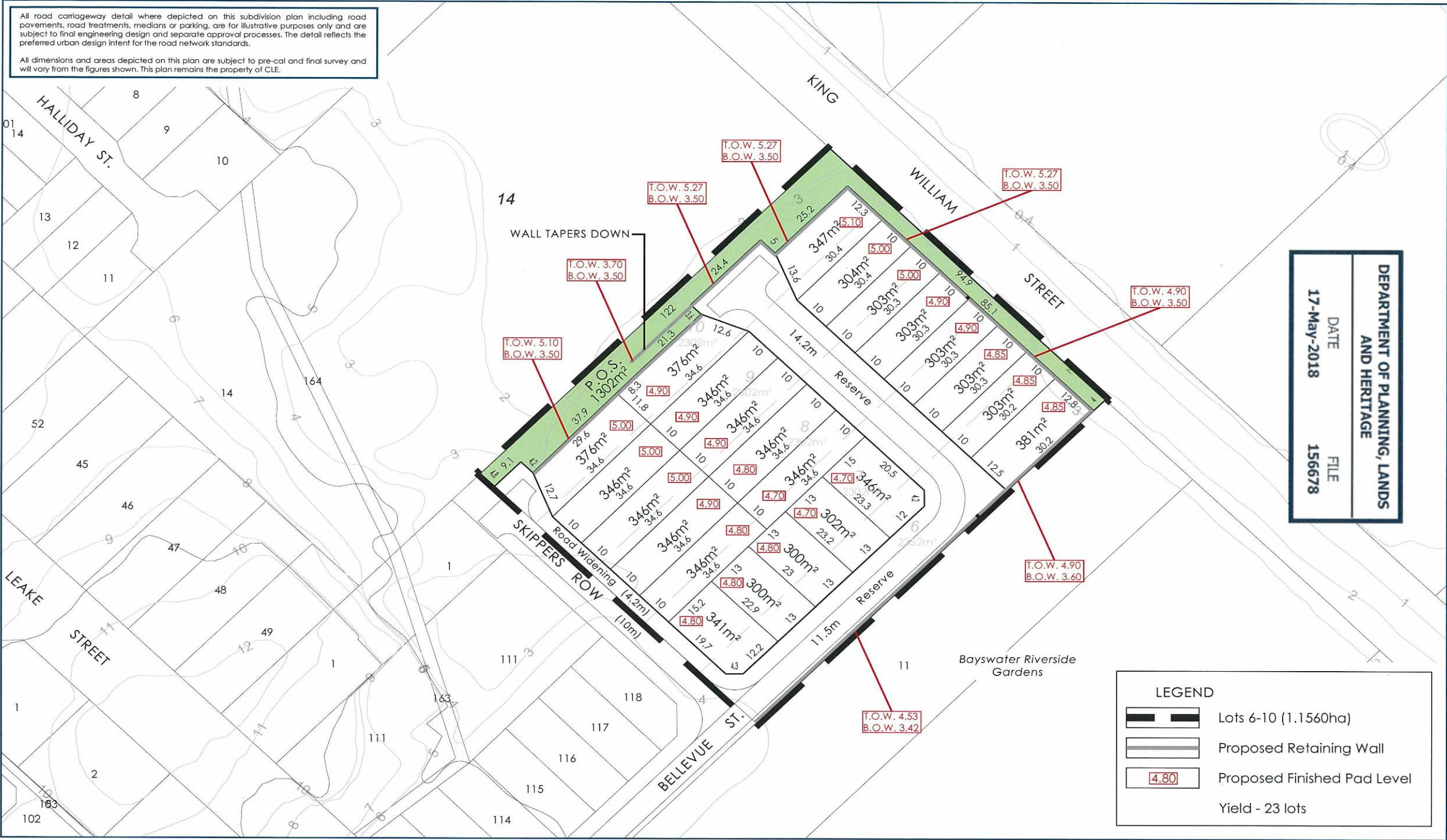
FOR VOTE: *Cr Dan Bull, Mayor, Cr Stephanie Gray, Cr Lorna Clarke, Cr Chris Cornish, Deputy Mayor, Cr Filomena Piffaretti, Cr Sally Palmer, Cr Barry McKenna and Cr Catherine Ehrhardt.*

AGAINST VOTE: *Cr Giorgia Johnson and Cr Elli Petersen-Pik.*

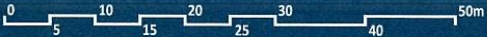
REASON FOR CHANGE

The Committee changed the Officer's recommendation as it was of the opinion that since the subdivision has been approved by the WAPC, these amended and additional clauses imposed by the City will help ensure that the environmental concerns of the development are better addressed.

Attachment 1 (A3 Landscape)



PROPOSED SUBDIVISION
Lots 6-10 Leake Street, Bayswater
City of Bayswater

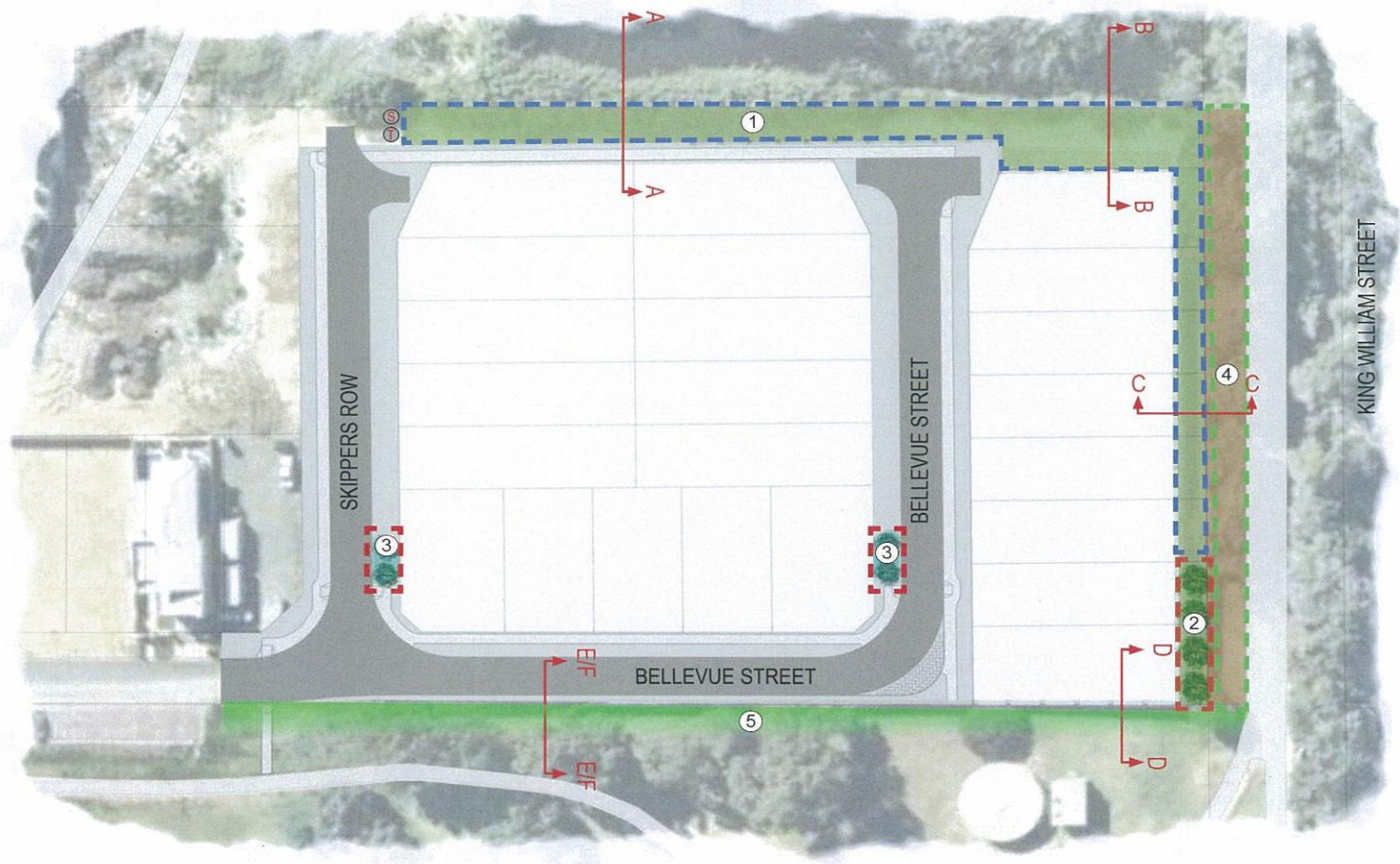


This plan is current at the revised date & subject to approval, survey & engineering detail. This plan remains the property of CLE © www.cleplan.com.au

plan no: **3019-26B-01**
date: 7 May 2018
scale: 1:1,000 @A4

Attachment 2 (A3 Landscape)

ITERNO, BAYSWATER



1. Embankment Planting

 - Beaufortia elegans
 - Conospermum stoechadis
 - Conostylis aculeata
 - Dampiera linearis
 - Hibbertia hypericoides
 - Melaleuca fulgens
 - Patersonia occidentalis
 - Pimelea rosea
 - Poa poiformis
 - Verticordia plumosa
2. Fruit Trees

 - Lemonade tree (Citrus limon x reticulata)
 - White mulberry
 - Lemon
 - Lime
3. Rain Gardens

 - Carex appressa
 - Ficinia nodosa
 - Juncus pallidus
 - Lepidosperma longitudinale
 - Melaleuca raphiophylla

PLANT SCHEDULE



KEY PLAN NTS

1. Embankment to be landscaped with low shrubs and stabilised with Grassroots synthetic matting. Shrubs to be tubestock winterplanted wetland species
2. Fruit trees with mulch
3. Rain gardens to have 50:50 blue metal & cracked pea gravel mulch & bio-media
4. Existing vegetation to remain & cleared of rubbish, dead wood and weeds. Area to be mulched between boundary & existing footpath
5. Batter to be turfed to tie into existing POS. Existing trees to remain.

- Landscaped Area
- Mulched Area
- Raingardens
- Swith & Transformer Location

LEGEND

E	3/04/2018	ISSUED FOR REVIEW
D	28/03/2018	ISSUED FOR REVIEW

Concept Landscape Design

0 20m

LD TOTAL

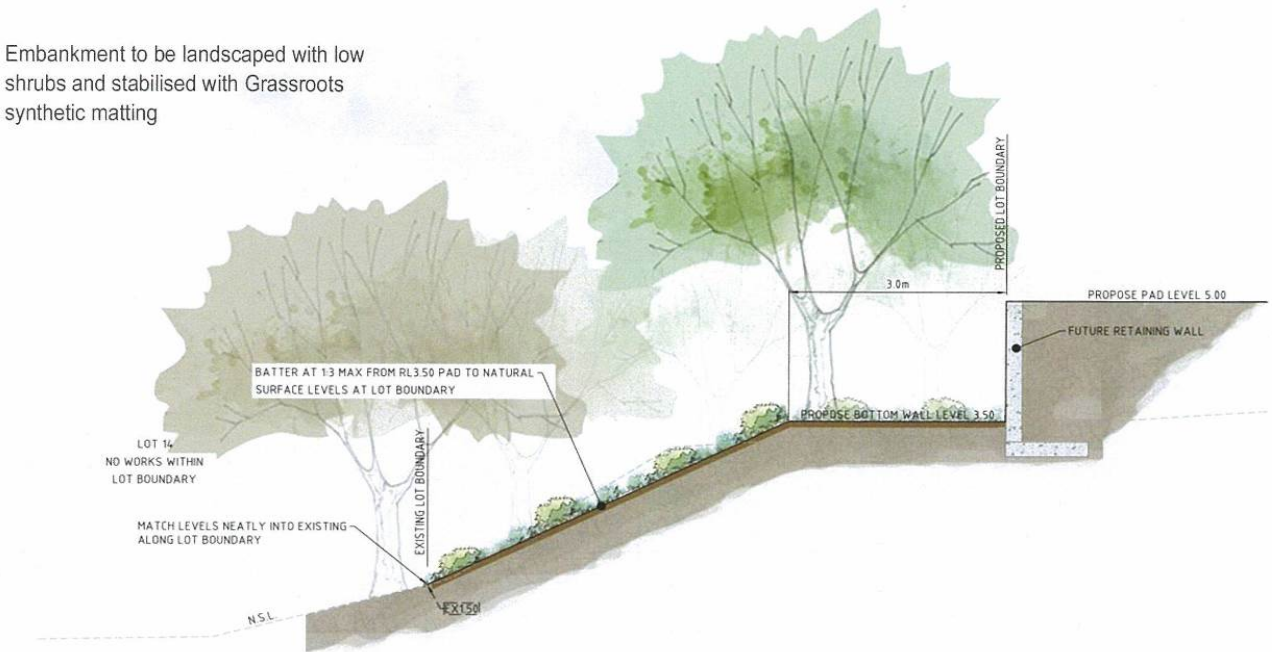
PROJECT NO. 10.1495

PARCEL LD TOTAL DESIGN + CONSTRUCT

ITERNO, BAYSWATER

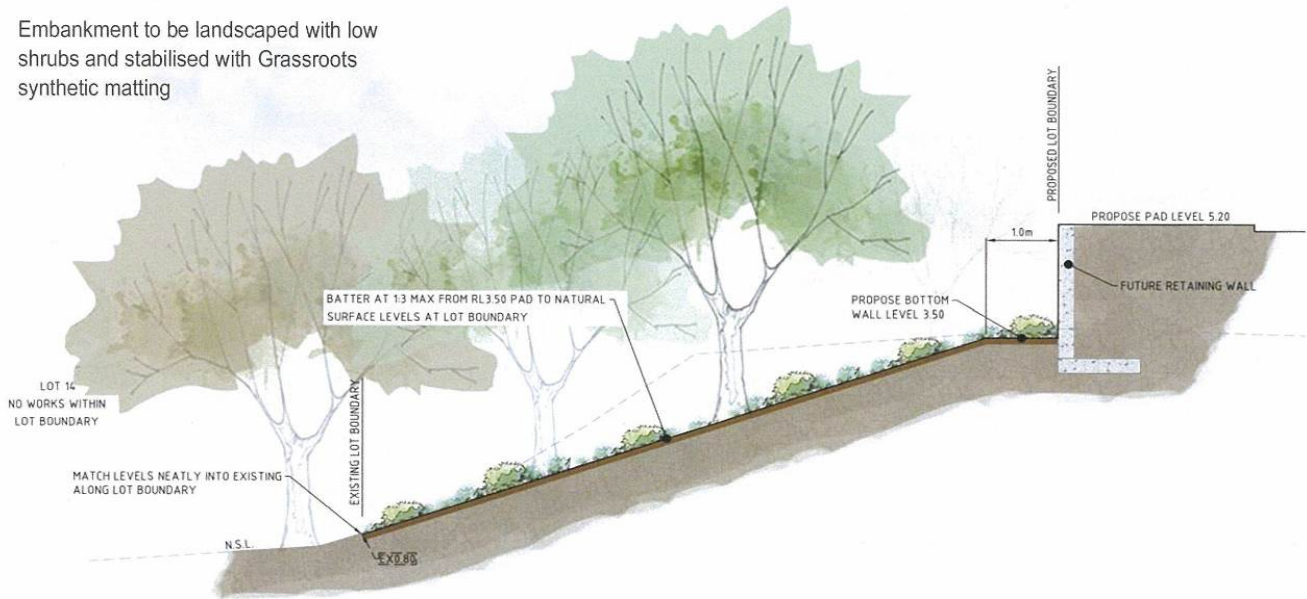
PARCEL
LD TOTAL DESIGN + CONSTRUCT

Embankment to be landscaped with low shrubs and stabilised with Grassroots synthetic matting



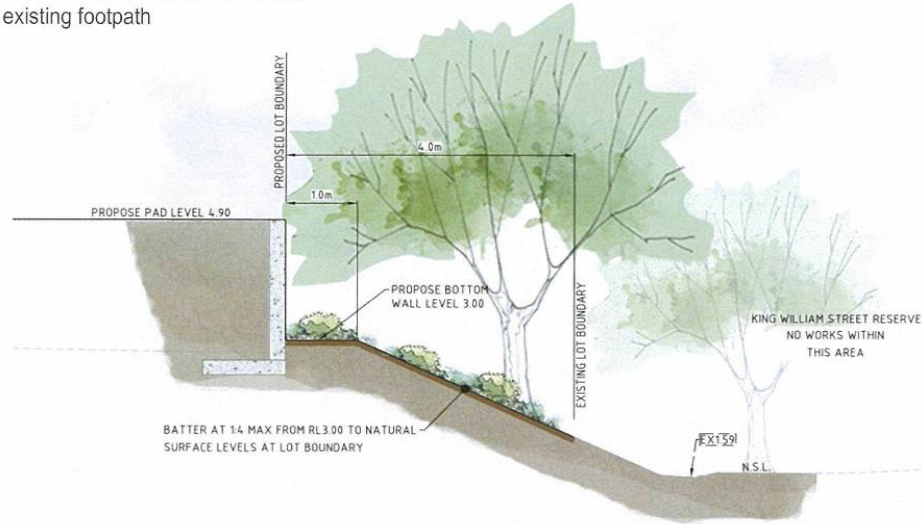
SECTION A-A
Scale 1:50

Embankment to be landscaped with low shrubs and stabilised with Grassroots synthetic matting



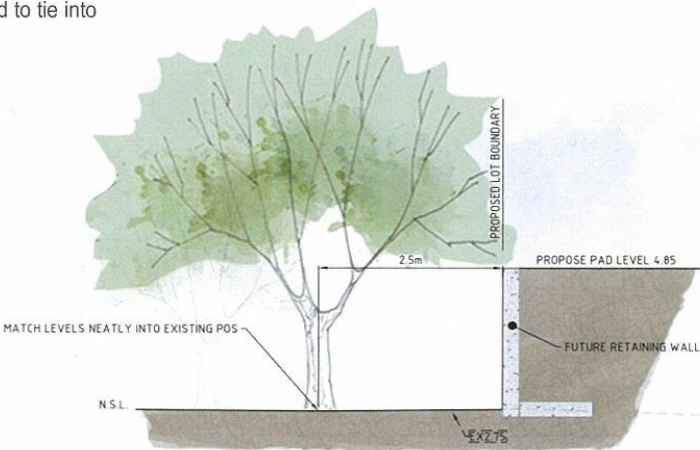
SECTION B-B
Scale 1:50

Existing vegetation to remain & cleared of rubbish, dead wood and weeds. Area to be mulched between boundary & existing footpath



SECTION C-C
Scale 1:50

Batter to be turfed to tie into existing POS



SECTION D-D
Scale 1:50

Concept
Landscape Design

E	3/04/2018	ISSUED FOR REVIEW
D	28/03/2018	ISSUED FOR REVIEW

0 5m

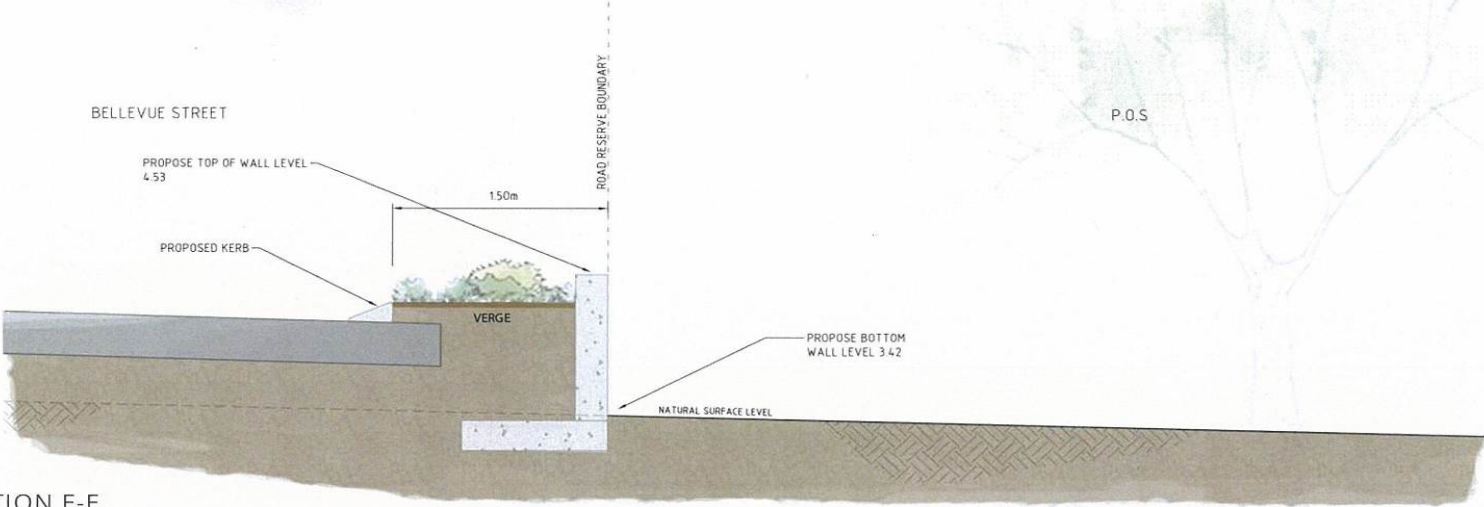
LD TOTAL

PROJECT NO. 10.1495

ITERNO, BAYSWATER

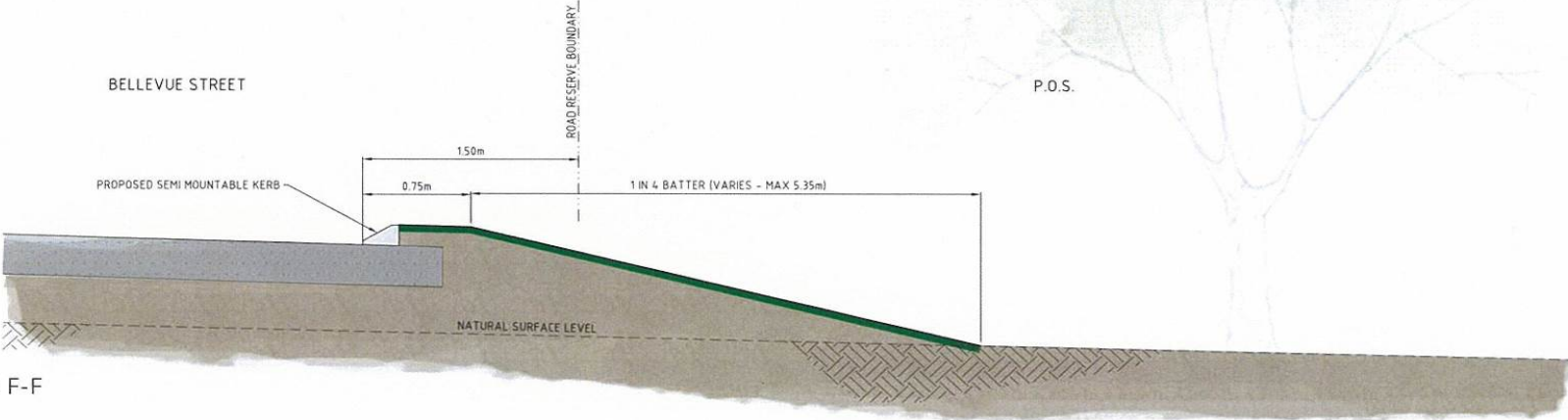
PARCEL
LD TOTAL DESIGN + CONSTRUCT

Option 1: Retaining Wall



SECTION E-E
Scale 1:25

Option 2: Batter
Batter to be turfed to tie into existing POS



SECTION F-F
Scale 1:25

Concept
Landscape Design

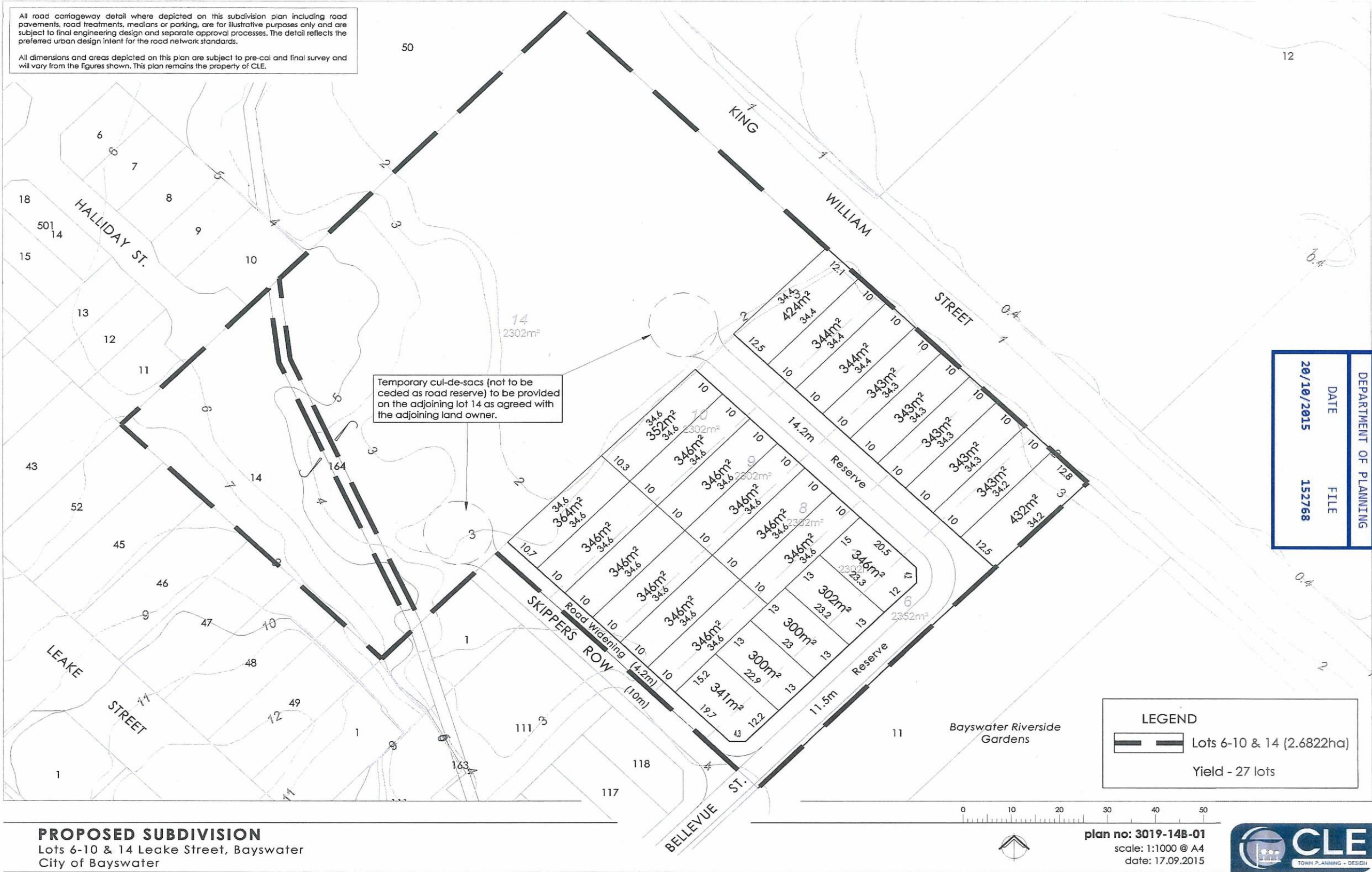
E	3/04/2018	ISSUED FOR REVIEW
D	28/03/2018	ISSUED FOR REVIEW

2.5m

LD TOTAL

PROJECT NO. 10.1495

Attachment 3



9.2 Proposed Public Art to Service Station, Convenience Store, Showroom and Service Industry

Location:	Lot 751, 243 Beechboro Road North, Embleton and Lot 755, 484 Walter Road East, Embleton
File Number:	DA17-0588
Applicant:	Alison Barrett
Owner:	Hans Dillmann
Reporting Branch:	Development Approvals
Responsible Directorate:	Community and Development
Refer:	Item 9.1.3: PDSC 23.01.2018
	Item 11.2: OCM 12.09.2017

CR BARRY MCKENNA DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Barry McKenna declared an impartial interest in this item as the development is opposite from his brother in law's property. Cr Barry McKenna remained in the room during voting on this item.

EXECUTIVE SUMMARY**Application:**

A public art project was received 31 May 2018 to satisfy a condition of approval for the proposed service station, convenience store, showroom and service industry at Lot 751, 243 Beechboro Road North, Embleton and Lot 755, 484 Walter Road East, Embleton.

Key Issues:

- Public art is required by the planning approval granted by the Council for the service station, convenience store, showroom and service industry development.
- Artwork is to comply with the City's Percent for Public Art local planning policy.
- Artwork consists of a standalone metal and concrete sculpture located at the front of the lot facing Walter Road East.
- Clarification of determination of applications for public art under delegated authority.

BACKGROUND

Town Planning Scheme No. 24 Zoning:	Light Industry
Use Class:	Service Station - 'D', Convenience Store - 'D', Showroom - 'P', Service Industry - 'P'
Lot Area:	3,959m ²
Existing Land Use:	Vacant
Surrounding Land Use:	Commercial, Light Industrial and Residential
Size/Nature of Proposed Development:	Public Art

The Council at its Planning and Development Services Committee Meeting held on 23 January 2018 resolved to conditionally approve the proposed service station, convenience store, showroom and service industry development. Condition 13 of the approval states as follows:

"The owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater policy relating to Percent for Public Art, and provide public art with a minimum value of 1% of the estimated total construction cost of the development. Details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's ongoing maintenance and acknowledgements in accordance with the City's Percent for Public Art Policy shall be submitted to and approved by the City prior to the lodgement of a building permit application.

Alternatively, the owner/applicant could choose a cash-in-lieu of public art option. The cash in lieu amount is to be no less than 1% of the estimated total construction cost of the development and is to be paid to the City prior to the submission of a building permit application in accordance with the City's Percent for Public Art Policy. If the applicant chooses this option then detailed plans for the installation of the artwork will not be required."

The primary consideration in relation to this proposal is whether the public art is compliant with the City's Percent for Public Art local planning policy. A copy of the plans for development and supporting information are attached to this report.





CONSULTATION

Not required.

ANALYSIS

Proposed Artwork

The City's local planning policy relating to percentage for public art prescribes that the required public art is to be undertaken by a professional artist whom earns more than 50% of income from art related activities, has a track record of exhibiting artworks or has a university qualification or high level technical college qualification in the arts. The artists proposed for the work are Jon Denaro, Luke Davey and Bec Juniper of Obscure View multidisciplinary arts hub, who are considered to satisfactorily meet these criteria through a track record of public art commissions. Examples of works undertaken are detailed in **Attachment 2**.

The policy requires the public art to be original and positively interact with the public realm, accessible and/or visible to the public. It may be freestanding or integrated into the exterior of a building. The proposed public art includes a freestanding sculpture located at the front of the property facing Walter Road East, providing visibility from the public realm. The concept idea provided for the proposed public art is as follows:

"The primary 'point of view' for this sculpture is from within a moving vehicle. Moving at speed, waiting at the lights, or pulling into the carpark and petrol station. The proposed sculpture aims to generate a response that lasts beyond the fleeting moment of visual engagement, to resonate with the viewer, to provide a metaphor which is contemplative but also has light hearted humor.

OBSCURE VIEW were interested in creating engagement within the symbolic, so whilst we are in an age of uncertainty, our goal here is to strip back the detail to create one moment through an element - power.

They wanted this sculptural work to suit the area, to be a simple form in itself - to engage in the immediate, rather than within its detail/readable in one glance as one idea and not draw the driver into a complex scanning of the object. To form part of their journey, as simplistic as a line. The personal uptake is about humor and having some fun with an everyday object up scaled. They want the effect while viewing to be uplifting, changing from multiple viewings dynamically with the perspective of the viewer, so that the read of the image unfolds dependent upon the position of the viewer in the linear viewing axis.

The colours of orange of the metal pipe was selected by the artists to pop against the ground of green lawn. The transformer that was located on the site has been removed and in its place will be a switchboard (size to be confirmed) located adjacent to the works and will be painted silver or green. It is an important component of the artwork."

The sculpture is to be constructed of steel, glass reinforced concrete and aluminium plate, approximately 2.1m high and 5.7m long. Solar-powered LED lighting is proposed for the plug to create a glow effect at night. The total cost of the artwork is estimated at \$38,000 excluding GST, meeting the cost requirement of the associated condition.

The proposed artwork is considered to make a positive contribution to the Walter Road East streetscape, and provide a point of interest within a location which currently offers limited visual amenity. Accordingly, the proposed public art is considered to meet the requirements of the public art policy, and is recommended for approval subject to appropriate conditions.

In the event the artwork is damaged, modified or altered, the owner(s) is to take all necessary action promptly to return the artwork to its original state. Conditions have been included in the officer's recommendation to address this matter.

Delegated Authority to Approve Public Art

Council at its Ordinary Meeting held on 12 September 2017 adopted the Instrument of Delegation 2017/2018 following a review of Planning Services delegation undertaken with a view to reduce red tape and improve efficiency in the handling of matters which are not of strategic importance. The intention of the new delegation was to include matters dealt with through local planning policies including public art, however subsequent to adoption of the new delegation applications for public art have not been determined under delegated authority. It is considered however that City officer is able to determine such applications in terms of the City's *Percent for Public Art Policy* and discretion may be used to refer proposals that are considered contentious to Council for determination. An appropriate clause in this regard is accordingly included in the recommendation.

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 proposal, the public art is considered to meet the objectives of the policy and 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; and
- City of Bayswater local planning policies, including Percent for Public Art Policy.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Plans for Development
2. Supporting Information

COMMITTEE RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council:

1. Approves the proposed public art to the approved service station, convenience store, showroom and service industry at Lot 751, 243 Beechboro Road North, Embleton and Lot 755, 484 Walter Road East, Embleton in accordance with plans and details received 31 May 2018, subject to the following conditions:
 - (a) The artist and owner/applicant shall provide written acknowledgement of the implications of the *Copyright Amendment (Moral Rights) Act 2000*, including how the artist will be acknowledged, consent for any required maintenance or relocation, and consent for the City of Bayswater to publish images of the artwork.
 - (b) Once the artwork has been completed and accepted by the City of Bayswater, copyright will be held mutually by the City of Bayswater and the artist.
 - (c) The artwork is required to be identified with the artist's name, and the name of the artwork.
 - (d) The artwork must be completed and installed prior to the first occupation of the development to the satisfaction of the City of Bayswater.
 - (e) The artist shall present a copy of the maintenance schedule to the owner(s) and the City of Bayswater following completion and installation of the public artwork.
 - (f) The owner(s) is to undertake the ongoing care, maintenance and management of the artwork in accordance with the artist's maintenance requirements to the satisfaction of the City of Bayswater.
2. Confirms that the Instrument of Delegation TP-DO1 Local Planning Scheme includes the determination of public art applications relating to the City's *Percent for Public Art Policy*.

CR CATHERINE EHRHARDT MOVED, CR LORNA CLARKE SECONDED

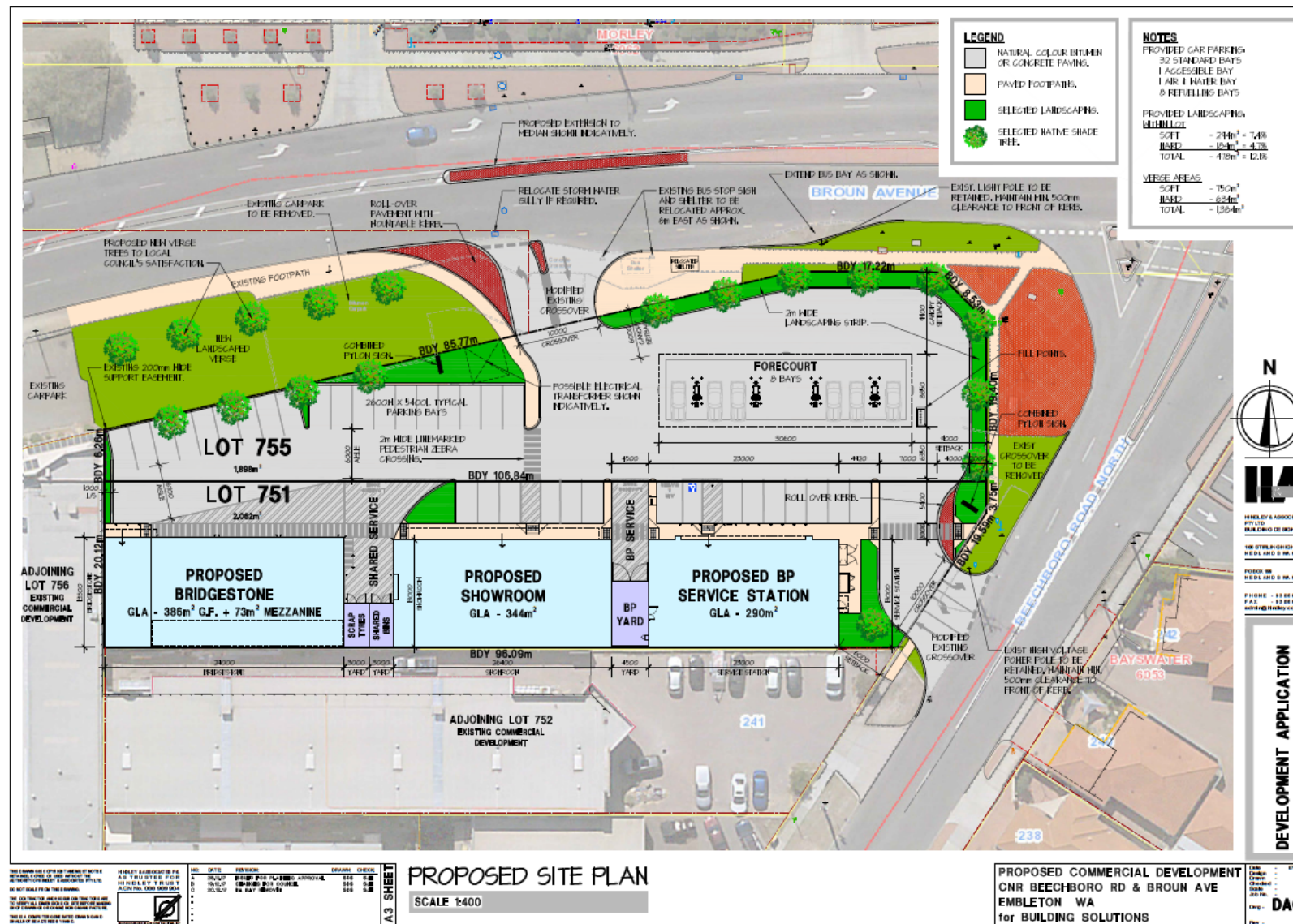
CARRIED: 9/1

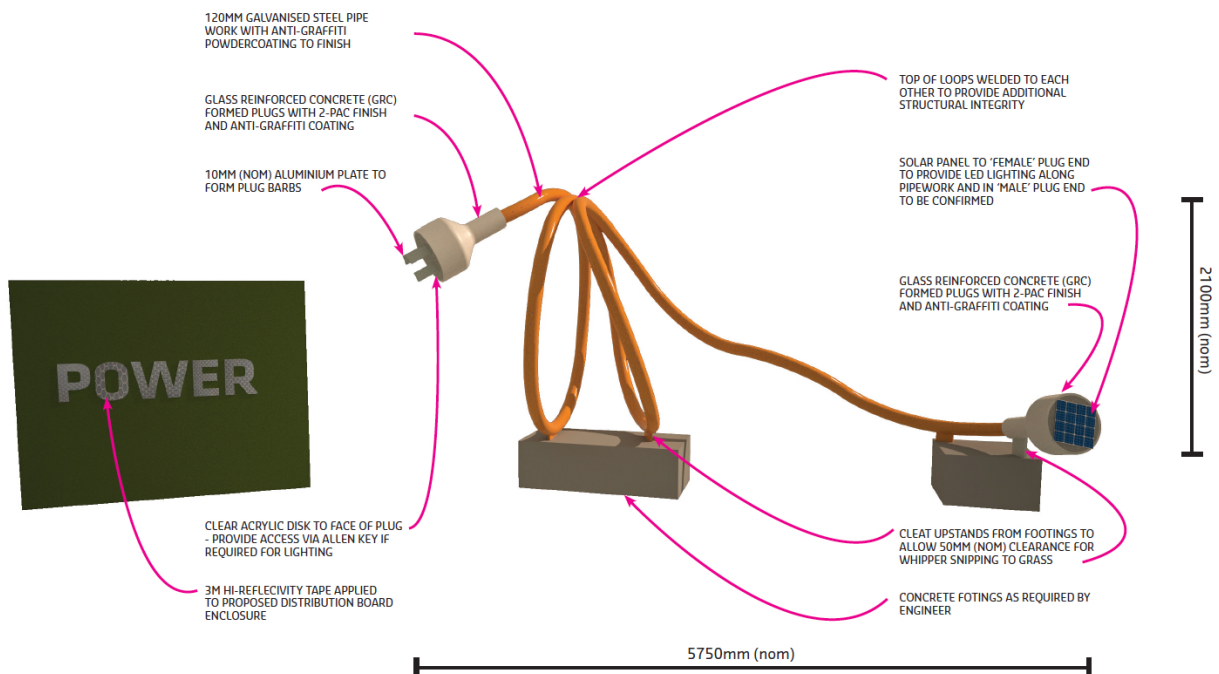
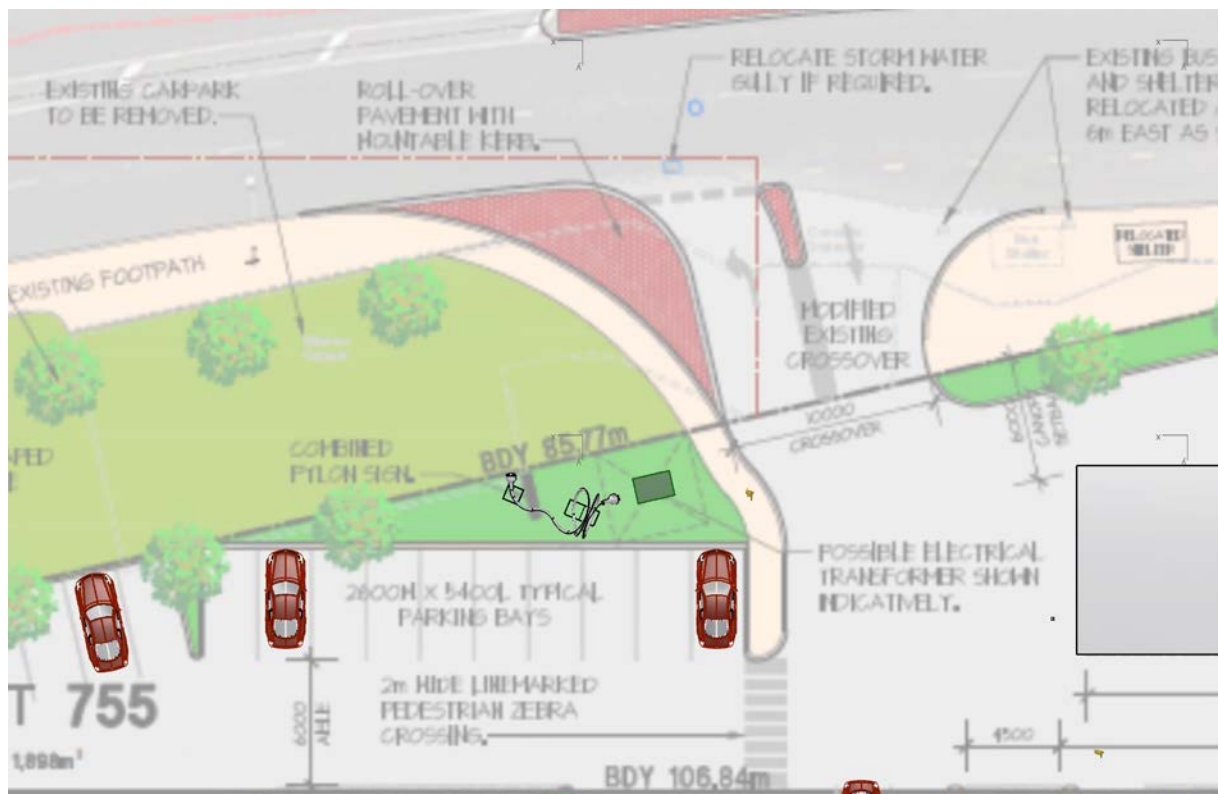
FOR VOTE:

Cr Catherine Ehrhardt, Cr Lorna Clarke, Cr Dan Bull, Mayor, Cr Chris Cornish, Deputy Mayor, Cr Filomena Piffaretti, Cr Stephanie Gray, Cr Barry McKenna, Cr Giorgia Johnson and Cr Elli Petersen-Pik.

AGAINST VOTE:

Cr Sally Palmer.

Attachment 1



Attachment 2

EMBLETON COMMERCIAL DEVELOPMENT

484 Walter Road East, Embleton

Lot 751, 243 Beechborough Rd North &
Lot 755, 484 Walter Road East, Embleton

APPLICATION FOR APPROVAL

“PEOPLE POWER”

Luke Davey and Jon Denaro

OBSCURE VIEW

ART - SCULPTURE- CULTURAL BIOLOGY



May 28, 2018

ARTWORK PROCUREMENT AND PROCESS OVERVIEW

The appointed public art consultant, Alison Barrett put forward nine experienced artists and artist teams, with experience in freestanding artworks for consideration. An Art Selection Committee was formed consisting of representative from the client/developer and Art Coordinator. The Committee shortlisted two artists/artist teams (OBSCURE VIEW - Luke Davey & Jon Denaro and April Pine) on the basis of their past relevant experience and suitability. The artists were invited to an artist briefing, where the project was described in more detail by the Client and Art Coordinator. The artists were given just over five weeks to prepare concept designs for which they were paid a fee of \$500 + gst.

Subsequently the artists presented their concept designs to the Art Selection Committee. Their proposals were assessed using the following criteria:-

- | | |
|---|------|
| • Experience working on integrated public art commissions | 40% |
| • Suitability of the concept to the brief | 30%, |
| • Public art implementation experience | 30% |

The team of OBSCURE VIEW - Luke Davey and Jon Denaro proposed the best concept design and were contracted by fabricPROPERTY to produce and install the artworks. (A copy of the signed contract is attached).

OBSCURE VIEW - ART - SCULPTURE _ CULTURAL BIOLOGY is an independent multidisciplinary Arts Hub delivering authentic artwork for the public realm consisting of :-

- Luke Davey - An architect with over 20 years experience on Perth's most iconic buildings and places. He now inhabits the space between architecture and art. His knowledge of master planning, design and project delivery provides a fundamental base for the development of artwork that ensures it is successfully integrated within the public realm.
- Jon Denaro is a professional West Australian painter and sculptor who regularly exhibits public art, has been awarded grants, selected for public exhibition, awards; have work acquired for public and private collections. He creates contemporary metal sculptures inspired by found objects that play an intricate part in the story of the resulting piece of art.
- Bec Juniper - Well known West Australian artist who is collected nationally and internationally and has a dedicated focus on West Australian unique pictorial geology. Her work is in response to the WA landscape as seen from above and the geological reality of that, the softness and evolution of sediment and patterns of erosion.
- Linton Partington - Director at Linton and Kay Galleries, making a significant contribution to the representation of artwork from around Australia and internationally at his galleries across Perth. Linton provides a key project management role.

OBSCURE VIEW combine disciplines from the arts, Architecture and project management to provide services including:

- Discrete sculptural artworks
- Integrated facades
- Integrated art within landscape
- Art master planning and wayfinding
- Interior art fit out and supply

Additional information on the artists qualifications and experience is attached.

Artist Team members have current Insurance Policies, including Public Liability, Products Liability, Professional Liability, Property in Care and Custody/Control. (Certificates are attached to this proposal)

“People Power” (working title)

"*People Power*" will be clearly visible and located in the public realm and provide a welcome statement to the development. The work will be accessible to all users of the area regardless of age, cultural background or interests.

Obscure View has considered the City of Bayswater's Percent for Public Art Policy and "*People Power*" will comply with this Policy, by:-

- Contributing towards creating a strong sense of place, which promotes the expression of local identity and responds to the culture and character of the community.
- Positively contributes to its streetscape and
- Assisting in making streets and buildings more identifiable.

The primary 'point of view' for this sculpture is from within a moving vehicle. Moving at speed, waiting at the lights, or pulling into the carpark and petrol station. The proposed sculpture aims to generate a response that lasts beyond the fleeting moment of visual engagement, to resonate with the viewer, to provide a metaphor which is contemplative but also has light hearted humor.

OBSOLETE VIEW were interested in creating engagement within the symbolic, so whilst we are in an age of uncertainty, our goal here is to strip back the detail to create one moment through an element - power.

They wanted this sculptural work to suit the area, to be a simple form in itself - to engage in the immediate, rather than within its detail/readable in one glance as one idea and not draw the driver into a complex scanning of the object. To form part of their journey, as simplistic as a line. The personal uptake is about humor and having some fun with an everyday object up scaled. They want the effect while viewing to be uplifting, changing from multiple viewings dynamically with the perspective of the viewer, so that the read of the image unfolds dependent upon the position of the viewer in the linear viewing axis.

The colours of orange of the metal pipe was selected by the artists to pop against the ground of green lawn. The transformer that was located on the site has been removed and in its place will be a switchboard (size to be confirmed) located adjacent to the works and will be painted silver or green. It is an important component of the artwork.

The scale of "*People Power*" relates to its immediate surroundings, it is approx. 2.5 h x 6 m long.

ARTWORK LOCATION

Two opportunities were identified for public art. The preferred area was within the verge in front of the proposed showroom, which is currently identified by combined pylon sign, which is proposed to be relocated to the other side of the crossover to free up space for the artwork.

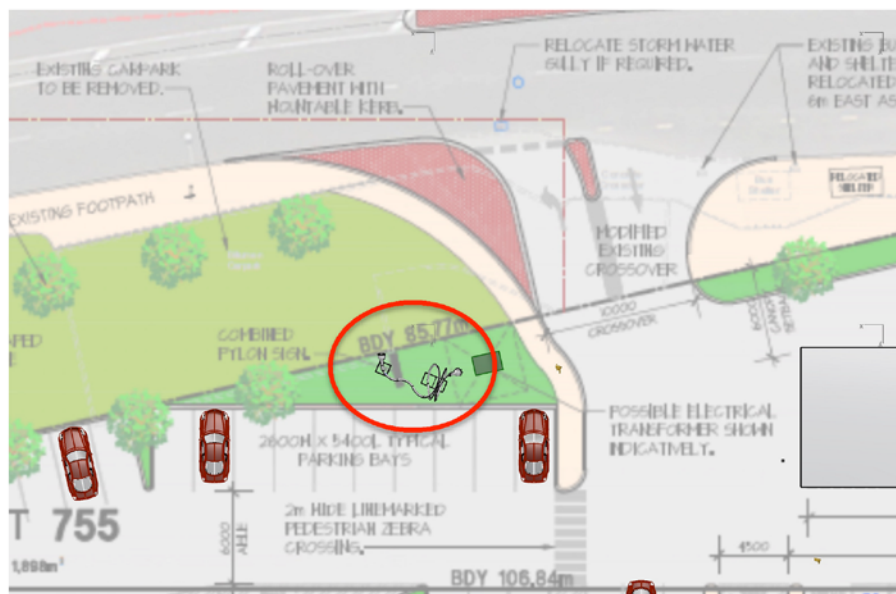
As part of the original planning application a possible Western Power Transformer location was shown on the plans, as a result the approval issued by the City of Bayswater, Planning Approval reference DA17-0588 included the following condition condition 4 (d) Western Power Transformer, which required,

- Details plans of the electrical transformer demonstrating how its visual impact is to be mitigated

Based on the above requirement the developer asked the artists to ensure that their artworks provided suitable screening or interaction with the proposed transformer so as it became a feature rather than a detraction to the development. Since originally briefing the artists, Western Power has advised that a transformer is unlikely to be required and that a uni-pillar will be installed in its place and a Site Main Switchboard will be required to be installed next to this to provide power to the site. The switchboard size is likely to be 3500mm (w) x 500mm (d) x 2000mm (h) This switchboard will be painted silver or green (TBC).

The artists were also given the opportunity to proposed alternative locations, which they felt responded to the City's Public Art strategy. Both artists unanimously chose the first opportunity 1 as they saw the benefit that the interaction with the power infrastructure could bring to the artwork.

"People Power" will be located on 484 Walter Road East, corner of Beechborough Rd North & Walter Road East, Embleton. (see site plans below)





RESPONSE TO CITY OF BAYSWATER PUBLIC ART POLICY

OBSCURE VIEW has complied with this Policy as the work will:-

- **Contribute towards creating a strong sense of place, promoting the expression of local identity and responds to the culture and character of the community.**
- **Positively contributes to its streetscape and**
- **Assist in making streets and buildings more identifiable.**

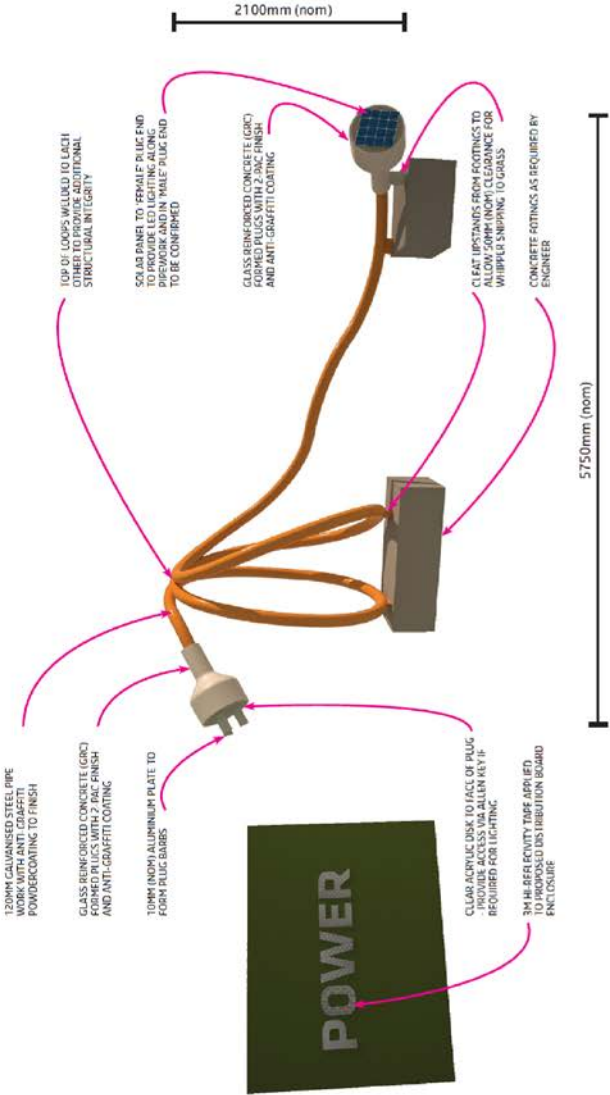
The artwork will be highly legible when passing and timeless in design and will contribute to way finding. It was also create a distinctive enhancement to the built form, which together will make the development a feature, landmark and create a place with its own identity.

MATERIALS

- Galvanised steel tube 120mm
- Glass reinforced concrete
- Aluminum plate
- Concrete footings and bolt cage
- 3M highly reflective tape
- Lighting - solar panel, battery, electronics (senor/regulator)

OBSCURE VIEW

DETAIL INFORMATION



LIFE SPAN

The range of materials and finishes were selected to minimise maintenance, maximise durability and compatibility with the local climate and last for at least 30 years.

ACCESSIBILITY OF THE PUBLIC

The artwork is highly accessible to the public being located at this busy intersection of Broun Avenue and Beechboro Road North, Embleton. The artwork will be clearly visible and provide a welcome statement to the development. The artwork will be accessible to all users of the area regardless of age, cultural background or interests.

The artwork relates specifically to the working class demographic and the wider industrial precinct. The artists were interested in the effect in the viewer as they read the works and the way it contributes to wayfinding i.e. turn right at the big extension cord.

The artists want this sculptural work to suit the area, to be simple in form and to be engaging, readable in one glance and to form part of ones journey. The work is about humor and having some fun with an everyday object up scaled.



Completion date - Mid-late October 2018

MAINTENANCE**A) Artwork**

Steel pipe

- 120 mm galvanized steel pipe
- Light weight glass reinforced concrete placing less stress on support structures
- High strength, very durable and highly resistant to corrosion requiring little
- long term maintenance
- Sustainable - Lifespan of steel pipe is measured in decades rather than years

Powder Coated Colour (Dulux)

- Powder Coating is a durable, industrial, long lasting surface treatment which protects the artwork from corrosion for decades.
- Made to handle harsh Australian coastal climate conditions
- The precious powder coat range is supported by a 10 year durability warranty

Maintenance

- An occasional good downpour, light hose down with water or a wipe with a soft damp cloth is all that is needed to remove most dirt or dust from aluminium powder coated surfaces.
- See 'POWDER COAT maintenance and refurbishment.pdf' for further information.
- Maintenance access is through circular face plates 25mm Perspex via Allen keys.

B) LED lighting in plug

LED lighting

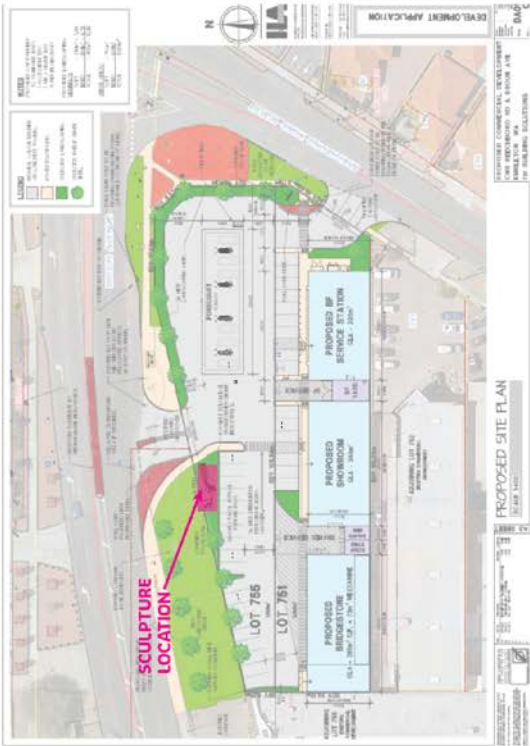
- Durable, reliable and low maintenance
- Estimated lifespan is anywhere from 60,000 to 80,000 hours
- A lifespan that is far longer than any other lighting technology currently available

Maintenance

- An occasional wipe with a soft damp cloth is all that is needed to remove most dirt or dust from LED light modules (water resistant).
- See 'Lighting Specifications' for further information.

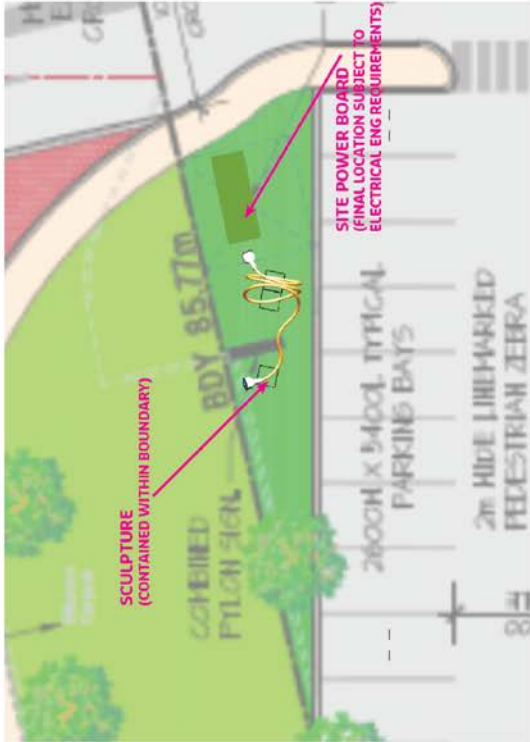
C) 3M Exterior graded reflective tape

- Almost impossible to remove.



OVERALL SITE PLAN SHOWING
SCULPTURE LOCATION (NTS)

The artist consents to all maintenance being undertaken by landowner or their agent. Requirements to be detailed in final maintenance manual to be provided at project handover.
General finishes to be durable with sculpture elevated slightly above grass to allow for whipper snipper access.



CLOSE UP OF SITE PLAN SHOWING
SCULPTURE - REFER TO ELEVATION
DRAWING FOR SIZING

Maintenance
Grass and surrounding vegetation to be trimmed to an acceptable level. Use whipper snipper for up close trimming. Sculpture is raised to avoid unnecessary damage.
Solar panel battery will require replacement periodically (every 4-5years tbc). To be undertaken by Client or their agent.
Steel and GRC plug are coated in anti-graffiti paint and should be cleaned in the event of graffiti as per manufacturers instructions.
Client has advised used that sprinklers are on mains and therefore there are no bore water concerns

ARTWORK BUDGET

Art Budget		38,000.00
	Art coordinator	2750.00
	Concept Design Fees (2 x 500)	1000.00
	Plaque	250.00
	Sub Total	4000.00
Artwork Budget		34,000
Materials		
	Tube 120mm x 5x6lengths @150	1000.00
	Plates (plasma cut 20mm)/ stirrups/foundation/ gussets	800.00
	Powder coating/ sand blasting	1800.00
	Hardware/ fittings/ materials	1500.00
	GRC casting process/ material/ colour/ cement/ glass	1800.00
	Coatings/ epoxy/ fillers	700.00
	Sub Total	7600.00
Services		
	Bending	1500.00
	Trucking (hiAB at install)	2000.00
	Engineer Cert	600.00
	Sub Total	4100.00
Foundations		
	Formwork (formply)	200.00
	Bolt cage assemblies 2	300.00
	Concrete 1.5 sqM	1500.00
	Sub Total	2000.00
Solar/ Lighting		
	Solar panel	200.00
	Battery (lithium)	300.00
	Electronics (d/night sensor/ regulator etc./	400.00
	Lighting (yellow LED)	500.00
	Sub Total	1400.00
Labour		
	Documentation – 2 Days 20hrs	
	Manufacturing – 8 Days 80 hrs	
	Install – 2 Days 20hrs	
	Total 120hrs @ \$100/hr	12000.00
Management		
	General Project Management/ Insurances/ Studio Costs	2900.00
Contingency		4000.00*
Total Project Cost		34,000.00

** Prior to occupancy of the development, Forest Highway Developments Pty Ltd will provide a detailed budget and if funds remain, they will make a cash contribution to the City of Bayswater public art fund

CONTRACT BETWEEN THE DEVELOPER AND ARTISTS OBSCURE VIEW

- Contract attached (signed)
- All Artist Team members have current Insurance through FORM:
 - Public Liability \$20,000,000
 - Products Liability \$10,000,000
 - Professional Indemnity \$ 5,000,000
 - Property in Care Custody/Control \$100,000

NB Insurance Certificates are attached.

OUR PEOPLE

JON DENARO

FOUNDING DIRECTOR
SCULPTOR



Western Australian Sculptor and Painter Jon Denaro creates contemporary metal sculptures often finding inspiration in found objects that play an intricate part in the story of the resulting piece of art. Enjoying the hands on process of making, Jon Denaro's sculptures maintain a unique individuality, they look "hand made" and non reproducible, opposing the streamlining that technology offers.

Jon is highly experienced in complex installations and has the necessary skills to coordinate and plan the operational requirements of projects.

2018 SCULPTURE BY THE SEA COTTESLOE
OBSCURE VIEW SCULPTURE

2017 ENDEAVOUR
MID SHIP SECTION 1:1 REPLICA CANTONMENT HILL,
FREMANTLE

CITY OF VINCENT ARM
URBAN HOUSING COMMISSION, LEEDERVILLE WA

GROUNDS KENT ARCHITECTS/AUSTRALAND
FORESHORE MARINA PROJECT, WA

2014 DEEP WATER POINT
JETTY PROJECT - SEATING/COMMUNITY PROGRAMS,
CITY OF MELVILLE WA

2012 ARANMORE CATHOLIC SCHOOL
ARCHITECTURAL SCULPTURE, CITY OF VINCENT WA

2012 GOVERNOR STIRLING SHS
ARCHITECTURAL CLADDING/SCULPTURE –
WOODBIDGE, WA

2011 PTA GREENWOOD STATION
LARGE SCALE BIKE SCULPTURE, WA

2010 WESTERN POWER
LARGE SCALE SCULPTURE SAFETY BAY, WA

2010 PALM BEACH ARCHITECTURAL STRUCTURE
INDIGENOUS MENTORSHIP, CITY OF ROCKINGHAM,
WA

2009 CITY OF ROCKINGHAM
Z FORCE MEMORIAL SCULPTURES

BIKE LAB-PERTH CHILDREN'S
FESTIVAL ARTIST PROGRAM DIRECTOR

BHP / CITY OF PORT HEDLAND
LARGE SCALE SCULPTURE WA

2008 CITY OF ROCKINGHAM
CIVIC BUILDING CENTRAL FOYER/EXTERNAL LARGE
SCALE SCULPTURE SERIES A

LUKE DAVEY

FOUNDING DIRECTOR
ARTIST/ARCHITECT



Luke is an artist and an architect with experience on Perth's most iconic buildings and places. Luke has a strong understanding of the public realm and the role art plays in defining and contributing to the urban fabric of place.

Luke is passionate about the user experience within the urban context and providing artwork that inspires and delights.

Luke has flexible communication and management skills to compliment a strong technical understanding of design, construction, delivery and architectural detailing. Coupled with highly developed 3D drawing and modeling skills, Luke has the ability to document and integrate artwork within the wider architectural context and also manage its on-site delivery.

2018 SCULPTURE BY THE SEA COTTESLOE
OBSCURE VIEW SCULPTURE

2014 - 2017 CARR PLACE APARTMENTS
PROJECT ARCHITECT FOR ARM
PROJECT VALUE - \$10 M
MIXED USE DEVELOPMENT

2014 - 2016 ELIZABETH QUAY
PROJECT ARCHITECT FOR ARM
2014 - 2016
PROJECT VALUE - \$483M

2016 CURTIN UNIVERSITY ACADEMIC HEART
GUIDELINES
PROJECT LEAD

2015 - 2016 GREATER CURTIN STAGE 1
DEVELOPMENT GUIDELINES
PROJECT LEAD

2008 - 2013 PERTH ARENA
SENIOR SITE ARCHITECT FOR ARMCCN
PROJECT VALUE - \$540 M

2013 - 2017 UWA SCHOOL OF ARCHITECTURE
SESSIONAL ACADEMIC IN DESIGN

2012 - 2014 BRAVO OFFICE BUILDING
PROJECT ARCHITECT FOR CCN
PROJECT VALUE - \$30 MILLION
OFFICE DEVELOPMENT FOR PERTH AIRPORT

2006-2008 BURSWOOD PENINSULA
SITE SUPERVISOR FOR MIRVAC

2006-07 AWESOME CRE8TIVE CHALLENGE
ARTIST IN RESIDENCE
2006 PUNMU AND NEWMAN
2007 WILUNA

"I came to art-making the long way. From an engineering base. I have had to invent what I am, what an artist is for me. I retracted after university to basic hand making ideas emanating from artisan values. I wanted to occupy an authenticity for my actions. I am intrinsically a generalist in the sense that each thing I do is different and unstyled. I value the experimental mindset and the actions of innovation, adaption and modification."

"I am interested in the space between architecture and art. I have shifted my focus from the implementation of complex architecture to considerations around the experiential interpretation of the public realm. The creation of artwork to inhabit these adjacent spaces that are often undefined; the spaces we can discover."

Jon

Denaro

O8 94341977
0421363503 jondenaro.com

Key SOLO EXHIBITIONS

- 2017 'Texture of Making' Moores Ftle
2015 'Memory Structure' Linton&Kay
'Strange Passion' Kidogo
Fremantle
2014 **BIOMIMIC** Linton&Kay
2009 Revelator. Gomboc Gallery
2009 Shape of Colour. M/ River Gallery
2007 "*Biomemesis*", Brisbane Powerhouse
2007 "*Oceanianism*", Gomboc Gallery
2003 "*Super Nature*", Gomboc Gallery
2002 "*New Sculpture*" Gomboc Gallery
2001 "*Second Skin*", Fremantle Art Centre,
Symbiotica UWA/ Research
2000 "*Beatitude*", (Artrage), Ftle
1998 "*Shape of Colour*", M/ River Gallery
1997 "*New Works*", M/ River Gallery
1996 "*The Shape of Modern*", Delaney
1995 PICA, sculpture/drawing.
1995 "*Super Highway Vehicles*", Moore's.
1994 "*Texture of making*", M/ River Gallery.
1993 "*Soul Shaped Devolution*", Delaney

EDUCATION

- 1978 St Columbans College
1979 p/tGAC Town Planning QLD.
1980-83 Assoc diploma Electronics VIC
1984 Post Grad., Systems, VIC
1985 Post Grad., Nav Systems, VIC
1986 p/t E/Eng, James Cook University
1988 Dip, Art/Design, CSA, WA.
1989-92 BAFA UTAS

COLLECTIONS-selected

Kerry Stokes, Artbank, BHP, Woodside,
EPRA, Hollywood Hospital, City of Fremantle,
Rockingham, Port Headland, Joondalup, Perth,
Brisbane.

Selected PROJECTS – Public Art – Percent for Art

- 2015-17 **GKA Architects Fremantle Foreshore Marina- in progress**
CURTIN- Biological Research residency- in progress
ARM Urban housing architecture commission
Bathers Beach Sculpture
2014 **Deep Water Point Jetty Project- seating/community programs COMelville**
2012 **Aranmore Catholic School Leederville – Integrated sculpture City of Vincent**
2011 **PTA Perth Transport authority Greenwood Station large scale bike sculpture**
2010-12 **Governor Stirling SHS- architectural cladding /sculpture**
2010 Western Power – Large scale Sculpture Safety Bay .
2010 PalmBeach Architectural structure-Indiginous mentorship. City of Rockingham.
2009 Z force Memorial Sculptures – COR
BikeLab
2008 City of R/ham Civic Building sculpture series
2007 Mindarie Keys, Harbour entrance ,Mirvac-sculpture large scale
2007 Perth Airport, 4 sculpture commission.
2004 Salentina, masterplanning, POA design sculpture series Fremantle
2004 Indicator Pole, Shire of Serpentine , 42M Tall

1999 Community Environment and Design Project, Margaret River Skate Park.,
1999 Margaret River Aquatic Centre,
1996 Perth Children's Arts Festival, Perth,
1995 ARTRAGE Opening sculpture centrepiece, .
1994 "Gasworks -series", East Perth Redevelopment Authority, Perth.,
1990 Busselton foreshore series.

BEC JUNIPER**Represented by:****Wagner Contemporary NSW****Linton&Kay Perth****Jahroc Margaret River****Fox Galleries Melbourne****Biography:**

1987	Fine Art and Design, Perth Technical College, Perth, WA
1988	Fine Art and Design (Diploma), Claremont School of Art, Claremont, WA
1989	Fine Art Photography and Design (Bachelor), University of Hobart, TAS
1992	Advanced Certificate in Horticulture
2000	Visual Art Communications and literacy, Curtin University, WA
2000	Asian Art cultural studies, Chinese and Japanese art history, Curtin University, WA
2018	Founding Director - Arts Co – Obscure View Pty Ltd

Solo Exhibitions:

2019	March – exhibition title TBC @ Fox Galleries Melbourne
2018	Pop up exhibition for Ledge Finance @ Linton&Kay Subiaco
2018	Flat Earth Theory - Wagner Contemporary
2017	More than I can imagine, Wagner Contemporary, Sydney, NSW
2016	Soft Illusions, Jahroc Art Galleries, Margaret River WA
2016	Tempelhoff, Linton and Kay, Perth, WA
2015	Personal Cult of the Land, Jahroc Art Galleries, Margaret River WA
2015	<i>Strange Passion</i> , Linton and Kay, Perth, WA
2015	<i>Materiality</i> , Wagner Art Gallery, Sydney, NSW
2014	<i>35,000 Feet</i> , Wagner Art Gallery, Sydney, NSW
2014	<i>Strange Passion</i> , Kidogo Art House with M.A.R.S Goes West, WA
2013	<i>Insequent Streams</i> , Linton and Kay Gallery, Perth, WA
2012	<i>Dusty Clockless Hours</i> , Margaret River Gallery, WA

2009 *Shape of Colour 2009*, Margaret River Art Gallery, WA

Solo Exhibitions:

2009 *Botany lot 462*, Aspects Kings Park, WA

2008 *Times the Revelator* Gomboc Gallery Sculpture Park, Middle Swan, WA

2007 *3000 kms*, Margaret River Gallery, WA

2006 *Untitled*, Gomboc Gallery Sculpture Park, WA

2004 *Untitled*, Gomboc Gallery Sculpture Park, WA

1998 *The Shape of Colour*, Margaret River Art Gallery, WA

Awards & Grants:

2018 Kings Art invitation prize Sydney NSW

2018 Mundaring Arts Centre acquisition exhibition awarded Peoples choice

2006 ARTSWA – Bikelab – residencies throughout regional WA

2005 Festivals Australia – Shire of Mundaring – Trek the trails

2004 Country Arts - art folio extension education program

2004 Department of Education

1999 Australia Council – CEAD grant

Selected Group Exhibitions:

2018 Mundaring Arts centre acquisition award exhibition - curated by Jen Kerr

2015 For the love of painting – Curated by Dr Ben Joel and Anna sabadini

2014/15/17 Hale school annual fundraising exhibition

2014 Darlington Arts Festival (curated by Nanette Tareha)

2014 *Small Images – Grand Visions 40/40*, Wagner Art Gallery, NSW

2011 Cossack Art Prize, selected finalist

2013 *A Tribute to Robert Juniper AM: Early Paintings by Robert Juniper, Recent Paintings by Bec Juniper*, Wagner Art Gallery, NSW

2002 *Grass Tree*, The Works, Fremantle, WA; Melbourne Art Fair, VIC

2000 *Junipers*, Juniper Estate, Margaret River, WA

2001 *The Works*, The Works, Fremantle, WA

2001	<i>Second Skin</i> , Fremantle Arts Centre, Fremantle, WA
1997	<i>Southwest Survey</i> , Bunbury Regional gallery, Bunbury, WA
1996	Margaret River Wine Festival, Evans and Tate, Margaret River, WA
1993	<i>Murdoch</i> , QV1, Perth, WA

Collections:

	City of Port Headland	ALCOA
City of Rockingham		
	Town of Serpentine	Perth Airport
City of Stirling	Jarrahdale	
		Mirvac
Town of Busselton	Multiplex	Fortescue Metals Group
		City of Cockburn
City of Fremantle	Woodside	
Shire of Margaret River	BHP	

Commissions:

2016/17	ARM Architects Percent for Art Residential development
2014	Inland Sea Series – Linton and Kay private commission
2014	ARM Architects – private commission
2010	Percent For Art – Lead Artist – Governor Stirling Senior High School
2009	Preferred provider - Artist City Rockingham Public Art Program
2008	Bondi sculpture by the Sea
2008	Exhibition curator and consultant, City of Rockingham, WA.
2006-07	Awesome Cre8tive Challenge, Punmu and Purnululu Pilbra & Kimberley WA.
2005-09	Lead artist: artistic and cultural development and public art design for Multiplex at Vale.
2005	Design and Community Art, Winterfold Primary School, Beaconsfield, WA
2005	Mural, Ardross Estates Beachridge Estate, Jurien bay, WA
2005	LandArt, Shire of Mundaring, Main roads Mundaring, WA
2005	Commission, Awesome Cre8tive Challenge Arts Festival, Perth, WA
2004	Land Art Installation, Trek the trails Project, Festivals Australia, WA

2004 Public art design & project management, Moltoni Clough Salentina Ridge
Redevelopment, Beaconsfield WA

2001 Landscape design and consultancy, Pindan Constructions, Beaufort Central
Redevelopment

Commissions:

2000 Public art design and project management, Burswood Casino, WA

1999 Public art design and project management, Margaret River Aquatic Centre,
Margaret River

1999 Public art design and project management, Margaret River Skate Park, Margaret
River

1996 Percent for Art, East Perth Redevelopment (EPRA)

1996 Public art design and project management, Yoganup Park, Shire of Busselton

9.3 Retaining Walls Policy

Reporting Branch:	Development Approvals
Responsible Directorate:	Community and Development
Refer:	Item 9.5: PDSC 10.4.2018
	Item 9.1.3: PDSC 5.12.2017
	Item 13.18: OCM 28.4.2009
	Item 13.22: OCM 24.2.2009
	Item 12.4.4: OCM 22.7.2003

EXECUTIVE SUMMARY**Application:**

Council consideration is sought in relation to the final adoption of the proposed Retaining Walls Policy.

Key Issues:

- Council adopted the proposed Retaining Walls Policy for public advertising at its Planning and Development Services Committee Meeting held on 10 April 2018.
- The proposed policy was advertised for 23 days between 24 April 2018 and 16 May 2018, one generally supportive submission was received.

BACKGROUND

The Residential Design Codes (R-Codes) currently permit 0.5m high retaining walls as deemed-to-comply, with retaining above this height requiring discretion to be applied. The City's current Retaining Walls Setbacks - R-Codes Performance Criteria Policy permits retaining walls up to 1.0m high, and permits retaining walls in excess of 1.0m where affected property owners are consulted and do not object. The policy is one of the City's most utilised local planning policies, affecting a significant proportion of the new residential builds which commonly require retaining heights of greater than 0.5m due to the natural sloping topography within the City of Bayswater.

Recently concerns have been raised from the community regarding the height of retaining walls being constructed on an adjoining property, leading to a review of the City's current policy and practice with a view to tighten control on the development of unwarranted retaining wall heights without introducing barriers where retaining walls are reasonably required to facilitate development.

The current policy was reviewed in late 2017, and the suggested modifications to the policy via the subject proposed policy was initially referred to the Planning and Development Services Committee Meeting held 5 December 2017 where Council resolved to defer the matter to a Councillor Workshop. The proposed policy was referred to a workshop on 6 March 2018, following which the proposed policy was to be referred back to Council with no amendments.

Council at its Planning and Development Services Committee Meeting held 10 April 2018 reconsidered the proposed policy, and resolved as follows:

"That Council adopts for public advertising the draft proposed Retaining Walls Policy as included in Attachment 1 to the report."

CONSULTATION

In accordance with Council's 10 April 2018 resolution the City advertised the proposed policy for a period of 23 days between 24 April 2018 and 16 May 2018 via notices in the local newspaper, information on the City's website and at the customer service counter.

The City received one submission on the proposed modification during the consultation period, details of the comments received and the officers comments are stated below:

COMMENT RECEIVED	OFFICER COMMENT
<i>"While the proposed changes are not perfect, this compromise is an improvement on the present system."</i>	Noted.
<i>"Where retaining walls are to be built which impact on neighbouring properties, that a copy of the policy needs to be provided to the property owners to inform them of conditions and requirements, this to be supplied by the developer at least four weeks before council consideration."</i>	The City's officers will assess all proposals against the proposed policy and determine if the development meets the requirements when establishing if retaining is supportable. Providing a copy of the policy to impacted landowners is not considered to provide any tangible benefit and is not considered enforceable. The policy will be publically available.
<i>"That Council officers use plain English in the published conditions, not 'finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting'"</i>	This condition is a standard condition applied by the Western Australian Planning Commission when approving subdivision applications. The proposed policy will be utilised to assist in determining an appropriate finished ground level.
<i>"Council to possess some record of elevations to prevent unscrupulous developers fudging figures to the detriment of adjoining property owners i.e. build up blocks in advance to increase average heights."</i>	The City has access records and information which can in most instances be utilised to establish if there has been unauthorised modification to ground levels.
<i>"If an adjoining property owner can show that a developing block can be developed at a lower level without detriment to the development then this should be taken into consideration during the approval process."</i>	The City does take into consideration all submissions made, however will primarily refer to the guidance of the Policy in respect of retaining walls to ensure a consistent approach and balanced amenity for both existing and proposed developments.

ANALYSIS

The proposed policy is intended to further refine the existing policy and maintain the operational efficiencies it provides. The proposed policy will provide clarification on what is considered an acceptable level of retaining, finding a balance between enabling sites to be reasonably developed without unreasonably impacting adjoining sites.

OPTIONS

The following options are available to Council:

OPTION		BENEFIT	RISK
1.	Adopt the proposed policy. Estimated Cost: <ul style="list-style-type: none"> \$400 for final notification in the newspaper(s). 	<ul style="list-style-type: none"> Provision of additional guidance to determine appropriate retaining wall heights. Restricts the construction of unnecessary retaining wall heights. 	<ul style="list-style-type: none"> More 'red tape' for retaining wall approvals. Increased complexity of retaining wall assessment, requiring longer assessment time.
2.	Adopt the proposed policy with amendment(s). Estimated Cost: <ul style="list-style-type: none"> \$400 for final notification in the newspaper(s). 	<ul style="list-style-type: none"> Dependant on amendment(s). 	<ul style="list-style-type: none"> Dependant on amendment(s).
3.	Do not proceed with the proposed policy. Estimated Cost: <ul style="list-style-type: none"> Nil. 	<ul style="list-style-type: none"> Maintain a low level of 'red tape' for retaining wall approvals. Incurs no advertising costs. 	<ul style="list-style-type: none"> Retaining walls may be approved at greater heights than considered acceptable by neighbours.

CONCLUSION

In light of the above, it is recommended that Council proceed with Option 1 and adopt the proposed Retaining Walls Policy.

FINANCIAL IMPLICATIONS

The costs are detailed in the table under the 'Options' section above.

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 Retaining Wall Setbacks - R-Codes Performance Criteria Policy; and
- State Planning Policy 3.1 - Residential Design Codes.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Proposed Retaining Walls Policy

COMMITTEE RESOLUTION
(OFFICER'S RECOMMENDATION)

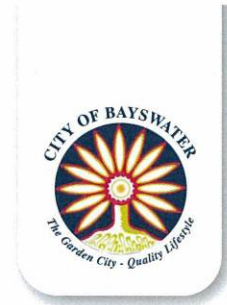
That Council adopts the proposed Retaining Walls Policy as included in Attachment 1 to this report.

CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED UNANIMOUSLY: 8/0

Attachment 1 - Proposed Retaining Walls Policy**RETAINING WALLS POLICY**

Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning Services
Responsible Officer	Manager Planning Services
Affected Business Unit/s	Planning Services

**PURPOSE:**

This policy aims to provide direction and clarity to developers and the community on the application of State Planning Policy 3.1 - Residential Design Codes (R-Codes) with regard to the design principles of elements 5.3.8 and 6.3.7 relating to retaining walls.

INTRODUCTION:

The City of Bayswater contains a range of properties with varying site level gradients resultant of the natural topography of the land. Sites with steep gradients often require site works and retaining walls to accommodate development. Where an adjoining site has cut into the natural topography, this will increase the perceived height of any adjacent retaining proposed. As retaining walls are assessed on levels within the subject site only, any cut on an adjoining site is not factored into the height calculation. Due regard may be given to the overall impact of a retaining wall, however cut on an adjoining lot should generally not restrict reasonable development on a site which would otherwise be permitted.

The R-Codes currently permit retaining within 1.0m of a lot boundary up to 0.5m high as deemed-to-comply, however in many instances this is insufficient to address the site works reasonably required to accommodate development within the City. This policy provides clarification for developers and the community on the City's approach to handling development of a site requiring retaining walls greater than 0.5m high.

POLICY STATEMENT:

This policy applies to all development within the City of Bayswater subject to elements 5.3.8 or 6.3.7 of the R-Codes. The policy in no way alters the deemed-to-comply requirements of elements 5.3.8 or 6.3.7, and is intended as a guide for consistent application of the associated design principles.

The respective design principles for elements 5.3.8 and 6.3.7 of the R-Codes state:

"P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1."

"P7 Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1."

Where a retaining wall in excess of 0.5m above the natural ground level (NGL; as defined in the R-Codes) is proposed within the primary street setback area or 1.0m of a lot boundary, the following approach shall be taken in consideration of the retaining walls against the design principles:

1. Retaining walls up to 1.0m above the NGL behind the primary street setback area and within 1.0m of a lot boundary shall be deemed as meeting the above design principles where at least one of the following requirements are met to the satisfaction of the City:

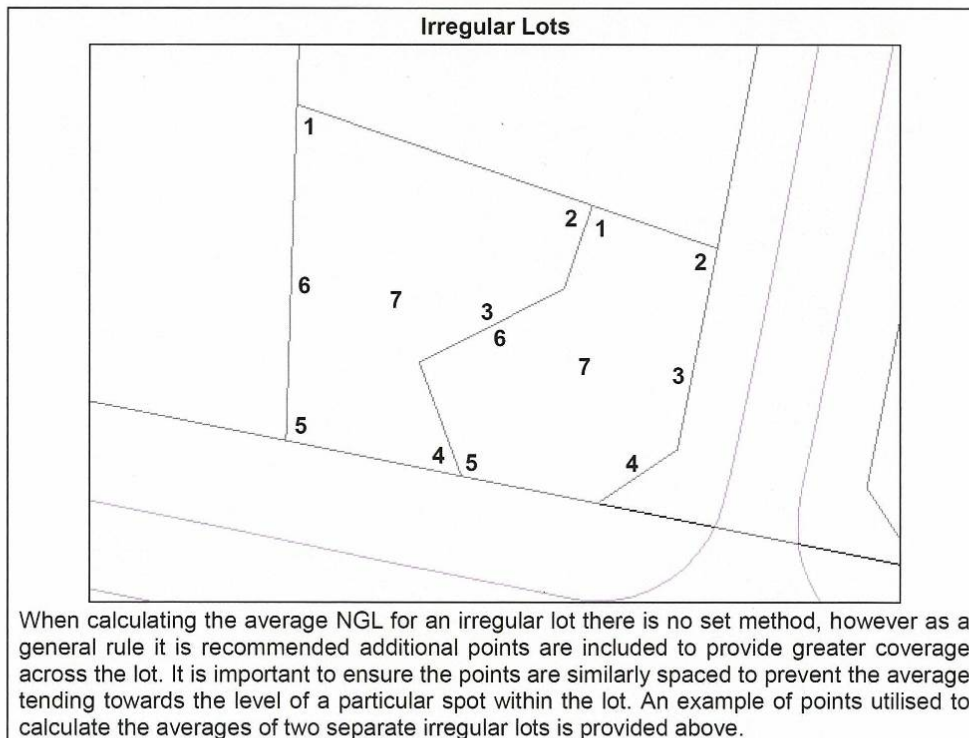
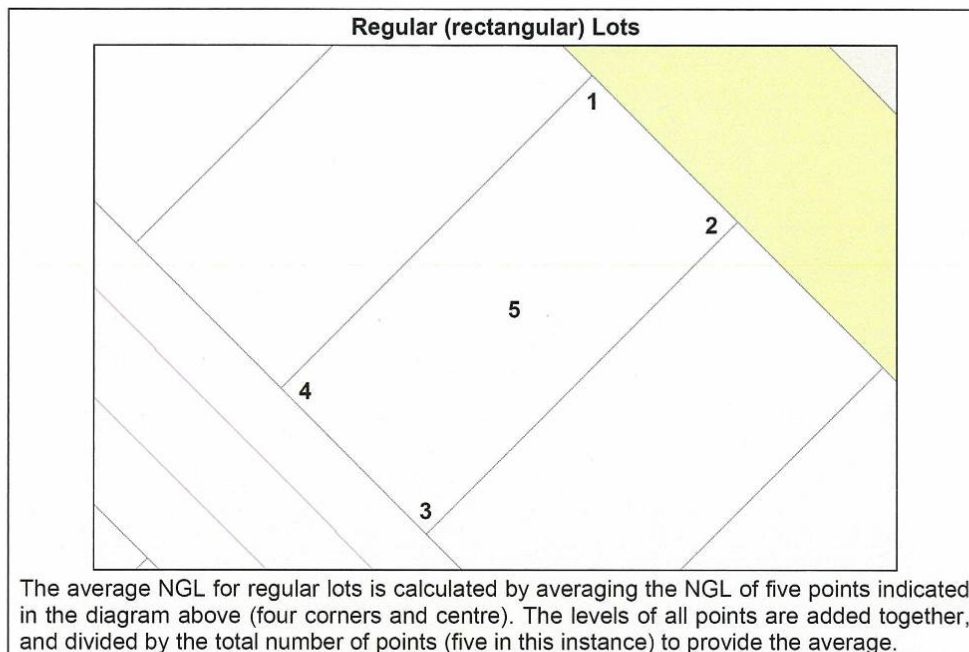
- 1.1 The retaining wall is no higher than the calculated average NGL of the site (refer to Appendix 1 - Calculation of Average Natural Ground Level); or
- 1.2 The applicant demonstrates servicing, drainage or vehicular access issues on site which cannot reasonably be addressed without retaining walls.
2. Retaining walls in excess of 1.0m above the NGL behind the primary street setback area and within 1.0m of a lot boundary shall be deemed as meeting the above design principles where all of the following requirements are met to the satisfaction of the City:
 - 2.1 The retaining wall meets one of the requirements listed under clause 1; and
 - 2.2 Consultation is undertaken with all affected adjoining land owners in accordance with Part 4 of the R-Codes and no planning based objections are received.
3. Retaining walls within the primary street setback area shall be deemed as meeting the above design principles where all of the following requirements are met to the satisfaction of the City:
 - 3.1 Maximum height of 0.5m above the NGL within 1.0m of the street boundary;
 - 3.2 Additional retaining required beyond that in clause 3.1 shall be terraced with maximum wall heights of 1.0m, separated by a minimum distance of 1.0m measured perpendicular to the nearest street boundary (refer to Appendix 2 - Terracing);
 - 3.3 Sight line are compliant with the requirements in elements 5.2.5 and 6.2.3 of the R-Codes and landscaping is provided between all terraced retaining walls; and
 - 3.4 The maximum retaining wall height within the primary street setback area shall be no higher than the calculated average NGL.
4. Retaining walls not meeting the requirements of clauses 1, 2 and 3 will only be considered in exceptional circumstances of any unique factors affecting the development capability of the site.
5. Applications for retaining walls on vacant sites shall generally not be approved unless accompanied by plans for the future development of the site or required to address conditions of subdivision approval.
6. Retaining walls required to address conditions of subdivision approval do not require development approval under the local planning scheme (Section 157 of the *Planning and Development Act 2005*). Notwithstanding the above, drawings are required to be submitted to the City for approval detailing levels, drainage, nature of soil, and physical features as required in order address requirements of subdivision approval. The City will seek retaining wall heights in accordance with this policy where practical.
7. A 1.8m high screen shall be erected above any retaining walls 0.5m or higher above the NGL, behind the primary street setback and adjacent to a lot boundary.

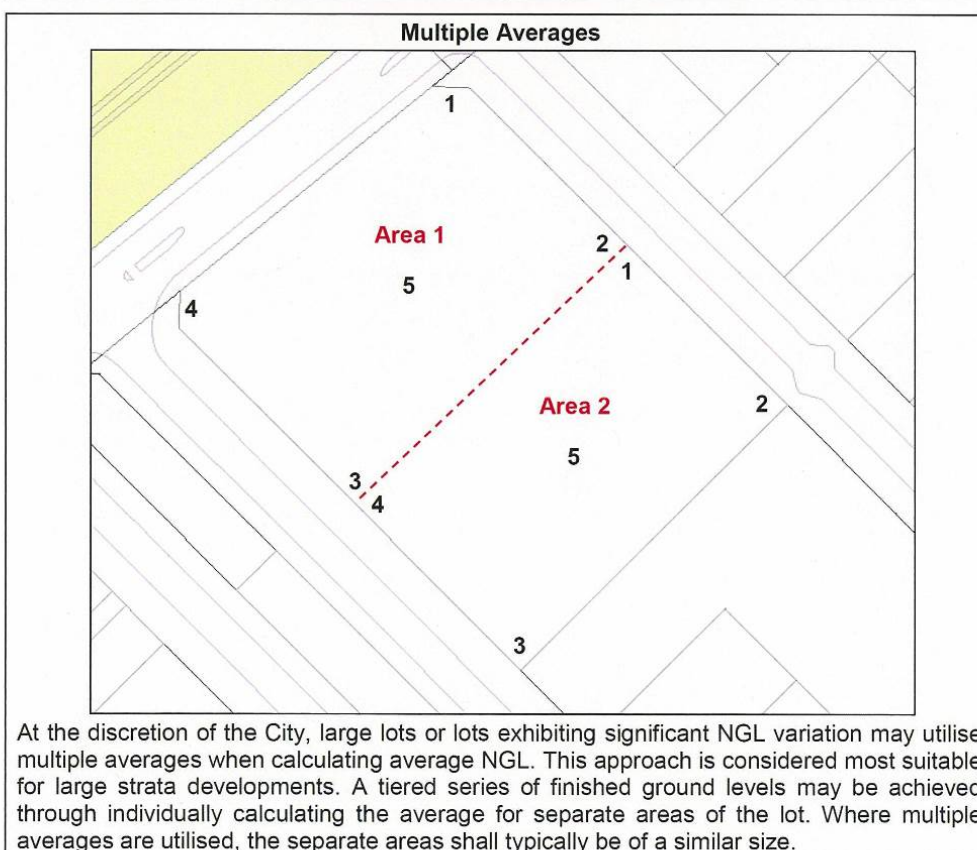
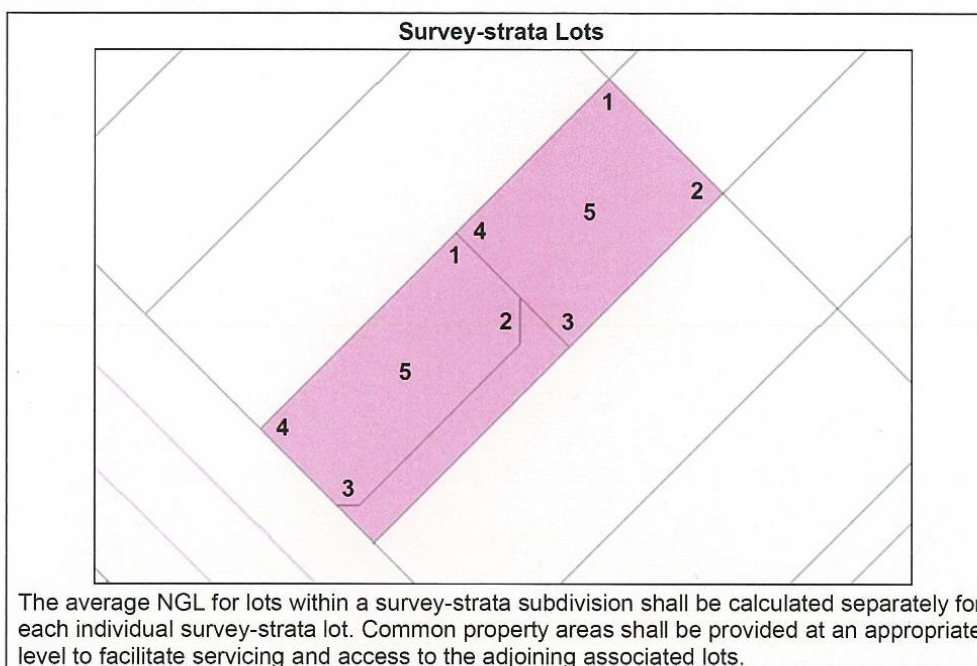
RELATED LEGISLATION:

This policy is made pursuant to Part 7 of the R-Codes and adopted under the City of Bayswater's town planning scheme(s), in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

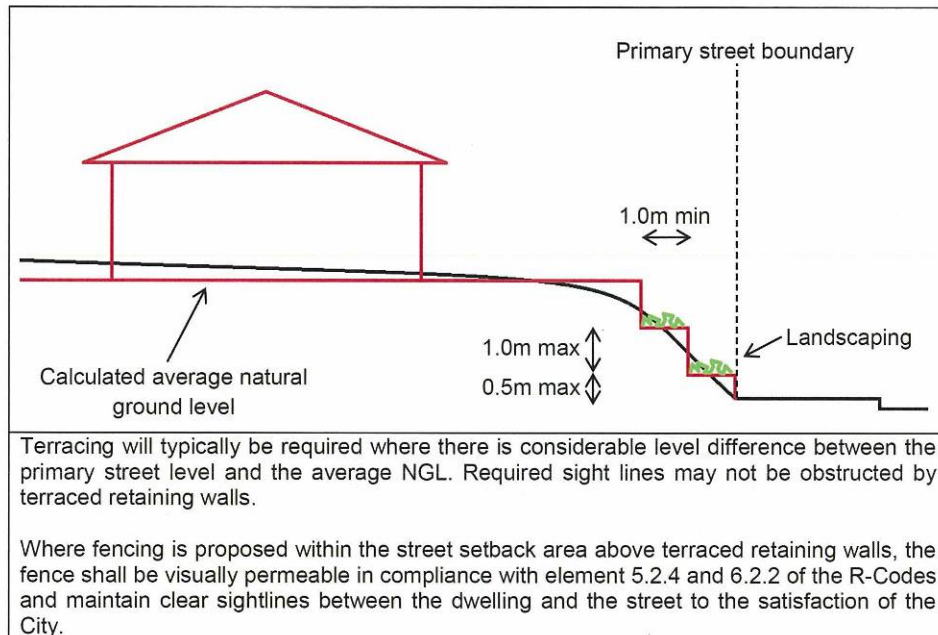
Relevant Delegations	TP-D01	
Council Adoption	Date	22 July 2003
Reviewed / Modified	Date	28 April 2009
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	24 July 2018

APPENDIX 1 - CALCULATION OF AVERAGE NATURAL GROUND LEVEL





APPENDIX 2 - TERRACING



9.4 Modified Mobile Food Vehicles Policy - Signage Requirements

Reporting Branch:	Strategic Planning and Place Services
Responsible Directorate:	Community and Development
Refer:	Item 9.6: PDSC 10.04.2018
	Item 14.7: OCM 27.03.2018
	Item 8.1.14 PDSC 21.03.2017
	Item 10.12: OCM 21.06.2016
	Item 11.1.13: OCM 2.02.2016
	Item 11.1.15: OCM 28.07.2015

CR GIORGIA JOHNSON DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Giorgia Johnson declared a financial interest in this item as she owns a business that operates under this policy. At 8:06pm, Cr Giorgia Johnson withdrew from the meeting.

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 knows quite a few mobile food vehicle operators. Cr Catherine Ehrhardt remained in the room during voting on this item.

EXECUTIVE SUMMARY**Application:**

Council consideration is sought in relation to the final adoption of modifications to the signage requirements of the 'Mobile Food Vehicles' Policy.

Key Issues:

- On 10 April 2018, Council adopted the proposed modifications to the 'Mobile Food Vehicles' Policy for public comment.
- The modified policy was advertised for 22 days between 24 April 2018 and 16 May 2018.
- One submission was received during the community consultation period, which supported the proposed modifications.

BACKGROUND

At the Planning and Development Services Committee Meeting held 10 April 2018 Council considered a report on additional signage for a mobile food vehicle (MFV) operating at Bardon Park and resolved, in part, as follows:

"That Council:

- 1. Adopts for public advertising the modified Mobile Food Vehicles Policy to include the following provisions under Section 8 'Advertising':*

"8.2 Where a permitted location is not on a main thoroughfare an additional temporary A-Frame sign will be permitted up to 500m away from the mobile food vehicle whilst operating.

8.3 No signage will be permitted on State controlled roads without the written comment from Main Roads Western Australia."

CONSULTATION

In accordance with the Council's 10 April 2018 resolution the modified policy (**Attachment 1**) was advertised for a period of 22 days between 24 April 2018 and 16 May 2018 by way of notices in

the local newspapers, information on the City's engagement website Engage Bayswater, notification sent to existing operators and information at the City's Civic Centre and libraries.

The City received one submission during the consultation period in support of the proposed modifications. The respondent considered that the additional signage would benefit operators and customers, while having minimal impact on the neighbours and other users of the areas.

ANALYSIS

The proposed modified policy increases the amount of signage permitted for MFV operators trading from locations with limited passing foot traffic.

In light of only one supportive submission being received during the consultation period it is considered that no further modification is required to the policy.

OPTIONS

The following options are available to Council:

OPTION		BENEFIT	RISK
1.	Adopt the modified Mobile Food Vehicles Policy, with no further amendments. Estimated Cost: <ul style="list-style-type: none">\$750.00 for final notification in the local newspapers.	<ul style="list-style-type: none">Will direct more passing traffic to the MFVs at quiet locations.	<ul style="list-style-type: none">May result in a proliferation of signage.There may not be a link between the sign and the MFV.
2.	Adopt the modified Mobile Food Vehicles Policy, with other amendment(s). Estimated Cost: <ul style="list-style-type: none">\$750.00 for final notification in the local newspapers.	<ul style="list-style-type: none">Dependent on the amendment(s) proposed.	<ul style="list-style-type: none">Dependent on the amendment(s) proposed.
3.	Do not proceed with the modified Mobile Food Vehicles Policy. Estimated Cost: <ul style="list-style-type: none">Nil.	<ul style="list-style-type: none">It will not result in an increase of signage within the City.Will ensure there is a link between the sign and the MFV.	<ul style="list-style-type: none">Locations not on main roads will not be able to draw increased passing traffic.

CONCLUSION

In light of the above it is recommended that Council proceeds with Option 1 to adopt the modified Mobile Food Vehicles Policy with no further amendments.

FINANCIAL IMPLICATIONS

The financial implications are detailed in the 'Options' table above. The City's 2018/19 budget contains an allocation for the advertising of strategic projects.

STRATEGIC LINK

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

Theme: The Local Economy
Aspiration: A business and employment destination.

Outcome E1: Support initiatives for local business.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

The Mobile Food Vehicle Policy it is to be modified in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 - Deemed Provisions for Local Planning Schemes* requirements for local planning policies.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Modified 'Mobile Food Vehicles' Policy.

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

That Council adopts the modified 'Mobile Food Vehicle' Policy as contained in Attachment 1.

CR FILOMENA PIFFARETTI MOVED, CR LORNA CLARKE SECONDED
CARRIED UNANIMOUSLY: 9/0

Cr Giorgia Johnson returned to the meeting at 8:07pm.

Attachment 1 - Modified Mobile Food Vehicles Policy**MOBILE FOOD VEHICLES POLICY**

Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning Services
Responsible Officer	-
Affected Business Unit/s	-

**PURPOSE:**

To:

- Provide guidance on the requirements for the operation of mobile food vehicles within the City of Bayswater;
- Encourage mobile food vehicles to operate in locations which support the activation of underutilised public spaces;
- Ensure mobile food vehicles operate in a way which complements existing food businesses in town centres;
- Ensure mobile food vehicles are of a temporary nature;
- Ensure mobile food vehicles do not unreasonably compromise the amenity of the surrounding residential area; and
- Ensure mobile food vehicle operators practise safe food handling in accordance with the *Food Act 2008*.

POLICY STATEMENT:**1. Application of Policy**

- 1.1. This Policy applies only to mobile food vehicles operating in the City of Bayswater.

2. Permits

- 2.1. Mobile food vehicles operating in the City of Bayswater are required to:

- (a) Hold a valid City of Bayswater Mobile Food Vehicle Permit;
- (b) Hold a current *Food Act 2008* Certificate of Registration from a Western Australian Local Government; and
- (c) To obtain any other relevant approvals.

- 2.2. As a condition of being granted approval for a mobile food vehicle permit, permit holders must:

- (a) Display the permit on the dash or another prominent visible location of the approved vehicle at all operating times;
- (b) Comply with the conditions stipulated on the mobile food vehicle permit issued by the City of Bayswater; and
- (c) Comply with the requirements set out within this policy, unless approved otherwise by the City of Bayswater.

- 2.3. A mobile food vehicle permit is not required for the following:

- (a) Trading at a City of Bayswater approved community event (e.g. the Autumn River Festival);
- (b) Trading as an itinerant food vehicle;
- (c) Trading on privately owned land; and
- (d) Catering for a private event on public land.

Trading as detailed above may be subject to separate permits/approvals.

3. *Location and Siting*

- 3.1. The City of Bayswater has approved the following thirteen locations within the City for mobile food vehicles to operate at:
 - AP Hinds Reserve, Bayswater;
 - Bardon Park, Maylands;
 - Beaufort Park, Bedford;
 - Bert Wright Park, Bayswater;
 - Broun Park, Embleton;
 - Clarkson Reserve, Maylands;
 - Claughton Reserve, Bayswater;
 - Berringa Park (opposite side of East Street);
 - Crimea Park, Morley;
 - Riverside Gardens, Bayswater;
 - Robert Thompson Park, Noranda;
 - Shearn Memorial Park, Maylands; and
 - Wymond Park, Bayswater.
- 3.2. Alternative locations may be considered if they meet the purpose of this policy.
- 3.3. The following location requirements apply to all applications for a mobile food vehicle permit:
 - (a) Mobile food vehicle permit holders are only permitted to trade in an approved location, which is to be at least 50m from an established food or beverage business;
 - (b) Mobile food vehicles are only permitted to trade at the locations detailed on their permits; and
 - (c) Mobile food vehicles will be located so as not to obstruct pedestrian flow or vehicular traffic.
- 3.4. Payment of the application fee allows mobile food vans to operate at multiple locations within the City of Bayswater in accordance with the following:
 - (a) Each location must be approved by the City prior to the commencement of trade; and
 - (b) Each location a mobile food vehicle is permitted to operate is detailed on the permit.
- 3.5. The City of Bayswater reserves the right to make any approved location unavailable for a set period of time for community events, (e.g. the autumn river festival), for works to be undertaken at or near the location or for any other reason the City deems necessary.

4. *Management*

- 4.1. The permit holder is responsible for ensuring all conditions of the permit are met.
- 4.2. A change of vehicle or food business ownership is subject to assessment by the City of Bayswater and will require that the vehicle and food business owner comply



with all conditions of the permit and the relevant legislation under the *Food Act 2008* in order to facilitate a change in permit (holder).

- 4.3. Should a transfer of permit be requested, the request is subject to updated food business registration and insurance documents.

5. *Waste Management*

- 5.1. The mobile food vehicle operator is required to maintain the mobile food vehicle and the surrounding area to a high standard and in accordance with the following requirements:
- (a) When trading at an approved location the trade area must be cleaned frequently;
 - (b) No waste or litter from the vehicle may be disposed of into City of Bayswater's rubbish bins. Mobile food vehicle operators must provide adequately sized bins for patrons use and remove all rubbish from the approved location at the end of trade;
 - (c) A holding tank for wastewater must be located beneath the vehicle; and
 - (d) Waste water, solid waste, litter or any other pollutant must not be placed on the site or allowed to enter the stormwater system.

6. *Fixtures*

- 6.1. A mobile food vehicle is permitted to have temporary fixtures such as tables, chairs and umbrellas in accordance with the following:
- (a) The fixtures are to be of a temporary nature and removed from the site at the end of trade each day;
 - (b) The mobile food vehicle and temporary fixtures must be kept in a safe and well-maintained condition at all times;
 - (c) All temporary fixtures relating to the mobile food vehicle should be sturdy and made of quality materials without sharp edges or other features likely to cause harm; and
 - (d) Any temporary fixtures relating to mobile food vehicles must not obstruct pedestrian flow or vehicular traffic.

7. *Noise*

- 7.1. The use of amplified noise is prohibited.
- 7.2. Generators must not have a manufacturer specified operational volume greater than 75dB.
- 7.3. Notwithstanding the above provision (clause 7.2) all mobile food vehicle noise (including the generator) must comply with the assigned noise levels specified under the *Environmental Protection (Noise) Regulations 1997*.

8. *Advertising*

- 8.1. All advertising is to be fitted to the mobile food vehicle with the exception of one temporary A-frame sign which:
- (a) Shall be located within 75m of the location of the mobile food vehicle;
 - (b) Shall not exceed any dimension of 1m or an area of 1m² on any side;



- (c) Be secured in accordance with any requirements of the City of Bayswater; and
 - (d) An A-frame sign will be considered a temporary fixture and must comply with the requirements detail in section 6 of this policy.
 - 8.2. Where a permitted location is not on a main thoroughfare an additional A-Frame sign will be permitted up to 500m away from the mobile food vehicle whilst operating.
 - 8.3. No signage will be permitted on State controlled roads without the written comment from Main Roads Western Australia.
9. *Power*
- 9.1. Mobile food vehicles need to be provided with their own power supply unless otherwise approved by Council.
10. *Public Risk Management*
- 10.1. The mobile food vehicle permit holder must, for the duration of the permit, maintain public and product liability insurance for at least ten million dollars (\$10,000,000).
 - 10.2. The permit holder assumes responsibility for any acts of negligence arising from their activity.
 - 10.3. The mobile food vehicle permit holder assumes responsibility for any liability issues which may arise as a result of the operation of the mobile food vehicle being at the location.
11. *Approval Process*
- 11.1. Applications for a mobile food vehicle permit can be submitted year round. The following information is required:
 - (a) A completed City of Bayswater mobile food vehicle permit application form;
 - (b) A site plan detailing the proposed location(s) and the internal layout of the mobile food vehicle;
 - (c) A list of nominated locations to operate from;
 - (d) A current Certificate of Currency (Public Liability Insurance) for a minimum of \$10,000,000;
 - (e) A copy of the manufacturer's specifications for any generators to be used; and
 - (f) A copy of a current *Food Act 2008* Certificate of Registration issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.
12. *Fees*
- 12.1. The permit holder will be required to pay the fees and charges as prescribed in the City of Bayswater adopted Fees and Charges.
 - 12.2. Only a single payment of the permit holder fee is required per permit period, regardless of the number of approved locations with the City of Bayswater.
 - 12.3. Permits will not be issued until the required fee has been paid.



13. Permit Renewal and Cancellation

13.1. A mobile food vehicle permit may be cancelled or amended at the discretion of the City of Bayswater or if the permit holder fails to comply with the permit conditions. Where a mobile food vehicle permit holder seeks to renew the permit an application must be submitted at least one month prior to the expiry of the existing permit.

13.2. A renewal application is to include:

- (a) A complete City of Bayswater mobile food vehicle permit renewal form;
- (b) A list of nominated locations to operate from;
- (c) Details of any proposed changes to the mobile food vehicle or how it is operated;
- (d) A copy of a current public liability insurance 'Certificate of Currency' for the amount of \$10,000,000; and
- (e) A copy of a current *Food Act 2008* Certificate of Registration issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.

13.3. Renewal applications will be assessed on a case by case basis by the City of Bayswater.

DEFINITIONS:

Itinerant food vehicle means any vehicle selling food or drink from the roadway that travels from place to place to engage in trade, not staying in one location other than while executing a sale.

Mobile food vehicle includes any:

- (a) Registered vehicle, caravan, trailer or any other method of transport from which food is sold; and
- (b) Non-road registered vehicles such as, but not limited to, coffee carts, hotdog carts or similar vehicles.

Permit holder means the person(s) whose name is written on the mobile food vehicle permit issued by the City of Bayswater.

RELATED LEGISLATION:

This policy is adopted under the City of Bayswater's *Town Planning and Development (Local Planning Schemes) Regulations 2015 - Town Planning Scheme and Deemed Provisions for Local Planning Schemes*.

Permits are granted under the City's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*.



RELATED DOCUMENTATION:

N/A

Risk Evaluation		
Council Adoption	Date	21 June 2016
Reviewed / Modified	Date	7 November 2017
Reviewed / Modified	Date	
Reviewed / Modified	Date	

<i>Delegation</i> - Date Adopted Date Amended



9.5 Proposed Amendment No. 76 to Town Planning Scheme No. 24 - Limitation of Discretionary Powers

Reporting Branch: Strategic Planning and Place Services
Responsible Directorate: Community and Development
Refer: Item 9.1.6: OCM 18.07.2017
Item 10.7: OCM 04.10.2016
Item 7.1: OCM 23.02.2016

CR CATHERINE EHRHARDT DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Catherine Ehrhardt declared a financial interest in this item as she co-owns property that may be affected by the amendment. At 7:18pm, Cr Catherine Ehrhardt withdrew from the meeting.

CR BARRY MCKENNA DECLARED AN INDIRECT FINANCIAL INTEREST

In accordance with section 5.61 of the Local Government Act 1995, Cr Barry McKenna declared an indirect financial interest in this item as he is Chairman of Bayswater Community Financial Services (Bendigo Bank) and this item references SCA12, which the bank has interests in. Cr Barry McKenna remained in the room during voting on this item.

EXECUTIVE SUMMARY**Application:**

Council consideration is sought regarding final approval of Amendment No. 76 to the City's Town Planning Scheme No. 24 (TPS 24).

Key Issues:

- Council at its Planning and Development Services Committee Meeting held 18 July 2017 resolved to initiate Amendment No. 76 relating to limitation of discretionary powers in specific areas for public advertising.
- The proposed scheme amendment was advertised for a period of 49 days. A total of 36 submissions were received during the consultation period, all in objection to the proposal. The City received 12 slightly modified copies of the same submission.

BACKGROUND

At its Ordinary Meeting held 23 February 2016 Council considered a report informing of the Metropolitan Central Joint Development Assessment Panel's (JDAP) determination of the application for 27 multiple dwellings, two shops/restaurants and associated car parking at Lots 40 and 41, 9 and 11 King William Street, Bayswater. Council in part resolved the following:

"(c) Considers amendments to the City's town planning schemes at their next review whereby discretionary powers under such schemes may only be exercised upon a 75% majority vote by the applicable decision makers."

At a Councillor Workshop held 7 June 2016 Councillors were briefed on four options for a scheme amendment to limit discretionary powers for planning applications. The proposed amendment to limit discretionary powers so they may only be exercised by a 75% majority vote was further considered at this time. It was considered that this option would not require Metropolitan Central Joint Development Assessment Panel (JDAP) to have a 75% majority when determining applications as the (voting) procedures for DAPs are set out in the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Councillors were also presented with the following options:

- Option 2 - No height variations;

- Option 3 - 10% height variation where performance criteria are met; and
- Option 4 - Consider an amendment as a part of the Local Planning Strategy.

At a Councillor Workshop held 30 August 2016, Councillors were further briefed on Option 3 and a proposed set of draft performance criteria. It was considered that Option 3 as previously presented to Councillors (for a 10% height variation) may not achieve the desired outcomes, as often a 10% variation would result in building height variation which is less than one additional storey. Councillors were generally of a view that consideration could be given to a permitted variation of one additional storey where a set of performance criteria are met.

The City officers further reported a proposed amendment to Town Planning Scheme No. 24 (TPS 24) to limit discretionary powers for consideration of planning applications to the Ordinary Council Meeting held 4 October 2016, which provided details on an additional one storey variation and the essential and additional performance criteria.

Council at its 4 October 2016 Ordinary Meeting resolved to defer the scheme amendment pending further information in order to ensure that the proposed amendment would add robustness to the City's decision making process on planning applications and that the effect of the amendment would mean the decision would stand up to scrutiny if challenged by bodies such as the Development Assessment Panel (DAP) and the State Administrative Tribunal (SAT).

At its Ordinary Meeting held 18 July 2017, Council resolved to initiate Amendment No. 76 to the City of Bayswater TPS 24 for public advertising as follows:

"That:

1. *Council initiates Amendment No. 76 to the City of Bayswater Town Planning Scheme No. 24 as follows:*

- (a) *Modify existing clause 8.2.1 to exclude development on land within any Special Control Area or 'Activity Centre' Zone from the building height provisions of the subject clause and to further clarify Council's position on building height variations to read as follows:*

"8.2.1 Except for development in respect of which the Residential Design Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a development standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) *approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and*
- (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Notwithstanding the above, for development on land within any Special Control Area or Activity Centre Zone, the power to approve building height which exceeds a development standard prescribed by the Scheme is limited by clause 8.2.2."

- (b) *Insert new clause 8.2.2 and Table 1A in regard to Council's discretionary powers and performance criterion in relation to 'building height' within any Special Control Area or 'Activity Centre' Zone:*

"8.2.2 Within any Special Control Area or Activity Centre Zone, the following provisions limit the discretion to approve building height which does not comply with a development standard of the Scheme for building height:

- (a) where the development standard sets a maximum building height of 4 or more storeys, Council may exercise its discretion to approve no more than 1 additional storey with a maximum wall height of 3.5 metres, provided that the development meets the performance criteria in Table 1A; and
- (b) where the development standard sets a maximum building height of three storeys or less, there is no power to approve a greater height."

TABLE NO 1A: PERFORMANCE CRITERIA FOR ADDITIONAL HEIGHT

Performance Criteria	
Essential Performance Criteria	Additional Performance Criteria
The development must meet all of the relevant essential performance criteria, and five or more of the additional performance criteria to obtain an additional height of one storey to a maximum height of 3.5 metres.	
<ul style="list-style-type: none"> The lot size is not less than 900m². The development is compliant with clause 67 (matters to be considered by local government) of the deemed provisions for local planning schemes. 	<ul style="list-style-type: none"> The development retains at least 75% of the trees existing on site which are not of an inappropriate species, and are: <ul style="list-style-type: none"> 3 metres or more high; and/or Have a trunk with a circumference of 100mm at 1 metre above ground level; and/or Have multiple trunks with a combined circumference of 200mm at 1 metre above ground level; and/or Have a canopy of 3 metres or more wide. A minimum of 70% of the street setback area contains soft / natural landscaping. A minimum of 25% of the total site area behind the front setback contains soft / natural landscaping. The landscaped area is to contain: <ul style="list-style-type: none"> At least 10% of the total site area being a deep soil zone; and At least one tree with the capacity to grow at least 3 metres tall and have a minimum trunk circumference of 250mm. Vertical and rooftop / terrace gardens in addition to the required minimum of 25% the total site area behind the front setback contains soft / natural landscaping. The development enhances or conserves an existing character or heritage building worthy of retention, but not limited to places on the City of Bayswater Inventory of Heritage Places. The development is designed such that the shadow cast at midday, 21 June does not exceed the lesser of: <ul style="list-style-type: none"> 50% of the site area of the adjoining property; or The applicable solar access requirement for the particular site in accordance with this Scheme or

	<p><i>the Residential Design Codes.</i></p> <ul style="list-style-type: none"> • <i>Each dwelling incorporates at least one balcony with a minimum floor area of 15m² and a minimum dimension of 3 metres.</i> • <i>At least 80% of the dwellings are to be designed to provide:</i> <ul style="list-style-type: none"> ○ <i>Effective natural cross-ventilation;</i> ○ <i>Natural light to each habitable room; and</i> ○ <i>North facing major living rooms.</i> • <i>The development meets an energy rating star higher than that required under the National Construction Code.</i> • <i>The development involves the discontinuation of a non-conforming use."</i>
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- (c) *Modify existing clause 8.3.1.3, to exclude development in Residential Zone, Industrial Zone, Commercial Zone, Special Control Area, Activity Centre Zone or Mixed Use Zone, from the provisions of the clause 8.3.1.3:*

"8.3.1.3 Where a development is in an area of the Scheme that is zoned or reserved other than as a Residential Zone, Industrial Zone, Commercial Zone, Special Control Area, Activity Centre Zone or Mixed Use Zone, then any building of more than 2 storeys shall not have a wall height exceeding 6.0 metres from ground level nor a top of roof height exceeding 9.0 metres from ground level.

The Council may only exercise its discretion to increase these heights if it considers the building will not negatively affect the amenity of neighbouring properties or the surrounding area."

- (d) *Re-number existing tables and clauses referring to tables to reflect the insertion of new Table 1A.*
2. *Council considers Amendment No. 76 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 will 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 proposed scheme amendment be referred to Council for further consideration following public advertising."*

CONSULTATION

Environmental Assessment and Heritage Referral

The scheme amendment documentation was sent to the Department of Water and Environmental Regulation (DWER) and the Department of Planning, Lands and Heritage (DPLH) for comment. The DWER has advised that no formal environmental assessment is required in this instance. The DPLH confirmed no objection in relation to heritage matters.

Public Advertising

The scheme amendment was advertised in the Eastern Reporter and The Perth Voice newspapers for a period of 49 days from 27 February 2018 to 16 April 2018. Scheme amendment documents were available at the City of Bayswater Civic Centre, City of Bayswater

libraries, and The RISE One Stop Shop and on the City's engagement website Engage Bayswater.

During the consultation period the City received 36 submissions. All 36 were not in support of the scheme amendment. Key issues raised were primarily based on the following:

- Limitation of discretionary powers and performance criteria are too restrictive and will discourage investment;
- It will impact architectural quality and the intent of the Design Review Panel; and
- It misrepresents current state and local strategic plans and design policies.

Key issues together with the City officer's response are included in **Attachment 1**. Additionally, a summary of all submissions received is included in **Attachment 2**. Twelve submissions received were slightly modified versions of each other.

ANALYSIS

Scheme Amendment

The intention of this scheme amendment is:

- To limit the discretion of decision-makers, including the Development Application Panel (DAP) to approve building heights beyond that prescribed within the Special Control Areas, Centre Zone and Activity Centre Zones of TPS 24. Examples of these zones are:
 - Morley Activity Centre (Centre Zone);
 - Bayswater Town Centre (future Activity Centre Zone); and
 - Maylands Town Centre (Activity Centre Zone with Special Control Areas).
- The limitation of discretion to increase building height is only applicable where there is a maximum building height provision of four storeys or more within the above mentioned zones/areas;
- To limit discretion to increase building height beyond the incentive-based bonus height provisions of applicable structure plans. For example:

Table 1

Bayswater Town Centre Structure Plan			
Precinct	Maximum Base Height	Incentive- based Bonus Height Limit (via Structure Plan)	Performance-based Discretionary Height Limit (via Amendment No. 76)
Centre Core (King William Street)	4 storeys	1 storey (5 storey building)	1 storey (6 storey building)
Centre Core (remainder)	4 storeys	2 storeys (6 storey building)	1 storey (7 storey building)

It is considered that an additional storey in these areas would not unduly impact the amenity of the surrounding area provided the development complies with the prescribed incentive-based performance criteria, as these areas are expected to have more intensive development than the remainder of the City.

- To not undermine the prescribed height and density provisions of applicable structure plans and special control areas.

Submissions

Limitation of Discretionary Powers and Onerous Performance Criteria

Some of the submissions are of the opinion that the limitation of discretionary powers and the proposed performance criteria will:

- Discourage investment;
- Impact the feasibility of future development initiatives; and
- Restrict quality development outcomes within the City of Bayswater town centres, with special reference to the Bayswater Town Centre.

The Bayswater Town Centre Structure Plan (BTCSP) includes general and incentive based development standards, which makes provision for bonus height and provides greater certainty that high quality development outcomes can be achieved.

These general and incentive-based development standards are considered to balance the need to attract investment from the development industry in order to create a vibrant town centre, with the need to be able to complement the established scale of the heritage character of the town centre, provided that the design of new buildings are managed appropriately.

The current residential densities and heights proposed in the BTCSP are representative of the outcomes of the community and stakeholder engagement process, which included the Technical Advisory Committee, Community Advisory Group, visioning and scenario development workshops and community 'Focus on the Plan' workshops.

Some of the submissions are also of the opinion that town planning is moving away from criteria-based decision making to performance-based decision making, requiring developers and planners to consider the site's context and negotiate the best outcomes possible.

The performance criteria included in this scheme amendment are considered to be performance-based and have been modelled on general and incentive-based development standards of the City of Bayswater's current and draft structure plans and special control areas as well as other local government and applicable State government examples, which includes the State government's *'Apartment Design Volume Two of State Planning Policy No. 7.3 Residential Design Codes - Guidance for multiple-dwelling and mixed-use developments'* ('Design WA'). The City officers' response to comments on the individual performance criteria is included as **Attachment 1** and previous justification thereof is included as **Attachment 3**.

Align with 'Design WA'

Some of the submissions suggested that the City should align all design requirements with the State government's *'Apartment Design Volume Two of State Planning Policy No. 7.3 Residential Design Codes - Guidance for multiple-dwelling and mixed-use developments'*.

The State government's 'Design WA' was referenced in developing the performance criteria for this scheme amendment. The criteria are generally consistent, however where required it was slightly modified to encourage outcomes of a higher standard. Justification for this is that this scheme amendment addresses the allowance of additional building height over and above the incentive-based bonus height provisions of applicable structure plans, special control areas and 'Design WA'.

Design Review Panel and Architectural Quality

Some of the submissions raised concerns that the limitation of discretion and the associated performance criteria will restrict the functioning of the Design Review Panel and will stifle architectural quality.

The Design Review Panel will provide the City with professional advice and design insight to ensure that quality design outcomes are achieved in line with applicable structure plans, special control areas and design guidelines and will inform the justification for the discretionary approval of additional building height as per this scheme amendment.

Bayswater and Meltham

Some of the submissions suggested that the proposed scheme amendment will:

- Limit the development potential of the Bayswater Town Centre and Meltham Train Station precinct; and
- Development opportunities presented by the future Metronet rail stations upgrading will be lost.

Local structure plans have been developed for both these locations and take into account the impact and opportunities the proposed train station upgrades present. The general and incentive-based development standards of the BTCSP and the Meltham Station Precinct Structure Plan (MSPSP) are considered to balance the need to attract investment from the development industry in order to create a vibrant Bayswater Town Centre and Meltham Station hub, with the need to complement the established scale and character of these locations and surrounding properties.

The MSPSP was recently approved by the State government, while the BTCSP has been adopted by Council and currently awaits endorsement from the State government.

There appears to be a general misconception amongst community members regarding the potential impact on the current two storey bonus height provision of the MSPSP, should discretionary powers be limited to only one additional storey.

The incentive-based development standards of the BTCSP and MSPSP allow for additional one or two storeys in predetermined locations within the core precincts of these structure plans. Within these core precincts four storeys are allowed as of right, with levels above this height allowed when the incentive-based development standards of the structure plans have been met. A maximum of five or six storeys can be achieved dependant on the location within the core precincts.

The implication of this scheme amendment and in particular proposed Clause 8.2.2 is a potential additional storey, should the performance criteria of this scheme amendment be complied with. A maximum of six or seven storeys can therefore be achieved. The intention of this scheme amendment is to limit discretion beyond the incentive-based bonus height provisions of the applicable structure plans and special control areas.

It is therefore considered that this scheme amendment will have no undue impact on Scheme Amendment 79 (Meltham Station Precinct Structure Plan) or future scheme provisions relating to the BTCSP.

Discretionary Decision Making is a Necessary Power

Some of the submissions are of the opinion that special control areas and activity centre zones are arguably the most complex areas for development to occur and are also the areas where it is important to have flexibility to promote good planning and design outcomes.

It is considered that the City's current activity centre plans, structure plans and special control areas, have been based on comprehensive studies and community consultation in order to address local context and influences, the provision of investment and growth opportunities and the retention of local character and heritage value. The general and incentive-based

development standards and provisions of these strategic documents allows for reasonable flexibility and discretion.

The proposed scheme amendment does not foreclose the use of discretion; it merely limits its extent in favour of local urban character retention and quality development outcomes.

Proposed Modifications to Scheme Amendment

In order to streamline the planning schemes governing the Morley Activity Centre, the City initiated Scheme Amendment No. 61 to TPS 24 and repealed TPS 23 to enable the statutory implementation of the planning provisions contained within the MACSP.

Scheme Amendment No. 61 established the 'Activity Centre Zone' to accommodate the MACSP. However to ensure state wide consistency the state government advised that the zoning of strategic metropolitan centres as identified in SPP 4.2 *Activity Centres for Perth and Peel* and the *Central Sub-regional Planning Framework*, should be named 'Centre Zone'. As a strategic metropolitan centre, the 'Centre Zone' was adopted for the Morley Activity Centre.

This scheme amendment currently makes provision for 'Activity Centre Zone' and 'Special Control Area'. It is therefore proposed that this scheme amendment should be modified to include the 'Centre Zone' to ensure that the provisions apply to the Morley Activity Centre.

OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
1. Adopt Amendment No. 76 with the officer recommended modification, and forward the amendment to the Western Australia Planning Commission (WAPC) for final approval. Estimated Cost: <ul style="list-style-type: none"> \$900 for Gazettal. 	<ul style="list-style-type: none"> It will limit the number of height variations which can occur within the SCA's, Centre Zone and Activity Centre Zones. It will limit proposed variations to one additional storey within the SCAs, Centre Zone and Activity Centre zones. It will encourage better design outcomes for multiple dwellings within the SCAs, Centre Zone and Activity Centre zones. It will reduce the impact of multiple dwellings on the amenity of the surrounding areas. 	<ul style="list-style-type: none"> Limits Council's, DAP's and SAT's discretionary powers in this matter where the development may be considered appropriate. Does not limit the discretionary power for Residential density coded properties within the Centre Zone, Activity Centre Zones or Special Control Areas. It will not satisfy some of the community's expectation to retain current discretionary power.
2. Adopt Amendment No. 76 with other modifications and forward it to the WAPC for final approval. Estimated Cost: <ul style="list-style-type: none"> \$900 for Gazettal. 	<ul style="list-style-type: none"> Dependent on the modification(s) proposed. 	<ul style="list-style-type: none"> Dependent on the modification(s) proposed.
3. Advise the WAPC that the City does not wish to proceed with the amendment. Estimated Cost: <ul style="list-style-type: none"> Nil. 	<ul style="list-style-type: none"> Does not limit the City's, DAP's and SAT's discretionary powers in this matter. 	<ul style="list-style-type: none"> Developments will be able to continue to apply for height variations in the subject areas under the current provisions.

CONCLUSION

In light of the above, it is recommended that Council proceed with Option 1 to adopt Amendment No. 76 with the officer recommended modification and forward the amendment to the WAPC for final approval.

FINANCIAL IMPLICATIONS

The cost of the various options is detailed in the 'Options' section above.

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

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

From the conclusion of the advertising period, a local government has 60 days to consider all submissions and forward a recommendation to the WAPC.

The Minister for Planning is the decision maker on all scheme amendments. The City can provide a recommendation to the Minister to:

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

In the event that Council does not support the amendment, the Minister may still approve the proposed amendment, subject to such modifications and conditions, if any, as the Minister thinks fit. The scheme amendment becomes effective when it is approved by the Minister and published in the Gazette.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Key Issues and City Officers' Comments
2. Summary of Submissions
3. Justification for Performance Criteria

OFFICER'S RECOMMENDATION

That Council:

1. Recommends approval of Amendment No. 76 to the City of Bayswater's Town Planning Scheme No. 24 to accommodate the implementation of a limitation of discretionary powers, subject to the following modification:
 - (a) Add reference to 'Centre Zone' where 'Activity Centre Zone' and 'Special Control Area' are referenced.
2. Authorises the affixing of the Common Seal to the modified scheme amendment document, and the documentation to be forwarded to the Western Australian Planning Commission for approval.

COMMITTEE RESOLUTION

That Council advises the Western Australian Planning Commission that they do not support Amendment No. 76 to the City of Bayswater Town Planning Scheme No. 24.

CR DAN BULL, MAYOR MOVED, CR FILOMENA PIFFARETTI SECONDED

CARRIED UNANIMOUSLY: 9/0

REASON FOR CHANGE

The Committee changed the Officers recommendation as it was of the opinion that Scheme Amendment No. 76 is too restrictive and may discourage development in the area.

Cr Catherine Ehrhardt returned to the meeting at 7:30pm.

Attachment 1: Key Issues and City Officers' comments

Key Issues	City Officers' Comments
1. Limitation of Discretionary Powers restricts investment	
<ul style="list-style-type: none"> <i>"This amendment is far too onerous on those wishing to invest in and enhance our town centres."</i> <i>"The Bayswater Town Centre could, with well-designed development, meet the residential density aims of State Government without compromising on the neighbourhoods, backyards and trees of the surrounding streets."</i> <i>"We need to encourage investment in Bayswater and not discourage it."</i> <i>"The amendment fetters the decision-making capacity of the City, Development Assessment Panel and/or the Western Australian Planning Commission (WAPC) and limits its ability to approve a design outcome which may be better than a compliant proposal."</i> 	<p>The general intention of the proposed scheme amendment is to modify clause 8.2 of the City's Town Planning Scheme No. 24 in relation to general "Discretion to Modify Development Standards", in particular the right of use of this clause by external decision makers to overrule a decision by Council.</p> <p>It is acknowledged that some flexibility is required; however variations should not adversely affect or contradict the adopted vision and characteristics of a local activity centre or special control area.</p> <p>These criteria are considered performance-based as the height incentives will encourage quality design outcomes. The bonus height provisions of applicable structure plans and special control areas provide flexibility without impacting the character and heritage value of town centres.</p> <p>A Design Review Panel has been implemented by the City, to provide independent, multi-disciplinary, expert advice on the design quality of proposals to inform planners and decision-makers.</p> <p>With regards to the Bayswater Town Centre Structure Plan, the densities and heights proposed are considered to balance the need to attract investment from the development industry in order to create a vibrant town centre, with the need to be able to complement the established scale of the heritage and character of the town centre, provided that the design of new buildings are managed appropriately.</p>
2. Onerous Performance Criteria	
<ul style="list-style-type: none"> <i>"Town planning is moving away from criteria-based decision making (procedural tick and flicks) to performance based decision making, requiring developers and planners to consider the site's context and negotiate the best outcomes possible."</i> <i>"The criteria of Amendment 76 appear unrealistically onerous and inappropriate for town centres where shops and services will be."</i> 	<p>The Planning Framework should balance the need for certainty and the need for flexibility. Communities have a reasonable expectation for a degree of certainty regarding the planned future characteristics of their neighbourhoods. Developers also require certainty to determine the development potential of a site prior to purchase. Local governments and other decision-makers rely on the certainty of measurable standards to make efficient and objective decisions. The bonus height provisions of applicable structure plans and special control areas provide for performance-based decision making and flexibility without impacting the character and heritage value of town centres. In certain instances, this scheme amendment will provide the opportunity for one additional storey</p>

	<p>on top of the bonus height provisions.</p> <p>A Design Review Panel has been implemented, to provide independent, multi-disciplinary, expert advice on the design quality of proposals to inform planners and decision-makers to determine where discretion and flexibility is appropriate to ensure better development outcomes.</p> <p>The criteria are based on development controls included in City of Bayswater activity centre plans, structure plans and special control areas as well as similar WA examples at the time, including the state government's' <i>Apartment Design Volume Two of State Planning Policy No. 7.3 Residential Design Codes - Guidance for multiple-dwelling and mixed-use developments</i>' ('Design WA').</p>
<ul style="list-style-type: none"> <i>"In light of the review of the criteria, it is likely that even a simple development may be unable to achieve four or five of the 10 criteria, no matter what the applicant does."</i> 	<p>The purpose of the criteria is to encourage improved and quality design outcomes. Development proposals specifically within activity centres and special control areas will be assessed by the Design Review Panel to provide advice on compliance with bonus height provisions.</p>
<p><u>The Lot Size Is Not Less Than 900m²</u></p> <ul style="list-style-type: none"> <i>"Many of the blocks in places like the Bayswater Town Centre are less than 900m². Requiring such a large space in the middle of a town centre is completely unwarranted."</i> <i>"This is an example of disorderly and improper planning and lack of understanding of the urban fabric of heritage train line hubs."</i> 	<p>It is considered that these performance criteria will ensure that variations are only permitted on significant sites, which are of a size to accommodate the additional storey and have greater opportunity to achieve better design outcomes.</p>
<p><u>The development retains at least 75% of mature trees, which are not of an inappropriate species</u></p> <ul style="list-style-type: none"> <i>"75% is both an excessively high and arbitrary figure for a town centre and may render a property completely undevelopable."</i> <i>"Town centres would be expected to have a much higher intensity development, and potentially 100% built site cover whereas suburbs you would expect more trees whereas now we have developments and subdivisions in suburbs that destroy the tree canopy."</i> <i>"While retaining trees is very important – the focus should be on suburban areas where there backyards are being denuded of tree canopy from subdivisions of battle-axe blocks."</i> 	<p>This performance criteria incentivises the retention or onsite relocation of trees that are worthy of retention and promotes the City's Urban Forest Strategy and reduce the heat island effect.</p> <p>This performance criteria does not preclude a developer from removing mature trees, it merely acts as an incentive for additional height, should it be possible to retain 75% of mature trees.</p> <p>The City recently adopted a 'Trees on Private Property and Street Verges' Policy to manage and encourage the retention of trees in all areas of the City of Bayswater, with specific focus on the suburban areas and street verges. This policy references the definition of mature trees and appropriate species of the State government's 'Design WA' policy.</p>

<p><u>A minimum 70% of the street setback area contains soft/natural landscaping</u></p> <ul style="list-style-type: none"> <i>"This is a strange criterion for an SCA or Town Centre area - most structure plans for Town Centres require or encourage zero-setbacks to the front street and side setbacks to allow for a more active shopfront and pedestrian footpath zone and - potentially - shade and shelter from overhanging awnings or cantilevered structures. Most of the buildings in the Bayswater Town Centre already have no street setback."</i> 	<p>It is considered that this criterion will ensure the amenity of streetscape is maintained to a high standard and that it will reduce the visual impact of the development on the streetscape.</p>
<p><u>A minimum 25% of the total site area behind the front setback containing soft/natural landscaping and the landscaped area is to contain at least 10% of the site being a deep soil zone and at least one tree with a capacity to grow tall, with a minimum trunk of 250mm</u></p> <ul style="list-style-type: none"> <i>"Again applicable to neighbourhoods, not urban town centres where this proposal is aimed at."</i> <i>"This criterion doesn't define whether the 25% is at ground level or across all levels of the site."</i> <i>"My main objection comes down to removal of discretion in the design of the development - what if the development proposed a full roof-top garden, but no tall trees?"</i> <i>"Deep soil zones have a great deal of merit, but can't always be applied in town centre settings."</i> 	<p>This criterion is in line with current and proposed structure plan incentive-based development standards and was modelled on the State government's 'Design WA'. It is considered that this criterion would encourage more greenspace to be kept / developed on site helping to reduce the visual impact of a development, reduce the urban heat island effect and increase the tree canopy coverage within the City's town centres.</p> <p>The 25% soft/natural landscaping excludes vertical and rooftop terrace gardens.</p>
<p><u>Vertical and rooftop terrace gardens in addition to the required minimum of 25% of the total site area behind the front setback containing soft/natural landscaping</u></p> <ul style="list-style-type: none"> <i>"Vertical / rooftop terrace gardens – admirable but unlikely to be feasible or able to be included in development of the low intensity scale being contemplated by the Council."</i> <i>"You are asking for high tech solution with a low tech incentive."</i> 	<p>It is considered that this criterion would encourage more greenspace to be kept / developed on site helping to reduce the visual impact of a development, reduce the urban heat island effect and increase the tree canopy coverage within the City, in addition to the required landscaping on the ground floor.</p>
<p><u>The development enhances or conserves an existing character or heritage property worthy of retention, but not limited to places on the City of Bayswater Municipal Heritage Inventory of Heritage Places</u></p> <ul style="list-style-type: none"> <i>"This criterion includes any "existing character or heritage building", but not limited to places on the MHI. From a statutory perspective, it is poorly framed, and raises the prospect of SAT appeals. The clause captures any building considered to have "character", whether or not it has been assessed by any professional standard. In</i> 	<p>It is considered that this criterion will help to further enhance and protect the character and heritage value of a specific area and where applicable, will complement existing Character Protection Areas.</p> <p>The City's Design Review Panel will be tasked to advise on a development proposal's compliance</p>

<p><i>the absence of any assessment criteria for 'character', this criterion is entirely subjective, and lacking in any rigour."</i></p>	<p>with this criteria.</p>
<p><u>The development is designed in such a way that the shadow cast at midday, 21 June does not exceed the lesser of 50% of the site area adjoining; or the applicable solar access requirement for the particular site in accordance with the Scheme or Residential Design Codes</u></p> <ul style="list-style-type: none"> <i>"Clearly such a concept is contingent on the adjoining site width, topography, location and other factors; it is likely that even one or two storey development can exceed 50% overshadowing of adjoining property, particularly in town centres with buildings in close proximity due to their mixed use. In King William Street for example which has a steep gradient it is sometimes not possible to restrict overshadowing to less than 50% of the adjoining property."</i> 	<p>It is considered that this performance criterion will reduce the impact that any variation will have on the adjoining properties as it will limit the amount of overshadowing which can occur.</p> <p>The majority of the properties which can be considered under this clause do not have a specific solar access requirement. The scheme contains an overshadowing requirement of 35% for a number of properties within the Maylands Activity Centre and the Morley Activity Centre.</p>
<p><u>Each dwelling incorporates at least one balcony with a minimum floor area of 15m² and a minimum dimension of 3 metres</u></p> <ul style="list-style-type: none"> <i>"This criterion conflicts with Design WA which proposes minimum width of 2.4m and minimum sizes based on apartment size. Requiring balconies to be larger and deeper than the standard has the potential to make it more difficult to get daylight into an apartment."</i> 	<p>It is considered that this criterion would help provide articulation of a development to reduce the visual impact it may have on the surrounding area. Additionally, it would ensure each dwelling has sufficient and functional private open space.</p>
<p><u>At least 80% of dwellings are to be designed to provide effective natural cross ventilation; natural light to each habitable room; north facing major living room</u></p> <ul style="list-style-type: none"> <i>"On many major roads such as King William Street, Whatley Crescent, Guildford Road many of the sites will be south-facing. Or sites with city or river views? In many cases, it makes more sense to have living rooms facing the street, or desirable views, rather than strictly enforcing a requirement to face north. Again, the removal of discretion limits the ability for the decision maker to consider context."</i> 	<p>It is considered this criterion would help a development be more environmentally sustainable and reduce heating and lighting costs.</p>
<p><u>The development meets an energy rating higher than that required under the National Construction Code</u></p> <ul style="list-style-type: none"> <i>"Sounds admirable, but likely to add further cost to a development – the national code is a reasonable standard."</i> 	<p>It is considered that this criterion would encourage developments to be more environmentally sustainable.</p>

<p><u>The development requires a discontinuation of a non-conforming use</u></p> <ul style="list-style-type: none"> "This criterion is quite baffling. What if your site doesn't have a non-conforming use?" 	<p>This criterion is commonly used as an incentive based development standard to encourage the eradication of non-conforming uses when redevelopment occurs.</p> <p>This criterion is only applicable where an existing non-conforming use is present.</p> <p>It is considered that this criterion will encourage the discontinuance of non-conforming uses, which are inappropriate within an area.</p>
<p align="center">3. Align with Design WA</p>	
<ul style="list-style-type: none"> "The City should be aligning its design requirements with the State Government's Design WA Apartment Design Policy which has been researched and stress-tested in depth by architects, landscape architects, sustainability experts, transport consultants, urban designers and town planners." "The proposed 'Performance Criteria' are inconsistent with Design criteria promoted by Design WA; and The Incentive Based Development Standards listed in the Draft Bayswater Town Centre Structure Plan (July 2017)." 	<p>The criteria were based on development controls included in City of Bayswater activity centre plans, structure plans and special control areas as well as similar WA examples at the time, including the state government's' <i>Apartment Design Volume Two of State Planning Policy No. 7.3 Residential Design Codes - Guidance for multiple-dwelling and mixed-use developments</i>' ('Design WA').</p>
<p align="center">4. Stifle architectural quality and hinder the Design Review Panel</p>	
<ul style="list-style-type: none"> "Further to the above, we understand the City has recently formed a Design Advisory Committee (DAC). It is noted that no DAC was in place at the time this amendment was prepared and when these supposedly problematic developments were approved. The City should, at the very least, observe how the DAC can improve development outcomes, whilst maintaining flexibility in the Scheme. In our view, a DAC would help to alleviate some (if not all) of the City's concerns." 	<p>The criteria were based on development controls included in City of Bayswater activity centre plans, structure plans and special control areas as well as similar WA examples at the time, including the state government's' <i>Apartment Design Volume Two of State Planning Policy No. 7.3 Residential Design Codes - Guidance for multiple-dwelling and mixed-use developments</i>' ('Design WA').</p> <p>The Design Review Panel will provide professional advice to the City to ensure that quality design outcomes are achieved.</p>
<p align="center">5. Bayswater and Meltham have been ignored</p>	
<ul style="list-style-type: none"> "Developments had already started at Maylands back then, and now Bassendean seems to be getting on board with what attracts residents and visitors to an area. Bayswater and Meltham seem to have been 'passed over' - why?" "While the proposals to amend the Scheme appear to be driven by a desire for quality and amenity, they may actually have the opposite effect, and are not applicable for URBAN town centres less than 10km from the centre of a Capital City." "There are not that many sites available in 	<p>Structure plans have been developed for the Bayswater town centre as well as the Meltham Station precinct.</p> <p>The Morley Activity Centre Structure Plan allows for a mix of building heights representative of a 'Strategic Metropolitan Centre' as outlined in Directions 2031 and Beyond and State Planning Policy 4.2 - Activity Centres for Perth and Peel. The remaining local town centres and special control areas represent heritage and character sensitive urban environments, which require specific development controls.</p> <p>Local structure plans have been developed for</p>

<p><i>Bayswater and Meltham which are adjacent to the train stations, good public transport and amenities. If these rare sites are not used well and able to be designed to their full potential, then each 'constrained' development which occurs is another lost opportunity to reinvigorate the two Town Centres."</i></p>	<p>both these locations and take into account the impact and opportunities the proposed train station upgrades present. The general and incentive-based development standards of the BTCSP and the Meltham Station Precinct Structure Plan (MSPSP) are considered to balance the need to attract investment from the development industry in order to create a vibrant Bayswater town centre and Meltham station hub, with the need to complement the established scale and character of these locations and surrounding properties.</p>
<p align="center">6. Contradicting Metronet and the Metrohubs</p>	
<ul style="list-style-type: none"> <i>"There seems to be way too much focus recently on 'height' being a negative feature of a development, when there should be a lot more focus on what the 'great sprawl' of 1-2 storey single residential houses are doing to our urban environment, and what quality design benefits there could be for the area."</i> 	<p>Activity centres, town centres and mixed use areas are the primary location for higher density residential development, but they are not required to accommodate all planned densification targets. Many other factors have an impact on the urban form of the City's town centres and have to be considered during any future planning. The City's Local Planning Strategy is currently being developed and will identify areas outside of the centres considered appropriate for residential densification.</p>
<p align="center">7. Amendment 76 contradicts Amendment 79 (Meltham Station)</p>	
<ul style="list-style-type: none"> <i>"Special Control Area 15 includes the use of 'base' height and 'bonus' height provisions. Amendment 76 appears contradictory to Amendment 79 in many ways, with separate bonus height provisions and with no explanation given on how the two amendments interact. For example, the Mixed Use Core Precinct of Amendment 79 permits four storeys (as of right) and six storeys upon meeting various 'additional height' criteria. However, if Amendment 76 were to be gazetted as proposed, it is not clear whether sites within Meltham Station Precinct would be permitted with:</i> <ul style="list-style-type: none"> <i>(a) One additional storey from the base height (potentially limiting heights in the Mixed Use Core Precinct to five storeys); or</i> <i>(b) One additional storey from the bonus height (i.e. seven storeys on the Mixed Use Core Precinct)."</i> 	<p>The correct interpretation of the above clause allows Council to use its discretion to approve no more than one additional storey above and beyond the bonus heights allowed by the applicable structure plans or special control areas.</p> <p>It is important to note that should a development proposal comply with the incentive-based development standards of an applicable structure plan or special control area, where four to six storeys is prescribed as the bonus height, as well as the performance criteria of this scheme amendment, the implication of Clause 8.2.2 is a potential height of seven storeys.</p> <p>It is therefore considered that this scheme amendment will have no impact on Scheme Amendment 79 (Meltham Station Precinct Structure Plan).</p>
<p align="center">8. Discretionary decision making is a necessary power</p>	
<ul style="list-style-type: none"> <i>"The limitation of discretion applies specifically to Special Control Areas and Activity Centre zones. However, these zones/areas are arguably the most complex areas for development to occur and are also the areas where it is important to have flexibility to promote good planning and</i> 	<p>It is considered that the City's current activity centre plans, structure plans and special control areas, have been based on comprehensive studies and community engagement in order to address local context and influences, the provision of investment and growth opportunities and the retention of local character and heritage</p>

<p><i>design outcomes."</i></p>	<p>value. The general and incentive-based development standards and provisions of these strategic documents allows for necessary flexibility and discretion.</p>
<ul style="list-style-type: none"> • <i>"The benefit to the developer is a maximum of one additional storey. However, the costs of achieving the remaining criteria are in almost all circumstances, likely to outweigh the benefit. This means the amendment effectively limits height to that prescribed under the Scheme."</i> • <i>"Principally, under clause 8.2 of the Scheme it states that decision-makers should only exercise discretion on building height where it is satisfied that approval would be consistent with orderly and proper planning; and non-compliance would have no adverse effect on occupiers or users of the development or inhabitants of the locality. It is up to the decision-maker (whether that be the City's delegated officers, Council, Development Assessment Panel and/or State Administrative Tribunal) to be satisfied that any proposed development achieves these criteria before granting approval for any proposed variations to the Scheme development standards."</i> • <i>"In this regard, the performance criteria effectively reduce the development and investment potential of a significant amount of land within the City's boundaries."</i> • <i>"Although, the use of discretion can sometimes result in unpopular and controversial decisions, discretionary decision making is seen as a necessary power because the context and relevant matters to be considered in any future decision-making cannot be fully anticipated when planning schemes or amendments to planning schemes are devised and implemented."</i> 	<p>The proposed scheme amendment does not foreclose the use of discretion; it merely limits its extent in favour of local urban character retention and quality development outcomes.</p>

Attachment 2: Summary of Submissions

No.	Opinion on Submissions	Comments on Scheme Amendment
1	Not Support	<ul style="list-style-type: none"> <i>"This amendment is far too onerous on those wishing to invest in and enhance our town centres."</i> <i>"The City should be aligning its design requirements with the State Government's Design WA Apartment Design Policy which has been researched and stress-tested in depth by architects, landscape architects, sustainability experts, transport consultants, urban designers and town planners."</i> <i>"Town planning is moving away from criteria-based decision making (procedural tick and flicks) to performance based decision making, requiring developers and planners to consider the site's context and negotiate the best outcomes possible. By requiring developers to meet these very arbitrary figures will most likely result in no development happening in our town centres and them being frozen in time while jobs, investment, activity and people are driven to other town centres across Perth."</i>
2	Not Support	<ul style="list-style-type: none"> <i>"An overall comment is that if you remove the ability for decision-makers to consider context and exercise their judgement, you are very likely to get unintended negative outcomes. Design WA will shortly be released which has been extensively researched – shouldn't the Council use this as its guide?"</i> <i>"The criteria of Amendment 76 appear unrealistically onerous and inappropriate for town centres where shops and services will be."</i> <p>Criteria – The Lot Size Is Not Less Than 900m²</p> <ul style="list-style-type: none"> <i>"This would require the amalgamation of the majority of blocks in the Bayswater (King William Street) town centre, as many are less than 900M2."</i> <i>"This could prevent or delay the development of many sites in that and other CoB town centres."</i> <p>Criteria 1 – The development retains at least 75% of mature trees, which are not of an inappropriate species</p> <ul style="list-style-type: none"> <i>"75% is both an excessively high and arbitrary figure for a town centre and may render a property completely undevelopable."</i> <i>"Streetscaping in town centres to include trees should be encouraged but as this amendment predominantly affects land within the town centres this criterion is unrealistic where the objective is to optimise land use in town centres."</i> <i>"Town centres would be expected to have a much higher intensity development, and potentially 100% built site cover whereas suburbs you would expect more trees whereas now we have developments and subdivisions in suburbs that destroy the tree canopy."</i> <p>Criteria 2 – A minimum 70% of the street setback area contains soft/natural landscaping</p> <ul style="list-style-type: none"> <i>"An arbitrary figure, particularly for town centres where nil street setbacks are common as the town centre is where you need buildings to occupy large amounts of the space to provide shops and services. Plaza, town squares, nearby parks</i>

		<p><i>and street and central road landscaping is where the natural landscaping and street scaping needs to be."</i></p> <p>Criteria 3– A minimum 25% of the total site area behind the front setback containing soft/natural landscaping and the landscaped area is to contain at least 10% of the site being a deep soil zone and at least one tree with a capacity to group tall, with a minimum trunk of 250mm</p> <ul style="list-style-type: none"> • <i>"Once again an arbitrary figure."</i> • <i>"Completely unrealistic in town centres where you want shop fronts buildings to have nil setbacks and where cafes may have some outdoor street facing seating."</i> <p>Criteria 4 – Vertical and rooftop terrace gardens in addition to the required minimum of 25% of the total site area behind the front setback containing soft/natural landscaping</p> <ul style="list-style-type: none"> • <i>"Vertical / rooftop terrace gardens – admirable but unlikely to be feasible or able to be included in development of the low intensity scale being contemplated by the Council."</i> <p>Criteria 5 – The development enhances or conserves an existing character or heritage property worthy of retention, but not limited to places on the City of Bayswater Municipal Heritage Inventory of Heritage Places</p> <ul style="list-style-type: none"> • <i>"Many sites in a town centre will have no heritage value, but now according to this could be assessed as having "character, whether or not it has been assessed by any professional standard."</i> <p>Criteria 6 – The development is designed in such a way that the shadow cast at midday, 21 June does not exceed the lesser of 50% of the site area adjoining; or the applicable solar access requirement for the particular site in accordance with the Scheme or Residential Design Codes</p> <ul style="list-style-type: none"> • <i>"In areas with challenging topography, it is sometimes not possible to restrict overshadowing to less than 50% of the adjoining property and it is entirely possible that a 1 or 2 storey development or a narrow lot that faces east/west, may result in >50% overshadowing."</i> • <i>"A standard 1.8m boundary fence can substantially overshadow an adjoining property and minimising overshadowing of outdoor living areas is generally more important than minimising overshadowing of an entire property."</i> • <i>"It is important to be able to consider context whereas the rigid figure offers no ability for decision makers to consider context."</i> • <i>"What if the adjoining site is fully developed with a 4 storey building, but the theoretical 'shadow' cast by a new development would cover 50% of the vacant lot? Is this acceptable?"</i> <p>Criteria 7 – Each dwelling incorporates at least one balcony with a minimum floor area of 15m² and a minimum dimension of 3 metres</p> <ul style="list-style-type: none"> • <i>"By requiring balconies to be larger and deeper than the standard (10sqm, 2.4m deep), this criterion has the potential to make it more difficult to get daylight into an apartment. This has been considered and modelled by experts, in preparing the Apartment Design Guide."</i> <p>Criteria 8 – At least 80% of dwellings are to be designed to provide effective natural cross ventilation; natural light to</p>
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		<p>each habitable room; north facing major living room</p> <ul style="list-style-type: none"> • <i>"The 80% appears arbitrary, and the criterion removes the opportunity to consider context."</i> • <i>"On many major roads such as King William Street, Whatley Crescent, Guildford Road many of the sites will be south-facing. Or sites with city or river views? In many cases, it makes more sense to have living rooms facing the street, or desirable views, rather than strictly enforcing a requirement to face north. Again, the removal of discretion limits the ability for the decision maker to consider context."</i> <p>Criteria 9 – The development meets and energy rating higher than that required under the National Construction Code</p> <ul style="list-style-type: none"> • <i>"Sounds admirable, but likely to add further cost to a development – the national code is a reasonable standard."</i> <p>Criteria 10 – The development requires a discontinuation of a non-conforming use</p> <ul style="list-style-type: none"> • <i>"Nil comment."</i>
3	Not Support	<ul style="list-style-type: none"> • <i>"It will stifle architectural quality development. Now that you have a Design Review Panel from whom the council can receive professional advice as to architectural quality and merit any proposal, there is no need to have a "guess" at what is good design, or leave it to your officers, who are planners, not design professionals or get advice from unprofessional commentators in the district who happen to "not like" a building."</i> • <i>"Everyone has a right to "not like" something, but the architectural quality is a professional judgement, built up from years of experience and study. To remove the discretion disincentivises quality architecture. It reduces a development to meet minimum criteria and does not reward architectural quality."</i> • <i>"Height continues to be an issue that is irrelevant. Street/pedestrian interface IS relevant. Architectural quality is most relevant."</i> • <i>"The criteria that have been proposed are unworkable. Who is guiding this proposal? What are their professional qualifications and experience in the real world? Was there any economic forecasting done to try and predict the impact of these criteria? Is it a proposal to keep certain people concerned about height placated or is it in the interest of the Bayswater Town Centre, or any other centre in the City of Bayswater?"</i> • <i>"1. Lots need to be greater than 900m2? This is an example of disorderly and improper planning and lack of understanding of the urban fabric of heritage train line hubs."</i> • <i>"2. 75% of mature trees to be retained? The urban fabric within a town centre is often built over lots with 100% site cover. As it should be to optimise land use and save the trees in the surrounding neighbourhood. It is a town centre, not a neighbourhood. Unworkable and lack of foresight into town planning and urban design."</i> • <i>"3. 25% landscaping in the front setback. Again applicable to neighbourhoods, not urban town centres where this proposal is aimed at. Unrealistic, unworkable and arbitrary."</i> • <i>"4. Vertical gardens: too costly in this environment. You are asking for high tech solution with a low tech incentive. Developing buildings at 3-4 storey quality buildings (already uneconomical and unlikely in the Bayswater town centre)"</i>

		<p>would not have a market to support this expensive technology. Rooftop terrace gardens: notable inclusion but I'd be giving two storey bonuses to offset the expense of the economic onus impinged on the development."</p> <ul style="list-style-type: none"> "5. Existing "character OR heritage property. There are clear guidelines to attribute the word "heritage" to a building. What are the criteria for character? Until the criteria can be set and agreed upon, it would advisable to withdraw such part of the proposal. You will be laughed out of WAPC." "6. 50% shadow criteria misses' context. E-W lots and N-S lots throw different shadows. This should not be criteria for additional height in any case and is already considered in Design WA." "7. Why have you increased the minimum floor dimension of the balconies? Simple sun angle investigations will demonstrate that beyond 2.4m as per Design WA is an appropriate balance between protective shade and sun penetration. I hate to be the one to tell you this but WA has more days that are below comfort temperature than above comfort temperature. Getting sun INTO living areas is far more important than a shaded balcony. What you are creating, going against the extensive research done by design WA, are cold dark apartments. Is this another placation to the uninformed that estrogenically cause harm by thinking they are doing good?" "8. "North Facing" "major" living room. This is completely out of context! 80% of dwelling to have a north facing "major" living room? What is a "major" living room? Without clear definitions this is just a hope and a pathway to further disagreement and confusion. It is also likely unworkable. I mean really, did anyone get out the butter paper and have a go at redesigning 9-11, say; to see if this is even possible? Regardless of height: throw some design scenarios at this and some of your other criteria and realise they are entirely unworkable." "9. Higher than that required under NCC. Did this one just get plucked out of the air? Is +0.001% "higher"? What have you achieved with these criteria?" "10. Discontinuation of non-conforming use. Unsure of what the purpose of these criteria is. It may come back to bite you though, when you want to use discretion. This appears to be a "control" document created by those that want to see the world in black and white; that needs a black and white checklist to say yes or no. And has a problem with receiving professional advice when required or the advice when given. And most people and organisations find out the hard way that incentives work better than a stick. Especially when they need discretion for themselves. The proposal is unworkable, is out of context of what the community are asking for and how to achieve that, is a placation of the few, is iatrogenic and is the construct of a council that is reacting to a...well I don't know really...perhaps it just wants to look like its doing something? Discretion requires leadership. Don't ditch the discretion but take on the leadership."
4	Not Support	<ul style="list-style-type: none"> "I am a Bayswater resident who bought into the area 16 years ago, within walking distance of the Bayswater Town Centre, as we could see the great potential for a vibrant and activated social and transportation 'hub' close to the train line. Developments had already started at Maylands back then, and now Bassendean seems to be getting on board with what attracts residents and visitors to an area. Bayswater and Meltham seem to have been 'passed over' - why?" "There seems to be way too much focus recently on 'height' being a negative feature of a development, when there should be a lot more focus on what the 'great sprawl' of 1-2 storey single residential houses are doing to our urban

		<p>environment, and what quality design benefits there could be for the area. This Scheme Amendment - unfortunately - seems to follow the 'lower is better' mentality, while also not allowing flexibility in design for developments which could bring greater benefits to the community compared to having 1 floor less above the ground."</p> <ul style="list-style-type: none"> • "There are not that many sites available in Bayswater and Meltham which are adjacent to the train stations, good public transport and amenities. If these rare sites are not used well and able to be designed to their full potential, then each 'constrained' development which occurs is another lost opportunity to reinvigorate the two Town Centres. If we don't increase density and height in well-located sites, it also puts more pressure on development/infill in the surrounding suburban streets, with loss of trees and space for those who choose to live on larger self-contained blocks." • "If council succeeds in passing policies (such as this proposed amendment) which make it too difficult or uneconomic for good quality development to occur in the CENTRE of the town sites and Activity Centres, and we won't see meaningful change in the Bayswater and Meltham town centres for local residents (both existing and future) for many more years. I really hope we don't have to wait another 16 years for change." • "While the proposals to amend the Scheme appear to be driven by a desire for quality and amenity, they may actually have the opposite effect, and are not - in my opinion - applicable for URBAN town centres less than 10km from the centre of a Capital City." • "Having made the decision to appoint a Design Review Panel (a move which is to be applauded, although the fee is the highest of any Council in Metropolitan Perth) - where experts in design and planning will be able to provide advice on proposed developments and push to maximise the benefits for the community - it does not make sense to constrain the ability of Council and its professional advisors to be able to leverage higher quality outcomes in exchange for <u>appropriate variations</u>." <p>I therefore OBJECT to the proposed amendment and I have the following concerns about the proposed scheme changes:</p> <p>Essential Criteria – The Lot Size Is Not Less Than 900m²</p> <ul style="list-style-type: none"> • "In the Bayswater Town Centre this would require the amalgamation of the majority of blocks, as many are under 900m²." • "This could prevent or delay the development of many sites in the town centre." <p>Criteria 1 – The development retains at least 75% of the trees existing on site, which are not of an inappropriate species...</p> <ul style="list-style-type: none"> • "Although the intent of this criterion is understandable in the context of rapidly reducing urban tree canopy, it is unrealistic and in many cases would be entirely inappropriate and undesirable, where the objective is to optimise land use in town centres." • "How was the 75% retention figure decided on? If there are two or three trees on a site, does that mean that they ALL would need to be retained?" • "What is an 'appropriate species'?"
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	<ul style="list-style-type: none"> • <i>"What happens if there are mature trees, but some are in poor condition or have a limited life span. Or if trees are located where their retention would seriously compromise the optimal design of the development. The condition and location of the trees on a site has not been considered in this criteria."</i> • <i>"This criteria may have an effect opposite to what was intended, resulting in trees in the town centre being seen as an impediment to development, and could result in Land Owners removing trees well before there are plans to develop a site - reducing the tree canopy prematurely."</i> <p>Criteria 2 – A minimum 70% of the street setback area contains soft/natural landscaping.</p> <ul style="list-style-type: none"> • <i>"This is a strange criterion for an SCA or Town Centre area - most structure plans for Town Centres require or encourage zero-setbacks to the front street and side setbacks to allow for a more active shopfront and pedestrian footpath zone and - potentially - shade and shelter from overhanging awnings or cantilevered structures. Most of the buildings in the Bayswater Town Centre already have no street setback."</i> • <i>"To have 70% of the setback to be landscaped requires a minimum street setback to be part of the Structure Plan and/or zoning requirements for Special Control Areas or Activity Centre Zones. Is that the case?"</i> <p>Criteria 3– A minimum 25% of the total site area behind the front setback containing soft/natural landscaping and the landscaped area is to contain at least 10% of the site being a deep soil zone and at least one tree with a capacity to grow at least 3m tall, with a minimum trunk of 250mm</p> <ul style="list-style-type: none"> • <i>"What was the basis of the 25% and 10% figures?"</i> • <i>"There is no reference in the criterion text to this being accessible or visible from the public realm, so in theory, it could be incorporated into a private courtyard or roof-top terrace. This would only potentially benefit one resident."</i> • <i>"This criterion doesn't define whether the 25% is at ground level or across all levels of the site. The 10% is obviously required to be at ground level, but refer point above."</i> • <i>"How will this requirement be managed into the future? How would the retention and health of that ONE tree be protected?"</i> • <i>"My main objection comes down to removal of discretion in the design of the development - what if the development proposed a full roof-top garden, but no tall trees? If another 4x of the proposed required criteria could not be satisfied, would this automatically preclude it from being approved under the proposed scheme changes, although providing a much better outcome for residents and the 'greening' of the City?"</i> <p>Criteria 4 – Vertical and rooftop/terrace gardens in addition to the required minimum of 25% of the total site area behind the front setback containing soft/natural landscaping</p> <ul style="list-style-type: none"> • <i>"Again, there is little consideration or clarity on what is actually being 'required' under this clause - the wording and terminology are too ambiguous. Minimum size, garden(s) - is that at least two? Rooftop AND Terrace gardens - or just one or the other?"</i> • <i>"There are significant costs involved in setting up and establishing these features and anyone contemplating spending</i>
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		<p><i>extra time and money on good design to achieve an additional storey on their development would balk at trying to build anything in Bayswater if this criterion was introduced, other than a 'standard' just-tick-the-boxes development. Is that really what we want to see for our Town Centres? Is the real aim of this amendment to prevent extra height even being an option, at the detriment of good design?"</i></p> <ul style="list-style-type: none"> <i>"Large areas of 'common' green space are also an ongoing maintenance requirement, which would reflect in higher strata levies for the residents living in those developments. While increasing access to green spaces is a laudable goal, there are many large parks within walking distance of the Bayswater Town Centre."</i> <p>Criteria 5 – The development enhances or conserves an existing character or heritage building worthy of retention, but not limited to places on the City of Bayswater Municipal Heritage Inventory of Heritage Places</p> <ul style="list-style-type: none"> <i>"Wow - this is very open ended. If not 'limited' or linked to the Heritage Places Inventory (or some other definable criteria) then who will be deciding on whether a property has 'character' or heritage 'worthy of retention'? It creates a lot of uncertainty for development of a site if there are no clear guidelines on whether an old building will be deemed as 'worthy' or to have 'character' - and therefore little incentive for designs and plans to be prepared at the 'risk' of them being refused or objected to because of an 'old' building on the site. Old doesn't automatically mean heritage. 1960's and 70's buildings can have heritage value as well - why is there a general fixation by some people on 'turn of the last century to 1930's era' buildings as being of value, and nothing since?"</i> <i>"Also lacking is definition on who will be determining whether the development 'enhances' or 'conserves'...is this related to the streetscape only, or the site as a whole? Does it mean retention of the façade only? What about retention of social history, through interpretation and education? This doesn't seem to be addressed in the intent of this clause. Again - too open ended."</i> <i>"'Enhance' - under the Burra Charter - would <u>not</u> mean a reproduction or replication of the physical appearance or features of a significant place. Who defines what will 'enhance' a property."</i> <p>Criteria 6 – The development is designed such that the shadow cast at midday, 21 June does not exceed the lesser of 50% of the site area of the adjoining property; or the applicable solar access requirement for the particular site in accordance with the Scheme or Residential Design Codes</p> <ul style="list-style-type: none"> <i>"Rather than allowing for some discretion and targeted design outcomes, this blanket percentage is too prescriptive and doesn't allow for performance-based compliance - which the R-Codes already allow for. There will be some sites where 50% could never be achieved due to orientation and others where overshadowing could exceed this amount but have minimal impact on the adjoining property."</i> <i>"The area of the Scheme relates to urban areas around town centres, not suburban areas - there should be a higher level of overshadowing expected, greater than for a single residential house."</i> <p>Criteria 7 – Each dwelling incorporates at least one balcony with a minimum floor area of 15m² and a minimum dimension of 3 metres</p> <ul style="list-style-type: none"> <i>"How was the minimum dimension of 3m determined (i.e. why is 2.4m considered insufficient to provide sufficient outdoor living space or articulation of a façade?). It doesn't take into account that some residents may prefer a larger area of</i>
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		<p><i>communal outdoor space with associated facilities, rather than a larger balcony. The difference in usable space between 10 and 15m is minimal, but will add to the development cost (and therefore purchase price) of a dwelling if ALL units are required to have this balcony area as a minimum. What about the option of some smaller units (with less balcony space) to make them more affordable to younger/older/lower income buyers. If a development needs an extra story to be viable, this scheme amendment takes away choice and options."</i></p> <ul style="list-style-type: none"> <i>"Solar access to sunlight in winter is also important and unless the balcony does not have a 'roof' or other balcony directly above it, the 3m depth would potentially restrict the amount of sun penetration in winter."</i> <p>Criteria 8 – At least 80% of dwellings are to be designed to provide effective natural cross ventilation; natural light to each habitable room; north facing major living room</p> <ul style="list-style-type: none"> <i>"The NCC already includes these requirements - other than the north facing major living room - so this criterion is really about the provision of North-facing major living rooms. While north-facing living areas are certainly a good design aim, how was the 80% determined? What will be considered to be a 'major' living room? If combined with the criterion for a 3m deep balcony space this may counteract the effect of the north-facing glass?"</i> <i>"While the figure of 80% is stated (allowing 20% of the dwellings not to face north), this criterion is not likely to be helpful when the prevailing aspect of the site means a better outlook for visitors facing the street, or towards desirable views, which could enhance the amenity for residents and the streetscape/façade of the building. For instance, on the northern side of King William St, if 80% of the dwellings were required to face north, this could potentially limit views to the city for the residents, combined with minor windows and bedrooms then being located to face towards the street - not a good outcome for the locality or the residents."</i> <p>Criteria 9 – The development meets an energy rating higher than that required under the National Construction Code</p> <ul style="list-style-type: none"> <i>"No comment. The NCC is considered to be the 'minimum' standard required anyway."</i> <p>Criteria 10 – The development involves the discontinuation of a non-conforming use</p> <ul style="list-style-type: none"> <i>"Are there actually any sites in SCA's or Activity Centres which have any non-conforming uses? This seems to be a bit of a 'furphy' criterion as if the site is proposed to be developed, and then the non-conforming use would be removed anyway?"</i> <i>"If this is actually only applicable to a very small number of sites, then is the inclusion of this criterion as potentially 1x of the minimum of 5x required for consideration of an extra storey really improving the outcomes for the local area? It also means that - effectively - 5 of the 9 criterion would need to be met, rather than 5 of 10."</i> <i>"In conclusion, the existing Scheme 24 clause 8.2.1 already allows decision-makers to assess a development on its merits and impact on the surrounding locality (including into the future) when considering a building height discretion."</i> <i>"Removal of the option to consider context and proper planning-based outcomes by imposing a set of - seemingly arbitrary - conditions on proposed new developments as a reaction to the possibility of additional height being approved could actually result in reduced amenity for the community and residents of future developments in the area."</i>
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5	Not Support	<ul style="list-style-type: none"> <i>"I do not support the proposed Scheme Amendment as it restricts the ability to achieve high quality design."</i> <i>"It is misguided in that it is focussed on height rather than design excellence. Like anything that requires mandatory compliance - rather than a focus on innovation and quality you will likely get a range of negative outcomes."</i> <i>"This amendment focusses on unrealistic restrictions that will result in buildings that add very little to our town and activity centres. It will have the effect of reducing the quality of developments and impact economic development in our town centres which are degraded, deteriorating and lacking investment and puts further barriers in the way of revitalisation."</i> <i>"The proposed criteria seem to be arbitrary, lacking in research and have no reference to best practice in other areas."</i> <i>"It negates the need for a Design Advisory Committee, which the City recently appointed, as well ignoring the advice of heritage experts by creating some indefinable criterion about "character"."</i> <i>"When reviewing the criteria it appears that it will be impossible for most criteria to be met, particularly in town centres like Bayswater with challenging topography."</i>
6	Not Support	<ul style="list-style-type: none"> <i>"The criteria of Amendment 76 appear unrealistically onerous and inappropriate for town centres where shops and services will be."</i> <p>Criteria – The Lot Size Is Not Less Than 900m²</p> <ul style="list-style-type: none"> <i>"Many blocks are under this lot size, and so this would affect many developments."</i> <i>"This could prevent or delay the development of many sites in the town centre."</i> <p>Criteria 1 – The development retains at least 75% of mature trees, which are not of an inappropriate species</p> <ul style="list-style-type: none"> <i>"Where did this figure come from? It makes no sense to remove such discretionary powers."</i> <i>"Street scaping in town centres to include trees should be encouraged but as this amendment predominantly affects land within the town centres this criterion is unrealistic where the objective is to optimise land use in town centres."</i> <p>Criteria 2 – A minimum 70% of the street setback area contains soft/natural landscaping</p> <ul style="list-style-type: none"> <i>"An arbitrary figure, particularly for town centres where nil street setbacks are common as the town centre is where you need buildings to occupy large amounts of the space to provide shops and services. Plaza, town squares, nearby parks and street and central road landscaping is where the natural landscaping and street scaping needs to be."</i> <p>Criteria 3– A minimum 25% of the total site area behind the front setback containing soft/natural landscaping and the landscaped area is to contain at least 10% of the site being a deep soil zone and at least one tree with a capacity to group tall, with a minimum trunk of 250mm</p> <ul style="list-style-type: none"> <i>"Completely unrealistic in town centres where you want shop fronts buildings to have nil setbacks and where cafes may have some outdoor street facing seating."</i> <p>Criteria 4 – Vertical and rooftop terrace gardens in addition to the required minimum of 25% of the total site area behind the front setback containing soft/natural landscaping</p>

		<ul style="list-style-type: none"> <i>"Vertical / rooftop terrace gardens – admirable but unlikely to be feasible or able to be included in development of the low intensity scale being contemplated by the Council."</i> <p>Criteria 5 – The development enhances or conserves an existing character or heritage property worthy of retention, but not limited to places on the City of Bayswater Municipal Heritage Inventory of Heritage Places</p> <ul style="list-style-type: none"> <i>"Many sites in a town centre will have no heritage value, but now according to this could be assessed as having 'character, whether or not it has been assessed by any professional standard. Who is charged with the power to assess 'character'?"</i> <p>Criteria 6 – The development is designed in such a way that the shadow cast at midday, 21 June does not exceed the lesser of 50% of the site area adjoining; or the applicable solar access requirement for the particular site in accordance with the Scheme or Residential Design Codes</p> <ul style="list-style-type: none"> <i>"In areas with challenging topography, it is sometimes not possible to restrict overshadowing to less than 50% of the adjoining property and it is entirely possible that a 1 or 2 storey development or a narrow lot that faces east/west, may result in >50% overshadowing."</i> <i>"A standard 1.8m boundary fence can substantially overshadow an adjoining property and minimising overshadowing of outdoor living areas is generally more important than minimising overshadowing of an entire property."</i> <i>"It is important to be able to consider context whereas the rigid figure offers no ability for decision makers to consider context."</i> <i>"What if the adjoining site is fully developed with a 4 storey building, but the theoretical 'shadow' cast by a new development would cover 50% of the vacant lot? Is this acceptable?"</i> <p>Criteria 7 – Each dwelling incorporates at least one balcony with a minimum floor area of 15m² and a minimum dimension of 3 metres</p> <ul style="list-style-type: none"> <i>"By requiring balconies to be larger and deeper than the standard (10sqm, 2.4m deep), this criterion has the potential to make it more difficult to get daylight into an apartment. This has been considered and modelled by experts, in preparing the Apartment Design Guide."</i> <p>Criteria 8 – At least 80% of dwellings are to be designed to provide effective natural cross ventilation; natural light to each habitable room; north facing major living room</p> <ul style="list-style-type: none"> <i>"The 80% appears arbitrary, and the criterion removes the opportunity to consider context. "</i> <i>"On many major roads such as King William Street, Whatley Crescent, Guildford Road many of the sites will be south-facing. Or sites with city or river views? In many cases, it makes more sense to have living rooms facing the street, or desirable views, rather than strictly enforcing a requirement to face north. Again, the removal of discretion limits the ability for the decision maker to consider context."</i> <p>Criteria 9 – The development meets and energy rating higher than that required under the National Construction Code</p> <ul style="list-style-type: none"> <i>"Nil comment."</i>
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		Criteria 10 – The development requires a discontinuation of a non-conforming use <ul style="list-style-type: none"> <i>"Nil comment."</i>
7	Not Support	<ul style="list-style-type: none"> <i>"I have lived in Bayswater for the majority of my adult life and have lived at my current address for 25+ years. During this time I have seen the greater City of Bayswater develop in many positive ways. I strongly support the vitality and developments at 8th Ave Maylands. This is our regular walking destination for coffee, destination shopping and places to eat."</i> <i>"The same cannot be said of King William Street. All I can see there are opportunities missed. Regardless of the wishes or concerns of Bayswater City Council, the Bayswater Train Station is going to become one of the more important junction stations on the entire network. The meeting of the Midland, Forrestfield and, eventually, Ellenbrook lines at Bayswater will provide an opportunity for the area to realise the oft described benefits of a classic Transport Orientated Destination (TOD)."</i> <i>"The Bayswater Town Centre could be a compact, walkable, urban locality providing affordable accommodation, boutique hospitality and local employment. The Bayswater Town Centre could, with well-designed development, meet the residential density aims of State Government without compromising on the neighbourhoods, backyards and trees of the surrounding streets."</i> <i>"Unfortunately, the proposed Scheme Amendment 76 achieves none of these aims. The Amendment seems to be simply a grouping of individual textbook principles masquerading as criteria. While many of the proposed criteria may, individually, have merit it is the grouping of them into one document which will have the effect of stymying any development in the Bayswater Town Centre. I suspect that this is, in fact, the unspoken intent of Scheme Amendment 76. Regardless of whether Council truly wants to ensure that nothing happens in the Bayswater Town Centre a secondary outcome of Scheme Amendment 76 will be that prospective developers have to work to a cookie cutter list of proscriptive requirements rather than strive for any sense of creativity, innovation or best practice cutting edge design. Scheme Amendment 76 will not protect any of the imagined qualities of the Bayswater Town Centre. But, it will ensure that jobs, amenity, choice and quality developments go elsewhere, relegating the Bayswater Town Centre to the status of a railway siding."</i> <i>"The one constant throughout Scheme Amendment 76 is an overt stance against height. There is a clear mantra that height is bad, for no other reason than that it is high. There is no acknowledgment that pockets of well-designed height and density, in appropriate locations near quality public transport, can protect the environment and preserve the suburbs."</i> <p>COMMENTS ON CRITERIA</p> <ul style="list-style-type: none"> <i>"The lot size is not less than 900m2."</i> <i>"Requirement for a minimum 70% of the street setback area contains soft/natural landscaping."</i> <i>"A minimum 25% of the total site area behind the front setback must contain soft/natural landscaping and the landscaped area is to contain at least 10% of the site being a deep soil zone and at least one tree with a capacity to group tall, with a</i>

		<p><i>minimum trunk of 250mm."</i></p> <ul style="list-style-type: none"> <i>"Vertical and rooftop terrace gardens must be provided in addition to the required minimum of 25% of the total site area behind the front setback must contain soft/natural landscaping."</i> <i>"The development must be designed in such a way that the shadow cast at midday, 21 June does not exceed the lesser of 50% of the site area adjoining; or the applicable solar access requirement for the particular site in accordance with the Scheme or Residential Design Codes."</i> <p>7. <i>Each dwelling must incorporate at least one balcony with a minimum floor area of 15m² and a minimum dimension of 3 metres</i></p> <p>8. <i>At least 80% of dwellings are to be designed to provide effective natural cross ventilation; natural light to each habitable room; north facing major living room."</i></p> <ul style="list-style-type: none"> <i>"I have grouped these criteria together because it is only when viewed as a collection does it become apparent that Scheme Amendment 76 can be viewed as a cynical exercise of setting a bar that cannot be cleared, which will achieve the unspoken outcome of stopping all development. As stated, any one of these criteria on their own sounds reasonable. It is the collection of them, which becomes in its entirety nothing more than a wish list of urban perfection, which is problematic."</i> <i>"Has anyone actually sought to work through this collection of requirements on a handful of example blocks in the Bayswater Town Centre? I doubt it. This collection of input requirements will not lead to designing for excellence or designing for creativity. This is just a series of tick boxes that will see Council tied up in the State Administrative Tribunal (SAT) while all development ceases. Again, perhaps this is the intent of Scheme Amendment 76."</i> <p>SPECIFIC CRITERION</p> <p>1. <i>"The development has to retain at least 75% of mature trees, which are not of an inappropriate species: This criterion is a perfect example of something which sounds good, until you contemplate exactly what is being required. Older blocks were developed over time with trees in many random places across the property. There could easily be one or more mature trees in the middle of the back yard and two more in the front yard. A requirement to retain 75% of these trees will simply mean that development cannot go ahead. It is hard not to see that this is the reason for Amendment 76."</i></p> <p>3. <i>"The development enhances or conserves an existing character or heritage property worthy of retention, but not limited to places on the City of Bayswater Municipal Heritage Inventory of Heritage Places: This is a blatantly subjective criterion, particularly the phrase, "worthy of retention, but not limited to places on the Heritage Inventory". Who will be determining what is "worthy of retention"? I could easily mount an argument that little in the Bayswater Town Centre, that is not already on the Heritage Register, is "worthy of retention". In the context of criterion as subjective as this, who is to say that my opinion is any less valuable than another's. Again, it is likely that this criterion will see Council tied up in SAT while all development ceases. Again, perhaps this is the intent of Scheme Amendment 76."</i></p>
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8	Not Support	No Comment
9	Not Support	No Comment
10	Not Support	No Comment
11	Not Support	No Comment
12	Not Support	It does not suit commercial development in a town centre.
13	Not Support	<ul style="list-style-type: none"> <i>"There is no way I can support Amendment 76. I am strongly opposed as it is simply an amendment to make development in Bayswater - impossible. This limits progress and essentially supports the theory that Bayswater is run by NIMBY's."</i> <i>"Amendment seeks to remove any discretion and work-ability which helps promote interesting and quality design. Rather than encouraging investment and development in our area which would have large economic and social impacts for the community."</i> <i>"It does NOT support a bright future for Bayswater in the town centre."</i> <i>"Contradicting the investment of state with Metronet and the Metrohubs."</i> <i>"As a young rate payer (and 12year resident of Bayswater), I expect more from a City and Council that needs to address the ongoing demands and expectations of a growing, inner city, local government area."</i>
14	Not Support	<ul style="list-style-type: none"> <i>"This proposal is ludicrous and simply adds to the red tape Bayswater is trying to remove."</i> <i>"We should be increasing delegated authority not reducing it."</i> <i>"This will stop the structure plan in Bayswater from progressing and being able to be implemented."</i>
15	Not Support	<ul style="list-style-type: none"> <i>"Five years ago I migrated from Melbourne to Perth, initially settling in Cottesloe, eager to see if I could adjust from an inner city lifestyle to beachside bliss. Alas, I lasted a year and then began to crave all the things that I'd left behind – the cafés, the bars, accessibility to nice parks, public transport, vicinity to CBD restaurants, cultural centres and sporting venues... and the list could go on. The answer was simple, a move to Maylands. In the four years I have lived here, the area is going from strength to strength. However, there is one thing that puzzles me. Every morning I pass by Bayswater</i>

		<p>station to get to work. A glance at Bayswater town centre makes me wonder how there can be such contrast within the same council shire. How can progressive, considered, unique development of this crucial area, the gateway to Perth once the airport link is complete, be undertaken with Town Planning Scheme Amendment 76 in place?"</p> <ul style="list-style-type: none"> • "I do not support this Scheme Amendment based on the following justification: <ul style="list-style-type: none"> - The performance criteria, although intended to promote quality design in suburban settings, may unintentionally create conditions that will limit viable developments in activity centres, town centres and mixed use zones. - The amendment focuses on height, rather than proactively and effectively addressing a significant issue facing all major Australian capital cities – urban sprawl. - An amendment intended to limit discretion may hinder the ability of the City appointed Design Advisory Committee to influence good design. A review of this amendment suggests the criteria addressed on their own merit may be feasible or beneficial in some situations, but when considered as a whole may limit progression of good design and ultimately severely hinder positive development in the City of Bayswater. It seems the amendment in its current form would be unworkable and prohibitive to our town centres such as Bayswater (and Maylands and Meltham), where there is challenging topography, an interface of old and new, aspirations for more intensive development, development pressures, and a community demanding quality. With further alterations the amendment may serve to promote the type of development Bayswater requires to meet the future residential demands Metronet and the Airport Link will create. However, in its current form, as stated earlier I do not support this Scheme Amendment."
16	Not Support	<ul style="list-style-type: none"> • "I do not support the proposed Amendment No 76 to limit discretion for approval of extra storeys on new development in SCA and Activity Centres. The criteria are not well considered and may result in poor outcomes for high-density development in areas where there needs to be more people and more activity."
17	Not Support	<ul style="list-style-type: none"> • "I object to the removal and limiting of discretionary powers for developments within town centres or below 3 stories. The standards set out in table 1A are paramount to refusals of all additional height." • "There is no consideration to context, topography, transport, impact and design." • "Height should not be achieved by retaining private trees or increased balcony size or overshadowing. In town centre locations height should be discretionary and be assessed in the context of design, amenity, bulk and scale, and impact on amenity." • "The introduction of this policy will only achieve compliant poorly designed structures that are bulky and fill the site. Appropriate additional height in town centres should be rewarded to outstanding design and amenity, not retention of trees (which is unachievable) and perceived heritage."
18	Not Support	<ul style="list-style-type: none"> • "I am a long term resident of Bayswater who is keen to see the revitalisation of our tired, old and underutilised town centres/TODs of Bayswater and Meltham." • "I am worried that such a restrictive approach will create conditions that will strangle innovative and highly quality design in activity centres and town centres. Some of the ideas might be very appropriate in suburban settings but are at odds with

		<p>contemporary approaches to town centre planning in mixed used zones."</p> <ul style="list-style-type: none"> "It appears to target concerns about 'height' rather than address our biggest issue – inner urban sprawl. We should be creating the conditions that encourage exceptional design. Forcing compliance rather than discretion can result in either poor or unintended outcomes." "It is hard to understand why the City would appoint a Design Advisory Committee (DAC) then negate their role in influencing good design by taking away discretion. It will result in retrograde compliance rather than excellence. The outcome will likely be dull, formulaic buildings that contribute little to their surrounds and community." "Why would the City not work through these criteria with the DAC first before releasing it? Did anyone study a town centre like Bayswater, with sloping blocks and unique orientation to see if it is even feasible to achieve five of the criteria? Did anyone bother to talk with investors and developers to see if these ideas are viable? It seems to be aimed at placating those who are against development in Bayswater, and have no understanding of the impacts such a regressive approach can have on design outcomes." "Many of the proposed criteria seem unworkable, when taken as a whole (i.e. having to achieve 5 of them). If we want exceptional development the way to do it is to incentivise it, with realistically achievable criteria." "Such a policy will be deleterious to our town centres such as Bayswater (and Maylands and Meltham), where you have challenging topography, interface of old and new buildings, aspirations for more intensive development, development pressures, and a community demanding quality. It makes no sense to constrain the ability of Council and its Design Advisory Committee of experts to generate exceptional design outcomes." "In light of the review of the criteria, it is likely that even a simple development may be unable to achieve four or five of the 10 criteria, no matter what the applicant does." <p>1. The lot size is not less than 900m²</p> <ul style="list-style-type: none"> "Many of the blocks in places like the Bayswater Town Centre are less than 900m². Requiring such a large space in the middle of a town centre is completely unwarranted. There are examples across Perth of exceptional design and tall buildings on lots of much smaller scale. The focus should be on innovative use of smaller lots to create an outstanding design outcome. In the Bayswater Town Centre this would require the amalgamation of the majority of blocks – yet again preventing or delaying development in the area – as has been the case FOR DECADES!" <p>2. The development has to retain at least 75% of mature trees, which are not of an inappropriate species</p> <ul style="list-style-type: none"> "While retaining trees is very important – the focus should be on suburban areas where their backyards are being denuded of tree canopy from subdivisions of battle-axe blocks. For every extra storey you build into the air, it is one less area of land that is cleared. If the City is really interested in trees it would prioritise building upwards over land clearing." "The criteria could be inappropriate in town centres where you would expect to have intensity development, and potentially 100% built site for mixed use form, covering basements etc. It seems there has been no proper investigation of the potential impacts of this criterion on the development potential of affected properties. There
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		<p>are potentially many sites where retention of 75% of existing trees would render a property completely undevelopable. It seems like a very arbitrary figure – particularly for a town centre."</p> <ul style="list-style-type: none"> • "Also it basically penalises owners who have bothered to plant trees and will act as a disincentive to those to plant trees in the future as it will impact their future development potential. It could in fact lead to less trees in town centres where people fear the ramifications of planning trees and fear of being hamstrung if in the future they want to undertake and future development. Again this would be an unwarranted and completely counter impact to what is intended." <p>3. Requirement for a minimum 70% of the street setback area contains soft/natural landscaping</p> <ul style="list-style-type: none"> • "This also seems to be completely unfounded on any research or modelling. It is completely unclear as to how 70% was arrived at, particularly for town centres where nil street setbacks are common and where you want buildings to occupy large amounts of the space to provide shops; services etc." <p>4. A minimum 25% of the total site area behind the front setback must contain soft/natural landscaping and the landscaped area is to contain at least 10% of the site being a deep soil zone and at least one tree with a capacity to group tall, with a minimum trunk of 250mm</p> <ul style="list-style-type: none"> • "Deep soil zones have a great deal of merit, but can't always be applied in town centre settings. However the 25% again seems to be arbitrary. What research, best practice or modelling has this been based on." <p>5. Vertical and rooftop terrace gardens must be provided in addition to the required minimum of 25% of the total site area behind the front setback must contain soft/natural landscaping</p> <ul style="list-style-type: none"> • "While vertical / rooftop terrace gardens would be good and are appealing, you would need much higher density development to get what is needed. Rooftop gardens are unlikely to be able to be included in development of the scale being contemplated by the Council such as four storeys. Also why should it be addition to 25%. By saying this you basically shackle two criteria together, making it even more unrealistic to achieve 5 of the criteria." <p>6. The development must enhance or conserve an existing character or heritage property worthy of retention, but not limited to places on the City of Bayswater Municipal Heritage Inventory of Heritage Places</p> <ul style="list-style-type: none"> • "Exactly what are the criteria for "character"? Who judges "character"? This is truly a poorly considered criteria. The MHI is undertaken by experts for the council using clear criteria – why would you not use this well researched register as the definitive basis? Many sites in a town centre will have no heritage value, but now according to this could be assessed as having "character". So you have a criterion with no form of assessment to be determined by people without expertise in heritage assessment. Completely inappropriate." <p>7. The development must be designed in such a way that the shadow cast at midday, 21 June does not exceed the lesser of 50% of the site area adjoining; or the applicable solar access requirement for the particular site in accordance with the Scheme or Residential Design Codes</p> <ul style="list-style-type: none"> • "While on face value this seems reasonable – yet again is restrictive and cannot be applied to many properties. It is important to be able to consider context – minimising overshadowing of outdoor living areas is generally more important than minimising overshadowing of an entire property for example. This could prove to be completely
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		<p><i>unworkable."</i></p> <ul style="list-style-type: none"> <i>"Clearly such a concept is contingent on the adjoining site width, topography, location and other factors; it is likely that even one or two storey development can exceed 50% overshadowing of adjoining property, particularly in town centres with buildings in close proximity due to their mixed use. In King William Street for example which has a steep gradient it is sometimes not possible to restrict overshadowing to less than 50% of the adjoining property."</i> <i>"Where a site adjoins, for example, a narrow lot that faces east/west, achieving less than 50% overshadowing can be impossible. In some circumstances, a standard 1.8m boundary fence can substantially overshadow an adjoining property. Again, the rigid figure offers no ability for decision makers to consider context. What if the adjoining site is fully developed with a four storey building, but the theoretical 'shadow' cast by a new development would cover 50% of the vacant lot? Is this acceptable?"</i> <p>8. Each dwelling must incorporate at least one balcony with a minimum floor area of 15m2 and a minimum dimension of 3 metres</p> <ul style="list-style-type: none"> <i>"These criteria on face value could have benefits, but if applied stringently will have the potential for unintended consequences. By requiring balconies to be larger and deeper than the standard (10sqm, 2.4m deep), this criterion could in fact make it more difficult to get daylight into an apartment. It is important to consider that the deeper the balcony, the less chance there is to get sunlight onto windows/doors of an adjoining room."</i> <i>"This idea was explored in great detail, with careful consideration and modelling by experts, in preparing the Design WA Apartment Design Guide. Why not just follow what the experts have said. It appears that rather than refer to a well-researched document the City has plucked a number out of the sky without considering what the real outcome will be."</i> <p>9. At least 80% of dwellings are to be designed to provide effective natural cross ventilation; natural light to each habitable room; north facing major living room</p> <ul style="list-style-type: none"> <i>"This truly does not consider the orientation of important areas in the Bayswater Town Centre for example where many of the sites will be south-facing. Or sites with city or river views? In many cases, it makes more sense to have living rooms facing the street, or desirable views to places of amenity, rather than strictly enforcing a requirement to face north. Particularly if you want to promote passive surveillance and street safety. As for all other criteria - the removal of discretion limits the ability to consider context in decisions."</i> <i>"Also on what research was a figure of 80% arrived at? If you impose a strict limit, you remove the opportunity to consider how to best respond to the local context."</i> <i>"And...what exactly is a "major living room"? Can you have minor, medium and major living rooms? How on earth can an architect respond to this, it is confusing and lacks any definition."</i> <p>10. The development meets and energy rating higher than that required under the National Construction Code</p> <ul style="list-style-type: none"> <i>"Is worth looking at as it could promote sustainable development. What modelling has the City done on the cost implications of this though?"</i>
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		<p>11. The development requires a discontinuation of a non-conforming use</p> <ul style="list-style-type: none"> <i>"And the best one comes last. This is truly unbelievable as a criterion. The majority of sites in town centres will not have any non-conforming use, so unless your site is no-conforming (which is highly unlikely) you can't even meet these criteria."</i>
19	Not Support	<ul style="list-style-type: none"> <i>"As a landowner in SCA12 and ratepayer in the City of Bayswater I am totally opposed to scheme amendment 76."</i> <i>"The criteria set are totally random and not backed by any modelling or accepted design principles. They appear to be yet another attempt by this council to make investment in the Bayswater Town Centre unviable and hence retaining the status quo which is contrary to all State Government Metronet, MetroHubs and Transit Orientated Development initiatives."</i> <i>"The council is totally out of touch with the community that want development in the Town Centre and NOT the continuation of urban sprawl and the destruction of the tree canopy that comes with backyard subdivisions."</i> <i>"Proposed Scheme Amendment 76 seems a random set of subjective criteria made up by someone with no education in Town planning or Urban design and should not be recommended to be accepted by the COB Planning staff."</i>
20	Not Support	<ul style="list-style-type: none"> <i>"I have lived in Bayswater since about 1958. Over the last couple of decades I have seen little change in the Bayswater town centre and in fact it has deteriorated and looks very run down. Years ago I would do all my shopping in Bayswater Town Centre but now, apart from the Pharmacy which my son owns, I do most of my shopping in Maylands or Morley. I am saddened to see what has happened to Bayswater. It really has been left behind when you see other nearby areas like Maylands and Bassendean re-vitalised."</i> <i>"We need to encourage investment in Bayswater and not discourage it. I was appalled at the council's resistance in opposing the development at 9-11 King William St. I and my friends wanted that development to go ahead so that it would bring something new to Bayswater and more people living and shopping here so more shops might open up."</i> <i>"All that these proposed criteria do is put more barriers up for anyone wanting to invest in our Town Centre and I think that is a bad thing. Instead of encouraging developers to spend their money in Bayswater we are basically turning them away. I think this is appalling judgement by our council and it shows they are totally out of touch with their ratepayers. I totally oppose the propose Scheme amendment 76 as I believe it will make it impossible for anyone to invest in the Bayswater Town Centre."</i>
21	Not Support	<ul style="list-style-type: none"> <i>"This is a nonsense amendment that is aimed at stifling any potential activation and rejuvenation of the town centres within City of Bayswater. The current discretionary powers are required for the purpose that they were intended, discretion!"</i> <i>"Elected council members are not experts in architecture, design or planning, therefore should be required to listen to the experts and not make up their own guidelines as per this amendment."</i> <i>"To state that the justification for this amendment is that council and community are opposed to discretion being used is a farce. A noisy few does not equal the entire community and I find it appalling that the council members of City of</i>

		<p><i>Bayswater are siding with the noisy few and claim to support the entire community."</i></p> <ul style="list-style-type: none"> • <i>"Elected council members of City of Bayswater need to wake up and listen to the city officers, greater community, department of planning and other professional bodies instead of NIMBY's/HIMBY's that oppose any change with complete disregard for younger and future generations."</i> • <i>"The recent Yolk Development that had to be submitted to JDAP was recommended by Bayswater city officers for council approval, had been advocated by a large section of the community for years compared to a noisy few, was backed by the majority of local business, and was approved by the planning department JDAP. However, Bayswater elected Council members declined its approval, and in media statements claimed that JDAP went against council and the community. What sort of elected council does not listen to their own employees, the entire community not just a noisy few, local business, architects, planning department, and various other professional bodies? It is clear from the Yolk development example that City of Bayswater elected councillors are not competent enough or willing to handle planning issues that require discretion."</i> • <i>"It is also clear that this proposed amendment is politically biased and aimed to appease a noisy few with complete disregard for the entire community including local business."</i> • <i>"My young family moved to Bayswater from City of Vincent a few years ago with the view that activation and rejuvenation was imminent, similar to Leederville, North Perth and Mount Lawley."</i> • <i>"Notwithstanding the economic downturn the past couple of years which has affected the entire state we are disgusted with the lack of leadership, openness and progressiveness shown by City of Bayswater Council. Please stop stating you speak for the community as you don't and the tide is turning with my generation and younger as we will not stand for this any longer. While there has been an economic downturn in WA which has affected investment in business and housing, development and schemes that seek to foster activation and rejuvenation around Maylands, Meltham and Bayswater train stations have been rejected by the City of Bayswater in recent years. When referred to Metropolitan Central Joint Development Assessment Panel (JDAP), they were then approved. Two examples are the Meltham Station Precinct Structure Plan and the Yolk Property development at 9-11 King William Street, Bayswater. A large part of the argument put forward by a vocal minority in the community and City of Bayswater council to not approve these was due to building heights, the maximum being six stories."</i> • <i>"We completely object to this draconian amendment which is nothing more than an excuse to appease a noisy few and will stifle any activation of rejuvenation of our town centres. Setbacks, 900m2 minimum lot sizes and retention of existing trees for new developments in town centres. Has anyone that wrote this proposal actually been to a town centre before?"</i> • <i>"Further, the proposed amendments are also inconsistent with the City of Bayswater targets to increase urban tree cover. To achieve the increase of a minimum 16,000 dwellings within the city by 2050 as per Perth and Peel@3.5million, it will require a huge amount of sub-division rather than a balance between sub-division and building up, which will result in further loss of trees and gardens."</i>
22	Not Support	<ul style="list-style-type: none"> • <i>"As a long time business and property owner and ratepayer at 1 King William Street, I totally object to the proposed</i>

		<p>scheme amendment. King William Street is currently in SCA12 and will be in an Activity Centre as proposed in the Bayswater Town Centre Structure Plan (BTCSP)."</p> <ul style="list-style-type: none"> • "As a property owner I believe the scheme amendment is totally out of touch with what the community wants. It appears to be fixated on controlling height of buildings, yet the community at large has no problem with the height of buildings in Special Control Areas (SCA) and Activity Centres (AC)." • "The community wants it, as it will bring people, who will spend part of their income in the local community. This will help local business, create local employment and add vibrancy to our local town centres." • "The proposed scheme amendment follows no planning principles or design guidelines. It uses random criteria and random percentages." • "It is a blatant attempt to limit discretionary powers of expert bodies e.g. JDAP, that do follow these principles and guidelines to make decisions based on the context of each particular development application in the subject area. The criteria will create more decisions being referred to SAT wasting more ratepayers' money." • "I expect that, as a ratepayer, I will not just get an acknowledgement that a submission has been lodged, but that my questions will be answered in full by the CEO or planning officers." • "Why has the City of Bayswater recently appointed a Design Advisory Committee (with the highest fees of any Council in metropolitan Perth), but now wants to take away any discretionary powers? This seems illogical and contradictory to this scheme amendment and therefore a waste of ratepayers' money, if this body will have no power." <p>1. The lot size is not less than 900m².</p> <ul style="list-style-type: none"> • "How and why was this determined? I sat on the Community Advisory Group (CAG) for the BTCSP and this was never mentioned as wanted by the community." • "I am also a land owner in SCA12, which these proposed amendments will affect. I have never been asked about any of these criteria, let alone this one which will affect every land owner in SCA12. Where was the stakeholder consultation on these particular criteria?" • "Few if any lots in SCA12 are 900m² so these criteria will require land amalgamation for development to occur. This will take a long time at a huge cost, if it were to occur at all. This criterion is clearly a disincentive to development." • "These criteria will affect all land values in SCA12 and land values in any proposed Activity Centre. If these criteria are included I will be seeking legal advice." <p>2. The development has to retain at least 75% of mature trees, which are not of an inappropriate species.</p> <ul style="list-style-type: none"> • "So if a vacant lot has one tree right in the middle of it, that means you can't develop the land because you can't knock down the tree so you have to do the development around the tree?" • "Perhaps a lot has a Jacaranda tree out the back which no one can see or cared about for years. The lot could create 27 dwellings in a Town Centre, which would inject money into the local community, invigorate local business,
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		<p><i>create jobs for our kids, and add vibrancy to a town centre. Does this mean retaining the Jacaranda tree will compromise the development which will compromise the added value to the community? Not to mention the expanded rate base which could lead to a reduction in rate increases to existing ratepayers, or a Jacaranda is not an appropriate species so then its ok to chop it down? Who decides this?"</i></p> <p>3. Requirement for a minimum 70% of the street setback area contains soft/natural landscaping.</p> <ul style="list-style-type: none"> <i>"SCA and AC have commercial use on the street. There is no street setback. People need to walk in from the footpath into the premises not through landscaping? What is the 70% based on?"</i> <p>4. A minimum 25% of the total site area behind the front setback must contain soft/natural landscaping and the landscaped area is to contain at least 10% of the site being a deep soil zone and at least one tree with a capacity to grow tall, with a minimum trunk of 250mm.</p> <ul style="list-style-type: none"> <i>"Even more absurd than criteria 3. The deep soil zone needs to be on the footpath to provide shade and amenity for pedestrians, not on private land which needs to maximise land use."</i> <i>"Please let me know where the advice on a minimum trunk of 250mm came from?"</i> <p>5. Vertical and rooftop terrace gardens must be provided in addition to the required minimum of 25% of the total site area behind the front setback must contain soft/natural landscaping.</p> <ul style="list-style-type: none"> <i>"So if a developer decides to build a one storey commercial development then they have to put a vertical and rooftop terrace garden?"</i> <i>"Vertical and terraced rooftop gardens are a desirable outcome but they should not be criteria for development, but more as part of a bonus structure for the developer if incorporated into the design e.g. An extra storey allowed if the design has these elements."</i> <p>6. The development must enhance or conserve an existing character or heritage property worthy of retention, but not limited to places on the City of Bayswater Municipal Heritage Inventory of Heritage Places.</p> <ul style="list-style-type: none"> <i>"So who decides if a property is "an existing character or heritage property worthy of retention" if it's not limited to "City of Bayswater Municipal Heritage Inventory?"</i> <i>"Scheme amendment 76 is about limiting discretionary powers but these criteria will give someone the discretionary power to decide on character or heritage properties worthy of retention. Who would that be? The Council? A committee? Planning officers?"</i> <p>7. The development must be designed in such a way that the shadow cast at midday, 21 June does not exceed the lesser of 50% of the site area adjoining; or the applicable solar access requirement for the particular site in accordance with the Scheme or Residential Design Codes.</p> <ul style="list-style-type: none"> <i>"How does this get determined? Different lots face different ways so how can this possibly be the same for all development lots in the City of Bayswater SCA or AC?"</i> <p>8. Each dwelling must incorporate at least one balcony with a minimum floor area of 15m² and a minimum dimension of 3 metres.</p>
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		<ul style="list-style-type: none"> • <i>"Design WA Apartment Guidelines have researched and evidenced recommendations on balcony area. What reasoning and evidence does the COB have to seek to change this?"</i> <p>9. At least 80% of dwellings are to be designed to provide effective natural cross ventilation; natural light to each habitable room; north facing major living room.</p> <ul style="list-style-type: none"> • <i>"The National Construction Code (NCC) already has requirements in place for buildings. Why does the COB think it has more expertise than the NCC to impose any other criteria?"</i> <p>10. The development meets an energy rating higher than that required under the National Construction Code.</p> <ul style="list-style-type: none"> • <i>"The NCC is minimum standards so this criterion is superfluous."</i> <p>11. The development requires a discontinuation of a non-conforming use.</p> <ul style="list-style-type: none"> • <i>"Sorry but please explain?"</i>
23	Not Support	<ul style="list-style-type: none"> • <i>"I do not support the proposed scheme amendment 76 as the town centre currently has very little to offer and I do not see that this proposal will make any difference except to further push the area into being rundown and unattractive."</i>
24	Not Support	<ul style="list-style-type: none"> • <i>"This proposal is not to be supported; limiting discretion is not orderly and proper planning."</i>
25	Not Support	<ul style="list-style-type: none"> • <i>"I object to this proposal. The Council's focus on 'compliance' rather than good design is completely misplaced. It makes no sense to appoint a DAC and then hamstring it by offering no scope to leverage variations to improve design outcomes. This amendment, if adopted, will be another example of Council acting to discourage investment in the moribund town centre of Bayswater."</i>
26	Not Support	<ul style="list-style-type: none"> • <i>"It will dissuade investment in the local area."</i>
27	Not Support	<ul style="list-style-type: none"> • <i>"This is a very over the top proposal that would make improvements in the area very difficult, I do not support such negative changes!"</i>
28	Not Support	<ul style="list-style-type: none"> • <i>"No comment"</i>
29	Not Support	<ul style="list-style-type: none"> • <i>"I am an architect and project manager with experience in the planning and delivery of Activity Centre Precincts. I strongly object to the proposed Amendment."</i> <p>The key reasons for my objection are:</p> <ul style="list-style-type: none"> • <i>"The limitation of discretion applies specifically to Special Control Areas and Activity Centre zones. These zones are the most complex areas for development to occur, and the ability to apply discretion to incentivise good design is a vital principle toward achieving good urban design outcomes."</i> • <i>"Particularly in the older areas of Bayswater and Maylands, development needs to respond to a complex range of factors such as the challenging topography, small lot sizes, integration of new and old, response to architectural character, and interface between various uses. It is therefore necessary to carefully consider the context of each site."</i>

		<ul style="list-style-type: none"> • <i>"The designs need to respond to Approved Structure Plans, Design WA (once gazetted), Local Development Plans (as may be instigated for key locations), Precinct Specific Design Guidelines, Design Review process involving qualified design professionals (noting the City is establishing a Design Advisory Committee)."</i> • <i>"Such challenging locations require an iterative process to achieve excellent design outcomes. I am not aware of any excellent design outcomes achieved via blunt, inflexible, compliant/non-compliant assessment in a Planning Scheme."</i> • <i>"The proposed 'Performance Criteria' are inconsistent with Design criteria promoted by Design WA; and The Incentive Based Development Standards listed in the Draft Bayswater Town Centre Structure Plan (July 2017)."</i> • <i>"In particular there are issues with the 'Additional Performance Criteria' as follows:</i> <ul style="list-style-type: none"> ○ <i>Points 1 & 2 are not relevant to the core areas of an Activity Centre as they are discussing front setbacks, significant open space and tree retention beyond the proposed standards in Design WA. These are written to apply to something more like an 'office park'.</i> ○ <i>Point 3 - Requirements are significantly in excess of Design WA requirements.</i> ○ <i>Point 4 - Rooftop terrace gardens are very challenging to achieve in a WA context – they usually require more expensive treatments such as shade structures. They are not common in Perth Activity Centres and highly unlikely to be feasible for such low-intensity development as is currently contemplated in most of the City of Bayswater.</i> ○ <i>Point 5 - This criterion includes any "existing character or heritage building", but not limited to places on the MHI. From a statutory perspective, it is poorly framed, and raises the prospect of SAT appeals. The clause captures any building considered to have "character", whether or not it has been assessed by any professional standard. In the absence of any assessment criteria for 'character', this criterion is entirely subjective, and lacking in any rigour.</i> ○ <i>Point 6 Solar Access – has this criterion been tested by professional architects? In areas with challenging topography, it is sometimes not possible to restrict overshadowing to less than 50% of the adjoining property. Minimising overshadowing of outdoor living areas is generally more important than minimising overall overshadowing of an entire property. In built up areas where topography, lot size, orientation is highly varied it is vital that this is a criterion is assessed on a case-by-case basis – not a blanket rule.</i> ○ <i>Point 7 Balconies – This criterion conflicts with Design WA which proposes minimum width of 2.4m and minimum sizes based on apartment size. Requiring balconies to be larger and deeper than the standard has the potential to make it more difficult to get daylight into an apartment. The deeper the balcony, the less chance there is to get sunlight onto the glass doors/windows to the adjoining room. This issue was explored in great detail, with careful and comprehensive consideration and modelling by experts, in preparing the Apartment Design Guide. In this context, it makes no sense for Amendment 76 to impose an arbitrary figure, based on no modelling whatsoever, and with no consideration of the actual built form outcome that will result.</i> ○ <i>Point 8 Ventilation and Orientation of Habitable Rooms –the 80% figure appears arbitrary, and by imposing a strict limit, the criterion removes the opportunity to consider context. It is not clear what a "major living room" is, under the</i>
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		<p><i>terms of this criterion and again, there is no allowance for consideration of the specific circumstances of many of the SCAs and Activity Centres. Along King William Street, Whatley Crescent, and Guildford Road (for example) many of the sites will be south-facing. Other sites may enjoy city or river views, or views to parkland. In many cases, it makes more sense to have living rooms facing the street, or desirable views to places of amenity, rather than strictly enforcing a requirement to face north. Again, the removal of discretion limits the ability for the decision maker to consider context.</i></p> <ul style="list-style-type: none"> ○ <i>Point 9 Energy Rating – A poorly drafted criterion. What energy-rating tool will be used?</i> ○ <i>Point 10 Discontinuing of a non-conforming use - current zonings and approved uses suggests there are likely to be very few examples of non-conforming uses within the major town centres. As such, there are likely to be few properties that would enjoy the benefits of converting non-conforming uses."</i> • <i>"A number of potential criteria have not been included such as:</i> <ul style="list-style-type: none"> ○ <i>Incentivising lot amalgamation</i> ○ <i>Quality Design</i> ○ <i>Public Space Improvement o Activation of non-street frontages."</i> • <i>"Overall very few of these proposed criteria are likely to taken up by developers to achieving the bonus, requiring 5 of the 10 to be met, making it very unlikely that any additional height very difficult indeed."</i> • <i>"The likely Outcomes if this is approved:</i> <ul style="list-style-type: none"> ○ <i>Likely to Render major redevelopment unfeasible</i> ○ <i>Does not encourage lot amalgamation</i> ○ <i>Has the City undertaken any review of the proposal by professional architects, urban designers, urban economists, property or valuation consultants to advise on the potential impacts of these proposals?</i> ○ <i>Reduce ability to attract 'upper tier developers' who invest in quality outcomes."</i> • <i>"Placing such items in a scheme limits creativity. Good design should be the primary control. I consider the proposed amendment is a poorly-considered, reactionary measure that would reduce the potential to encourage quality development in the various Special Control Areas, and would be a significant disincentive to investment and development."</i>
30	Not Support	<ul style="list-style-type: none"> • <i>"Limiting the exercise of discretion in activity centres is a flawed planning concept and would result in sterile and underdeveloped town centres in the City of Bayswater."</i> • <i>"The amendment fetters the decision-making capacity of the City, Development Assessment Panel and/or the Western Australian Planning Commission (WAPC) and limits its ability to approve a design outcome which may be better than a</i>

		<p><i>compliant proposal."</i></p> <ul style="list-style-type: none"> <i>"The costs of achieving the proposed additional height provisions are likely to outweigh the benefits of one additional storey and therefore have the effect of simply limiting height to what is currently provided for in the Scheme."</i> <i>"No thought appears to have been given as to how it will interrelate with Amendment No. 79 and the provisions of the Meltham Station Precinct Structure Plan."</i> <i>"The amendment report justifies the introduction of Amendment 76 by describing that there are issues with building height discretion in the City. However, the amendment report does not offer any evidence to support this claim. It should be noted that Clause 8.1 of TPS24 allows the decision maker to exercise discretion on building height only where it is satisfied that:</i> <ul style="list-style-type: none"> <i>Approval would be consistent with orderly and proper planning; and</i> <i>The non-compliance would have no adverse effect on occupiers or users of the development or inhabitants of the locality."</i> <i>"With these criteria in place and with no apparent examples to justify the claims in the amendment report, it is difficult to see how there is any need for this amendment."</i> <i>"It would therefore appear that this amendment is a knee-jerk reaction to a small number of proposals which the City have opposed. The amendment is in discord with proper and orderly planning and is an unjustified attempt stifle development within the City of Bayswater – particularly its activity centres."</i> <p>Activity Centres</p> <ul style="list-style-type: none"> <i>"Furthermore, the limitation of discretion applies specifically to Special Control Areas and Activity Centre zones. However, these zones/areas are arguably the most complex areas for development to occur and are also the areas where it is important to have flexibility to promote good planning and design outcomes. It is a flawed concept that these areas would be subject to an absolute 'cap' on height whereas areas outside of Special Control Areas and Activity Centre zones could theoretically be approved at whatever height the decision maker considers appropriate."</i> <i>"Flexibility in planning frameworks allow for better design outcomes and developments that respond to a site's unique local characteristic. This could include the site's history, the area's strategic vision, the site's topography, and surrounding built form."</i> <i>"Further to the above, we understand the City has recently formed a Design Advisory Committee (DAC). It is noted that no DAC was in place at the time this amendment was prepared and when these supposedly problematic developments were approved. The City should, at the very least, observe how the DAC can improve development outcomes, whilst maintaining flexibility in the Scheme. In our view, a DAC would help to alleviate some (if not all) of the City's concerns."</i> <i>"Other reasons why it may be appropriate to allow more flexible height controls include the following:</i> <ul style="list-style-type: none"> <i>Additional height in one section of a development site may be appropriate in exchange for lower height in more</i>
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		<p><i>sensitive portions of a site (for example, adjoining lower density residential properties).</i></p> <ul style="list-style-type: none"> ○ <i>Sites with sloping topography, where it is not reasonable to develop within a stringent height limit.</i> ○ <i>Upper levels are set back behind a podium and are not visible from the street."</i> <p>Additional Height Criteria</p> <ul style="list-style-type: none"> • <i>"From review of the additional height criteria under Amendment 76, the following may be simply unachievable for an applicant:</i> <ul style="list-style-type: none"> ○ <i>1 Retaining 75% of trees. There are potentially many sites where retention of 75% of existing trees would render a property completely undevelopable.</i> ○ <i>4 Enhances or conserves a heritage or character place. Many sites in a special control area will have no heritage (or 'character') value.</i> ○ <i>5 Shadow cast at midday does not exceed 50% of adjoining property. Depending on the adjoining site width, topography, location etc., it is entirely possible that a 1 or 2 storey development can exceed 50% overshadowing of adjoining property.</i> ○ <i>9 Discontinuance of a non-conforming use. The substantial majority of sites will not have a nonconforming use."</i> • <i>"In consultation with our client, Pindan, who have decades of experience in development, we consider the remaining criteria (all five would need to be met) would be excessively costly and/or difficult to achieve. The benefit to the developer is a maximum of one additional storey. However, the costs of achieving the remaining criteria are in almost all circumstances, likely to outweigh the benefit. This means the amendment effectively limits height to that prescribed under the Scheme."</i> • <i>"The amendment report does not demonstrate how the criteria have been established and it appears some of the criteria (e.g. 75% tree retention) are simply arbitrary. The City does not appear to have 'tested' whether the criteria are practically actually achievable."</i> <p>Amendment No. 79 and the Meltham Station Precinct</p> <ul style="list-style-type: none"> • <i>"Bayswater JV Pty Ltd, the proponent of the approved Meltham Station Precinct Structure Plan, owns the land situated at:</i> <ul style="list-style-type: none"> ○ <i>Lot 157 (2) Grand Promenade.</i> ○ <i>Lot 50 (2A) Grand Promenade.</i> ○ <i>Lot 49 (2B) Grand Promenades.</i> ○ <i>Lot 149 (5) Hotham Street."</i> • <i>"Amendment 79 was initiated by Council on 6 February 2018 and seeks to implement the Meltham Station Precinct Structure Plan. The amendment includes a new Special Control Area No. 15, which would be impacted by this proposed</i>
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		<p>amendment."</p> <ul style="list-style-type: none"> "Special Control Area 15 includes the use of 'base' height and 'bonus' height provisions. Amendment 76 appears contradictory to Amendment 79 in many ways, with separate bonus height provisions and with no explanation given on how the two amendments interact. For example, the Mixed Use Core Precinct of Amendment 79 permits four storeys (as of right) and six storeys upon meeting various 'additional height' criteria. However, if Amendment 76 were to be gazetted as proposed, it is not clear whether sites within Meltham Station Precinct would be permitted with: <ul style="list-style-type: none"> (a) One additional storey from the base height (potentially limiting heights in the Mixed Use Core Precinct to five storeys); or (b) One additional storey from the bonus height (i.e. seven storeys on the Mixed Use Core Precinct)." "If it is the City's intent to limit height in the Meltham Station Precinct to five storeys, this would fetter the outcomes of the Meltham Station Precinct Structure Plan and would also be inconsistent with what the Western Australian Planning Commission has instructed the City (i.e. to ensure any future scheme amendments align with the densities proposed by the structure plan)." "We are disappointed that the City has not considered how this amendment would interact with the Meltham Station Precinct height controls, given Amendment 79 was lodged long before Amendment 76 was advertised." "Furthermore, on our review of TPS24, there appears a similar contradiction between Amendment 79 is and Maylands Special Control Area No. 4 (SCA4). SCA4 sets a height limit of 3 storeys but permits an additional storey where providing a corner design element. As Amendment 76 proposes to prohibit the exercise of discretion where the permissible height is 3 storeys, it is unclear whether a development in SCA4 would be capable of achieving a fourth storey or not." "In light of the above, we respectfully ask the City to refuse the proposed amendment. Should the City wish to proceed with this amendment notwithstanding, then it should be amended so as not to fetter the outcomes of the Meltham Station Precinct Structure Plan." "The flexibility in existing planning frameworks gives designers the ability to create good urban form. It is of concern that the City would seek to limit this without sound planning justification. At the very least, we urge the City to observe the outcomes."
31	Not Support	<ul style="list-style-type: none"> "The additional building height performance criteria are prohibitive and costly to the point of being redundant. The costs of achieving the proposed performance criteria will likely outweigh the commercial benefits of achieving an additional one storey, therefore being prohibitive to increased density and development." "The limitation of discretionary powers will likely result in poorer design and development outcomes within the City's boundaries." <p>Background to the subject site</p> <ul style="list-style-type: none"> "The subject site is located within SCA 8 – Special Control Area 8 – Corner King William Street and Guildford Road,

		<p><i>Bayswater, which will be affected by proposed Amendment No. 76."</i></p> <ul style="list-style-type: none"> <i>"The subject site is a cleared, vacant lot located on the corner of Guildford Road and King William Street."</i> <i>"A scheme amendment request relating to the subject site was lodged with the City in October 2017, seeking to amend the zoning of the site and modify the SCA8 provisions to allow for the development of a high quality multiple dwelling developments. The proposed amendment is yet to be presented to Council for initiation."</i> <p>Overview of Amendment No. 76</p> <ul style="list-style-type: none"> <i>"Amendment No. 76 to the Scheme proposes the following:</i> <ul style="list-style-type: none"> <i>to modify clause 8.2.1 of the Scheme to exclude development on land within any Special Controls Area or Activity Centre Zone from the building height provisions of the subject clause; and</i> <i>to insert a new clause 8.2.2 and Table 1A in regard to Council's discretionary powers and performance criterion in relation to building height within any Special Control Area or Activity Centre Zone."</i> <i>"Further details of the Amendment are discussed below, as relevant to the future development of the subject site."</i> <p>Submission</p> <ul style="list-style-type: none"> <i>"We submit that Amendment No. 76 should not be recommended by the City's officers for adoption by Council, for the following reasons."</i> <p>Underlying need for amendment not justified</p> <ul style="list-style-type: none"> <i>"The Amendment Report states that "the proposed scheme amendment is prepared to protect SCAs and Activity Centre Zones from height variations being approved where it is considered that the additional height(s) will unduly impact the amenity of the surrounding areas."</i> <i>"We contend that the City has not adequately justified the need for an amendment, given the existing scheme provisions relating to discretionary building height already address this."</i> <i>"Principally, under clause 8.2 of the Scheme it states that decision-makers should only exercise discretion on building height where it is satisfied that approval would be consistent with orderly and proper planning; and non-compliance would have no adverse effect on occupiers or users of the development or inhabitants of the locality. It is up to the decision-maker (whether that be the City's delegated officers, Council, Development Assessment Panel and/or State Administrative Tribunal) to be satisfied that any proposed development achieves these criteria before granting approval for any proposed variations to the Scheme development standards."</i> <i>"It is understood the proposed Amendment has been progressed by the City in response to community opposition to building height variations being granted in the past. We contend that it is illogical to hinder the development or redevelopment of land throughout the City due to opposition from a vocal minority. Furthermore, the proposal incorrectly assumes that building height is the sole cause of community opposition, and the proposed Scheme provisions will reduce</i>
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		<p><i>opportunities to leverage variations to provide improved outcomes for the broader community."</i></p> <ul style="list-style-type: none"> <i>"In light of the above, we consider the proposed amendment is unnecessary and unjustified."</i> <p>Prohibitive nature of the proposed performance-based criteria</p> <ul style="list-style-type: none"> <i>"Following a review of the proposed additional building height performance criteria set out under Amendment No. 76, we find that the following criteria are problematic, and are likely to be unachievable for our client or many other properties affected by the Amendment.</i> <ul style="list-style-type: none"> <i>Retaining 75% of trees. The subject site is a vacant lot therefore this criterion is unachievable. We note that there are potentially many sites where retention of 75% of existing trees would render a property completely undevelopable.</i> <i>Enhances or conserves a heritage or character place. The subject site, and many other properties within the Activity Centre zone or Special Control Areas, has no heritage (or 'character') value. Furthermore, the Scheme does not offer any definition of a 'heritage or character place', making the criterion unclear and entirely subjective.</i> <i>Shadow cast at midday does not exceed 50% of adjoining property. The adjoining site to the west is built up to the boundary fence therefore it is entirely possible that a 1 or 2 storey development can exceed 50% overshadowing of adjoining property.</i> <i>The development involves the discontinuation of a non-conforming use. The subject site, and likely many other properties affected by the proposed Amendment, does not have any non-conforming uses.</i> <i>With the above performance criteria unachievable for our client, and many other properties within the Activity Centre zone or Special Control areas, the requirement to achieve five or more of the prescribed criteria is considered unreasonable and prohibitive. In this regard, the performance criteria effectively reduce the development and investment potential of a significant amount of land within the City's boundaries."</i> <p>Limitation of discretionary powers</p> <ul style="list-style-type: none"> <i>"The proposed Amendment's limitation of discretion applies to Special Control Areas and the Activity Centre zone, which are often complex urban areas for development. Given the complexity of these urban areas, it is important that the City maintains flexibility within its planning framework, particularly in relation to discretionary decision making. We contend that flexibility within the planning framework allows for more responsive and improved development and design outcomes. The decision-makers ability to exercise discretion in regard to building height variations should therefore remain as it does currently under the Scheme provisions."</i> <i>"In support of this, it is noted that the City recently formed a Design Advisory Committee with the intention of improving development and design outcomes throughout the City, including in Special Control Areas and the Activity Centre zone. In this regard, the review and endorsement of development proposals by the Design Advisory Committee may alleviate the concerns of the City relating to potential issues and impacts of additional building heights on surrounding areas."</i>
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		<ul style="list-style-type: none"> <i>"The comments made in this submission are primarily directed at maintaining the ability for building height variations to be considered, where appropriately designed, at the discretion of the decision-maker. We trust the comments will be taken into account by the City, and strongly recommend that Amendment No. 76 should not be supported by the City's officers or Council."</i>
32	Not Support	"No Comment"
33	Not Support	<ul style="list-style-type: none"> <i>"I strongly object to this Scheme Amendment proposal. The implementation of the proposed criteria and wording changes through this Scheme Amendment is a very blunt planning approach to remove discretion and impose onerous requirements that will see development stifled within the City of Bayswater."</i> <i>"Reading through the planning report, there appears to be very little detailed justification as to how the criteria were determined and why certain limitations are to be imposed. Moreover, implementation of these criteria through the Scheme encourages a 'tick the box' approach of compliance, rather than addressing the need for high quality built form outcomes."</i> <i>"As a resident who lives in close proximity to a town centre, as well as a Special Control Area, I strongly reject the notion that the discretion should be limited as proposed by this Scheme Amendment."</i>
34	Not Support	<ul style="list-style-type: none"> <i>"The scheme in its current form is not aligned with achieving infill targets and discourages higher density living, it will also have a negative impact on investment in the area."</i>
35	Not Support	<ul style="list-style-type: none"> <i>"I think limiting discretionary powers is a very bad idea - a backward step. It places the intricacies of development applications in the hands of local governments - in particular Councillors. Unfortunately, I think there are too many examples of this group not being up to the responsibility. I think high quality development would suffer as a result."</i>
36	Not Support	<ul style="list-style-type: none"> <i>"I am writing this submission because I do not support the proposed scheme amendment. I am resident of the City of Bayswater and own a property in Crawford Road in Maylands. This property is not within any Activity Centre or Special Control Area. However, I have an interest in the Scheme Amendment because I frequent and use services and businesses in areas that would be affected and I am interested in the quality of development occurring in City of Bayswater. I also lecture and research in town planning at Curtin University and have a professional interest in matters relating to town planning."</i> <i>"The use of discretion in matters relating to development assessment has a long history in town planning and is a key characteristic of modern town planning systems. Although, the use of discretion can sometimes result in unpopular and controversial decisions, discretionary decision making is seen as a necessary power because the context and relevant matters to be considered in any future decision-making cannot be fully anticipated when planning schemes or amendments to planning schemes are devised and implemented. The nature of urban development is complex and always dependent on local context, stakeholder preferences, and changing spatial, social and cultural conditions. Discretionary powers are necessary to ensure that decision makers can respond to the full range of relevant matters when deliberating on proposed developments. The removal of discretion, as proposed in this amendment, will hamper the ability of council to make decisions about future development in activity centres and special control areas that is responsive to the full range of relevant considerations."</i>

	<ul style="list-style-type: none">• <i>"The amendment requires a developer to meet seven out of ten performance criteria. On face value, many of the performance criteria sound appealing. I am supportive of higher quality building design, retention of trees in the urban landscape, and improvement to the amenity of the streetscape. However, the requirement to address at least seven of ten criteria is onerous and I cannot see how developers will be able to meet these criteria in most situations. The use of performance criteria to achieve outcomes needs to be balanced by consideration for the practicality and feasibility of meeting the criteria. I think this amendment displays a misunderstanding of how performance criteria and incentives work. The likely outcome of this amendment will therefore be developments, when they are proposed, designed to meet the bare minimum of development standards, with none of the outcomes implicit in the performance criteria – retention of tree canopy, green rooves, improved quality of internal environment – being met. The intent of the amendment therefore appears to contradict recent efforts of the council to introduce measures that would ensure improved design outcomes in activity centres in the City of Bayswater. Limiting discretion and enforcing onerous performance criteria for development will, in my view, impede high quality designed buildings and do nothing for tree retention, and maintaining and improving streetscape amenity."</i>• <i>"Given the risks to quality of future development in activity centres and special control areas as highlighted in the point above, I would expect a robust justification for each of the criterion. I consider the justification for each individual criterion provided in the amendment report to be insubstantial. Is there any evidence of the criteria being effective in other contexts? Was a feasibility study carried out into the potential impacts of having to address criteria? Without evidence of rigorous assessment of the feasibility and likely outcomes of the criteria, I am not confident that the criteria will improve upon current planning controls and would likely result in sub-optimal development outcomes in these very important places in the city."</i>• <i>"Finally, I note that in the amendment report it states the origin of this amendment stemmed from "council and community opposition" to a number of previous cases of "variations" in building height. The report makes no reference to a large part of the community that are supportive of buildings greater than three storeys in height in activity centres and special control areas (like Maylands and the Bayswater Town Centre) if they are well designed and contribute to economic and social functioning of these centres and areas. To attract developers who are willing to risk including better quality design features in their developments, a variety of regulatory mechanisms are required. The use of discretion to vary building height in response to better designed buildings is one of these key measures. This amendment removes this power from future decision-making, and therefore I do not support it."</i>
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Attachment 3: Justification for Performance Criteria

<u>Essential Performance Criteria</u>	<u>Officer Comment</u>
The lot size is not less than 900m ² .	It is considered this performance criteria will ensure that variations are only permitted on significant sites, which are of a size to accommodate the additional storey and have greater opportunity to achieve better design outcomes.
The development is compliant with clause 67 of the deemed provisions for local planning schemes.	It is considered this performance criterion will ensure that all relevant aspects of a development are given due consideration.
<u>Additional Performance Criteria</u>	
<p>The development retains at least 75% of the trees existing on site which are not of an inappropriate species, and are:</p> <ul style="list-style-type: none"> o 3 metres or more high; and/or o Have a trunk with a circumference of 100mm at 1 metre above ground level; and/or o Have multiple trunks with a combined circumference of 200mm at 1 metre above ground level; and/or o Have a canopy of 3 metres or more wide. 	It is considered that this criterion will ensure the protection of mature trees within the City and will help to reduce the heat island effect.
A minimum 70% of the street setback area contains soft / natural landscaping.	It is considered that this criterion will ensure the amenity of streetscape is maintained to a high standard and that it will reduce the visual impact of the development on the streetscape.
<p>A minimum of 25% of the total site area behind the front setback contains soft / natural landscaping. The landscaped area is to contain:</p> <ul style="list-style-type: none"> o At least 10% of the total site area being a deep soil zone; and o At least one tree with the capacity to grow at least 3 metres tall and have a minimum trunk circumference of 250mm. 	It is considered this criterion would encourage more greenspace to be kept / developed on site helping to reduce the visual impact of a development, reduce the urban heat island effect and increase the tree canopy coverage within the City.
Vertical and rooftop / terrace gardens in addition to the required minimum of 25% the total site area behind the front setback contains soft / natural landscaping.	It is considered this criterion would encourage more greenspace to be kept / developed on site helping to reduce the visual impact of a development, reduce the urban heat island effect and increase the tree canopy coverage within the City, in addition to the required landscaping on the ground floor.
The proposed development enhances or conserves an existing character or heritage building worthy of retention, but not limited to places on the City of Bayswater Inventory of Heritage Places.	It is considered that this criterion will help protect the character and heritage of an area.
<p>The development is designed such that the shadow cast at midday, 21 June does not exceed the lesser of:</p> <ul style="list-style-type: none"> o 50% of the site area of the adjoining 	It is considered that this performance criterion will reduce the impact that any variation will have on the adjoining properties as it will limit the amount of overshadowing which can occur.

<p>property; or</p> <ul style="list-style-type: none"> o The applicable solar access requirement for the particular site in accordance with this Scheme or the Residential Design Codes. 	<p>It is noted the majority of the properties which can be considered under this clause do not have a specific solar access requirement. The scheme contains an overshadowing requirement of 35% for a number of properties within the Maylands Activity Centre and the Morley Activity Centre.</p>
<p>Each dwelling incorporates at least one balcony with a minimum floor area of 15m² and a minimum dimension of 3metres.</p>	<p>It is considered that this criterion would help provide articulation of a development to reduce the visual impact it may have on the surrounding area. Additionally, it would ensure each dwelling has sufficient private open space.</p>
<p>At least 80% of the dwellings are to be designed to provide:</p> <ul style="list-style-type: none"> o Effective natural cross-ventilation; o Natural light to each habitable room; and o North facing major living rooms. 	<p>It is considered this criterion would help a development be more environmentally sustainable and reduce heating and lighting costs.</p>
<p>The development meets an energy rating star higher than that required under the National Construction Code.</p>	<p>This it is considered this criterion would encourage developments to be more environmentally sustainable.</p>
<p>The development involves the discontinuation of a non-conforming use.</p>	<p>It is considered that this criterion will encourage the discontinuance of non-conforming uses, which are inappropriate within an area.</p>

9.6 Proposed Amendment No. 79 to Town Planning Scheme No 24 - Meltham Station Precinct

Reporting Branch: Strategic Planning and Place Services
Responsible Directorate: Community Development
Refer: Item 9.1.4: PDSC 6.02.2018
Item 14.2: OCM 12.12.2017
Item 9.1.11: PDSC 16.05.2017

EXECUTIVE SUMMARY**Application:**

Council consideration is sought regarding final approval of Amendment No. 79 to the City's Town Planning Scheme No. 24 (TPS 24) to accommodate the implementation of the Meltham Station Precinct Structure Plan.

Key Issues:

- Council at its Planning and Development Services Committee Meeting held 6 February 2018 resolved to initiate Amendment No. 79 for public advertising.
- The proposed scheme amendment was advertised for a period of 48 days. A total of 136 submissions were received during the consultation period, 32 in support, 79 in support subject to changes and 25 in objection to the proposal. The submissions included 69 copies or slightly modified copies of the same submission supporting the scheme amendment, subject to changes.

BACKGROUND

On 24 November 2016 the City received the Meltham Station Precinct Structure Plan. The structure plan was prepared by Planning Solutions on behalf of Bayswater JV Pty Ltd, which is a joint venture between Pindan and the landowners of Lot 157, 2 Grand Promenade, Lot 50, 2A Grand Promenade, Lot 49, 2B Grand Promenade, and Lot 149, 5 Hotham Street. The structure plan proposed to increase the residential densities and permit a mix of uses within approximately 300m of the Meltham Train Station.

Following advertising, Council at its Planning and Development Services Committee Meeting held 16 May 2017 considered the Meltham Station Precinct Structure Plan (MSPSP) and resolved as follows:

"That:

1. *Council advise the Western Australian Planning Commission that it does not support the proposed Meltham Station Precinct Structure Plan in its current form.*
2. *In the event that the Western Australian Planning Commission is prepared to approve the proposed structure plan the following modifications to the Meltham Station Precinct Structure Plan are requested:*
 - (a) *Realign the structure plan boundary along Hotham Street to run down the centre of the road, rather than the rear of properties.*
 - (b) *Realign the structure plan boundary to remove properties fronting Whatley Crescent from Nos 161-163 Whatley Crescent (Russian Orthodox Church) to Garratt Road.*
 - (c) *Realign the structure plan boundary to remove all properties fronting Hayward Street.*
 - (d) *Modify the optional commercial frontages to remove the section along Railway Parade between Salisbury and Rosebery Streets and the section along Whatley Crescent between Kenilworth Street and Grosvenor Road.*
 - (e) *Include the properties between Sussex and Salisbury Streets as optional commercial.*

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- (f) *Local Development Plans be required for significant redevelopment of all lots over 1,200m².*
- (g) *Modifications be made to identify public open space within the Precinct as follows:*
- *Identification of a pocket park at the corner of Hotham Street and Railway Parade.*
 - *Identification of a linear park along the verge of Railway Parade.*
 - *Identification of Public Transport Authority land along Railway Parade as pocket parks.*
 - *Identification of a Plaza or Civic space on the Verge outside Lot 400, 190 Railway Parade.*
 - *Provision of further public open space on the precinct structure plan as identified by the City of Bayswater and to be paid for by developer contributions.*
- (h) *Include a section 'Road and Intersection Upgrades' to include the following upgrades:*
- *Upgrade the section of Whatley Crescent and the bridge to dual lane. The preferred intersection treatment to be further investigated in discussion with Main Roads WA.*
 - *The Hotham Street Bridge be upgraded to cater for simultaneous left and right movements.*
 - *That the City does not support a single lane roundabout at the intersection between Bowden Street and Grand Promenade and that further investigation is required on the preferred intersection treatment.*
- (i) *Section 5.2 of Part 2 - Proposed Built Form be modified as follows:*
- *The maximum building heights in the 'Mixed Use Core' and 'Residential Core' precincts be reduced to 3 storeys and that a bonus of 1 storey (to a maximum of 4 storeys) be granted based on exemplary design rather than lot size.*
 - *The maximum building heights in the 'Frame' precinct be reduced to 2 storeys and that a bonus of 1 storey (to a maximum of 3 storeys) be granted based on exemplary design rather than lot size.*
 - *1 and 1A Hotham Street be included in the area that permits 3 storeys and a bonus of 1 storey (to a maximum of 4 storeys).*
- (j) *Remove reference within the structure plan to the requirement for there to not be developer contributions.*
3. *Council defers consideration of the proposed Design Guidelines until the Meltham Station Precinct Structure Plan is determined by the Western Australian Planning Commission but offer the following preliminary comments to the applicant:*
- (a) *Remove Clause 3.2.2 relating to car parking reductions in accordance with the City's 'Car Parking in the Town Planning Scheme No. 24 Area' policy.*
- (b) *Remove Clause 3.2.5 relating to on-street parking being credited in the calculation of residential visitor parking.*
- (c) *Modify Clauses 4.1 and 5.1 - Building Height*
- *Maximum building height be reduced to three storeys with a potential bonus of one storey (to a maximum of four storeys).*
 - *In order to achieve the bonus storey development must meet exemplary design standards.*
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- (d) *Modify Clauses 4.3 and 5.3 -Street Setbacks*
 - *Upper Storey setbacks (fronting all streets) to be modified to require where any development is three storeys or above the uppermost storey be setback 3m from the building line.*
 - *Side and Rear Setbacks - a nil setback only be permitted for the first two storeys with every storey above two storeys setback an additional 3m per storey from the building line.*
 - *Rear Setbacks Abutting Hayward Street - a six metre setback for the first two storeys and a 10m setback for the third storey.*
- (e) *Modify Clauses 4.5 and 5.5 - Solar Access*
 - *The following solar access requirements be included:*
"Where a development overshadows any property in the structure plan area, it shall be no greater than 50% of the adjoining site as calculated as per the R-Codes. Where a development overshadows any property outside the Structure Plan Area, it shall be assessed against the provisions of the R-Codes, using the density code of the affected lot(s)."
- (f) *Modify Clauses 4.6, 5.6 and 6.6 - Landscaping*
 - *The 25% landscaping requirement is not to include landscaping above the ground level.*
- (g) *Modify Clause 5.3 - Setbacks*
 - *Setbacks to Hotham Street - a six metre setback for the first two storeys and a 10m setback for the third storey.*
- (h) *Modify Clause 6.1 - Building Height*
 - *Maximum building height be reduced to three storeys with a potential bonus of one storey (to a maximum of four storeys).*
 - *In order to achieve the bonus storey, development must meet exemplary design standards as defined by the City of Bayswater.*
- 4. *Council defers consideration of the proposed scheme amendment for the Meltham Station Precinct until the structure plan is determined by the Western Australian Planning Commission.*
- 5. *A further report be prepared to Council if the Meltham Station Precinct Structure Plan is approved by the Western Australian Planning Commission to consider initiating the proposed scheme amendment and the proposed Design Guidelines.*
- 6. *Council further consider funding options to pay for upgrades within the Meltham Station Precinct if the Meltham Station Precinct Structure Plan is approved by the Western Australian Planning Commission."*

The Western Australia Planning Commission (WAPC) at its Statutory Planning Committee (SPC) Meeting held 24 October 2017 considered the Meltham Station Precinct Structure Plan and Council's resolution and resolved as follows:

"That the Statutory Planning Committee resolves to:

- 1. *In accordance with clause 22 (1)(b), Schedule 2 - Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, require the City of Bayswater to:*
 - (a) *modify the draft Meltham Station Precinct Structure Plan in accordance with the attached Schedule of Modifications, appended as Attachment 6; and*

- (b) resubmit the modified plan to the Western Australian Planning Commission for approval.
- 2. Advise the City of Bayswater that the Western Australian Planning Commission expects subsequent local planning scheme amendments, local planning policies and/or local development plans relating to the Meltham Station Precinct to incorporate appropriate development controls that align with the densities proposed by the structure plan.
- 3. Advise the City of Bayswater that further detailed planning should be undertaken to investigate further opportunities to increase residential densities within the 400-metre walkable catchment of Meltham train station."

The modifications in accordance with the WAPC's resolution were made and submitted to the WAPC. The WAPC at its SPC Meeting held 30 January 2018 considered the modifications made to the MSPSP and resolved as follows:

"That, in accordance with clause 38(1) (a), Schedule 2 - Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, the Statutory Planning Committee resolves to approve the Meltham Station Precinct Structure Plan, as modified and submitted 1 December 2017."

A motion was put and carried at the Ordinary Meeting of Council held 12 December 2017 as follows:

"That Council considers as part of the 2018/2019 budget process an allocation of \$150,000 to fund the undertaking of further detailed planning (structure plan) in 2018/2019 of the remaining area within the 400m walkable catchment of the Meltham Train Station that is not covered by the Meltham Station Precinct Structure Plan approved by the Western Australian Planning Commission."

Council at its Special Council Meeting held 3 July 2018 adopted the 2018/19 budget and allocated \$100,000 to the wider Meltham Station Precinct Structure Plan.

Council at its Planning and Development Services Committee Meeting held 6 February 2018 considered the initiation of Amendment 79 to TPS 24 and resolved as follows:

"That:

1. Council initiates Amendment No. 79 to the City of Bayswater Town Planning Scheme No. 24 as follows:
 - (a) Rezone land zoned Residential R25, Business and Service Station to Mixed Use with an underlining R-AC3 density code, in accordance with the proposed zoning map shown in Figure 4 of this report.
 - (b) Rezone land zoned Residential R25 to Residential R-AC3, in accordance with the proposed zoning map shown in Figure 4 of this report.
 - (c) Rezone land zoned Residential R50 and General Industry to Residential R80, in accordance with the proposed zoning map shown in Figure 4 of this report.
 - (d) Rezone land zoned Residential R25 to Residential R60, in accordance with the proposed zoning map shown in Figure 4 of this report.
 - (e) Insert a new Special Control Area 15 in accordance with the proposed zoning map shown in Figure 4 of this report.
 - (f) Amend Schedule 10 of the Scheme to insert Special Control Area 15 and the provisions detailed in Attachment 5 to this report.
 - (g) Amend clause 10.1.1 of the Scheme to include the following:
 - o) Special Control Area 15

*Meltham Station Precinct.**(h) Amend the Scheme Maps accordingly.*

3. *The applicant prepares the scheme amendment documentation to the satisfaction of the City of Bayswater.*
4. *Upon Notice of Assessment from the Department of Water and Environmental Regulation being received (and issues raised being complied with), causes the proposed scheme amendment documentation to be advertised for public comment.*
5. *The City prepares a further report to Council to consider the funding options to pay for upgrades within the Meltham Station Precinct once the future of the Hotham Street Bridge is determined by the State Government."*

CONSULTATIONEnvironmental Assessment and Heritage Referral

The scheme amendment documentation was referred to the Department of Water and Environmental Regulation (DWER), for assessment. In correspondence dated 21 March 2018 the DWER advised that the proposed scheme amendment would not require environmental assessment.

In correspondence dated 13 March 2018 the Heritage Services of the Department of Planning, Lands and Heritage, advised that it had no objection to the proposed scheme amendment.

Public Advertising

Following notification from the DWER, the City undertook public advertising of the proposed scheme amendment in accordance with Council's resolution of 6 February 2018, including three 'community information sessions', which allowed the public to discuss the proposal with the City officers. A total of 136 submissions were received during the consultation period, 32 in support, 25 in objection to the proposal and 79 which supported the proposal subject to changes.

The submissions included 69 copies or slightly modified copies of the same submission supporting the proposal, subject to changes.

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

- The area is in desperate need of rejuvenation the scheme amendment will increase density and vibrancy and therefore liveability and property values.
- Increasing density in suburbs close to the CBD is far less costly in terms of infrastructure, will result in greater use and efficiency of public transport, reducing traffic congestion.
- Higher densities can better incorporate green space and park development.
- The modifications to the setbacks, bonus height provisions, landscaping requirements and the boundary wall height provisions made by the City are supported.

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

- The heights and density are not in keeping with the character of the area.
- There is insufficient open space to support the increase in density.
- Properties that are close to but not within the scheme amendment area will not receive the benefits of the up-zoning.
- Increased densities will result in additional traffic and parking issues.

A summary of the key comments received in support of the proposal, subject to change were:

- The maximum boundary wall height should be three storeys in the core precincts.
- Boundary walls to a height of five storeys should be permitted next to non-residential developments in the core precincts.
- The 25% landscaping requirement should not be restricted to the ground level only.
- The requirements for bonus storeys are excessive and will stifle good design and impact viability.
- Change the rear setback requirements on Grafton Road and Hotham Street in the Frame Precinct to a minimum of 3m, as opposed to 6m.
- Change the street setback requirements on Hotham Street in the Residential Core and Frame Precinct to reflect the new zoning.
- Remove the excessive side setback requirements on upper floors in the core precincts as they will make building above three storeys unviable and result in buildings looking like wedding cakes.

A full summary of the submissions and the City's officers comments are contained in **Attachment 1**.

ANALYSIS

Height and Density

In relation to the concerns raised to the heights and densities proposed these heights and densities are required to be consistent with the MSPSP as approved by the WAPC.

Public Open Space

Some submissions raised concerns that there is insufficient public open space in the area to cater for the increase in population, which would occur due to the increases in density.

The WAPC decided, as part of their decision to approve MSPSP, that no additional public open space is required in the precinct. Therefore the scheme amendment does not propose to rezone any land for the use of public open space.

The City is currently preparing a Public Open Space Strategy, which will include further analysis of access to open space for the wider Meltham precinct.

Wider Area

Some submissions raised disappointment that the submitter's property was not included in the scheme amendment area, as they also wanted to benefit from the increase in density proposed in the scheme amendment. Council has resolved to undertake planning for a wider area around the Meltham Station Precinct in 2018/19 as suggested by the WAPC, which will investigate increases in density.

Traffic and Parking

Increased traffic and parking problems in the area were raised in some of the submissions as a consequence of an increase in density.

Car parking for new developments will be required to be provided onsite in accordance with the requirements of the Residential Design Codes (R-Codes) and TPS 24. The City will monitor traffic and parking in the area and take appropriate action where required.

Boundary Wall Heights

Council resolved to modify the applicant's proposal to reduce the maximum boundary wall height in the core precincts from three storeys to two storeys, as recommended by the City officers.

Some submissions felt that the maximum boundary wall height of three storeys in the core precincts should be reinstated, as it would:

- Provide a more continuous and attached streetscape pattern as per the structure plan;
- Have more regard for local context; and
- Increase economic viability for developers.

A two storey boundary wall height in the core precincts is considered more appropriate than a three storey boundary wall height in this instance as it will:

- Reduce the impact of building bulk on neighbouring properties;
- Be more consistent with the established single-storey scale of boundary walls in the area; and
- Contribute to a greater sense of openness and separation between buildings.

Boundary Walls next to Non-residential Properties

Council resolved to modify the applicant's proposal to not allow boundary walls to a height of five storeys to be developed in the core precincts where they abut non-residential developments, as recommended by the City officers. The applicant provided a submission arguing that a five storey boundary wall should be allowed where it abuts a non-residential development as it would have no impact on that property.

Allowing five storey boundary walls to be developed in the core precincts where they abut non-residential properties is not considered appropriate in this instance for the following reasons:

- There are few non-residential properties in the core precincts and therefore few opportunities where the development of a five storey boundary wall could be developed, which would result in an inconsistent and ad hoc streetscape pattern; and
- As the vast majority of the non-residential developments in the core precinct contain single-storey buildings, the scale of an abutting five storey boundary wall would be incompatible and would significantly impact the amenity of the streetscape.

Landscaping

Council resolved to modify the applicant's proposal to require 25% of the site area to be provided as landscaping on the ground floor only, as opposed to allowing the 25% landscaping to be provided at any level of a development, as recommended by the City officers.

Some submissions felt that restricting the landscaping requirement to the ground floor only will:

- Discourage landscaping at other levels and roof gardens and therefore biophilic architecture;
- Jeopardise the growth of landscaping as it may not have access to sufficient sunlight; and
- Impact development viability.

Requiring the 25% landscaping requirement to be provided on the ground level only is considered appropriate in this instance as it will:

- Provide a landscaped setting to buildings and increase the opportunity that landscaping will have access to deep soil areas, which will provide greater assurance that plants and trees will survive and grow to maturity;
- Increase the likelihood that landscaping will be in communal areas, which will generally mean it is regularly watered, maintained and cared for as part of a strata body type arrangement;
- Not restrict developers landscaping other levels of a development;
- Not impact biophilic design as the development will still be required to integrate with landscaping; and
- Not jeopardise the growth of landscaping as there are many species of plants that can thrive with little sunlight.

Excessive Bonus Storey Requirements

Council resolved to modify the applicant's proposal with the addition of more bonus height provisions in the core precincts, as recommended by the City officers.

Some submissions felt that the additional provisions will:

- Stifle good design and limit heights to three to four storeys;
- Impact the ability for the City's Design Review Panel to use discretion to achieve exemplary design;
- Be unrealistic to achieve and result in more grouped dwelling developments, which will deplete the tree canopy and create heat sinks; and
- Impact development viability.

The bonus height provisions are considered appropriate in this instance as they will:

- Improve the overall quality of developments as it goes beyond only requiring a minimum lot size and width by requiring review by the City's Design Review Panel;
- Generally be consistent with the provisions contained in the Bayswater Town Centre Structure Plan and the WAPC's draft Apartment Design policy; and
- Respond to feedback received from the community during community consultation of the MSPSP. In particular:
 - Environmentally focused criteria, such as the provision of additional greenery, the retention of existing trees, and providing enhanced sustainability; and
 - Socially focused criteria, such as the provision of affordable housing, larger houses to encourage family and intergenerational households and the provision of public facilities and improvements.

Rear Setbacks in the Frame Precinct

Some submissions felt that the rear setback requirement in the Frame Precinct as proposed by the applicant should be reduced to 3m, as the 6m setback requirement is excessive for small lots and will prevent viable development and revitalisation. The rear setback should also be 3m to be consistent with the current R25 zoning.

The 6m rear setback requirement is considered appropriate in this instance as it will:

- Provide an appropriate setback to the larger three to four storey buildings that will be able to be developed in the precinct;
- Reduce the impact of building bulk on neighbouring properties within the frame area; and

- Provide adequate space for providing a 3m wide landscaping area within the rear setback area, as required in the Frame Precinct.

Street Setbacks on Hotham Street

Council resolved to modify the applicant's proposal by increasing the street setback on Hotham Street from 3m to 6m, as recommended by the City officers.

Some submissions felt that the increased setback will:

- Be inconsistent with the RAC3 zoning, which requires a 2m setback under the R-Codes;
- Impact casual surveillance by setting back habitable spaces far from the street;
- Be unnecessary as landscaping and outdoor living can be achieved within a 3m setback area;
- Be inappropriate in a high density zoning as a 6m setback is reflective of a low density zoning; and
- Stifle good design and inhibit redevelopment of the properties on Hotham Street.

The street setback requirements are considered appropriate in this instance as they will:

- Provide a consistent 6m setback requirement and therefore an appropriate interface with the low density established properties on the other side of Hotham Street, which are not included in the scheme amendment area; and
- Not stifle good design or inhibit the redevelopment of the properties on Hotham Street as there will still be adequate area for development.

Upper Floor Setbacks in the Core Precincts

Council resolved to modify the applicant's proposal by slightly increasing upper floor side setbacks in the core precincts, as recommended by the City officers.

Some submissions felt that the upper floor side setbacks will:

- Make building above three storeys unviable and result in buildings looking like 'wedding cakes';
- Result in the sixth storey being just 7m wide or 1m wide if a site abuts the Frame Precinct and the lot width is 25m; and
- Result in more grouped dwelling developments, which will deplete the tree canopy and create heat sinks.

The setback requirements are considered appropriate in this instance as they:

- Provide a step-back approach to reduce the impact of building bulk on neighbouring properties;
- Are consistent with the setbacks proposed by the applicant, which were derived following detailed analysis of the locality by Mackay Urban Design. The City has only increased the upper floor setbacks by 1m where a site abuts the Frame Precinct from what was proposed by the applicant.

Hotham Street Bridge

The State Government are still considering options for the future of the Hotham Street Bridge as part of Metronet. Once the State Government provides more information, a further report will be presented to Council on this matter.

OPTIONS

The following options are available to Council:

OPTION		BENEFIT	RISK
1.	Adopt Amendment No. 79 with no modifications, and forward the amendment to the WAPC for final approval. Estimated Cost: <ul style="list-style-type: none"> All costs are required to be borne by the applicant. 	<ul style="list-style-type: none"> It is considered that the proposed scheme amendment includes appropriate development provisions that will further improve the quality of new developments, and align with the densities approved in the Meltham Station Precinct Structure Plan. 	<ul style="list-style-type: none"> The proposed provisions may not be accepted by some members of the community.
2.	Adopt Amendment No. 79 with modification(s), and forward the amendment to the WAPC for final approval. Estimated Cost: <ul style="list-style-type: none"> All costs are required to be borne by the applicant. 	<ul style="list-style-type: none"> Dependent on the modification(s) proposed. 	<ul style="list-style-type: none"> Dependent on the modification(s) proposed.
3.	Advise the WAPC that the City does not support Amendment No. 79. Estimated Cost: <ul style="list-style-type: none"> All costs are required to be borne by the applicant. 	<ul style="list-style-type: none"> Nil. 	<ul style="list-style-type: none"> The Minister for Planning may still approve the proposed amendment, subject to such modifications and conditions, if any, as the Minister thinks fit.

CONCLUSION

In light of the above, it is recommended that Council proceed with Option 1 to adopt Amendment No. 79 with no modifications, and forward the amendment to the WAPC for final approval.

FINANCIAL IMPLICATIONS

The financial implications are detailed in the 'Options' table above.

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

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

From the conclusion of the advertising period, a local government has 60 days to consider all submissions and forward a recommendation to the WAPC.

The Minister for Planning is the decision maker on all scheme amendments. The City can provide a recommendation to the Minister to:

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

In this instance, given the WAPC's decision with respect to the structure plan, in the event that Council does not support the amendment, the Minister may still approve the proposed amendment, subject to such modifications and conditions, if any, as the Minister thinks fit.

The scheme amendment becomes effective when it is approved by the Minister and published in the Gazette.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Officer's Response to Submissions
2. Proposed Zoning Changes
3. Special Control Area 15 Provisions

Cr Elli Petersen-Pik withdrew from the meeting at 8:03pm and returned at 8:05pm.

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

That Council:

1. **Recommends approval without modifications of Amendment No. 79 to the City of Bayswater's Town Planning Scheme No. 24 to accommodate the implementation of the Meltham Station Precinct Structure Plan.**
2. **Authorises the affixing of the Common Seal to the scheme amendment document, and forwards the documentation to the Western Australian Planning Commission for final approval.**

CR STEPHANIE GRAY MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED: 8/2

FOR VOTE: ***Cr Stephanie Gray, Cr Giorgia Johnson, Cr Dan Bull, Mayor, Cr Sally Palmer, Cr Filomena Piffaretti, Cr Barry McKenna, Cr Lorna Clarke, and Cr Elli Petersen-Pik.***

AGAINST VOTE: ***Cr Chris Cornish, Deputy Mayor and Cr Catherine Ehrhardt.***

Attachment 1 Summary of Submissions

No.	Support / Oppose / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
1.	Object	Owns a property in the area.	<ul style="list-style-type: none"> I understand there needs to be development however the heights will completely out build my property and alter the landscape and feel of the area. There is insufficient public space and air space around the buildings to support maintenance of the current aesthetic of the suburb. Anyway I do feel these submissions are tokenistic and the decisions have already been made. 	<ul style="list-style-type: none"> The building heights and density proposed are required to be consistent with the Meltham Station Precinct Structure Plan (MSPS), approved by the Western Australian Planning Commission (WAPC). The WAPC decided, as part of their decision to approve the MSPSP, that no additional public open space is required in the precinct. The City is currently preparing a Public Open Space Strategy, which will include further analysis of access to open space for the wider Meltham precinct. Building setbacks will provide air circulation around buildings. Noted.
2.	Object	Owns a property in the area.	<ul style="list-style-type: none"> The boundary should extend to Bowden Street. This would ensure the plan was fair across all properties within the first block of the railway line affected by the changes. 	<ul style="list-style-type: none"> Council has resolved to undertake planning for a wider area around the Meltham Station Precinct in 2018/19 as suggested by the WAPC, which will likely include the areas mentioned in the submission.
3.	Object	Owns a property in the area.	<ul style="list-style-type: none"> The Frame Precinct should be extended to include all properties bounded by Sussex Street, Grand Promenade and Bowden Street. This block would be a much simpler and fairer way to proceed. 	<ul style="list-style-type: none"> Council has resolved to undertake planning for a wider area around the Meltham Station Precinct in 2018/19 as suggested by the WAPC, which will likely include the areas mentioned in the submission.
4.	Neither supports or	Owns a property in the	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> Noted.

	objects to the proposal	area.		
5.	Object	Owens a property in the area.	<ul style="list-style-type: none"> I object to high-rise apartments, which will ruin the look, reduce the value of houses, allow for the area to be used like Homes-west and increase in traffic flow in Hotham Street and Grand Promenade. 	<ul style="list-style-type: none"> The building heights and density proposed are required to be consistent with the MSPSP, approved by the WAPC.
6.	Object	Owens a property in the area.	<ul style="list-style-type: none"> The WAPC has over-ridden the wants of the community. Increasing the population density on Whatley Crescent is fine, but not along side streets, as it leads to crime and other anti-social behaviour. This was confirmed by Police at a recent Community Safety meeting. The depreciation of property values is of concern. 	<ul style="list-style-type: none"> Noted. The building heights and density proposed are required to be consistent with the MSPSP, approved by the WAPC. Appropriate denser housing forms can provide a greater perception of safety as more people and more casual surveillance of the area will discourage antisocial and criminal behaviour.
7.	Support	Owens a property in the area.	<ul style="list-style-type: none"> The area is in desperate need of rejuvenation. The plan will increase liveability and property value in the area. 	<ul style="list-style-type: none"> Noted.
8.	Object	Owens a property in the area.	<ul style="list-style-type: none"> There is a traffic hazard for vehicles parking near the intersections of Railway Parade, Salisbury and Rosebery. An increase in density will increase this problem. A solution is that any development must widen Salisbury and Rosebery to allow for vehicles parking on one side of each street. 	<ul style="list-style-type: none"> The City will monitor traffic and parking in the area and take appropriate action where required. Residential and commercial car parking will be required to be provided onsite in accordance with the requirements of the R-Codes and TPS 24 respectively.
9.	Support	Owens and occupies a property in the area.	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> Noted.
10.	Object	Owens a property in the area.	<ul style="list-style-type: none"> 4 and 3 storeys will impact current residents in regards to privacy, 	<ul style="list-style-type: none"> The building heights and density proposed are required to be

			<p>noise and parking. The area is enjoyed by families on subdivided and full blocks who value their peace and privacy.</p> <ul style="list-style-type: none"> • We have problems with car parking as an overspill from Meltham Station. • The increase in traffic is a big concern. 	<p>consistent with the MSPSP, approved by the WAPC.</p> <ul style="list-style-type: none"> • The City will monitor parking in the area and take appropriate action where required, in particular parking issues caused from commuters catching the train. • The City will monitor traffic in the area and take appropriate action where required.
11.	Object	Owns and occupies a property in the area.	<ul style="list-style-type: none"> • A 3 storey building next to me will impact light to my solar panels. I realise that the building would have to allow me 50% of sunlight, but why am I being asked to reduce my saving from solar? • At a recent Community Safety meeting, the police advised that higher density accommodation increased crime. My experience in other suburbs supports that statement. The general appearance of such buildings is often one that is poorly. Street verges will deteriorate and rubbish will be left in the streets creating a ghetto like area. • The general statement that the area will be improved by the addition of shops and bars is nonsense. Bars create their own problems. The shops will not survive competition and be left vacant and decaying. Check out the movement of 	<ul style="list-style-type: none"> • The building height is required to be consistent with the MSPSP, approved by the WAPC. • In an R60 zone, the R-Codes allow a maximum of 50% of the neighbouring property to be overshadowed, regardless of their impact to solar panels. • The scheme amendment proposes general development requirements, precinct specific development requirements and bonus height and plot ratio incentives that will ensure new development is designed to a high quality. It is considered that the quality of the developments will attract residents who take pride in the area and contribute positively to the local community. • It is considered that the densities approved by the WAPC will result in additional residents and visitors in the area, which will help to economically sustain and make local businesses viable. • The appropriateness of individual land uses, such as bars, will be

			<p>businesses in Maylands that are fighting an uphill battle against lawlessness and substance addiction.</p> <ul style="list-style-type: none"> • We are already experiencing higher and faster traffic volumes in Kenilworth Street – the additional population will only add to this. While some say the high-rise dwellers will travel on the train, I suggest the majority will have vehicles. • The current plan does nothing to add value to the area. 	<p>considered on their merit.</p> <ul style="list-style-type: none"> • The City will monitor traffic in the area and take appropriate action where required. • Noted.
12.	Object	Owns a property in the area.	<ul style="list-style-type: none"> • Traffic in Grafton is a problem, 3 hills and on-road parking create a danger. More cars in the area will increase the problem. • The height limits will impact on people living nearby. 	<ul style="list-style-type: none"> • The City will monitor traffic and parking in the area and take appropriate action where required. • Car parking will be required to be provided onsite in accordance with the requirements of the R-Codes and TPS 24. • The building heights proposed are required to be consistent with the MSPSP, approved by the WAPC.
13.	Object	Owns a property in the area.	<ul style="list-style-type: none"> • The proposal is unsympathetic to the area, no landscaping, management of traffic and noise. 	<ul style="list-style-type: none"> • Although it was decided by the WAPC that no additional public open space is required in the precinct, the City is currently preparing a Public Open Space Strategy, which will include further analysis of the access to open space for the wider Meltham precinct. In addition, the scheme amendment includes provisions to ensure a minimum of 25% of the site is landscaping as part of new development. • The City will monitor traffic in the

			<ul style="list-style-type: none"> No plans for the Council to protect the character of the area. The proposal is purely a developer's push into the area. Concrete eyesores will look very odd as 3 or more storeys will be next door to single storey dwellings. No privacy as windows will overlook adjacent properties. The Meltham railway is very ugly on Railway Parade and there is no landscaping to cut noise or to reduce the visual impact. House prices will decrease. People will not improve or extend their houses as ultimately they will demolish and rebuild. 	<ul style="list-style-type: none"> area and take appropriate action where required. The scheme amendment proposes general development requirements and precinct specific development requirements that will ensure new development responds to the unique character of the area. Noted. Buildings will be required to be setback from lot boundaries to minimise amenity impacts to lower density residential areas. Developments will be required to comply with the privacy requirements of the R-Codes. The City will work with the Public Transport Authority (PTA) to improve the amenity of the railway area. The City will also investigate amenity improvements as part of a future streetscape plan. Noted.
14.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Suggest the area be expanded to include the properties between Whatley Crescent and Guildford Road, bounded by Charles and Grafton Street. 	<ul style="list-style-type: none"> Council has resolved to undertake planning for a wider area around the Meltham Station Precinct in 2018/19 as suggested by the WAPC.
15.	Support	Owens a property in the area.	<ul style="list-style-type: none"> No comment. 	<ul style="list-style-type: none"> Noted.
16.	Support	Owens a property in the area.	<ul style="list-style-type: none"> We support higher density planned development to improve the Meltham area. 	<ul style="list-style-type: none"> Noted.
17.	Support	Owens a property in the area.	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> Noted.

		area.		
18.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Include all the properties on Belgrave Street, up to Cox Street. Our property is greater than 200m². We are 350m from Meltham Train Station and opposite a park. 	<ul style="list-style-type: none"> Council has resolved to undertake planning for a wider area around the Meltham Station Precinct in 2018/19 as suggested by the WAPC.
19.	Support	Owens a property in the area.	<ul style="list-style-type: none"> We need more medium-high density housing in areas close to the city - especially next to train stations. As a transport engineer with more than 30 years of experience, there is no doubt whatsoever that the surrounding road network has adequate capacity to accommodate the extra traffic. 	<ul style="list-style-type: none"> Noted.
20.	Support	Public Transport Authority (PTA)	<ul style="list-style-type: none"> Supports high density development surrounding the railway station. The PTA has initiated a Station Access Improvement Program (SAIP) to identify future actions to impact access to all stations on the network. A SAIP is currently being developed for Meltham Station. The PTA has no plans to provide bus services to Meltham Station. 	<ul style="list-style-type: none"> Noted.
21.	Support	Owens a property in the area.	<ul style="list-style-type: none"> All areas surrounding existing transport hubs should be high density. 	<ul style="list-style-type: none"> Noted.
22.	Support	Owens a property in the area.	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> Noted.
23.	Object	Owens and occupies a property in the area.	<ul style="list-style-type: none"> As the owner of a single storey residence I do not like to be surrounded by 3 storey buildings. 	<ul style="list-style-type: none"> The building heights proposed are required to be consistent with the MSPSP, approved by the WAPC.
24.	Object	Owens a property in the area.	<ul style="list-style-type: none"> I feel the height will be a privacy issue. Traffic congestion with vehicles getting in and out is an issue. 	<ul style="list-style-type: none"> Developments will be required to comply with the privacy requirements of the R-Codes. The City will monitor traffic in the area and take appropriate action

				where required.
25.	Object	Occupies a property in the area.	<ul style="list-style-type: none"> This is a huge high storey development backing onto my property and privacy. My privacy and safe environment will be severely affected by such a big development. 	<ul style="list-style-type: none"> The building heights proposed are required to be consistent with the MSPSP, approved by the WAPC. Developments will be required to comply with the privacy requirements of the R-Codes.
26.	Support	Owens a property in the area.	<ul style="list-style-type: none"> This scheme is a good for the local area. 	<ul style="list-style-type: none"> Noted.
27.	Support	Owens a property in the area.	<ul style="list-style-type: none"> No comment. 	<ul style="list-style-type: none"> Noted.
28.	Object	Owens a property in the area.	<ul style="list-style-type: none"> Concerned about how development will affect traffic flow in Bowden Street. While I support increased density, I cannot support a proposal that will decrease the quality of my life via increased noise and traffic using Bowden Street. 	<ul style="list-style-type: none"> The City will monitor traffic in the area and take appropriate action where required.
29.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Rezone the properties that face Grand Promenade, next to Porkies to Mixed Use. It would be beneficial for the Pindan site to have a small bar and a cafe as a starting point. A small bar & cafe would set the character and bring new and existing people to the area. I would not be happy if a Special Area Rate was bought in. 	<ul style="list-style-type: none"> It is considered that the proposed scheme amendment includes sufficient land zoned 'Mixed Use' that can potentially cater for non-residential uses. The approved MSPSP requires new development to provide commercial land uses at the corners of Grand Promenade and Railway Parade, which is envisioned to provide local shops and services to serve the local community. Noted.
30.	Object	Owens and occupies a property in the area.	<ul style="list-style-type: none"> The number of cars parked in the street in the Swan Lake area has increased and due to hilly roads it is 	<ul style="list-style-type: none"> The City will monitor traffic and parking in the area and take appropriate action where required.

			<p>difficult to feel safe.</p> <ul style="list-style-type: none"> The changes will have a serious impact on our safety and lifestyle. 	
31.	Object	Owns and occupies a property in the area.	<ul style="list-style-type: none"> Access to the Swan Lake estate is only through Grafton Street. It is hilly and congested, with poor visibility of oncoming traffic. It is essential that parking on Grafton Street is restricted, and any development has adequate parking. Right turns from Grafton to Whatley are already difficult in peak periods. This needs to be addressed. 	<ul style="list-style-type: none"> The City will monitor traffic and parking in the area and take appropriate action where required. New development will be required to comply with the car parking requirements of TPS 24 and the R-Codes.
32.	Support	Owns a property in the area.	<ul style="list-style-type: none"> Increasing the density of housing in Bayswater, particularly around train stations is very important as the City's population increases. Transit orientated development is a great way of improving the amenities in communities and increases the vibrancy and choices for residents. It is a good way to promote less dependency on cars for travel around the City. 	<ul style="list-style-type: none"> Noted.
33.	Support	Owns a property in the area.	<ul style="list-style-type: none"> Concern about traffic management along Grafton Road and in this area. I would like to an upgrade of spare land in the area turned into public open space. 	<ul style="list-style-type: none"> The City will monitor traffic in the area and take appropriate action where required. Although it was decided by the WAPC that no additional public open space is required in the precinct, the City is currently preparing a Public Open Space Strategy, which will include further analysis of the access to open space for the wider Meltham precinct.

34.	Support	Owns a property in the area.	<ul style="list-style-type: none"> Urban sprawl is unsustainable. Increasing density in suburbs close to the CBD is less costly, will result in greater use and efficiency of public transport (reducing traffic congestion) and create vibrant communities around transport hubs, such as Meltham (rather than the poor offerings and vacant commercial premises at present). Current zonings encourage single storey units, crammed onto lots with little space or regard for green areas. Higher densities can better incorporate green space and park development. Higher densities create constant school enrolments and negate the need for new schools, or shutting down under-used schools per generation. 	<ul style="list-style-type: none"> Noted.
35.	Object	Owns a property in the area.	<ul style="list-style-type: none"> Redirect traffic onto Guildford Road to reduce traffic on Whatley Crescent. Build a zebra crossing with lights on Whatley Crescent and Railway Parade. Slow traffic on Whatley Crescent near future shops and cafes. Improve roads and environment for cyclists. Improve landscaping and public open space areas. 	<ul style="list-style-type: none"> The City will monitor traffic in the area and take appropriate action where required. The City will investigate improvements for cyclists as part of a future streetscape plan. Although it was decided by the WAPC that no additional public open space is required in the precinct, the City is currently preparing a Public Open Space Strategy, which will include further

			<ul style="list-style-type: none"> Combine Transperth and shop parking close to the train station. Upgrade Meltham Train Station, including better pedestrian access. A 3 storey maximum building height should be permitted with an additional storey setback 3m from all sides. Ground floors should be cafes and shops and small offices, excluding uses that create additional traffic. 	<p>analysis of the access to open space for the wider Meltham precinct.</p> <ul style="list-style-type: none"> The City will liaise with the PTA to consider parking for commuters and shop patrons. The building heights and density proposed are required to be consistent with the MSPSP, approved by the WAPC. The Mixed Use zone caters for commercial development situated on the ground floor with residential above. Car parking will be required to be provided onsite in accordance with the requirements of the R-Codes and TPS 24.
36.	Support	Owens a property in the area.	<ul style="list-style-type: none"> I trust Council will undertake planning for a wider area, which will include Sussex Street. 	<ul style="list-style-type: none"> Council has resolved to undertake planning for a wider area around the Meltham Station Precinct in 2018/19 as required by the WAPC, which will likely include Sussex Street.
37.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Please include Sussex Street in new planning in the area. Commercial buildings down grade the area. Properties should be able to be used for a mix of uses, including offices, shops, apartments and child care. 	<ul style="list-style-type: none"> Council has resolved to undertake planning for a wider area around the Meltham Station Precinct in 2018/19 as required by the WAPC, which will likely include Sussex Street.
38.	Support	Owens a property in the area.	<ul style="list-style-type: none"> This will be positive to not only residents but also visitors to the area. More shops and restaurants would be welcome and higher density would support local businesses. We use the train station and parkies frequently and would continue to 	<ul style="list-style-type: none"> Noted.

			<p>support like businesses if established.</p> <ul style="list-style-type: none"> • The area is in high need of a café/restaurant and convenient stores. • Upgrades to Railway Parade are overdue. 	<ul style="list-style-type: none"> • The City will investigate improvements to local streets as part of a future streetscape plan.
39.	Neither support nor object to the proposal.	Owens a property in the area.	<ul style="list-style-type: none"> • The area is already prone to traffic issues, especially around the railway crossing. Widen the traffic bridge in anticipation of the increased traffic. • In general I support higher density developments around Meltham Station. 	<ul style="list-style-type: none"> • The City will monitor traffic in the area and take appropriate action where required. • Noted.
40.	Support	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> • The modified scheme amendment is well informed and a balanced response that builds on community engagement undertaken to date. • It represents the best interests of the current and future residents of the Meltham area. • Agree with the setbacks, the bonus height provisions, the Landscaping provisions, the boundary wall height provisions. 	<ul style="list-style-type: none"> • Noted.
41.	Support	Owens a property in the area.	<ul style="list-style-type: none"> • Agree with the modified setbacks, bonus height provisions, landscaping requirements and the boundary wall height provisions Meltham Structure Plan. 	<ul style="list-style-type: none"> • Noted.
42.	Support, subject to changes	Owens a property in the area.	<ul style="list-style-type: none"> • It is a disgrace that a private developer has provided an opportunity to revive the area and yet roadblocks to development are being put up. I have lived here for nearly 60 years and in that time the area has gradually declined. I 	<ul style="list-style-type: none"> • The modifications proposed by the City are considered reasonable and will assist to improve the quality of new developments in the area.

			support the scheme amendment but without the modifications.	
43.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Agree with the modified setbacks, bonus height provisions, landscaping requirements and the boundary wall height provisions Meltham Structure Plan. 	<ul style="list-style-type: none"> Noted.
44.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Include Sussex Street in the rezoning as the old factories are in need of demolition and serve no purpose anymore. 	<ul style="list-style-type: none"> Council has resolved to undertake planning for a wider area around the Meltham Station Precinct in 2018/19 as suggested by the WAPC, which will likely include Sussex Street.
45.	Support	Owens a property in the area.	<ul style="list-style-type: none"> I am excited that the new zonings will drive the redevelopment of Homes West buildings to reduce antisocial behaviour in the area. 	<ul style="list-style-type: none"> Noted.
46.	Support, subject to changes	Owens a property in the area.	<ul style="list-style-type: none"> I support the original Meltham Precinct Structure Plan but I do not support the modifications. 	<ul style="list-style-type: none"> The modifications proposed by the City are considered reasonable and will assist to improve the quality of new developments in the area.
47.	Support, subject to changes	Owens a property in the area.	<ul style="list-style-type: none"> Supports the scheme amendment, subject to removing the proposed modifications. The proposed bonus height criteria, side setbacks above two storeys and the extensive list of provisions will stifle innovative design or contemporary outcomes. Their cumulative effect will make multi-storey development impossible to achieve. 	<ul style="list-style-type: none"> The modifications proposed by the City are considered reasonable and will assist to improve the quality of new developments in the area. The proposed provisions are considered reasonable and will assist to minimise the impact of development of neighbouring properties and the streetscape and help to ensure a high standard of quality development is provided.
48.	Support, subject to changes	Owens a property in the area.	<ul style="list-style-type: none"> 6 storeys and a plot ratio of 2.0 should be as of right and any incentive based provisions should be for even larger buildings. The proposed provisions undermine the height and density approved in the 	<ul style="list-style-type: none"> The incentive based provisions are considered reasonable, align with the approved structure plan and will assist to improve the quality of development in the area.

			<p>structure plan.</p> <ul style="list-style-type: none"> The setbacks for the uppermost storeys are excessive, and will simply impede development beyond 4 storeys in height. 	<ul style="list-style-type: none"> Providing a step-back approach will reduce the impact of building bulk on neighbouring properties. The proposed setbacks largely reflect those proposed by the applicant in the structure plan, especially at the upper levels.
49.	Support, subject to changes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> 6 storeys and a plot ratio of 2.0 should be as of right and any incentive based provisions should be for even larger buildings. The proposed provisions undermine the height and density approved in the structure plan. The setbacks for the uppermost storeys are excessive, and will simply impede development beyond 4 storeys in height. 	<ul style="list-style-type: none"> The incentive based provisions are considered reasonable, align with the approved structure plan and will assist to improve the quality of development in the area. Providing a step-back approach will reduce the impact of building bulk on neighbouring properties. The proposed setbacks largely reflect those proposed by the applicant in the structure plan, especially at the upper levels.
50.	Support	Occupies a property in the area.	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> Noted.
51.	Support, subject to changes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> I support the original Meltham Precinct Structure Plan but I do not support the modifications. 	<ul style="list-style-type: none"> The modifications proposed by the City are considered reasonable and will assist to improve the quality of new developments in the area.
52.	Support	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> I agree with the modified setbacks, bonus height provisions, landscaping requirements and the boundary wall height provisions Meltham Structure Plan. 	<ul style="list-style-type: none"> Noted.
53.	Object	Owens a property in the area.	<ul style="list-style-type: none"> I do not support the proposal if it does not take into consideration open public space and addresses the traffic problems. 	<ul style="list-style-type: none"> The WAPC decided, as part of their decision to approve the MSPSP, that no additional public open space is required in the precinct. The City is currently preparing a

			<p>structure plan.</p> <ul style="list-style-type: none"> The setbacks for the uppermost storeys are excessive, and will simply impede development beyond 4 storeys in height. 	<ul style="list-style-type: none"> Providing a step-back approach will reduce the impact of building bulk on neighbouring properties. The proposed setbacks largely reflect those proposed by the applicant in the structure plan, especially at the upper levels.
49.	Support, subject to changes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> 6 storeys and a plot ratio of 2.0 should be as of right and any incentive based provisions should be for even larger buildings. The proposed provisions undermine the height and density approved in the structure plan. The setbacks for the uppermost storeys are excessive, and will simply impede development beyond 4 storeys in height. 	<ul style="list-style-type: none"> The incentive based provisions are considered reasonable, align with the approved structure plan and will assist to improve the quality of development in the area. Providing a step-back approach will reduce the impact of building bulk on neighbouring properties. The proposed setbacks largely reflect those proposed by the applicant in the structure plan, especially at the upper levels.
50.	Support	Occupies a property in the area.	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> Noted.
51.	Support, subject to changes	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> I support the original Meltham Precinct Structure Plan but I do not support the modifications. 	<ul style="list-style-type: none"> The modifications proposed by the City are considered reasonable and will assist to improve the quality of new developments in the area.
52.	Support	Private citizen who has an interest in the area.	<ul style="list-style-type: none"> I agree with the modified setbacks, bonus height provisions, landscaping requirements and the boundary wall height provisions Meltham Structure Plan. 	<ul style="list-style-type: none"> Noted.
53.	Object	Owens a property in the area.	<ul style="list-style-type: none"> I do not support the proposal if it does not take into consideration open public space and addresses the traffic problems. 	<ul style="list-style-type: none"> The WAPC decided, as part of their decision to approve the MSPSP, that no additional public open space is required in the precinct. The City is currently preparing a

				<p>Public Open Space Strategy, which will include further analysis of access to open space for the wider Meltham precinct.</p> <ul style="list-style-type: none"> The City will monitor traffic in the area and take appropriate action where required.
54.	Object	Owens a property in the area.	<ul style="list-style-type: none"> Concerned about traffic. Vegetation, shade and landscaping needs to be considered. 	<ul style="list-style-type: none"> The City will monitor traffic in the area and take appropriate action where required. The provisions require and incentivise landscaping and tree retention as part of new developments.
55.	Object	Owens a property in the area.	<ul style="list-style-type: none"> No comment. 	<ul style="list-style-type: none"> Noted.
56.	Object	Owens a property in the area.	<ul style="list-style-type: none"> New development will compromise solar access to neighbouring properties. Unresolved traffic issues from the structure plan. 	<ul style="list-style-type: none"> The setbacks will assist to minimise overshadowing to neighbouring properties. The City will monitor traffic in the area and take appropriate action where required.
57.	Object	Owens a property in the area.	<ul style="list-style-type: none"> Concerned about large buildings towering over our house and impacting our privacy and solar panels. Amenity impact from air conditioning units facing our property. Car parking impact from additional dwellings in the area. 	<ul style="list-style-type: none"> Side and rear setback requirements that will assist to minimise the impact of building bulk and allow for natural light and sun to access neighbouring properties. The provisions require air conditioning units to not be visible from the adjoining properties. All new developments will be required to provide car parking onsite in accordance with the requirements of the R-Codes and TPS24. The City will also monitor parking in the area and take appropriate action where required.
58.	Support	Owens a property in the	<ul style="list-style-type: none"> It is better to increase densities 	<ul style="list-style-type: none"> Noted.

		area.	<ul style="list-style-type: none"> around the train station than a blanket up-zoning of a wider area. The proposal will encourage train use, which will hopefully ease road congestion. 	
59.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Agree with the modified setbacks, bonus height provisions, landscaping requirements and the boundary wall height provisions. 	<ul style="list-style-type: none"> Noted.
60.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Agree with the modified setbacks, bonus height provisions, landscaping requirements and the boundary wall height provisions. 	<ul style="list-style-type: none"> Noted.
61.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Agree with the modified setbacks, bonus height provisions, landscaping requirements and the boundary wall height provisions. 	<ul style="list-style-type: none"> Noted.
62.	Support	Owens a property in the area.	<ul style="list-style-type: none"> Agree with the modified setbacks, bonus height provisions, landscaping requirements and the boundary wall height provisions. 	<ul style="list-style-type: none"> Noted.
63.	Object	Occupies a property in the area.	<ul style="list-style-type: none"> Objects to the structure plan, in particular the heights, consultation undertaken by the applicant, lack of public open space and traffic. 	<ul style="list-style-type: none"> The structure plan has been approved by the WAPC and the City are required to progress this scheme amendment to implement the structure plan.
64.	Support, subject to changes	Owens a property in the area.	<ul style="list-style-type: none"> 6m street setback, 3m side setback and 6m rear setback to Hotham Street is inappropriate for a R60 density and is more suited to low density zones. It will stifle good design and inhibit 55% of the lot, which will be unviable. 	<ul style="list-style-type: none"> It is considered that the setbacks on Hotham Street will not impact viability and will provide an appropriate interface to the established properties on the other side of Hotham Street, which are not included in the scheme amendment area. The resulting developable area of a site after setbacks have been considered will depend on the size of the site.

			<ul style="list-style-type: none"> • Upper floor setbacks will stifle good design and viability. • Bonus height should be assessed by the City's Design Review Panel and should include a requirement to provide a 'community benefit'. • Increase boundary wall requirements to 3 storeys. 	<ul style="list-style-type: none"> • Providing a step-back approach will reduce the impact of building bulk on neighbouring properties. The proposed setbacks largely reflect those proposed by the applicant in the structure plan, especially at the upper levels. • Developments will be required to be reviewed by the City's Design Review Panel in order to achieve bonus height. Developments will also be required to fulfil two optional requirements, some of which include benefits to the community. • The 2 storey boundary wall requirement will contribute to a greater sense of openness in the area and minimise the impact of building bulk on neighbouring properties.
65.	Support, subject to changes	Acting on behalf of a company or organisation, which has an interest in the area.	<ul style="list-style-type: none"> • Increase boundary wall heights, where abutting another site in a core precinct, to three storeys. • Allow boundary walls to a height of 5 storeys where they abut a non-residential development, as originally proposed by the applicant. • Change the setback requirements in the core precincts to reflect the applicant's amendment request, as lodged. 	<ul style="list-style-type: none"> • The reduced boundary wall requirement will contribute to a greater sense of openness in the area and minimise the impact of building bulk on neighbouring properties. • It is considered that allowing large boundary walls of 5 storeys to abut predominantly single storey non-residential development will have a significant impact the amenity of the streetscape. • The proposed setbacks largely reflect those proposed by the applicant in the structure plan, especially at the upper levels. It is considered that the setbacks respond to the Meltham Station

			<ul style="list-style-type: none"> • Hotham Street street-setback being modified from 6m minimum to 3m minimum in the Frame Precinct. • Landscaping being calculated at all levels of the building, rather than at ground level only, consistent with the draft Apartment Design Policy. • Additional building height requirements being limited to site area, lot width and exemplary design only. 	<p>Precinct context, topography and existing character and will not significantly impact the viability of new development.</p> <ul style="list-style-type: none"> • It is considered that the setbacks on Hotham Street will provide an appropriate interface to the established properties on the other side of Hotham Street, which are not included in the scheme amendment area. • Locating landscaping on the ground level will provide a landscaped setting to developments and it will increase the chance that landscaping will have access to deep soil areas, which will provide greater assurance that plants and trees will survive and grow to maturity. Being located at ground level will also mean that there is more opportunity that the landscaping will be located in communal areas, which will generally mean it is regularly maintained and cared for as part of a strata body type arrangement. The proposed bonus height criteria encourage the provision of green roofs. • It is considered that the bonus height criteria will improve the overall quality of developments as it goes beyond only requiring a minimum lot size and width. • The requirements are generally consistent with the provisions contained in the draft Bayswater
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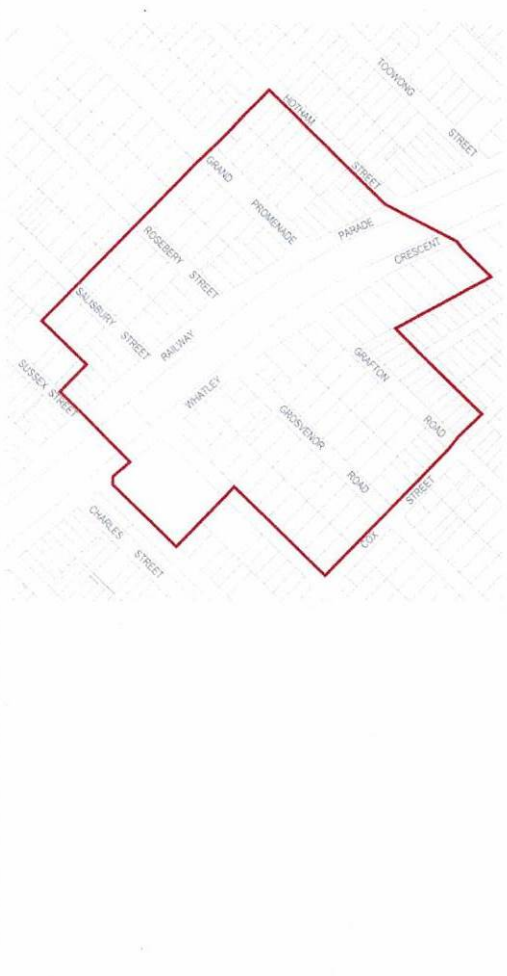
			<ul style="list-style-type: none"> • If Scheme Amendment No. 76 is approved will this restrict the maximum building height to 5 storeys in the Mixed Use and Residential Core Precincts? • 'Comprehensive development' is a well understood and common term and does not need to be qualified with the note 'as determined by the City'. • Reinsert the precursor that effectively makes the general development requirements 'development principles' as the requirements are predominantly 'design guidance'. • Remove the requirement restricting vehicle access to only one crossover per site as there may be occasions when more than one crossover is suitable. • Remove the need to recess vehicle entrance gates as this can lead to CPTED issues. • Remove the requirement to provide unobstructed outlook from balconies as this is ambiguous and replace 	<p>Town Centre Structure Plan and are generally consistent with the approach envisioned in the WAPC's draft Apartment Design policy.</p> <ul style="list-style-type: none"> • Amendment No. 76 to TPS 24 will not impact the ability to achieve bonus storeys above the four storey height requirement, as the amendment permits discretion for an additional storey above the maximum height that applies to the site. • It is considered that the term 'comprehensive development' could be open to interpretation and therefore it is appropriate for the City to determine what comprehensive development is when it is not clear. • The precursor implies discretionary, which is not the intention of the requirements. • The requirement allows for additional crossovers to be considered in exceptional circumstances. • As vehicle access points are required to be visually permeable and are used frequently, it is considered that recessing them will not raise any significant CPTED issues. • It is considered that the need to ensure good outlook from balconies is essential to the amenity of
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			<p>with the requirement that 25% of a balcony's perimeter is to be unscreened.</p> <ul style="list-style-type: none"> Remove requirement that every dwelling is to have operable windows at opposite sides of the dwelling to provide natural cross ventilation as natural ventilation can be achieved in a number of ways and the requirement will prohibit back-to-back apartments. Remove requirement for common circulation spaces to have access to natural light and ventilation at least at two opposing ends. Do not agree operable windows should be required for commercial tenancies. The requirement may be suitable for some restaurant/café type uses, but is unreasonable for shops. The requirement for acoustic interaction could potentially have a negative impact on the amenity of the ground floor tenancies given they may be affected by railway noise. Question why a provision to encourage reinterpreting and incorporating aspects of the cultural and social heritage of the area into the design of the building is needed. 	<p>occupants. The requirement to provide 25% of a balcony's perimeter unscreened could be achieved without providing good outlook.</p> <ul style="list-style-type: none"> The requirements will ensure well ventilated, light and healthy developments. The requirements will reduce the need for artificial lighting, ventilation and air conditioning and will reduce the build-up of odour that can occur in developments from such things as cooking or waste disposal. Operable windows will provide greater visual and acoustic interaction between ground floor commercial spaces and public spaces and will give a commercial tenant the choice to open windows or not. Providing operable windows is robust as it will allow different tenants and uses to use the spaces differently over time. Reinterpreting and incorporating aspects of the cultural and social heritage of the area into the design of the building is encouraged only and not mandatory. The mural painted on Mrs S café in Maylands for example references the social heritage of the area, which provides a sense of place and character.
66.	Object	Owns a property in the	<ul style="list-style-type: none"> Concerns about the scale of 	<ul style="list-style-type: none"> Rear setbacks requirements will

		area.	<p>buildings on Whatley Crescent impact properties on Hayward Street.</p> <ul style="list-style-type: none"> • Privacy concerns from new buildings on Whatley Crescent. • Impact from every unit having an air-conditioning unit facing my property. • Parking concerns. 	<p>assist to minimise the impact of building bulk and allow for natural light and sun to access neighbouring properties.</p> <ul style="list-style-type: none"> • Any new development would be required to comply with the privacy requirements of the R-Codes. • The scheme amendment includes a provision requiring air conditioning units to not be visible from the adjoining properties. • The City will monitor parking in the area and take appropriate action where required. • Car parking will be required to be provided onsite in accordance with the requirements of the R-Codes and TPS 24.
67.	Support, subject to changes	Acting on behalf of owners in the area.	<ul style="list-style-type: none"> • Introduce 5% discretion around the minimum 1,500m² lot area requirement for a height and density bonus, providing that three not two of the optional criteria are met. • Lower the excessive setbacks for Hotham Street. 	<ul style="list-style-type: none"> • The City already has discretion to vary any requirement in TPS 24, provided that the objectives of the scheme are satisfied. • It is considered that the setbacks on Hotham Street will provide an appropriate interface to the established properties on the other side of Hotham Street, which are not included in the scheme amendment area.
67 - 136.	Support, subject to changes	Own or occupy property or have an interest in the area.	<ul style="list-style-type: none"> • Retain maximum boundary wall heights of 3 storeys, as opposed to 2 storeys, as proposed in the structure plan by the applicant. • Allow for the 25% landscaping requirement to be achieved at any 	<ul style="list-style-type: none"> • The reduced boundary wall requirement will contribute to a greater sense of openness in the area and minimise the impact of building bulk on neighbouring properties. • Locating landscaping on the ground level will provide a landscaped

			<p>level, not just the ground level, as proposed in the structure plan by the applicant, in order to encourage roof gardens.</p> <ul style="list-style-type: none"> Remove the excessive requirements for bonus storeys as it will stifle good design and impact viability and result in only 3 to 4 storey buildings. Change the rear set-backs on Grafton Road and Hotham Street to a minimum of 3m, in line with the current zoning of R25, as opposed to 6m. 	<p>setting to developments and it will increase the opportunity that landscaping will have access to deep soil areas, which will provide greater assurance that plants and trees will survive and grow to maturity. Being located at ground level will also mean that there is more chance that the landscaping will be located in communal areas, which will generally mean it is regularly maintained and cared for as part of a strata body type arrangement. The proposed bonus height criteria encourage the provision of green roofs.</p> <ul style="list-style-type: none"> It is considered that the bonus height criteria will improve the overall quality of developments as it goes beyond only requiring a minimum lot size and width as proposed by the applicant. The requirements are generally consistent with the provisions contained in the draft Bayswater Town Centre Structure Plan and are generally consistent with the approach envisioned in the WAPC's draft Apartment Design policy. The requirements respond to feedback received during community consultation of the MSPSP. The rear setback requirement is considered reasonable to reduce the impact of building bulk on neighbouring properties and provide adequate space for landscaping. A 3m rear setback for an R25 zoning,
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			<ul style="list-style-type: none">• Remove the excessive side setbacks for upper floors that will make building above 3 storeys unviable and result in buildings looking like wedding cakes.• Encourage underground or basement parking by not counting it as a floor to the building.• Increase heights by an additional storey.	<p>which has a height limit of 2 storeys is considered inadequate for the new proposed zonings, which will be able to accommodate buildings of between 3 and 6 storeys.</p> <p>The rear setback will also assist with providing a 3m wide landscaping area within the rear setback area as required in the Frame Precinct.</p> <ul style="list-style-type: none">• Providing a step-back approach will reduce the impact of building bulk on neighbouring properties. The proposed setbacks largely reflect those proposed by the applicant in the structure plan, especially at the upper levels.• Underground or basement car parking levels are not counted as a floor of a building if it is not more than 1m above natural ground level.• The building heights and density proposed are required to be consistent with the MSPSP, approved by the WAPC.
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No.	Area	Provisions
SCA 15	<p data-bbox="342 292 846 347"><i>Special Control Area 15 – Meltham Station Precinct, as depicted in the following map:</i></p> 	<p data-bbox="857 292 1948 323">Purpose</p> <p data-bbox="857 323 1948 403">The intent of the Structure Plan is to establish an urban residential precinct, with supporting commercial uses, of a density that supports and optimises the ongoing use of the existing Meltham Train Station.</p> <p data-bbox="857 435 1948 579">New development will be of a contemporary character that respects and reflects the colours, materials and architectural elements of the existing and surrounding area. New development will be of a form that enables a significant increase in the local resident population but is designed to enhance the streetscape and establish an appropriate transition in scale between the Meltham Station Precinct and its surroundings.</p> <p data-bbox="857 611 1948 643">Relationship to Other Development Standards</p> <p data-bbox="857 659 1948 722">Development is to comply with the Scheme, including the Residential Design Codes and this special control area.</p> <p data-bbox="857 754 1948 834">Where there are inconsistencies between the development standards specified in this special control area and other parts of the Scheme, including the Residential Design Codes or any Local or State Planning Policy, the development standards specified in this special control area shall prevail.</p> <p data-bbox="857 866 1948 898">General Development Requirements</p> <p data-bbox="857 914 1948 1010">The following general development standards and precinct development requirements apply to any comprehensive new development, excluding minor alterations, additions or extensions, as determined by the City of Bayswater.</p> <ol data-bbox="857 1026 1948 1335" style="list-style-type: none"> <li data-bbox="857 1026 1948 1058">1. <u>Street Interface</u> <ol data-bbox="902 1058 1948 1335" style="list-style-type: none"> <li data-bbox="902 1058 1948 1121">1.1. Dwellings shall maximise opportunities for passive surveillance by locating outdoor living area and/or major openings toward the street or other public places. <li data-bbox="902 1121 1948 1185">1.2. Ground-floor residential dwellings shall include direct access to the street as either the main or a supplementary entrance. <li data-bbox="902 1185 1948 1265">1.3. Commercial tenancies, where permitted, shall be designed with windows orientated toward the street at ground level and from each level above. All ground-floor commercial uses shall include the main pedestrian access from the adjacent public footpath. <li data-bbox="902 1265 1948 1335">1.4. Ground floor dwellings are to be designed to be elevated to no more than 1.5m from the footpath level or adequately setback from the street to provide occupant privacy and any fencing, windows or outdoor living areas fronting the street are to be designed to provide

		<p>casual surveillance and interaction with the street</p> <p>2. <u>Parking and Vehicle Access</u></p> <p>2.1. All car parking on site shall be screened from public view from the adjacent street.</p> <p>2.2. Vehicle access shall be limited to one crossover per site and be provided from a secondary street where available. Additional crossovers may be considered in exceptional circumstances.</p> <p>2.3. Any vehicle entrance gates or barriers shall be integrated into the design of the building, visually permeable and recessed to reduce the visual impact on the street.</p> <p>3. <u>Streetscape – Public Realm</u></p> <p>3.1. Existing street trees shall be retained wherever possible, subject to the health of the tree; or replaced with mature tree if retention is not possible.</p> <p>3.2. Notwithstanding Clause 3.1 above, street trees shall be provided at a minimum rate of 1 tree per 14m of frontage or part thereof, where possible. Street tree species shall be to the satisfaction of the City of Bayswater, however the use of deciduous trees is encouraged where they provide summer shade to adjoining buildings.</p> <p>3.3. Verge landscaping shall complement the landscape treatment of the adjacent setback area in the case of residential uses at ground floor level.</p> <p>3.4. The use of non-turfed landscaping, such as native groundcovers or other water-wise planting within verge areas is encouraged, subject to the need to provide pedestrian access across the verge to access on-street parking.</p> <p>4. <u>Built Form</u></p> <p>4.1. Street corners shall be expressed with a distinctive architectural element or treatment.</p> <p>4.2. Buildings on corners shall treat each street as a primary street front and present a consistent quality of architectural treatment.</p> <p>4.3. Buildings over three storeys or with a frontage of greater than 25m shall incorporate architectural treatments to break up the perceived mass of the building, such as modulation of the built form, horizontal banding, changes in material, colour or pattern.</p> <p>4.4. Any vehicle entrance shall be integrated into the design of the building and recessed to reduce its visual impact on the street.</p> <p>4.5. The use of internal courtyards in the design of apartment buildings is strongly encouraged to provide for cross ventilation and resident amenity.</p> <p>5. <u>Landscaping</u></p> <p>5.1. The use of non-turfed landscaping, such as native groundcovers or other water-wise planting is encouraged.</p> <p>5.2. The use of upper-level landscape, such as roof gardens and balcony planters is</p>
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		<p>encouraged.</p> <p>6. <u>Occupant Amenity</u></p> <p>6.1. All bedrooms shall have access to natural ventilation and daylight.</p> <p>6.2. Unobstructed outlook for occupants is required from balconies used as the primary outdoor living area. Balcony screening and solid balustrading can be used sparingly in some circumstances to provide privacy, however it is prohibited where it unreasonably obstructs good outlook.</p> <p>6.3. Every bedroom is to have an operable external window. Natural light and ventilation is not to be borrowed from other rooms.</p> <p>6.4. Every dwelling is to have operable windows at opposite sides of the dwelling to provide natural cross-ventilation.</p> <p>6.5. Common circulation spaces are to have access to natural light and ventilation at least two opposing ends.</p> <p>6.6. Living room or bedroom windows are not to open directly onto common circulation spaces. Visual and acoustic privacy from common circulation spaces to these and other rooms are to be carefully considered and designed. The use of an appropriately sized planter box for example can provide a suitable buffer between these spaces.</p> <p>7. <u>Architectural Character</u></p> <p>7.1. Materials and colours shall be derived from the materials and colours of the existing buildings in the surrounding areas.</p> <p>7.2. Notwithstanding the above, buildings shall incorporate red brick as either a main wall material or, at a minimum, a feature element.</p> <p>7.3. Windows shall be vertically proportioned or composed of vertically proportioned glazing panels.</p> <p>7.4. Buildings which front the public domain (including street and other public land) shall have a superior architectural treatment to elevations.</p> <p>7.5. The uppermost floor shall be defined with a distinctive change in material, colour or architectural treatment.</p> <p>7.6. A design statement is to be submitted with any development application, responding to the above principles.</p> <p>8. <u>Resource Conservation</u></p> <p>8.1. Roofs and wall surfaces with significant exposure to summer sun shall be predominantly light in colour to minimise solar absorption.</p> <p>8.2. PV cells and other energy-efficiency measures shall be integrated wherever possible.</p> <p>8.3. North-facing major openings shall be provided with shade as a protection from summer sun and glare.</p>
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		<p>8.4. Large west-facing windows should incorporate shading devices that protect them from afternoon summer sun.</p> <p>8.5. Apartments with only a south-facing aspect shall be minimised.</p> <p>8.6. Apartment design shall enable natural ventilation.</p> <p>9. <u>Building Services</u></p> <p>9.1. All mechanical equipment and associated ducting shall be screened from view from the street, and located so as not to cause nuisance to adjoining properties.</p> <p>9.2. Air conditioning units shall not be visible from the public realm and shall not be visible from adjoining properties.</p> <p>9.3. Bin areas shall be located to avoid noise and smell nuisance to residents, and be located conveniently for removal and collection.</p> <p>9.4. Bin collection will be subject to a waste management strategy to the satisfaction of the City of Bayswater.</p> <p>9.5. Service elements such as hydrant boosters, electrical transformers, and pump rooms if required, shall be integrated into the architectural design in a manner that minimises their impact on the adjacent streetscape, subject to statutory location requirements.</p> <p>10. <u>Ground Floor Commercial Tenancies</u></p> <p>The facades of commercial tenancies that front the street at ground floor are to incorporate design principles of traditional shopfronts and are to:</p> <p>10.1. Provide operable windows, indented entrances, raised window sills and a contrast in elevation depth.</p> <p>10.2 Provide a variety of quality fine grain materials, textures and colours.</p> <p>10.3 Provide a balance between glassing and solid materials.</p> <p>10.4 Use clear glass. The use of tinted, darkened or mirror glass or any other type of glazing that reduces or impedes visual interaction with the street is prohibited.</p> <p>10.5 Ensure visual and acoustic interaction with the street.</p> <p>10.6 Ensure lighting, awning, and sign design and location are considered and complement the design of the façade.</p> <p>10.7 Ensure firefighting and service infrastructure is integrated into the design of the front façade, where required.</p> <p>11. <u>Character and Heritage</u></p> <p>11.1. The built form character of the area is to be reinterpreted and incorporated into the design, including the use of distinctive architectural styles and features.</p> <p>11.2. Reinterpreting and incorporating aspects of the cultural and social heritage of the area into the design of the building is encouraged.</p>
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		<p>12. <u>End of Trip Facilities</u> Where the aggregate of the commercial tenancies in a development is 250m2 or more, every commercial tenancy is to have access to an end of trip facility, including a shower/change room, storage/lockers and bike parking.</p> <p>13. <u>Design Statement</u> A design statement addressing the above design elements is to be provided as part of a development application.</p>
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Development Requirements – Precincts

SCA15 is divided into three precincts, as follows:



MIXED USE CORE PRECINCT		
Development Standards		
Objectives	<ul style="list-style-type: none">• Encourage residential dwellings as a vital component of the precinct whilst maintaining active frontages at ground level in key locations.• Encourage the use of sustainable forms of transport including walking, cycling and public transport.• Encourage land uses which promote activity outside of business hours, providing interaction with Railway Parade and Whatley Crescent, such as alfresco dining.• Ensure appropriate transition in development form, land use and intensity between the Mixed Use Core Precinct and adjacent precincts.• Encourage innovative and adaptable buildings.	
Land Use	<ul style="list-style-type: none">• Notwithstanding uses listed within Table 1 – Zoning Table of the Scheme, the following uses are: 'D' uses:<ul style="list-style-type: none">o Shopo Convenience Storeo Amusement Parlouro Medical Centreo Public Amusement 'A' uses:<ul style="list-style-type: none">o Fast Food Outlet, excluding a drive-through facilityo Liquor Store – Smallo Small Bar• The location and design of any ground floor uses shall have due regard to the Meltham Station Precinct Structure Plan, which designates mandatory and optional locations for active ground floor frontages.	
Building Height	Minimum height	2 storeys
	Maximum height	4 storeys
	Minimum	3.2m

		ground level floor to ceiling height	
	Plot Ratio		As per the Residential Design Codes.
	Street Setbacks	Primary street setback from Railway Parade or Whatley Crescent.	<ul style="list-style-type: none"> Nil setbacks are required for locations designated 'mandatory commercial frontage' on the Meltham Station Precinct Structure Plan Map. Minor recesses of up to 1.5m from the front boundary are permitted to achieve architectural articulation at the street edge. For all other sites, a nil setback is permitted to a maximum setback of 3m. <p>Upper Storeys:</p> <ul style="list-style-type: none"> Where any development is 4 storeys or greater as it addresses the primary street, a minimum setback of 3m is required to the uppermost storey (measured from the line of the level below), except at street corners.
		Setbacks to streets other than Railway Parade or Whatley Crescent.	<ul style="list-style-type: none"> Nil setbacks are permissible within 20m of a street corner to Railway Parade or Whatley Crescent. Beyond 20m of a street corner, setbacks are to be at least 3m. <p>Upper Storeys:</p> <ul style="list-style-type: none"> Where any development is 4 storeys or greater as it addresses the street, the uppermost storey is to be setback at least an additional 3m (measured from the line of the level below), except at street corners. No setback is required at street corners if an architectural element is provided which enhances the street corner.
	Lot Boundary Setbacks	Side and Rear Setbacks (abutting sites within the Mixed	<p><i>First Two Storeys</i></p> <ul style="list-style-type: none"> Nil. <p><i>Third and Fourth Storeys</i></p> <ul style="list-style-type: none"> Minimum 3m setback. <p><i>Fifth Storey</i></p>

		Use Core or Residential Core Precinct)	<ul style="list-style-type: none"> Minimum 6m setback. <p><i>Sixth Storey</i></p> <ul style="list-style-type: none"> Minimum 9m setback.
		Side and Rear Setbacks (abutting sites within the Frame Precinct)	<p>Side Boundary Setbacks:</p> <p><i>Ground Floor</i></p> <ul style="list-style-type: none"> Nil setback for the ground floor is permitted. <p><i>Second and Third Storeys</i></p> <ul style="list-style-type: none"> Minimum 3m setback. <p><i>Fourth Storey and Above</i></p> <ul style="list-style-type: none"> Minimum 6m setback for the fourth storey with additional floors setback at least 3m per storey (measured from the line of the level below). <p>Rear Boundary Setbacks:</p> <p><i>First Three Storeys</i></p> <ul style="list-style-type: none"> Minimum 3m setback. <p><i>Fourth Storey and Above</i></p> <ul style="list-style-type: none"> An additional minimum 3m setback per storey (measured from the line of the level below).
		Side and Rear Setbacks (where abutting sites outside the structure plan area).	<p>Side Boundary Setbacks:</p> <p><i>Ground Floor</i></p> <ul style="list-style-type: none"> Nil setback for the ground floor is permitted. <p><i>Second and Third Storeys</i></p> <ul style="list-style-type: none"> Minimum 3m setback. <p><i>Fourth Storey and above</i></p> <ul style="list-style-type: none"> Minimum 6m setback for the fourth storey with additional floors setback at least 3m per storey (measured from the line of the level below). <p>Rear Boundary Setbacks:</p>

				<p><i>First Three Storeys</i></p> <ul style="list-style-type: none"> • Minimum 3m setback. <p><i>Fourth Storey and Above</i></p> <ul style="list-style-type: none"> • An additional minimum 3m setback per storey (measured from the line of the level below). <p><i>Rear Boundary Setbacks for lots that abut lots fronting Hayward Street:</i></p> <p><i>First Two Storeys</i></p> <ul style="list-style-type: none"> • Minimum 6m setback. <p><i>Third Storey and Above</i></p> <ul style="list-style-type: none"> • An additional minimum 3m setback per storey (measured from the line of the level below).
				<p>Landscaping</p> <p>Minimum landscaping of 25% of the site area, and this is not to include landscaping above the ground level.</p>
				<p>Awnings</p> <ul style="list-style-type: none"> • All ground-floor commercial uses with a street frontage shall provide shade and shelter to the adjacent footpath with a canopy/awning designed in accordance with the following criteria: <ul style="list-style-type: none"> ○ Depth: minimum of 2.5m, or to within 600mm of the kerb, where 2.5m cannot be achieved. ○ Height: minimum of 2.75m above footpath level, to a maximum of 4.5m above footpath level, measured to the underside of the canopy/awning. ○ Where adjoining properties are situated on a mandatory or non-mandatory commercial frontage, as detailed on the Meltham Station Precinct Structure Plan map, canopies/awnings are to be designed to allow for continuous shade and shelter along the footpath.
				<p>RESIDENTIAL CORE PRECINCT</p>

Development Standards		
Objectives		<ul style="list-style-type: none"> Encourage residential development at a density which capitalises on sustainable forms of transport including walking, cycling and public transport whilst respecting the amenity of surrounding properties. Increase the residential population within a close walking distance of the Meltham Train Station. Provide a transition between the Mixed Use Core Precinct and the Frame Precinct.
Building Height	Minimum height	2 storeys
	Maximum height	4 storeys
Plot Ratio		As per the Residential Design Codes.
Street Setbacks	Setback to Hotham Street.	<i>First Two Storeys:</i> <ul style="list-style-type: none"> Minimum 6m setback. <i>Third Storey:</i> <ul style="list-style-type: none"> Minimum 6.5m setback. <i>Fourth Storey (where permitted):</i> <ul style="list-style-type: none"> Minimum 10m setback. <i>Fifth Storey (where permitted):</i> <ul style="list-style-type: none"> Minimum 13.5m setback.
	Setback to primary and secondary streets, excluding Hotham Street.	<i>First Four Storeys:</i> <ul style="list-style-type: none"> 3m (minimum and maximum). Minor variations are permitted to achieve articulation. <i>Fifth and Sixth Storeys:</i> Minimum 3m setback (measured from the line of the level below).
Lot Boundary Setbacks	Side and Rear Setbacks	<i>First Two Storeys</i> <ul style="list-style-type: none"> Nil.

		(abutting sites within the Mixed Use Core and Residential Core Precinct)	<p><i>Third and Fourth Storeys</i></p> <ul style="list-style-type: none"> Minimum 3m setback. <p><i>Fifth Storey</i></p> <ul style="list-style-type: none"> Minimum 6m setback. <p><i>Sixth Storey</i></p> <ul style="list-style-type: none"> Minimum 9m setback.
		Side Setbacks (abutting sites within the Frame Precinct)	<p>Side Setbacks:</p> <p><i>Ground Floor</i></p> <ul style="list-style-type: none"> Nil setbacks for the ground floor are permitted. <p><i>Second and Third Storeys</i></p> <ul style="list-style-type: none"> Minimum 3m setback. <p><i>Fourth Storey and above</i></p> <ul style="list-style-type: none"> Minimum 6m setback for the fourth storey with additional floors setback 3m per storey (measured from the line of the level below).
		Landscaping	Minimum landscaping of 25% of the site area, and this is not to include landscaping above the ground level.
		FRAME PRECINCT Development Standards	
		Objectives	<ul style="list-style-type: none"> Encourage high quality design and sustainable outcomes for residential development. Provide generous areas of landscaping and deep soil zones. Provide a seamless transition between SCA15 and the surrounding suburban properties.
		Building Height	<ul style="list-style-type: none"> R60 = 3 storeys maximum R80 = 4 storeys maximum
		Plot Ratio	As per the Residential Design Codes.

		Street Setbacks		<p>Setback to all streets other than Hotham Street</p> <p>3m (minimum and maximum setback).</p> <p>Minor variations are permitted to achieve articulation.</p> <p>Setback to Hotham Street</p> <p><i>First Two Storeys:</i></p> <ul style="list-style-type: none"> • Minimum 6m setback. <p><i>Third Storey:</i></p> <ul style="list-style-type: none"> • Minimum 6.5m setback.
		Lot Boundary Setbacks	Side boundary setbacks (abutting lots within SCA15)	<p><i>First Storey (Ground Floor):</i></p> <ul style="list-style-type: none"> • Nil setback for the ground floor is permitted. <p><i>Second and Third Storey:</i></p> <ul style="list-style-type: none"> • Minimum 3m setback. <p><i>Fourth Storey:</i></p> <ul style="list-style-type: none"> • Minimum 6m setback.
			Side boundary setbacks (abutting lots outside SCA15)	<p><i>First Storey (ground floor):</i></p> <ul style="list-style-type: none"> • Nil setback for the ground floor is permitted. <p><i>Second Storey and above:</i></p> <ul style="list-style-type: none"> • Minimum 3m setback. <p><i>Third Storey and Fourth Storey (where permitted):</i></p> <ul style="list-style-type: none"> • Minimum 6m setback.
			Rear boundary setbacks	Minimum 6m setback.

		Landscaping	<p>Minimum landscaping of 25% of the site area, and this is not to include landscaping above the ground level.</p> <p>Minimum 3m wide deep soil zones are to be provided within the rear setback area.</p>
		<p><u>Bonus Height Criteria</u></p> <p>A maximum of 2 additional storeys and/or additional plot ratio of 1.0 in the Mixed Use Core and Residential Core Precincts is permitted, subject to:</p> <p>The following mandatory requirements being fulfilled:</p> <ul style="list-style-type: none"> • The development is considered to be exemplary, as determined by the City with the advice of the City's Design Review Panel or similar; • The site has a minimum area of 1,500m²; and • The width of the site is equal to or exceeds 25m for at least one street frontage; and <p>At least 2 of the following optional requirements being fulfilled:</p> <ul style="list-style-type: none"> • At least 1 dwelling or at least 5% of the dwellings, whichever is greater, being provided by a joint venture or similar arrangement with a government supported or recognised affordable housing provider. Alternatively, development that proposes a cooperative housing initiative similar to the Baugruppen Model; • Development that achieves a 6 star Green Star rating. Alternatively, development that over its lifetime, compared to the average Australian code-compliant building, reduces: <ul style="list-style-type: none"> ○ Its water use by 15%; and ○ Its global warming potential by 50% for any residential component and 30% for any non-residential component; • Development that includes a high quality and enduring green roof that covers at least 20% of the total roof area and is designed by a suitably qualified landscape architect currently registered with the Australian Institute of Landscape Architects. The green roof is to be provided in addition to the 25% site area landscaping requirement; • At least 10% of the dwellings are to have 3 bedrooms or more and at least 5% of the dwellings are to have 4 bedrooms or more; • Development that provides high quality public facilities, pocket parks and/or streetscape improvements as determined by the City of Bayswater; or • The retention of at least 1 tree onsite and within a functional communal area, which is considered worthy of retention as determined by the City of Bayswater. 	



9.7 Proposed Amendment to Local Planning Scheme No 24 - Bunnings Morley Site

Location:	Lot 303, 65-79 Russell Street, Morley
Applicant:	Dynamic Planning
Owner:	Bunnings Property Trust
Reporting Branch:	Strategic Planning and Place
Responsible Directorate:	Community and Development
Refer:	Item 9.7: PDSC 10.04.2018

CR LORNA CLARKE DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Lorna Clarke declared a financial interest in this item as an entity mentioned in the report is linked/known to her through her paid work as a solicitor/lawyer. At 8:07pm, Cr Lorna Clarke withdrew from the meeting.

EXECUTIVE SUMMARY**Application:**

Council's further consideration is sought to initiate a proposed amendment to Town Planning Scheme No. 24 (TPS 24) to:

1. Include an Additional Use of 'Automotive & Marine Sales' for Lot 303, 65-79 Russell Street, Morley.
2. Modify Table No. 4 - Morley Activity Centre Zoning Table under Schedule No. 1 of TPS 24 and Appendix 1 - Interpretations:
 - (a) to amend the 'D' (discretionary) permissibility of 'Transport Depot' use class within the 'Central Core' precinct to an 'X' (not permitted) use,
 - (b) to amend the 'D' permissibility of 'Single House' and 'Grouped Dwelling' use class within the 'Outer Core' and 'Mixed Business' precincts to an 'X' use,
 - (c) to amend the 'X' permissibility of 'Showroom / Warehouse' and 'Warehouse' within the 'Outer Core' precinct to a 'D' use, and
 - (d) to revise the interpretation of 'Fast Food Outlet' in Appendix 1 and insert a new proposed interpretation for 'Drive-Through Food Outlet' as defined below and amend Table No. 4 to include 'Drive Through Food Outlet' as a 'D' use within the 'Central Core', 'Outer Core' and 'Mixed Business' precincts.
 - (i) Fast Foods Outlet: means premises 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 excludes a lunch bar or drive through food outlet.
 - (ii) Drive Through Food Outlet: means a take away food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building; or portion thereof.

Key Issues:

- The subject property is located within the 'Central Core' precinct of the applicable Morley Activity Centre Structure Plan (MACSP). The Zoning Table identifies the use class permissibility within each of the designated precincts and indicates 'Automotive & Marine Sales' as an 'X' use.
- TPS 24 makes provision for Additional Uses - a land use that is permitted on a specific portion of land in addition to the uses already permitted in the zone that applies to the land.

- In accordance with Clause 6.1 of the MACSP, the primary objective of the 'Central Core' precinct is to encourage a retail environment with active street frontages and high quality streetscapes which provides a strong sense of place.
- The proposed additional use ('Automotive & Marine Sales'), in its most common format (expansive external vehicle display areas), will be inconsistent with the active and quality street scape objective of the 'Central Core' precinct of the MACSP. The applicant is proposing a mix of uses, reduced external display area and upgraded architecturally designed façade to address the intent of the MACSP.
- The redevelopment of the Morley Activity Centre will take time to develop in line with the long term vision of the MACSP. The applicable zoning table reflects the long term vision and in many ways excludes acceptable interim land uses required to retain activity and vibrancy within the centre.

BACKGROUND

Subject Property

The subject property is Lot 303, 65-79 Russell Street, Morley. It is bounded by Russell Street to the north and Boag Place to the south and is surrounded by service and light industries and the Galleria Shopping Centre as part of the Morley Activity Centre (Figure 1). The Water Corporation drainage reserve on Russell Street forms the eastern boundary.

Public transport bus stops are located along Russell Street with the Morley Bus Station in close proximity to the site. Vehicular access is gained off Russell Street and Boag Place which is directly connected to Walter Road West to the north and Broun Avenue to the south.

The subject property currently accommodates the existing Bunnings hardware store. This facility is scheduled to close as Bunnings now operates at the previous Masters site on Collier Road and the Bunnings Property Trust has invited expressions of interest in securing a future lessee for the subject property.

The Regents Motors Group of Companies has shown their interest in the interim occupation and redevelopment of the subject property and is proposing a combination of commercial uses, which is the subject of this Scheme Amendment

Figure 1



Morley Activity Centre Structure Plan (MACSP) and Amendment No. 61

Council, at its Ordinary Meeting of 28 April 2015, resolved (in part) to adopt the MACSP as both a strategic planning document and as a local planning policy TP-P 1.13 Morley Activity Centre Structure Plan.

Following Council adoption, the MACSP was submitted to the Western Australian Planning Commission (WAPC) for final endorsement. The WAPC required a more detailed transport assessment report to be submitted.

To facilitate the statutory implementation of the land use, zoning and other provisions contained with the MACSP, Council, at its Ordinary Meeting held on 15 December 2015 resolved in part as follows:

1. *"Council initiates a report to the Western Australian Planning Commission recommending the repeal of Town Planning Scheme No. 23 Morley City Centre Scheme.*
2. *Council initiates Amendment No. 61 to the City of Bayswater Town Planning Scheme No. 24 to amend the Scheme as follows..."*

At its Special Meeting held on 6 September 2016, Council considered proposed modifications to the MACSP and associated local planning policy to accommodate the outcomes of the detailed transport assessment report requested by the WAPC.

Proposed Amendment No. 61 to TPS 24 and the associated repeal of TPS 23 was given final approval by Council at its Ordinary Meeting held on 6 December 2016. At the same meeting, Council also resolved to defer consideration of the modified MACSP and associated policy. The modified MACSP and associated policy were provided to Councillors under memorandum dated 15 February 2017.

Council, at its Ordinary Meeting held 28 March 2017, resolved to adopt the modified MACSP and the amended MACSP Policy (provided under memorandum dated 15 February 2017).

Amendment No. 61 and the repeal of TPS 23 were gazetted and became effective on 28 November 2017.

The WAPC's Statutory Planning Committee at its meeting on 30 January 2018 further considered the modified MACSP and requested the City to make additional modifications. These minor amendments will be presented to the WAPC's Statutory Planning Committee meeting later in July 2018.

Council at the Planning and Development Services Committee meeting held on 10 April 2018 considered this scheme amendment proposal and resolved to refer the item to a Councillor Workshop for further discussion. At the Councillor Workshop held on 5 June 2018, the proposal was further discussed in context of the long term vision for the Morley Activity Centre and the possibility of accommodating interim uses to promote activation and vibrancy.

A number of vibrant new local businesses have located in the Morley Activity Centre, particularly along Rudloc Road. This includes a coffee roaster, German bread-maker and café/kombucha maker. It is considered that these small scale businesses are suitable transitional uses until redevelopment occurs and contribute to building a unique character for Morley.

CONSULTATION

No public consultation has yet occurred on the proposed scheme amendment. In the event the proposed amendment is initiated by Council, the proposed scheme amendment documentation will be prepared by the applicant, to the satisfaction of the City, and forwarded to the Department of Water and Environmental Regulation (DWER) for assessment, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), and the Department of Planning, Lands and Heritage (DPLH) for comment.

Further, in accordance with the Regulations, upon Notice of Assessment from DWER and DPLH being received (and issues raised being complied with), the proposed scheme amendment documentation will be advertised for public comment for a minimum of 42 days, by way of:

1. Notifications being published in the Eastern Reporter newspaper;
2. Impacted land owners be notified in writing of the amendment details;
3. The relevant public authorities being notified in writing of the amendment details;
4. Information being placed on the City's engagement website; and
5. Hard copies of the amendment documentation made available for inspection at the City of Bayswater Civic Centre and libraries.

ANALYSIS

The Proposal

The applicant has prepared a report in support of an amendment (**Attachment 1**) to the City's TPS 24 for the inclusion of an 'Additional Use' of 'Automotive & Marine Sales' for Lot 303, 65-79 Russell Street, Morley. The proposed scheme amendment is intended to facilitate the interim redevelopment of the subject property into a consolidated commercial complex comprising a new and second hand car sales showroom and auto service workshop (5,081m²), children's play centre and café/coffee shop (908m²) with an alfresco area and an additional car sales showroom tenancy to be confirmed (1,049m²).

Statutory Planning Framework

Under the provisions of TPS 24, the site is currently zoned 'Morley Activity Centre' and forms part of the 'Central Core' precinct of the MACSP. Zoning Table 4 under Schedule 1 (see Figure 2

below) identifies the use class permissibility of the proposed uses within the 'Central Core' precinct.

Figure 2

Proposed Use	Use Class in terms of TPS No. 24	Zoning Table No. 4 Land Use Permissibility within 'Central Core' Precinct
New and second hand car sales showrooms	Automotive & Marine Sales	'X' - not permitted
Automotive repairs	Automotive Repairs	'A*2' use incidental to the overall use of the land and incorporated into the built form and/or parking areas not directly visible from any part of a street or public space.
Children's play centre	Recreation Facility (Private & Public)	'P' use permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
Fast foods outlet	Fast Food Outlet	'P' use same as above

'Automotive & Marine Sales' is a not permitted ('X') use. A scheme amendment is required to allow this use.

Strategic Planning Framework

The subject property is located within an area covered by the MACSP. Under the provisions of the Structure Plan, the subject property is designated in the 'Central Core' precinct.

In accordance with Clause 6.1 of the MACSP, the objectives of the 'Central Core' precinct are to:

- "(a) *Encourage a retail environment with active street frontages and high quality streetscapes which provide a strong sense of place.*
- (b) *Promote Progress Street as the 'Main Street' within the precinct and encourage retail diversity and community activity around the town square/piazza.*
- (c) *Encourage residential land uses as a vital component of the central core, whilst ensuring that these do not replace active ground floor uses.*
- (d) *Encourage land uses which generate activity outside of normal business hours and which allow interaction with the street, such as alfresco dining.*
- (e) *Allow the Morley Activity Centre to develop as a destination and an iconic tourist attraction.*
- (f) *Create vibrant community meeting places.*
- (g) *Encourage development which is compatibly located with the Morley Bus Station and encourages the use of public transport, walking and cycling.*
- (h) *Reduce the amount and visual dominance of expansive at-grade parking areas.*
- (i) *Ensure appropriate transition in development form and intensity between the Central Core precinct and adjacent Inner City Residential precincts".*

The MACSP states the following in regards to the subject property:

"The site is earmarked on the Morley Activity Centre Structure Plan as a Landmark. Landmark development sites are expected to demonstrate iconic architectural features and provide a visual distinction in the Activity Centre.

Active frontage should provide the most vibrant built form and most intensive activity, directly about the public realm and provides an inviting entry from the street. Ground floor uses include

retail, entertainment, dining with the emphasis on alfresco dining, shopfront offices and other land uses with a high turnover of customers".

A conceptual development proposal to illustrate the proposed reuse of the existing structure, building facade elevations and artist impressions showing the envisaged streetscape, were included in the application, see (**Attachment 1**).

The City requested the applicant to revisit the street activation component and façade treatment of the proposal, in order to address the aspirations of the MACSP. The revisions made comprise the following:

- The café/coffee shop and alfresco area has been pushed forward to directly abut the public realm with an inviting and prominent access from the street,
- The parking and external vehicle display areas will be covered by canopies extending from the originally proposed glassed façade up to the street boundary, to act as architectural features and link the urban form with the public realm.

Attachment 2 shows the revised layout design and new proposed façade on Russell Street.

Applicant's Justification

In relation to the strategic planning framework, the applicant provides the following justification:

"Whilst the proposed Scheme Amendment does depart from the ultimate vision for the locality in relation to the proposed 'Automotive & Marine Sales' component, it must be emphasised that the proposal is an interim measure whilst the locality is transitioning from its current car-orientated service commercial character to one that is more transit-oriented with greater diversity of land uses which maximises residential, business and leisure components.

The proposed 'Automotive and Marine Sales' use will not function in a manner traditional to motor vehicle sales premises which are characterised by large, expansive outdoor areas. That is, the proposal as evident in the indicative concept plans break-away from the traditional layout and design by offering a stylish, high quality building finish with the majority of motor vehicles showcased internally. Furthermore, the development will incorporate other commercial land uses such as the Croc's play centre and Muffin Break, which will diversify the operational character of the land, provide extended operating hours as well as providing a complementary service and undeniable synergy between uses where patrons to the play centre can view motor vehicles whilst their child is at play and vice-versa."

An interim use is considered to be a reasonable proposal to prevent stagnation of a locality or the entrenching of a different land use which does not have a determined lifespan. As evident in the planning process/background application of the area (i.e. opening of the Galleria Shopping Centre in 1994, identification of Morley as a strategic metropolitan centre in 2009, endorsement of a City Centre Master Plan in 2010 and in 2017, WAPC approved of the Morley Activity Centre Structure Plan), the locality will not transition overnight and as such an interim use can be reasonable."

Proposed Additional Use to Appendix 2 - Schedule of Additional Uses

The applicant proposed the following wording and conditions to be added to Appendix 2 - Schedule of Additional Uses of TPS 24 as detailed in Figure 3 below.

Figure 3

No.	Description of land	Additional Use	Conditions
2	Lot 303, No. 65 - 79 Russell Street, Morley	Automotive & Marine Sales	<ol style="list-style-type: none"> 1. A minimum net lettable area of 900m² shall be for a land use/s that is 'P' permissible or 'D' discretionary within the applicable 'Centre' zone, 'Central Core' precinct as per the Morley Activity Centre Structure Plan. 2. The existing building being externally upgraded to the satisfaction of the City. 3. The Additional Use of 'Automotive & Marine Sales' shall extinguish in the following circumstances: <ol style="list-style-type: none"> (a) Upon the expiry of 15 years from the date that an application for development approval for the use is first granted by Council, except where further application(s) for development approval has been granted for the continued operation of the use whereby the Additional Use shall extinguish upon the expiry of the approval(s); or (b) Upon the demolition, destruction or redevelopment of 75 per cent or more of the value of the building(s) on the land approved to carry out the use.

It is considered that modifications to the conditions for the Additional Use are required. In particular conditions to ensure the Russell Street façade contributes to the overall streetscape envisioned for the Morley activity centre and specifically Russell Street as an activated and well landscaped boulevard. The City officer recommended conditions are shown in Figure 4 below.

Figure 4

No.	Description of land	Additional Use	Conditions
2	Lot 303, No. 65 - 79 Russell Street, Morley	Automotive & Marine Sales	<ol style="list-style-type: none"> 1. The Additional Use of 'Automotive & Marine Sales' shall extinguish in the following circumstances: <ol style="list-style-type: none"> (a) Upon the expiry of 15 years from the date that an application for development approval for this use is granted by the City of Bayswater; or (b) Upon the demolition, destruction or redevelopment of 75 per cent or more of the value of the building(s) on the land approved to carry out the use. 2. The following urban design elements must be incorporated into the development as per the intent of the Morley Activity Centre Plan: <ol style="list-style-type: none"> (a) An upgraded façade that addresses Russell Street; (b) The façade upgrade must act as an active and articulated focal point accommodating active ground floor uses, connects with Russell Street and includes a restaurant with alfresco dining area or similar use(s); and (c) The vehicle display / parking area facing Russell Street to be covered by canopies, shade structures or similar addressing Russell Street as part of a continuous façade design. 3. A minimum net lettable area of 900m² shall be for a land use(s) that is 'P' (permitted) or 'D' (discretionary) within the 'Morley Activity Centre' zone, 'Central Core' precinct as per the Morley Activity Centre Plan.

The justification for the above officer's recommended conditions is as follows:

- Condition 1 - The applicant's client considers 15 years as the required time period to justify their financial input in terms of retrofitting and upgrading the subject property to accommodate the development proposal. The proposed time limit provides sufficient time for the local housing and retail market to reach the stage where the landowner considers redevelopment as per the MACSP is feasible. Accordingly, the City considers the interim proposal as acceptable.
- Condition 2 - The City proposes this condition to ensure that the streetscape intent of the MACSP is adequately addressed by introducing urban design elements to form part of the Russell Street façade treatment.
- Condition 3 - This condition is introduced to ensure that permitted and discretionary uses are adequately accommodated in the final development proposal to ensure an active and articulated street frontage outcome.

It is considered that the interim proposal will make optimal use of existing improvements on the subject property and will ensure activity on a currently unused landmark site, until future redevelopment occurs. Should the architectural façade treatment comply with the conditions imposed the combination of the proposed additional use with other uses permitted within the 'Central Core' precinct of the MACSP is considered an acceptable interim use. Given the MACSP has only recently been adopted, it is further considered that the long term development of this area is well established and will be reflected in the Local Planning Strategy (LPS) currently being prepared.

Proposed Modifications to Table No. 4 - Morley Activity Centre Zoning Table and Appendix 1 - Interpretations

City officers assessed Zoning Table No. 4 (Schedule 1 of TPS No. 24) and Appendix 1 - Interpretations as part of this application as well as to determine flexibility within the zoning table to accommodate possible interim uses and reduce the potential impact of others. The assessment revealed the following suggested modifications to Table No. 4 and Appendix 1:

1. To amend the 'D' (discretionary) permissibility of 'Transport Depot' use class within the 'Central Core' precinct to an 'X' (not permitted) use -

Such an intensive land use is not considered to be appropriate in the 'Central Core' precinct of the Morley Activity Centre. It is considered that the extent thereof will contradict the fine grain mixed use character envisioned for the 'Central Core' and stifle redevelopment opportunity.

2. To amend the 'D' permissibility of the 'Single House' and 'Grouped Dwelling' use class within the 'Outer Core' and 'Mixed Business' precincts to an 'X' use -

Land use permissibility within the 'Outer Core' and 'Mixed Business' precincts includes 'Service Industry', 'Showroom', 'Warehouse', 'Automotive Repairs', 'Automotive & Marine Sales', 'Factory' and 'Light Industry' as 'P' (permitted) and 'D' (discretionary) uses respectively. It is considered that low intensity residential such as 'Single House' and 'Grouped Dwelling' will be out of character with the future vision for the 'Outer Core' and 'Mixed Business' precincts, create potential land use conflict and will stifle the redevelopment potential of these precincts.

3. To amend the 'X' permissibility of 'Showroom / Warehouse' and 'Warehouse' within the 'Outer Core' precinct to a 'D' use -

It is considered that this modification creates the flexibility to accommodate a broader spectrum of uses within the 'Outer Core' precinct and will provide for the establishment of acceptable interim uses until redevelopment occurs.

A further concern raised at the Council Workshop was the potential impact of take-away / fast food establishments on the amenity of future mixed use residential redevelopment within the centre.

Zoning Table No. 4 currently makes provision for 'Fast Food Outlet', which means - *'land and building 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.* No distinction is made between those with or without a drive-through service.'

In terms of the above-mentioned zoning table, a 'Fast Food Outlet' is a 'P' use in the 'Central Core', 'Outer Core' and 'Mixed Business' precincts. 'P' means - *'that the use is permitted by the Scheme provided the use complies with the relevant development standards and requirements of the Scheme.'*

An investigation by City officers revealed that in several local areas in Western Australia e.g. the Cities of Joondalup, Stirling and Wanneroo, take-away and fast food restaurants are limited to business and commercial centres as 'P' uses, while those with a drive-through facility are usually assessed as a 'D' use to allow for a review of the development proposal and an opportunity to negotiate preferred site layout and design outcomes.

A primary objective of the MACSP applicable to all precincts outside the 'Central Core' precinct is to establish transition areas comprising compatible mixed use activities, which are complementary to residential uses. These transition areas are generally described as less retail intensive consisting of small retail stores, restaurants, cafes, offices and increased residential density.

Smaller take away and fast food restaurants (no drive-through) can be considered to have a similar impact on residential amenity as dine-in restaurants, whereas fast food outlets with drive-through facilities usually have a greater impact on residential amenity because of -

- high traffic generation and additional parking requirements;
- external bin storage areas and associated service vehicles;
- noise and lighting associated with longer trading hours; and
- illuminated signage.

Studies confirm that a drive-through service is primarily linked to the major fast food chains, are focussed on high vehicular traffic and therefore prefer to locate along major roads. This is evident in Morley with the majority of the fast food chains located along Walter Road West. It is therefore considered that these fast food chains will continue to focus on the 'Central Core' and associated major roads and will therefore have a minor impact on the residential focussed precincts of the Morley Activity Centre.

However, the fact that a 'Fast Food Outlet' as defined in TPS 24, is a 'P' use in the 'Central Core', 'Outer Core' and 'Mixed Business' precincts of the MACSP and no distinction is made between fast food outlets with or without a drive-through facility, provides an opportunity for potential land use conflict and impact on future residential amenity within these precincts, which will compromise the objectives of the MACSP.

The current interpretation for 'Fast Food Outlet' in TPS 24 includes the words.....*"does not include a fish shop....."*. A 'fish shop' is defined as a fast food restaurant and not excluded from the definition for a 'Fast Food Outlet' as per the *Planning and Development (Local Planning Schemes) Regulations 2015*. All fast food restaurants are also regulated by the *Health Act 1911* (as amended) and the *Health (Food Hygiene) Regulations 1993*. It is considered that the interpretation for 'Fast Food Outlet' in TPS 24 should be revised to bring it in line with the Planning and Development Regulations.

It is therefore proposed that Zoning Table No. 4 and Appendix 1 - Interpretations, be modified to make provision for:

- a revised interpretation of 'Fast Food Outlet' to exclude the word 'fish shop' and replaced with the words.... 'but excludes a lunch bar or drive through food outlet'.
- A new interpretation for 'Drive Through Food Outlet'.

The wording proposed for the revised and new interpretations (see below) are based on the scheme text of the Cities of Joondalup, Wanneroo and Stirling as approved by the Western Australia Planning Commission.

It is considered that the modifications will provide an opportunity for more comprehensive assessment against the City's strategic policies and will limit fast food outlets with drive-through facilities to the City's 'Centre Zone'.

4. To revise the interpretation of 'Fast Food Outlet' in Appendix 1 and insert a new proposed interpretation for 'Drive-Through Food Outlet' as defined below and amend zoning Table No. 4 to insert 'Drive Through Food Outlet' as a 'D' use within the 'Central Core', 'Outer Core' and 'Mixed Business' precincts, as shown in Figure 5 -

- (i) Fast Foods Outlet: means premises 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 excludes a lunch bar or drive through food outlet.
- (ii) Drive Through Food Outlet: means a take away food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building; or portion thereof.

Figure 5

USE CLASSES	PRECINCT	CENTRAL CORE	OUTER CORE	MIXED BUSINESS	CIVIC AND EDUCATION	INNER CITY RESIDENTIAL
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Dining						
Fast Food Outlet	P	P	P	X	X	
Drive Through Food Outlet	D	D	D	X	X	

OPTIONS

The following options are available to Council:

OPTION	BENEFIT	RISK
<p>1. Initiate for public advertising the proposed amendment for the inclusion of an Additional Use of 'Automotive & Marine Sales' at the subject property, and modify Zoning Table No. 4 and Appendix 1, as recommended by the City officers.</p> <p>Estimated Cost:</p> <ul style="list-style-type: none"> All costs borne by the applicant. 	<ul style="list-style-type: none"> Promotes the reuse of a soon to be vacant property with limited and very specific land use potential and improve the amenity of the locality. The 15 year time limit provides sufficient time for the local housing and retail market to reach the stage where the landowner considers redevelopment as per the MACSP is feasible. Introduces a mix of business ventures which will contribute to the reactivation of a key locality and landmark site. Additional use to cease as a condition of approval. Proposed modifications to Table No. 4 will provide flexibility to allow a greater variety of uses, while prohibiting undesirable uses. Specifying 'Drive Through Food Outlet' will provide improved land use control and site layout design opportunity. 	<ul style="list-style-type: none"> May undermine the MACSP intent for this locality by permitting an 'X' (not permitted) use for a 15 year term.
<p>2. Initiate for public advertising the proposed amendment for the inclusion of an Additional Use of 'Automotive and Marine Sales' at the subject property, and modify Zoning Table No. 4 and Appendix 1, with modification(s).</p> <p>Estimated Cost:</p> <ul style="list-style-type: none"> All costs borne by the applicant. 	<ul style="list-style-type: none"> Dependent on modification(s) proposed. 	<ul style="list-style-type: none"> Dependent on modification(s) proposed.

3.	<p>Initiate for public advertising only the proposed amendment for modification of Zoning Table 4 and Appendix 1.</p> <p>Estimated Cost:</p> <ul style="list-style-type: none"> \$2,000 for advertising and gazettal. 	<ul style="list-style-type: none"> Provides flexibility to action a greater variety of uses, while prohibiting undesirable use. Specifying 'Drive Through Food Outlet' will provide improved land use control and site layout design opportunity. 	<ul style="list-style-type: none"> Cost implication for the City.
4.	<p>Initiate for public advertising only the proposed amendment for the inclusion of an Additional Use of 'Automotive and Marine Sales' at the subject property.</p> <p>Estimated Cost:</p> <ul style="list-style-type: none"> All costs borne by the applicant. 	<ul style="list-style-type: none"> Promotes the reuse of a soon to be vacant property with limited and very specific land use potential and improve the amenity of the locality. The 15 year time limit provides sufficient time for the local housing and retail market to reach the stage where the landowner considers redevelopment as per the MACSP is feasible. Introduces a mix of business ventures which will contribute to the reactivation of a key locality and landmark site. Additional use to cease as a condition of approval. 	<ul style="list-style-type: none"> May undermine the MACSP intent for this locality by permitting an 'X' (not permitted) use for a 15 year term. Excluding the proposed modifications to Table No. 4 and Appendix 1 will limit a greater variety of uses, while allowing for undesirable uses. Not specifying 'Drive Through Food Outlet' will limit improved land use control and site layout design opportunity. Limits the opportunity for a vibrant and unique Morley Activity Centre.
5.	<p>Do not initiate the proposed amendment for the inclusion of an Additional Use of 'Automotive & Marine Sales' and modify Zoning Table No. 4 (Schedule 1 of TPS No. 24) and Appendix 1.</p> <p>Estimated Cost:</p> <ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Requires the property to be developed in line with the MACSP and TPS 24. 	<ul style="list-style-type: none"> The property may remain vacant / unused for a substantial period of time, which will impact the amenity of this locality and the intent of the activity centre in the interim period. Limits the opportunity for a vibrant and unique Morley Activity Centre.

CONCLUSION

In light of the above, it is recommended that Council proceed with Option 1 to initiate for public advertising the proposed amendment for the inclusion of an Additional Use of 'Automotive & Marine Sales' for Lot 303, 65-79 Russell Street, Morley and modify Zoning Table 4 and Appendix 1, as suggested by the City officers.

FINANCIAL IMPLICATIONS

The financial implications are detailed in the 'Options' table above.

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

In the event Council initiates the proposed scheme amendment the process must be in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Applicant's proposed Scheme Amendment for an Additional Use.
2. Indicative Development Plans and Street Elevations submitted by applicant.

OFFICER'S RECOMMENDATION

That:

1. Council initiates Amendment No. 80 to the City of Bayswater Town Planning Scheme No. 24 as follows:
 - a. Insert a new Additional Use of 'Automotive & Marine Sales' for Lot 303, Nos. 65-79 Russell Street, Morley in the Scheme by amending Appendix 2 - Schedule of Additional Uses of the Scheme to include the following Additional Use:

No.	Description of land	Additional use	Conditions
2	Lot 303, Nos. 65 - 79 Russell Street, Morley	Automotive & Marine Sales	<ol style="list-style-type: none"> 1. The Additional Use of 'Automotive & Marine Sales' shall extinguish in the following circumstances: <ol style="list-style-type: none"> (a) Upon the expiry of 15 years from the date that an application for development approval for this use is granted by the City of Bayswater; or (b) Upon the demolition, destruction or redevelopment of 75 per cent or more of the value of the building(s) on the land approved to carry out the use. 2. The following urban design

			<p>elements must be incorporated into the development as per the intent of the Morley Activity Centre Plan:</p> <p>(a) An upgraded façade that addresses Russell Street;</p> <p>(b) The façade upgrade must act as an active and articulated focal point accommodating active ground floor uses, connects with Russell Street and includes a restaurant with alfresco dining area or similar use(s); and</p> <p>(c) The vehicle display / parking area facing Russell Street to be covered by canopies / shade structures or similar addressing Russell Street as part of a continuous façade design.</p> <p>3. A minimum net lettable area of 900m² shall be for a land use(s) that is 'P' (permitted) or 'D' (discretionary) within the 'Centre' zone 'Central Core' precinct as per the Morley Activity Centre Plan.</p>
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- b. **Modify Table No. 4 - Morley Activity Centre Zoning Table** under Schedule No. 1 of the scheme and **Appendix 1- Interpretations** -
- (i) to amend the 'D' (discretionary) permissibility of 'Transport Depot' use class within the 'Central Core' precinct to an 'X' (not permitted) use;
 - (ii) to amend the 'D' (discretionary) permissibility of 'Single House' and 'Grouped Dwelling' use class within the 'Outer Core' and 'Mixed Business' precincts to an 'X' (not permitted) use;
 - (iii) to amend the 'X' (not permitted) permissibility of 'Showroom / Warehouse' and 'Warehouse' within the 'Outer Core' precinct to a 'D' (discretionary) use; and
 - (iv) to revise the interpretation of 'Fast Food Outlet' in Appendix 1 and insert a new proposed interpretation for 'Drive-Through Food Outlet' as defined below and amend Table No. 4 (Schedule 1 of TPS No. 24) to include 'Drive

Through Food Outlet' as a 'D' (discretionary) use within the 'Central Core', 'Outer Core' and 'Mixed Business' precincts -

Fast Foods Outlet: means premises 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 excludes a lunch bar or drive through food outlet.

Drive Through Food Outlet: means a take away food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building; or portion thereof.

USE CLASSES	PRECINCT	CENTRAL CORE	OUTER CORE	MIXED BUSINESS	CIVIC AND EDUCATION	INNER CITY RESIDENTIAL
Drive Through Food Outlet		D	D	D	X	X

- c. Amend the Scheme Maps accordingly.
2. Council considers Amendment No. 80 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 will have minimal impact on land in the Morley Activity Centre Plan area that is not the subject of the amendment;
 - b. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - c. The amendment is not a basic or complex amendment.
3. The applicant prepares the scheme amendment documentation to the satisfaction of the City of Bayswater.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR DAN BULL, MAYOR SECONDED

AMENDMENT

To remove clauses 1a, 1c and 3 from the Officer's Recommendation.

CR CATHERINE EHRHARDT MOVED, CR SALLY PALMER SECONDED

CARRIED UNANIMOUSLY: 9/0

The amendment became part of the substantive motion.

COMMITTEE RESOLUTION

That:

1. Council initiates Amendment No. 80 to the City of Bayswater Town Planning Scheme No. 24 as follows:

Modify *Table No. 4 - Morley Activity Centre Zoning Table* under Schedule No. 1 of the scheme and *Appendix 1- Interpretations* -

 - (a) to amend the 'D' (discretionary) permissibility of 'Transport Depot' use class within the 'Central Core' precinct to an 'X' (not permitted) use;

- (b) to amend the 'D' (discretionary) permissibility of 'Single House' and 'Grouped Dwelling' use class within the 'Outer Core' and 'Mixed Business' precincts to an 'X' (not permitted) use;
- (c) to amend the 'X' (not permitted) permissibility of 'Showroom / Warehouse' and 'Warehouse' within the 'Outer Core' precinct to a 'D' (discretionary) use; and
- (d) to revise the interpretation of 'Fast Food Outlet' in Appendix 1 and insert a new proposed interpretation for 'Drive-Through Food Outlet' as defined below and amend Table No. 4 (Schedule 1 of TPS No. 24) to include 'Drive Through Food Outlet' as a 'D' (discretionary) use within the 'Central Core', 'Outer Core' and 'Mixed Business' precincts -

Fast Foods Outlet: means premises 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 excludes a lunch bar or drive through food outlet.

Drive Through Food Outlet: means a take away food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building; or portion thereof.

PRECINCT	CENTRAL CORE	OUTER CORE	MIXED BUSINESS	CIVIC AND EDUCATION	INNER CITY RESIDENTIAL
USE CLASSES					
Drive Through Food Outlet	D	D	D	X	X

2. Council considers Amendment No. 80 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 will have minimal impact on land in the Morley Activity Centre Plan area that is not the subject of the amendment;
 - (b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - (c) The amendment is not a basic or complex amendment.

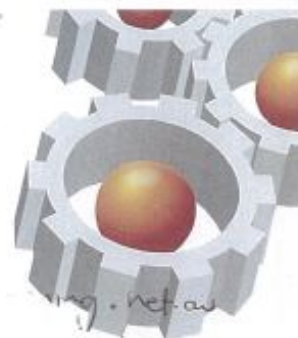
CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR DAN BULL, MAYOR SECONDED

CARRIED UNANIMOUSLY: 9/0

REASON FOR CHANGE

The Committee changed the Officer's Recommendation as it was not supportive of the use of Automotive and Marine Sales for this site, and is of the belief this usage does not fit with the long-term vision for the Morley Activity Centre.

Cr Lorna Clarke returned to the meeting at 8:26pm.

Attachment 1: Applicant's Report**DYNAMIC PLANNING**
AND DEVELOPMENTS

Our Ref: 744

21 December 2017

Chief Executive Officer
City of Bayswater
PO Box 467
MORLEY WA 6943

Dear Sir/Madam,

Lot 303 (No. 65-79) Russell Street, Morley 6062**Proposed Amendment to City of Bayswater Local Planning Scheme No. 24 – Additional Use**

Dynamic Planning and Developments (DPD) acts on behalf of Regent Motors Pty Ltd, the proponent of Lot 303 (No. 65-79) Russell Street, Morley (herein referred to as the 'subject site'). DPD has prepared the following letter in support of an amendment to the City of Bayswater Local Planning Scheme No. 24 for the inclusion of an Additional Use of 'Automotive & Marine Sales'.

The following sections below will discuss in further detail, issues pertinent to the proposal which include:

- Existing and surrounding land use considerations;
- Statutory and strategic planning considerations;
- Mechanics on the scheme amendment proposal; and,
- Ultimate development outcomes intended out of the scheme amendment

For reasons outlined in this submission, it is requested that the proposed scheme amendment be favourably considered for initiation by the City of Bayswater after which, the amendment be progressed through in accordance with the statutory requirements of the r.35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

| Suite 15/29 Collier Road Morley WA 6062 | P O Box 688 Inglewood WA 6932 | (08) 9275 4433 | (08) 9275 4455

DYNAMIC CREATIVE PROACTIVE INNOVATIVE PASSIONATE

admin@dynamicplanning.net.au

www.dynamicplanning.net.au

SITE DETAILS

Legal Description

Lot 303 (No. 65-79) Russell Street, Morley is described as "*Lot 303 on diagram 99282*", being the whole of the land contained in Certificate of Title Volume 2185, Folio 134.

A copy of Certificate of Title pertaining to the subject site is contained in **Attachment 1**.

Location and Land Use Context

The subject site is situated within the Perth Metropolitan Region, approximately 8.0 kilometres north-east of the Perth Central Business District. **Figure 1** depicts the subject site within its regional context.

The subject site is located within the municipal area of the City of Bayswater, in the suburb of Morley. Regional access to the site is served efficiently via Walter Road West, Broun Avenue (both of which intersect with Russell Street) and Russell Street which abuts the subject site. Broun Avenue is reserved 'Other Regional Road' under the provisions of the Metropolitan Region Scheme (MRS).

The subject site has frontage to Russell Street. Russell Street runs perpendicular to Walter Road West (north) and Broun Avenue (south). Public transport bus stops are also located in close proximity to the subject site along Russell Street and Morley Bus Station is approximately 800 metres south of the subject site.

The subject site currently accommodates an existing hardware store, which is currently under lease by Bunnings Group Ltd and is located within close proximity to; Morley Activity Centre, public transport facilities and higher order roads.

The subject site is also located opposite the Morley Activity Centre / Galleria Shopping Centre and is within close proximity to several service commercial, light industrial and automotive sales land uses which include: Metro Motors Holden, Car Giant Morley, McInerney Ford, Ford and Doonan, Reece's Plumbing, Executive Press and several electrical stores.

Figure 2 depicts the subject site within its local context. **Figure 3 to 6** depict the subject site and its surrounds.

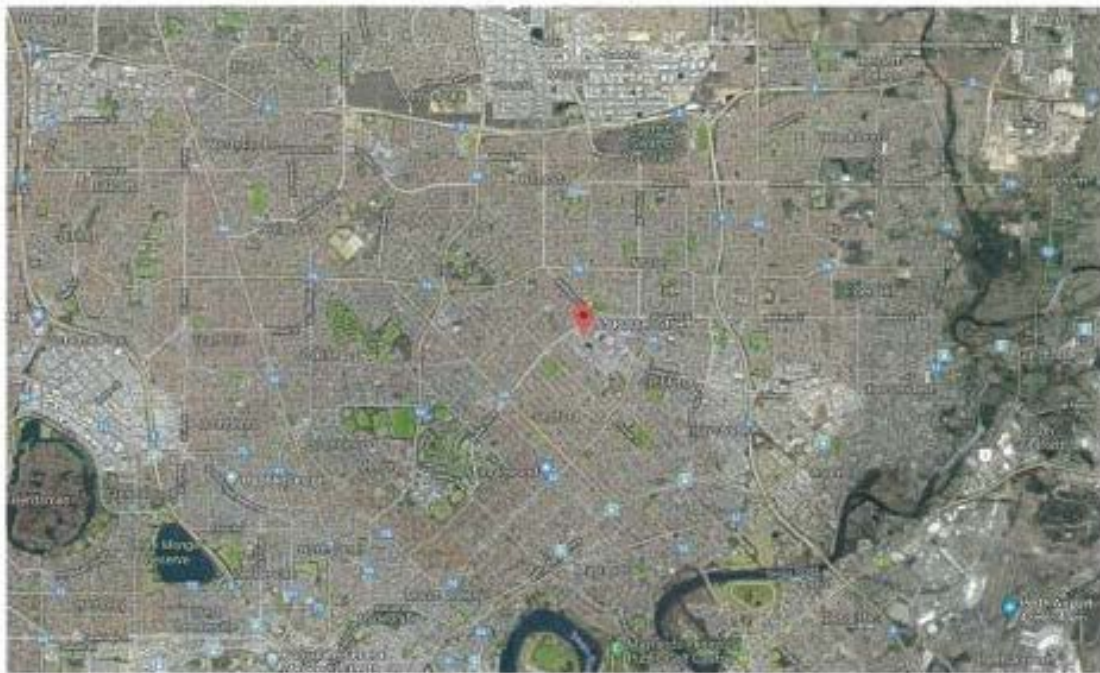


Figure 1 - Region Context of Subject Site



Figure 2 - Local Context of Subject Site



Figure 3 - Street View of Subject Site from Russell Street



Figure 4 - Street View of Subject Site from Boag Place



Figure 5 - Surrounding Land Uses Cnr Walter Road West & Russell Street (north of subject site)



Figure 6 - Surrounding Land Uses Walter Road West (north-west of subject site)

INTENDED DEVELOPMENT OUTCOME

Proposed Future Redevelopment

The proposed Scheme Amendment is intended to facilitate the interim redevelopment of the subject site into a consolidated commercial complex comprising a new and second hand car sales showroom (Mitsubishi), a children's play centre (Croc's Playcentre) and fast foods outlet (Muffin Break). There is also scope for additional commercial uses to occupy the subject site. From a statutory perspective, these land uses are defined under the provisions of LPS No. 24 as 'Automotive and Marine Sales', 'Automotive Repairs', 'Recreation Facility (Private)' and 'Fast Food Outlet' respectively.

Concept plans of the proposal are contained in **Attachment 2**. Table 1 below summarises the key elements of the proposal.

Use	Size (m ²)
'Automotive and Marine Sales' and 'Automotive Repairs' [Mitsubishi]	5,081
'Fast Food Outlet' [Muffin Break] and 'Recreation Facility (Private)' [Crocs Play Centre]	908
Other commercial tenancy / uses – to be confirmed	1,049

Table 1: Indicative Development Concept Summary

CURRENT STATUTORY CONTEXT

Metropolitan Region Scheme

The subject site is zoned 'Central City Area' under the provisions of the Metropolitan Region Scheme (MRS). It is noted that Broun Avenue, which intersects Russell Street and is in close proximity to the subject site, is reserved as 'Other Regional Roads' under the MRS.

For reasons outlined further below, the proposed Scheme Amendment is considered to be consistent with the 'Central City Area' MRS zoning and therefore warrants support.

City of Bayswater Local Planning Scheme No. 24

The subject site falls within the area covered by the City of Bayswater LPS No. 24. Under the provisions of LPS No. 24, the subject site is currently zoned 'Centre' – refer **Figure 7**. Schedule 1 of LPS No. 24 specifically outlines additional requirements that apply to land covered by a Structure Plan, in this instance being the Morley Activity Centre Structure Plan. The subject site is located within the 'Central Core (1)' precinct with a R-AC0 R-Code density coding applicable.



Figure 7 – Extract of LPS No. 24 Zoning Map

Table No. 4 of Schedule 1 contains a zone-specific use class table which varies depending on the applicable precinct of a property.

As outlined above, the proposed Scheme Amendment is intended to facilitate the redevelopment of the subject site for 'Automotive and Marine Sales', 'Automotive Repairs', 'Recreation Facility (Private)' and 'Fast Food Outlet' respectively. The land use permissibility applicable to these uses for the 'Central Core' Precinct under Table 4 of Schedule 1 are:

- Automotive & Marine Sales – X
- Automotive Repairs – A*²
- Recreation Facility (Private & Public) – P
- Fast Food Outlet – P

Note: *² means "Where incidental to the overall use of the land and incorporated into the built form and/or parking areas so as not directly visible from any part of a street or public space"

Appendix 1 – Interpretations of LPS No. 24 define each of the above land uses as follows:

Automotive & Marine Sales: means the use of land and buildings for the display, sale and repair of new or second-hand motorcycles, cars, trucks, caravans or boats and includes the sale of parts and accessories associated with the activity.

Automotive Repairs: means the use of land and buildings for the purpose of conducting mechanical repairs and overhauls to vehicles and machinery including tyre recapping and retreading.

Fast Foods Outlet: means land and building 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.

Recreation Private: means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not usually open to the public without charge.

By virtue of the land use permissibility applicable and the intended interim redevelopment proposal for the subject site as detailed previously, a scheme amendment to modify the 'X' permissibility for 'Automotive & Marine Sales' is necessary. Matters specific to the amendment are further detailed below.

Morley Activity Centre Structure Plan

The subject site falls within the area covered by the Morley Activity Centre Structure Plan. Under the provisions of the Structure Plan, the subject site is designated 'Central Core' Precinct.

In accordance with Clause 6.1 of the Morley Activity Centre Structure Plan, the objectives of the 'Central Core' Precinct are detailed below.

- a) *Encourage a retail environment with active street frontages and high quality streetscapes which provide a strong sense of place.*
- b) *Promote Progress Street as the 'Main Street' within the Precinct and encourage retail diversity and community activity around the town square/piazza.*
- c) *Encourage residential land uses as a vital component of the central core, whilst ensuring that these do not replace active ground floor uses.*

Ultimately, the primary vision for the Structure Plan area is for the locality to:

...grow into a lively and bustling place for business and shopping serving the north eastern metropolitan region of Perth. Investment will grow steadily, stimulated by Morley's high level strategic role in the metropolitan region. This will bring intensity and diversity of both employment and housing.

Whilst the proposed Scheme Amendment does depart from the ultimate vision for the locality in relation to the proposed 'Automotive & Marine Sales' component, it must be emphasised that the proposal is an interim measure whilst the locality is transitioning from its current car-oriented service-commercial character to one that is more transit-oriented with greater diversity of land uses which maximises residential, business and leisure components.

An interim use is considered to be a reasonable proposal to prevent stagnation of a locality or the entrenching of a different land use which does not have a determined lifespan. As evident in the planning process / background applicable to the area (i.e. opening of the Galleria Shopping Centre in

1994, identification of Morley as a strategic metropolitan centre in 2009, endorsement of a City Centre Master Plan in 2010 and in 2017, WAPC approval of the Morley Activity Centre Structure Plan), the locality will not transition overnight and as such, an interim use can be reasonable.

For reasons otherwise detailed further below, the proposed Scheme Amendment is considered to warrant favourable support.

State Planning Policy 4.2 – Activity Centres for Perth and Peel

The subject site falls within the area governed by the Morley Activity Centre Structure Plan. Morley Activity Centre is classified as a 'Strategic Metropolitan Centre' under the provisions of *State Planning Policy 4.2: Activity Centres for Perth and Peel* (SPP 4.2).

The objectives of SPP 4.2 as provided for in Section 4 are detailed below.

1. *Distribute activity centres to meet different levels of community need and enable employment, goods and services to be accessed efficiently and equitably by the community.*
2. *Apply the activity centre hierarchy as part of a long-term and integrated approach by public authorities and private stakeholders to the development of economic and social infrastructure.*
3. *Plan activity centres to support a wide range of retail and commercial premises and promote a competitive retail and commercial market.*
4. *Increase the range of employment in activity centres and contribute to the achievement of sub-regional employment self-sufficiency targets.*
5. *Increase the density and diversity of housing in and around activity centres to improve land efficiency, housing variety and support centre facilities.*
6. *Ensure activity centres provide sufficient development intensity and land use mix to support high-frequency public transport.*
7. *Maximise access to activity centres by walking, cycling and public transport while reducing private car trips.*
8. *Plan activity centre development around a legible street network and quality public spaces.*
9. *Concentrate activities, particularly those that generate high numbers of trips, within activity centres.*

Where the objective(s) are considered relevant to the proposed Scheme Amendment and/or intended development outcome, commentary has been provided in the 'Justification' Section below.

PROPOSED SCHEME AMENDMENT

Overview

As outlined above, the current 'X' permissibility of the 'Automotive & Marine Sales' use class under Table 4 of Schedule 1 necessitates the need to undertake a Scheme Amendment to the provisions of LPS No. 24 to include the additional use of 'Automotive & Marine Sales'.

So far as the other uses proposed, due to their permitted or 'permitted-where-ancillary' nature (i.e. 'Automotive Repairs' is permitted where "...*incidental to the overall use of the land and incorporated into the built form and/or parking areas*"), a Scheme Amendment is not required.

Details on the mechanics of how the additional use should be incorporated into the existing provisions of LPS No. 24 are provided below.

Amendment Specifics

It is noted that clause 5.5 Schedule 1 of LPS No. 24 provides a table of additional uses applicable to land contained within the Morley Activity Centre Structure Plan area – refer **Figure 8** below. Separate to cl. 5.5, Appendix 2 of LPS No. 24 provides a 'Schedule of Additional Uses' applicable to land covered elsewhere under the provisions of LPS No. 24 – refer **Figure 9**.

5.5 In addition to the uses outlined in Table No. 4, the following land use permissibility is applicable:	
Location	Additional Uses
Lot 423, No. 176 Walter Road West, Morley; and Lot 110, No. 180 Walter Road West, Morley	Recreation Facility (Private & Public) - 'A' Medical Centre - 'A'
Collier Road, Morley, between Walter Road West and Johnsmith Street	Office - 'P' Consulting Rooms - 'P' Convenience Store - 'P' Shop (maximum 300m ² NLA) - 'P'
Lot 111, No. 47 Russell Street, Morley; and Lot 104, Nos. 231-235 Walter Road West, Morley	Dry Cleaning / Laundry Premises - 'D' Lunch Bar - 'D' Health Studio - 'A'

Figure 8 – Extract of cl. 5.5 Schedule 1 Table

APPENDIX 2 - SCHEDULE OF ADDITIONAL USES			
No.	Description of land	Additional use	Conditions
A 1	Lot 132, No. 154 Wellington Road, Dianella AMD 18 GG 25/108	(1) Medical Centre (2) Office	
A 2	Lot 102, No. 207 Guildford Road, Maylands AMD 22 GG 23/207	Hotel	
A 3	Lot 2, No. 90 Collier Road, Embleton AMD 46 GG 19/8/13	Office	1. Building(s) to be designed to have a residential appearance.

Figure 9 – Extract of Appendix 2 – Schedule of Additional Uses in LPS No. 24

The duplicated approach to additional uses within the City of Bayswater municipal area is peculiar however, for the purposes of this Scheme Amendment and the intended interim approach, it is proposed that the following amendments are made:

- Add an additional use 'A4' to Appendix 2 – Schedule of Additional Uses with conditions; and,
- Amend the City of Bayswater LPS No. 24 zoning plan to delineate the extent of the additional use area and additional use number.

The proposed wording and conditions to Appendix 2 – Schedule of Additional Uses of LPS No. 24 are detailed below:

No.	Description of Land	Additional Use	Conditions
A4	No. 65-79 (Lot 303) Russell Street, Morley on Diagram 99282, Volume 2185, Folio 134	Automotive & Marine Sales	<ol style="list-style-type: none"> 1. A minimum net lettable area of 900m² shall be for a land use/s that is 'P' permissible or 'D' discretionary within the applicable 'Centre' zone 'Central Core' precinct as per the Morley Activity Centre Structure Plan. 2. The existing building, being externally upgraded to the satisfaction of the City. 3. Additional Use of 'Automotive & Marine Sales Premises' shall extinguish in the following circumstances: <ol style="list-style-type: none"> a. Upon the expiry of fifteen (15) years from the date that an application for development approval for the use is first granted by the Council, except where further application(s) for development approval has been granted for the continued operation of the use whereby the Additional Use shall extinguish upon the expiry of that approval(s); or b. Upon the demolition, destruction or redevelopment of seventy-five (75) per cent or more of the value of the building(s) on the land approved to carry out the use.

Table 2 – Proposed Amendment No. A4 to LPS No. 24

The proposed Amendment plan is contained in **Attachment 3**.

JUSTIFICATION

In justifying the proposed Scheme Amendment approach as outlined in Table 2 above, the following justification is provided for the City's consideration:

- The existing Bunnings Warehouse use by virtue of the changed statutory planning context is now a non-conforming use in accordance with cl. 4.1 of LPS No. 24 (i.e. 'Warehouse' is an 'X' use). Furthermore, the built form is internalised to function with little regard to surrounding public streets, achieves poor passive surveillance, amenity and street activation. The proposed Scheme Amendment will improve upon the current use by reconfiguring the use to

achieve greater interaction with the public realm as well as deliver a number of improvements to the building exterior.

It is noted that under the general principles of non-conforming uses, it is widely accepted for a non-conforming use to change to another non-conforming use where, in the opinion of the local government, such use is closer to the intended purpose of the zone – refer extract of cl. 4.2.3 of LPS No. 24 below:

cl. 4.2.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

- The proposed Scheme Amendment approach by way of an Additional Use allows the redevelopment and rejuvenation of the subject site whilst providing the local government added comfort that the proposal will be an interim use only. Due to the non-conforming nature of the existing use as outlined above and the scale and character of the existing building on-site which has brought on some interest for other permissible land uses such as 'Transport Depot' (i.e. 'D' discretionary) under the provisions of Table 4 of Schedule 1 in LPS No. 24, facilitating the proposed Scheme Amendment is considered to be a preferred outcome.
- The proposed 'Automotive and Marine Sales' use will not function in a manner traditional to motor vehicle sales premises which are characterised by large, expansive outdoor areas. That is, the proposal as evident in the indicative concept plans break-away from the traditional layout and design by offering a stylish, high quality building finish with the majority of motor vehicles showcased internally.

Furthermore, the development will incorporate other commercial land uses such as the Croc's playcentre and Muffin Break which will diversify the operational character of the land, provide extended operating hours as well as providing a complementary service and undeniable synergy between uses where patrons to the playcentre (i.e. parents) can view motor vehicles whilst their child is at play and vice-versa.

- An interim use is considered to be a reasonable proposal to prevent stagnation of a locality or the entrenching of a different land use which does not have a determined lifespan. As evident in the planning process / background applicable to the area (i.e. opening of the Galleria Shopping Centre in 1994, identification of Morley as a strategic metropolitan centre in 2009, endorsement of a City Centre Master Plan in 2010 and in 2017, WAPC approval of the Morley Activity Centre Structure Plan), the locality will not transition overnight and as such, an interim use is a favourable outcome to avoid a site otherwise becoming dilapidated or entrenching in a land use that is not desirable (i.e. Transport Depot).
- The subject site is efficiently serviced by higher order roads such as Walter Road West, Broun Avenue and Russell Street. Broun Avenue is reserved under the MRS as 'Other Regional Road' and both Walter Road West and Russell Street have been identified by the City as 'Key Road

B' under LPS No. 24. These higher order roads provide efficient regional access to the subject site, making access to the subject site and its proposed land uses convenient to the inhabitants of the immediate and surrounding areas in accordance with the objectives of LPS No. 24.

- The subject site abuts a Water Corporation Drainage Basin. The basin and abutting land which is understood to operate as a community hub in the imminent future will /can be integrated with the future redevelopment proposal to ensure that the development not only activates the area in between (which is currently fenced off with parking bays), but provides adequate pedestrian linkages.

CONCLUSION

In light of the above, the proposed Scheme Amendment for an Additional Use is considered appropriate and justified.

Accordingly, it is requested that the City of Bayswater resolves to initiate the proposed Scheme Amendment as a 'Standard Amendment' and proceeds with its assessment in accordance with r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Should you have any queries or require any clarification in regard to the matters raised, please do not hesitate to contact the undersigned on (08) 9275 4433.

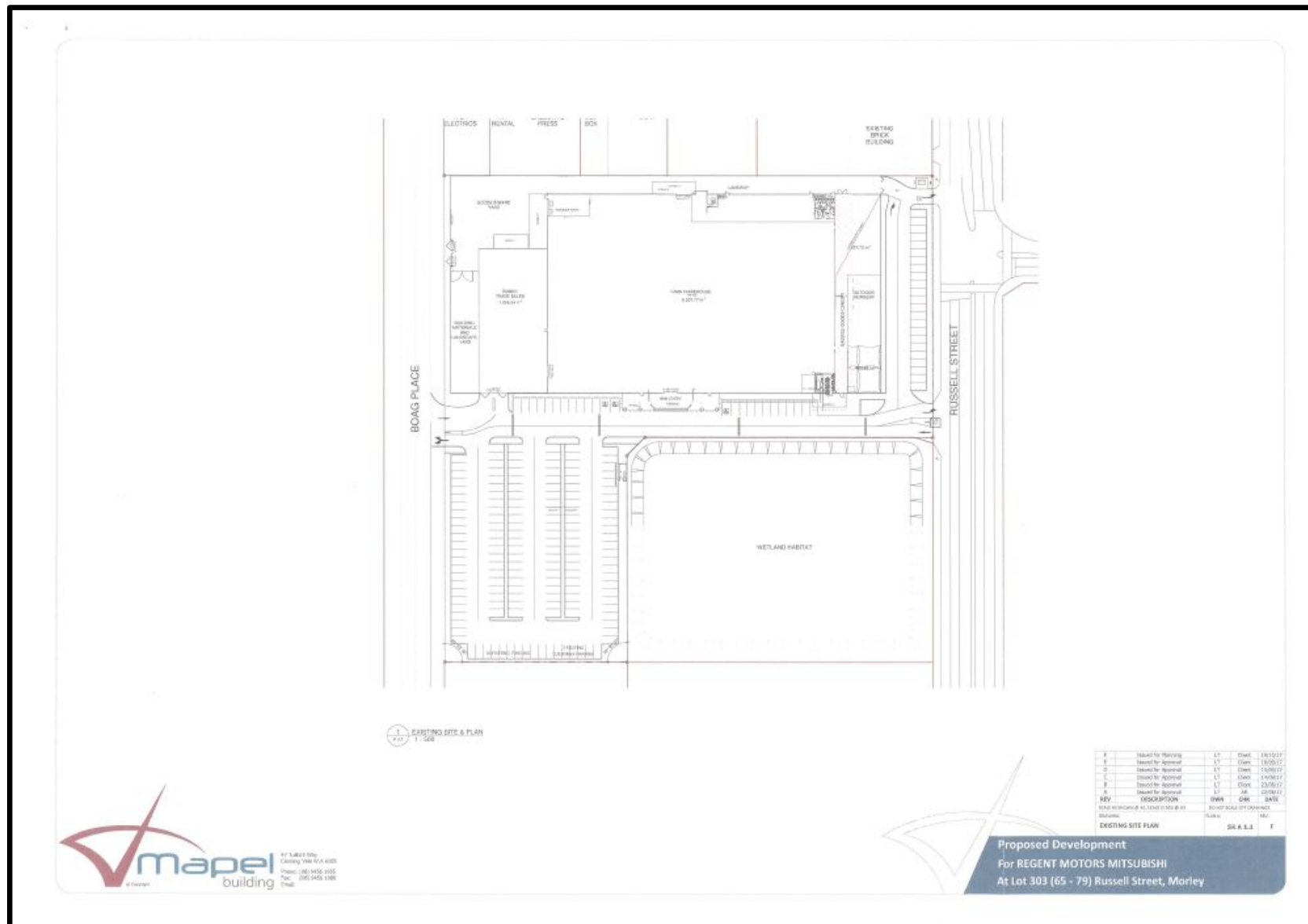
Yours faithfully,

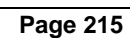


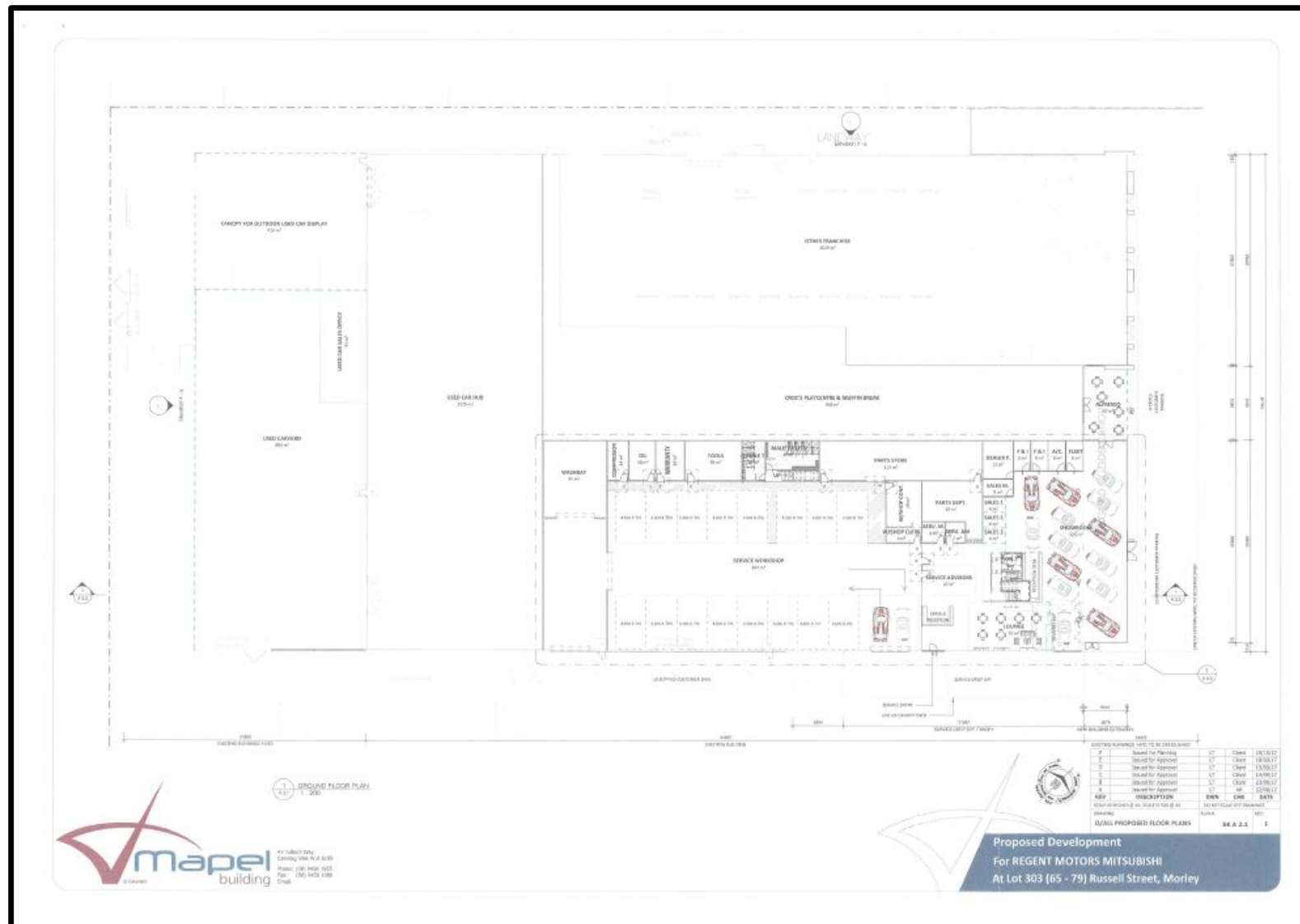
Hide Shigeyoshi
Planning Manager – Projects & Implementation

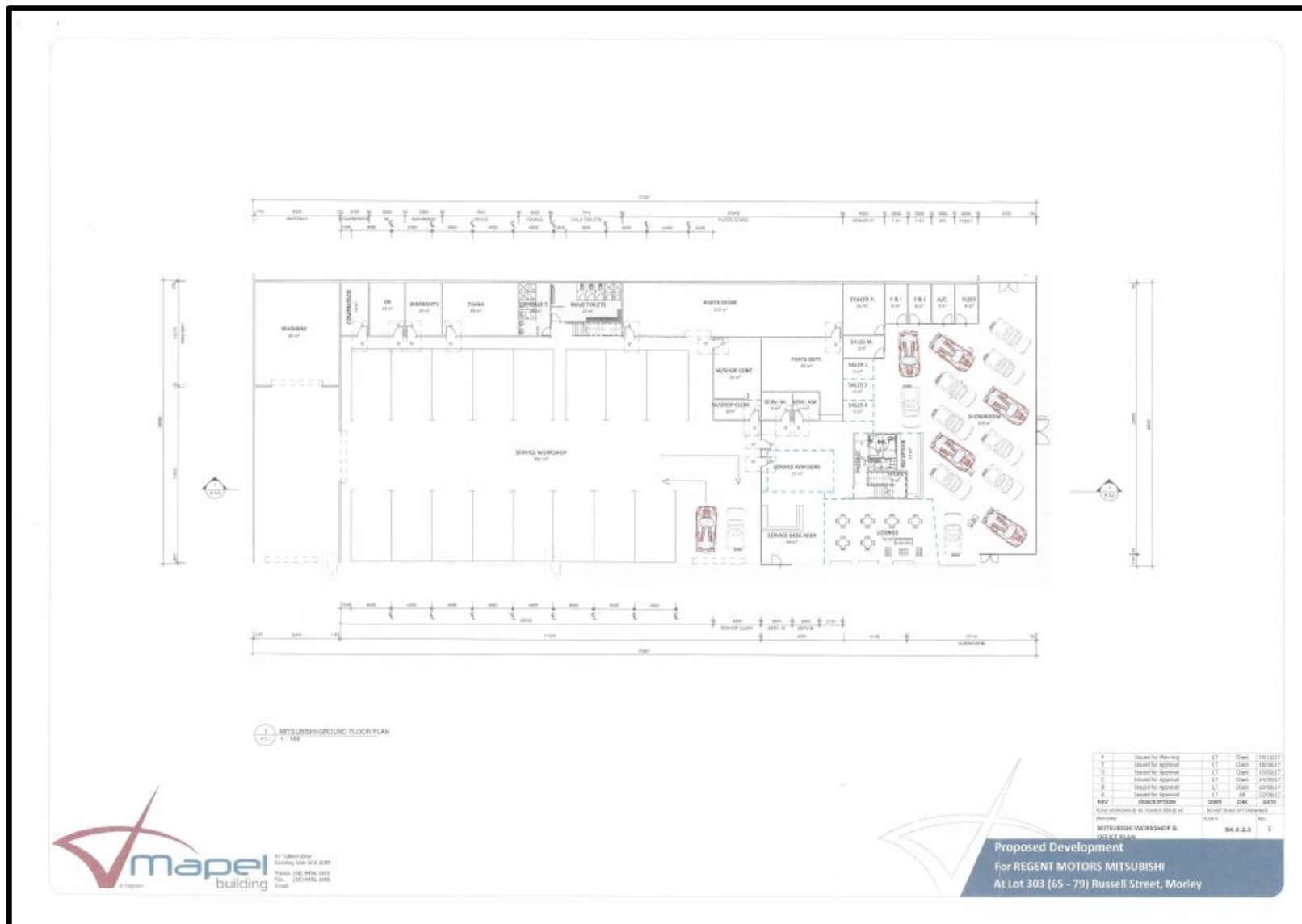


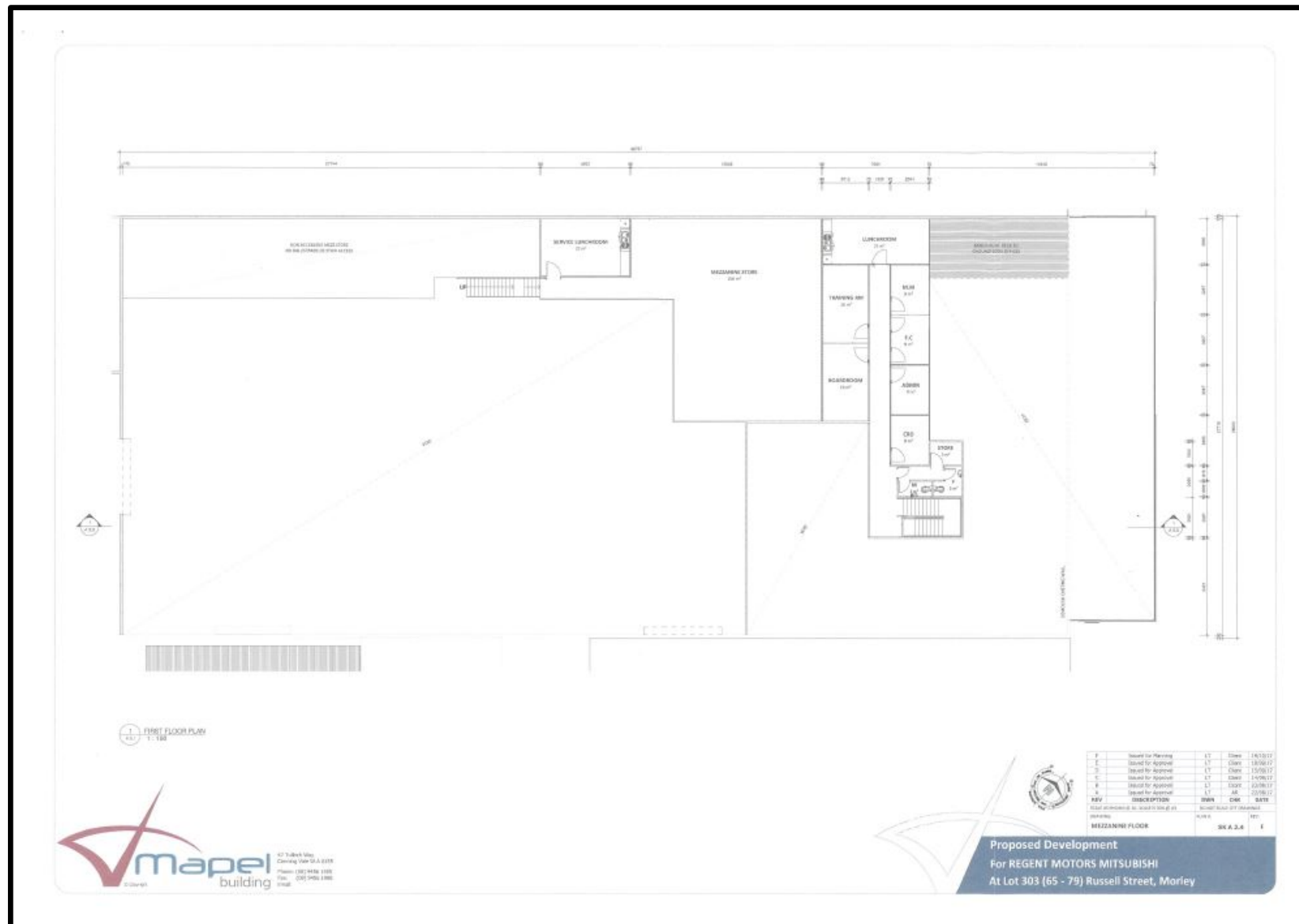


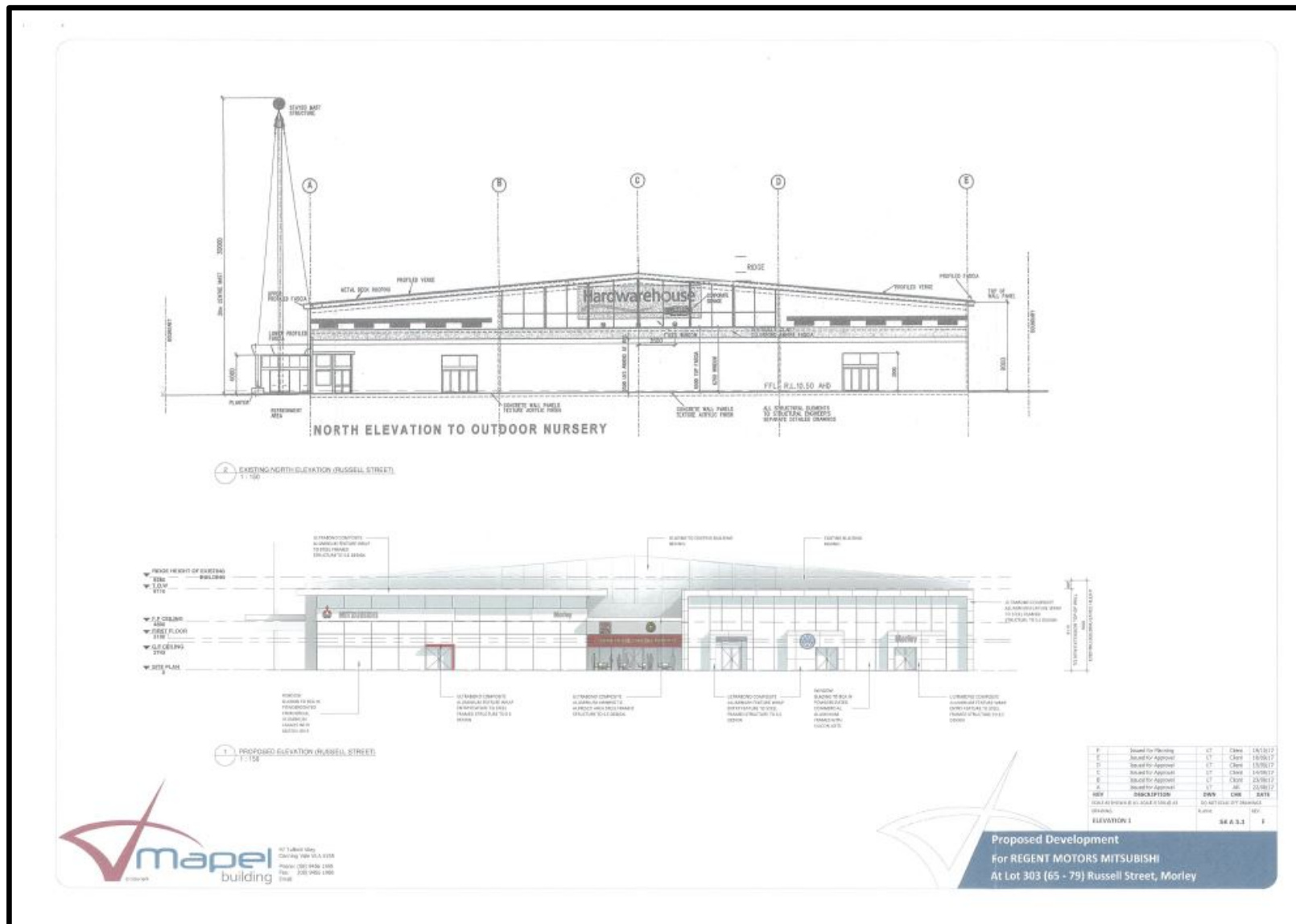


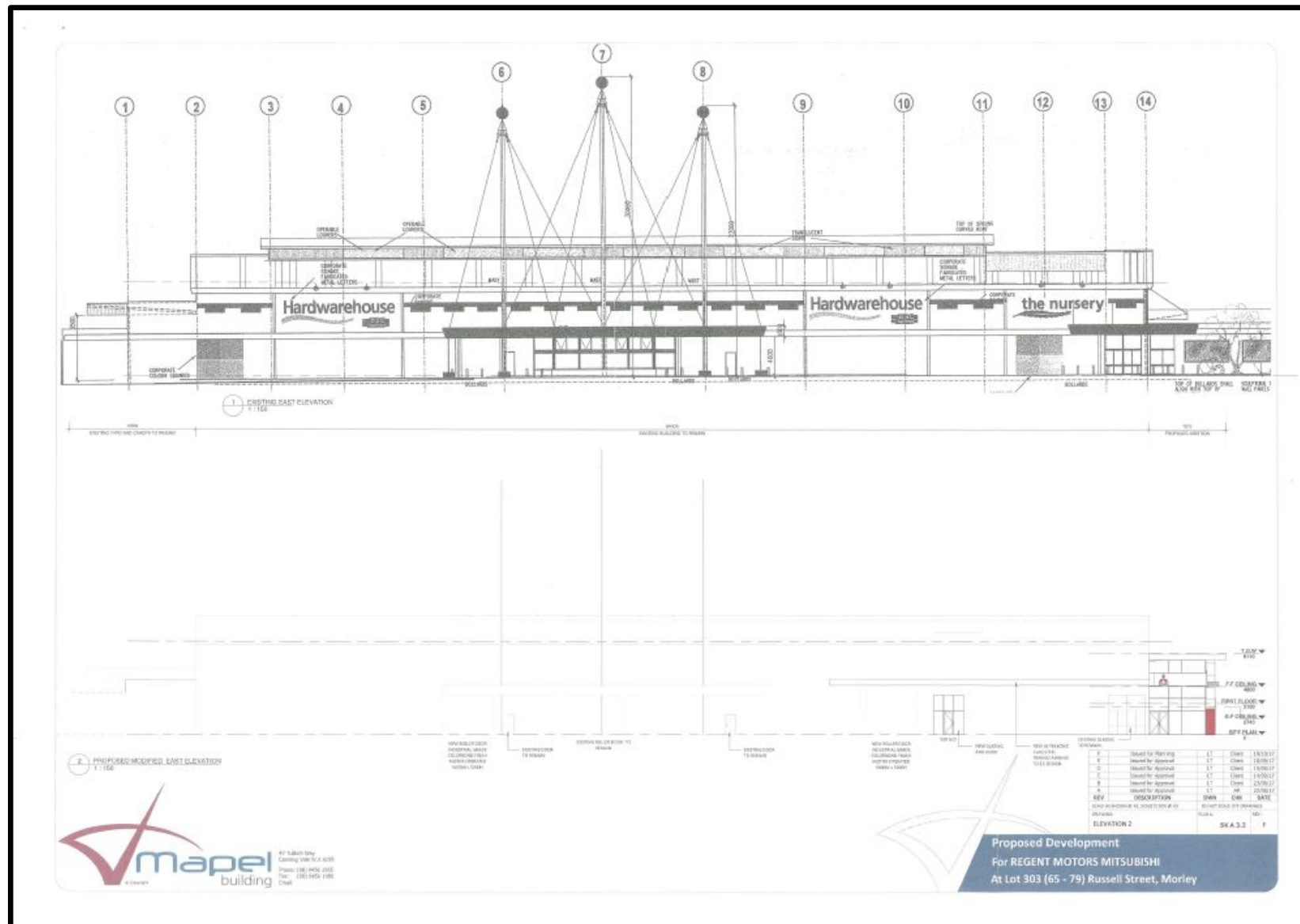


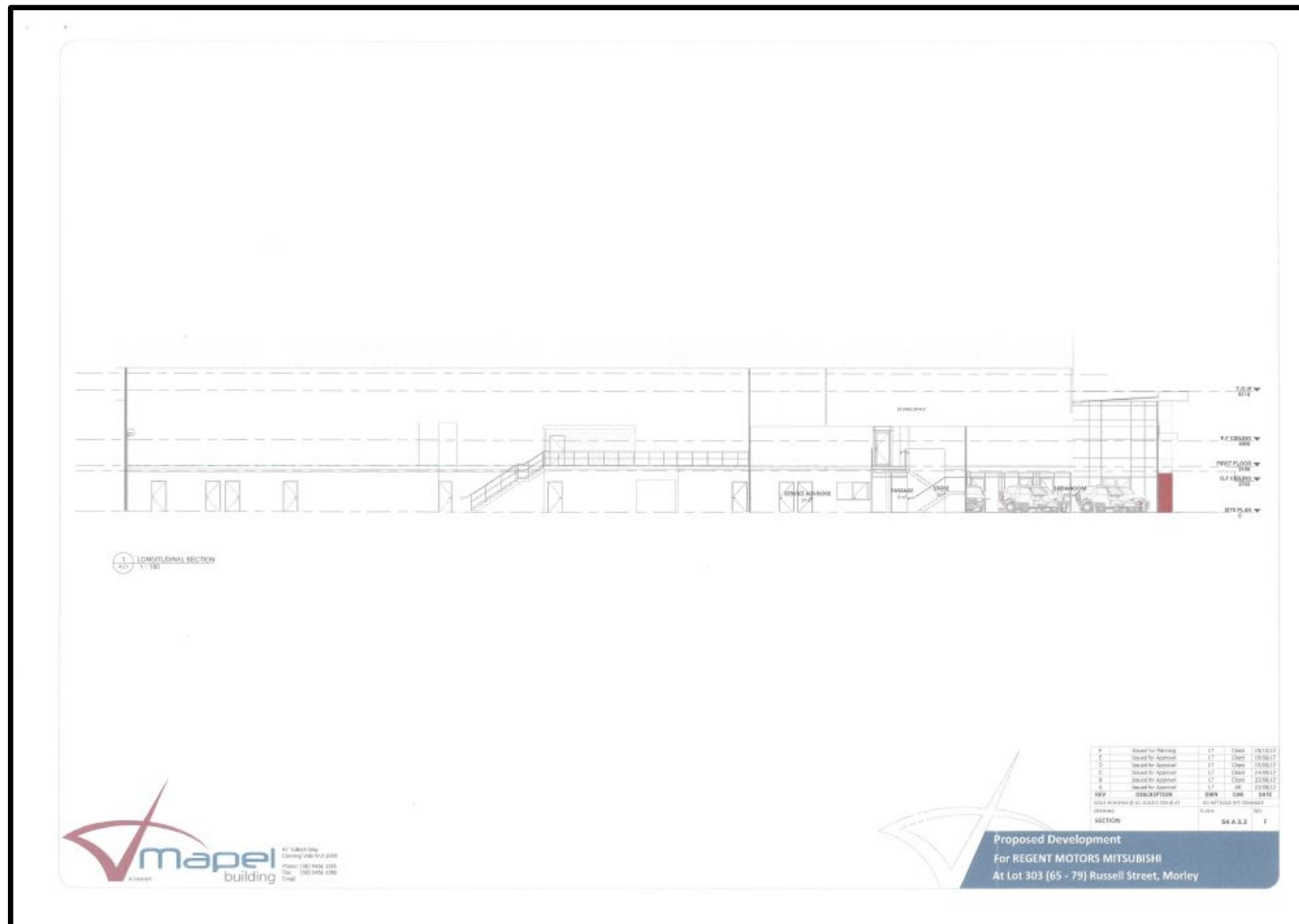














3D VIEW 1



3D VIEW 2



3D VIEW 3



REV	DESCRIPTION	DATE	CHK	DATE
1	Issued for Planning	15	CHS	20/06/17
2	Issued for Approval	15	CHS	20/06/17
3	Issued for Approval	15	CHS	20/06/17
4	Issued for Approval	15	CHS	20/06/17
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6	Issued for Approval	15	CHS	20/06/17
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100	Issued for Approval	15	CHS	20/06/17

Proposed Development
For REGENT MOTORS MITSUBISHI
At Lot 303 (65 - 79) Russell Street, Morley

Attachment 2: Revised layout design and new proposed façade on Russell Street.

The Proposal





- Proposal goes beyond a traditional car dealership / showroom. Use of a car share service or charging service whilst enjoying a cup of coffee.
- The design of the space is intended to feel like an outdoor cafe, while the function is meant to allow people to spend time there.
- Kids play centre further expands the land use diversity and active period of the site.



9.8 Independent Review of the Planning System Green Paper

Reporting Branch: Strategic Planning and Place
Responsible Directorate: Community and Development

EXECUTIVE SUMMARY**Application:**

The Minister for Planning is seeking feedback in relation to 'Modernising Western Australia's Planning System - Green Paper Concepts for a Strategically-led System'. The Green Paper is an independent paper, and will assist in informing the preparation of a White Paper that will set out the State Government's proposed reforms for a contemporary planning system.

Key Issues:

- The Minister for Planning has commissioned an independent review of the planning system to identify ways to make it more effective, streamlined, open and understandable to everyone.
- The Green Paper outlines challenges in the planning system and proposes five key reform areas. It is a discussion paper only and does not commit the State Government to adopt the proposals.
- City officers have reviewed the proposed reform measures and recommend a number of modifications.

BACKGROUNDProcess

In late 2017, the Minister for Planning commissioned an independent review of the planning system. The purpose of the review was to identify ways to make the system more efficient as well as making it more open and understandable to everyone.

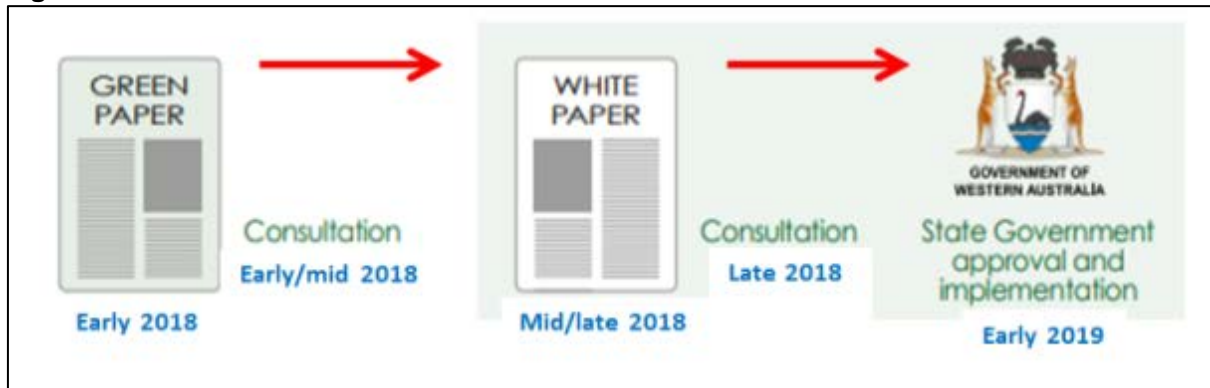
The review process involved consultation with a broad range of stakeholders along with consideration of the merits and challenges of planning systems in other jurisdictions. The Green Paper summarises the review findings, outlines the challenges in the planning system and proposes five key reform areas as follows:

- A strategically-led system;
- A legible planning system;
- A transparent planning system;
- An efficient planning system; and
- Planning for consolidated, connected and smart growth.

The Green Paper and any comments received in relation to the reform proposals will assist in informing the preparation of a White Paper, which will also be released for public comment. The White Paper and any comments received will then be presented to the State Government for consideration (Figure 1).

The State Government have indicated that the White Paper will be prepared in mid/late 2018, advertised in late 2018 and presented to the State Government for consideration in early 2019. To enact the recommended changes, modifications may be required to the statutory framework and relevant legislation.

Figure 1



Relevant Council Resolutions

In the past 18 months Council have passed the following resolutions in relation to the review of the planning system.

At the Planning and Development Services Committee held 5 September 2017 Council considered a report on a proposed amendment to rezone a portion of Peninsula Road and resolved in part as follows:

"That

1. *The Chief Executive Officer writes to the Honourable Minister for Planning expressing disappointment that Amendment No. 65 to TPS24 was approved in a modified format by the Minister to permit multiple dwellings in the Character Protection Areas."*

At the Ordinary Council Meeting held 14 November 2017 Council considered a Notice of Motion in relation to a proposed telecommunications facility at Crimea Park and resolved, in part, as follows:

"That Council requests:

2. *The City to write to the Premier, state government ministers, local members and the opposition members to express the City's disappointment in the decision made by the State Administrative Tribunal to allow the proposed telecommunications facility at Crimea Park, regardless of the facility's non-compliance with the City's requirements, Council's refusal of the facility and the strong community opposition to the facility and issues pertaining to SAT more generally.*

At the Ordinary Council Meeting held 30 January 2018 Council considered a report which detailed the motions raised at the Annual Electors Meeting held 14 December 2017. Council resolved in parts as follows:

"That Council:

1. *In accordance with section 5.33 of the Local Government Act 1995, having considered the motions of the Annual General Meeting of Electors held on 14 December 2017, resolves the following motions*

Motion 6

That Council requests the City to prepare a report to Council with proposed comments, including the lack of consideration given to local context and community participation in the decisions made by the WAPC, to be submitted to the State Government's Independent Planning Review Team when the scope and timeframe for submissions is known.

Motion 11

That Council requires the City to prepare a report to Council with proposed comments, including the lack of consideration given to local context and community participation in the

decisions made by the WAPC, to be submitted to the State Government's Independent Planning Review Team when the scope and timeframe for submissions is known

At the Ordinary Council Meeting held 6 February 2018 Council considered a report on the WALGA Discussion Paper - Third Party Appeal Rights in Planning and resolved as follows:

"That Council advises the Western Australian Local Government Association that it supports in principle the introduction of third party appeal rights in relation to development application decisions by JDAP, SAT and the WAPC as part of a suite of reforms that are required to be undertaken to the State Planning regime subject to review of any proposed Legislation."

At the Ordinary Council Meeting held 27 March 2018 Council considered a Notice of Motion on Joint Development Assessment Panels and resolved, in part, as follows:

"That in order to provide all residents and other interested parties with access to the Joint Development Assessment Panel (JDAP) decision making processes and debates for and against the relevant items, the Chief Executive Officer be requested:

- 2. To write to the DAP Secretariat to enable the audio recording of all future JDAP meetings and to make them publicly available via the Council and DAP websites."*

CONSULTATION

The Minister for Planning has released this Green Paper for public comment. Submissions on the Green Paper can be made until 20 July 2018.

ANALYSIS

The Green Paper Summary has previously been circulated to Councillors via memorandum dated 25 May 2018 and is contained in **Attachment 1**. A schedule of proposals in the Green Paper is included in **Attachment 2**. More detailed information on the Green Paper is available at the following web link: <https://www.planning.wa.gov.au/Planning-reform.aspx>.

It is the State Government's view that WA's Planning System has become overly complex and heavily focussed on process and not on the outcomes that users of the system are seeking to achieve. They consider that planning efforts need to shift from development-led to a strategically-led system, whereby strategic planning is the centrepiece.

They also believe that most people only engage with the planning system to react to a development proposal as opposed to contributing holistically to the future character of their community.

In addition, it is the State Government's opinion that the planning system has many redundant and overlapping policies and guidelines. Consequently, rather than setting a vision for an area to which the development industry can respond, decision-makers often respond to individual development proposals.

The Green Paper recommends a number of proposals to improve WA's Planning System, which have been grouped into the following five key reform headings.

Key Reform 1: A Strategically-led Planning System

Placing strategy at the centre of our planning system to enable the community to have input in how their neighbourhoods area developed and provide the development industry with greater certainty and clarity of what is expected for the future development of an area.

Key Reform 2: A Legible Planning System

An easy to access and understand planning system to restore trust, reduce red tape and the need for discretionary decision-making.

Key Reform 3: A Transparent Planning System

Involving people in shaping their communities by improving dialogue and helping to create a shared understanding of how an area will develop and to improve accountability and transparency of the DAP system, in particular.

Key Reform 4: An Efficient Planning System

Reviewing and modifying the roles, responsibilities, delegations and processes of the Western Australian Planning Commission (WAPC), Department of Planning, Lands and Heritage (DPLH) and local government to improve efficiency and decision-making.

Key Reform 5: Planning For Connected Smart Growth

Focus on high-quality growth to meet the needs of a growing and diverse population and economy.

Summary of Recommendations

City officers have reviewed the recommended proposals detailed in the Green Paper and recommend a number of modifications, tabled in **Attachment 3**, which are relevant to the City of Bayswater.

City officers recommend the following key modifications to improve WA's Planning System:

- Greater consideration from the State Government for local context and character and the feedback received from the local community;
- Greater transparency and accountability from State Government decision makers;
- Greater consideration by the State Administrative Tribunal for local context and character and the local planning framework, including any strategic planning being undertaken in the area; and
- The introduction of third party appeal rights into the WA planning system.

OPTIONS

The following options are available to Council:

OPTION		BENEFIT	RISK
1	<p>Council endorses the recommendations contained in Attachment 3 to be sent to the Minister for Planning for consideration.</p> <p>Estimated Cost:</p> <ul style="list-style-type: none"> • Nil. 	<ul style="list-style-type: none"> • The recommendations of may inform and shape the Minister for Planning's position regarding modernising Western Australia's planning system, 	<ul style="list-style-type: none"> • The Minister for Planning may not agree with the recommendations.

OPTION		BENEFIT	RISK
2.	Council endorses other recommendations to be sent to the Minister for Planning for consideration. Estimated Cost: • Nil.	• Dependant on the other recommendation(s).	• Dependant on the other recommendation(s).
3.	No recommendations are submitted to the Minister for Planning. Estimated Cost: • Nil.	• Nil.	• The Minister for Planning's position regarding Modernising Western Australia's Planning System remains uninfluenced by Council's recommendations.

CONCLUSION

In light of the above, it is recommended that Council pursue Option 1 and provide the Minister for Planning the recommended modifications outlined in **Attachment 3**.

FINANCIAL IMPLICATIONS

The financial implications are detailed in the 'Options' table above.

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

City of Bayswater Town Planning Schemes No. 24 and local planning policies

The modifications proposed in the Green Paper may also require modifications to the statutory framework and relevant legislation.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Green Paper Summary - Modernising Western Australia's Planning System.
2. Green Paper Schedule of Proposals.
3. Table of Recommendations

OFFICER'S RECOMMENDATION

That Council endorses the recommendations contained in **Attachment 3** to the Minister for Planning in relation to 'Modernising Western Australia's Planning System - Green Paper Concepts for a Strategically-led System, May 2018'.

MOTION

1. That Council endorses the recommendations contained in Attachment 3 to the Minister for Planning in relation to 'Modernising Western Australia's Planning System - Green Paper Concepts for a Strategically-led System, May 2018'.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR SALLY PALMER SECONDED

2. That the City include in the response letter to the Minister for Planning, which is carbon copied ('cc') to the Premier and the Leader of the Opposition, calling for the State Government to follow the lead of the Queensland and New South Wales State Governments and ban developer donations to State political parties and State and local government elected members/candidates, as well as highlighting the key aspects of the City's comments. This is to restore trust, transparency and accountability in the current planning decision-making process.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR SALLY PALMER SECONDED

AMENDMENT

To add the following to clause 2:

That other minor parties in the State of Western Australia currently sitting in Parliament also be sent carbon copies of the response letter to the Minister for Planning.

CR BARRY MCKENNA MOVED, CR CHRIS CORNISH, DEPUTY MAYOR SECONDED

CARRIED: 8/2

FOR VOTE: *Cr Barry McKenna, Cr Chris Cornish, Deputy Mayor, Cr Sally Palmer, Cr Giorgia Johnson, Cr Stephanie Gray, Cr Dan Bull, Mayor, Cr Elli Petersen-Pik, and Cr Catherine Ehrhardt.*

AGAINST VOTE: *Cr Filomena Piffaretti and Cr Lorna Clarke.*

The amendment became part of the substantive motion.

COMMITTEE RESOLUTION

1. That Council endorses the recommendations contained in Attachment 3 to the Minister for Planning in relation to 'Modernising Western Australia's Planning System - Green Paper Concepts for a Strategically-led System, May 2018'.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR SALLY PALMER SECONDED

CARRIED: 9/1

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

AGAINST VOTE: *Cr Catherine Ehrhardt.*

Cr Lorna Clarke and Cr Filomena Piffaretti withdrew from the meeting at 8:53pm and did not return.

2. That the City include in the response letter to the Minister for Planning, which is carbon copied ('cc') to the Premier and the Leader of the Opposition, calling for the State Government to follow the lead of the Queensland and New South Wales State Governments and ban developer donations to State political parties and State and local government elected members/candidates, as well as highlighting the key aspects of the City's comments. This is to restore trust, transparency and accountability in the current planning decision-making process. Other minor parties

in the State of Western Australia currently sitting in Parliament are also to be sent carbon copies of the response letter to the Minister for Planning.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR SALLY PALMER SECONDED

CARRIED UNANIMOUSLY: 8/0

REASON FOR CHANGE

The Committee changed the Officer's Recommendation as it was of the opinion that banning developer donations to State political parties and local government elected members and candidates would restore trust, transparency and accountability to the current planning decision making process.

Attachment 1 - Green Paper Summary - Modernising Western Australia's Planning System

Green Paper summary

Modernising WA's Planning System:

Concepts for a strategically-led system

The Minister for Planning has commissioned an independent review of the planning system to identify ways to make it more effective, streamlined, open and understandable to everyone.

The Green Paper outlines challenges in the planning system and proposes five key reform areas. It is a discussion paper and does not commit the State Government to adopt the proposals.

Feedback on the Green Paper will inform a White Paper that will set out the Government's proposed reforms for a contemporary planning system to enable the State's continued prosperity and liveability.

This summary provides a brief overview of the key principles and proposals detailed in the Green Paper. The full Green Paper can be downloaded at www.planning.wa.gov.au/planningreform.

Development of our growing State is managed through plans, policies and rules under the Western Australian planning system. An effective planning system is vital to create vibrant communities with a variety of houses and access to jobs, services and quality public spaces.

Have your say

We want to hear from you.

- Tell us your experiences of the planning system.
- Do you agree with the ideas and proposals in the Green Paper?
- Do you have other ideas for reforming the planning system?

Independent planning review



Consultation



Consultation



State Government
approval and
implementation

Western Australian Government

Submission can be made online at www.planning.wa.gov.au/planningreform

or by emailing planningreform@dplh.wa.gov.au

The closing date for submissions is Friday 20 July 2018.

Why is reform needed?

There is some concern that Western Australia's planning system has become overly complex and focusses too much on individual applications for development. Also, most people only engage with the planning system to react to a development proposal in their neighbourhood, rather than contributing to the future form of their community.

The planning system has many out-of-date and overlapping policies and guidelines. As a result, decision-makers often respond to individual development proposals, rather than setting a vision for an area to which the development industry can respond.

Strategic planning encourages early involvement by the community to shape their future and assists landowners to clearly understand what is the vision for their area and what is permitted on their lots.

Many of the proposals within the Green Paper give precedence to strategic planning.

A strategically-led system establishes a line of sight through State and local government strategies to explain how they work together to inform decision-making. Shifting from statutory-led to strategically-led planning is long overdue.

Reform principles

Fairness	Transparency	Integrity	Efficiency
The views and interests of all stakeholders are considered and balanced.	Users are able to understand the planning system.	The community is meaningfully involved in strategic planning.	The planning system is well organised to deliver timely outcomes.

The key reform proposals

1. Strategically-led

Make strategic planning the cornerstone of the planning system

2. Legible

Make the planning system easy to access and understand

3. Transparent

Open up the planning system and increase community engagement in planning

4. Efficient

Make the planning system well-organised and more efficient

5. Delivering smart growth

Refocus the planning system to deliver quality urban infill



Concepts for a strategically-led system - May 2018

Key reform 1: A Strategically-led planning system

Putting strategy at the centre of our planning system will give the community a say in how their neighbourhoods will be developed.

It will also provide the development industry with a clear understanding of what is expected for the future development of an area.

Strategic planning should guide the growth of our towns and cities and be the backbone of the planning system.

Over the past five years, New South Wales, Queensland, South Australia and Victoria have all undertaken significant reforms of their planning systems to put greater emphasis on strategic planning that guide decisions on development proposals.

The process of preparing a planning strategy enables the community, local government and other stakeholders to set the vision and values for a region or area. Decisions about local character and values, growth, housing types, local centres, lands for jobs and transport networks are made in the strategic planning process.

Many local governments have allowed their Local Planning Strategies to become out-dated with little connection between the strategy and the local planning scheme. As a result, the local government and community direct their

time and effort in debating individual proposals for development. This effort is better invested in maintaining a strategic plan against which individual projects can be understood and assessed.

Key proposals

- Require local governments to maintain up-to-date **local planning strategies** in consultation with their communities, and to review the strategy prior to a scheme amendment.
- Amend the Planning and Development Act to make **strategic planning for sustainable development** the purpose of planning in Western Australia.
- Develop a new State Planning Policy that defines sustainable development and decision-making for sustainable outcomes.
- Require local governments to prepare a **local housing strategy** to show where growth will be accommodated and what types of housing are needed.



Figure 1: Changing the focus of planning effort
Source: Productivity Commission



Figure 2: Hierarchy of planning elements

Key reform 2: A legible planning system

The planning system should be easy to access and understand.

A consistent set of schemes, policies and plans will restore trust in the system by reducing red tape and the need for discretionary decision-making.

A planning system that is easy to access and understand allows all users to engage more effectively with planning and development in their community. This can reduce time, cost and frustration for community members, the development industry and decision-makers.

Currently, people struggle to determine how the planning system affects them.

The review found that some development requires more than a dozen documents, including scheme, plans, strategies, regulations, policies and codes that need to be read, understood and cross-referenced.

Some documents are out-dated, while others have been in draft form for a long time. Some documents are poorly written without clear guidance. There is overlap and inconsistency between documents with no clear indication of precedence. There is also significant variance between local government schemes, zones and policies. This causes confusion and unnecessary red tape and can result in outcomes that aren't aligned with strategy or community expectations.

The strategies, plans, schemes and policies which make up the planning system should be presented simply and concisely with a focus on outcomes, not process. Strategies and plans that are used together, such as the State Planning Policies and Local Planning Schemes, need to be presented in a coordinated document.

Key proposals:

- Consolidate State Planning Policies into a single concise framework with easy-to-understand guidance.
- The links between State Planning Strategy and State Planning Policies, and local planning strategies and schemes should be strengthened and made clear and understandable.
- Define common strategic elements for the State planning framework and require all planning documents to be organised around these elements.
- Require all local planning schemes, strategies and policies to be published in a single, easy-to-navigate, standardised format, to be known as a Comprehensive Local Planning Scheme.
- Reduce red tape for business by standardising land use permissibility for the most commonly-used zones.

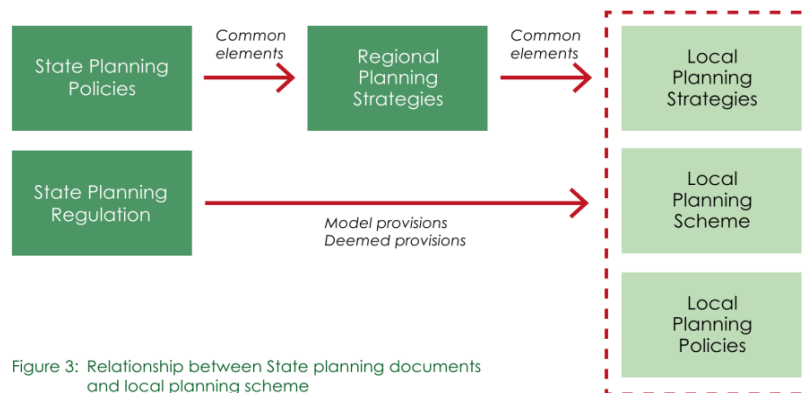


Figure 3: Relationship between State planning documents and local planning scheme

Key reform 3: A transparent planning system

Involving people in shaping strategic plans for their communities will improve dialogue between stakeholders and help create a shared understanding of how an area will develop.

Making all planning decisions transparent will create trust that the planning system is delivering fair outcomes for the community.

Consultation processes within the Western Australian planning system often means that communities can only respond to plans and proposals, rather than have early involvement in shaping the vision and plans for their community.

Communities require more opportunities to participate meaningfully in shaping strategies and plans that may affect them.

Contemporary planning systems in Australia and internationally are giving people more voice in setting the strategic direction for their community.

It is also important for the community to understand why decisions are made. If a development proposal varies what has been agreed in a strategic plan, then the community should have the opportunity to let decision-makers know whether they think the proposal should go ahead. Decision-makers should also make the reasons for their decisions available to the community.

Key proposals:

- Develop a **Community Engagement Charter** to require contemporary community engagement practices, with a focus on community involvement in developing the vision and strategic plans.
- Provide **reasons for decisions** on planning proposals and develop a guideline for planning decision-makers.
- Require local governments to **report on their performance in undertaking planning responsibilities**, including decision-making timeframes and outcomes, and the status of their local planning strategy and scheme.



Figure 4: Community involvement in Strategic Planning



Development Assessment Panels

The State Government aims to improve accountability and transparency of the DAP system.

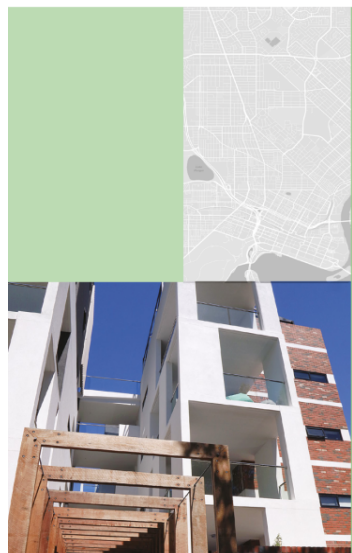
Development Assessment Panels (DAP) are planning decision-makers comprising planning professionals and local government representatives. They make decisions on high-value and complex development proposals, taking into account relevant State and local government strategic plans and statutory planning schemes.

Feedback to the planning review team included:

- Concerns that DAPs are making decisions based on dated or ambiguous local planning requirements. This has resulted in inconsistent decision-making and community mistrust.
- DAP meetings appear to be organised at short notice and irregular times, which limits community access and participation.
- Meeting proceedings and reasons for decisions are not freely available.
- There is a lack of flexibility in meeting processes, which restricts DAP members from thoroughly investigating and obtaining advice on complex proposals.
- There is limited transparency on reconsideration of applications by a DAP following State Administrative Tribunal (SAT) processes.

Key proposals:

- **Schedule DAP meetings at regular times** to improve accessibility.
- Require each **DAP meeting to be recorded** and made available on the DAP website.
- Require the DAP to **provide reasons for all of its decisions**.
- Create **more flexibility in DAP processes** for proposals which seek significant variations, to enable better scrutiny and to provide for advice and input from community and stakeholders.
- Require **proposals amended** as a result of a SAT mediation process **be readvertised** unless fully compliant.
- Appoint a **Presiding DAP Member** with responsibility for monitoring, advising and mentoring DAP members.
- Draw **specialist DAP members** from a state-wide pool of members based on the nature of application being heard.
- Provide that **new specialist members** be included when SAT invites the DAP to reconsider a decision, to **ensure fresh consideration** of the proposal.
- Encourage the SAT to prepare a framework that allows third parties with a strong interest to be considered during SAT mediation of DAP matters.



Key reform 4: An efficient planning system

Clarity of planning roles

The efficiency of the planning system and decision-making will be improved by better defining the roles and responsibilities of the Western Australian Planning Commission (WAPC), Department of Planning, Lands and Heritage, local government and other State agencies.

The scope, diversity and volume of matters considered by the WAPC contribute to inefficient dealings on statutory matters and divert resources from strategic planning and policy.

The WAPC needs to focus on the provision of strategic leadership for the State Planning Policy framework and regional and sub-regional planning. The WAPC also has a leadership role to play in strategic planning for smart growth, such as working proactively with local governments and other agencies to prepare urban corridor and activity centre plans.

This can be achieved by expanding delegation of statutory and administrative matters that are not of regional or State significance to the Department of Planning, Lands and Heritage and accredited local governments.

Key proposals:

- Revise the WAPC membership down to **five - seven members** with a **breadth of skills and experience** focussed on State policy, regional plans and planning for smart growth.
- Give the WAPC the **flexibility to form expert committees** as required in response to emerging issues or specific projects.
- Increase **delegation of statutory and administrative matters** from the WAPC to accredited local governments with delegations in place.

Quicker, better decisions

The following proposals will streamline processes that prolong approvals.

- Use a **track-based approach** to assess regional scheme amendments, local strategies and local structure plans/activity centre plans.
- Provide a process for decision-makers and applicants to **collaborate** during the **assessment process**, including **formal pre-lodgement advice**.
- Create rules for **efficient referral** of planning matters.
- A maximum **timeframe** for decision-makers to request **additional information** from applicants.
- Provide for **up-front agreement** on the **scope and content of Local Structure Plans**.
- Require that **Structure Plans and Activity Centre Plans** be read as part of the scheme to provide greater certainty to the community and applicants.
- Create a maximum **30-day planning approval** process for single houses proposals with only minor variations to the Residential Design Codes.
- Incorporate **development contribution schedules** in Comprehensive Local Planning Schemes.
- Require local government to **report** on administration of **development contributions**.

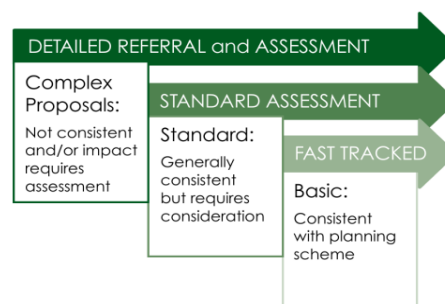
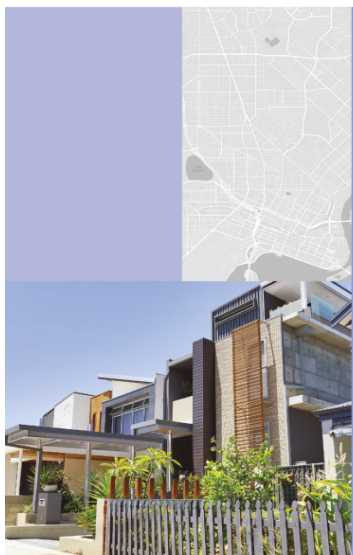


Figure 5: Track based approach for planning proposals



Key reform 5: Planning for connected smart growth

The planning system should focus on achieving high-quality growth to meet the needs of the growing and diverse population and economy.

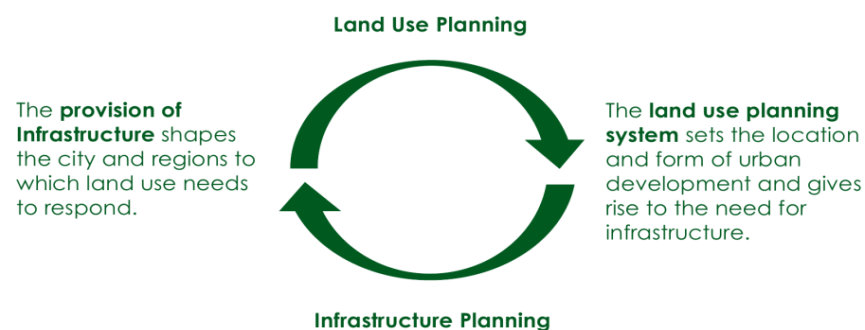
The WAPC's metropolitan strategy *Perth and Peel@3.5million* (2018) proposes that approximately 53 per cent of growth will be accommodated in greenfields communities and 47 per cent through infill development within existing urban areas.

Perth and Peel@3.5million proposes that the majority of urban infill will be provided within urban corridors, activity centres and station precincts. The challenge for all levels of government is to undertake timely and effective planning to achieve high-quality infill development that enhances existing communities. The WAPC is well-placed to assume a leadership role in prioritising the planning of infill locations, determining the method of delivery and collaborating with local government in delivering the planning framework and coordinating the necessary infrastructure to facilitate quality development.

Given that half of the growth will occur in new greenfields development, ongoing policy guidance is required to ensure development of new communities is high quality, well-served with infrastructure and social services, and responsive to community needs.

Key proposals:

- **State Government** to develop clear arrangement for the **planning and delivery of key infill locations** in partnership with local governments and other agencies.
- **State Government** to provide local governments with **advice on forward planning of State infrastructure**.
- **WAPC** to assume a leadership role and collaborate with local government for **planning of priority infill areas** and assist with **land use and infrastructure coordination**.
- **WAPC** to prepare a new **Consolidated and Connected Smart Growth State Planning Policy** to guide planning and delivery of smart growth.
- Elevate **Liveable Neighbourhoods** to a **State Planning Policy**.
- Provide for an **Industrial Deferred Zone** in the **Metropolitan Region Scheme** to plan effectively for future economic activity.
- Ensure that arrangements for provisions of State infrastructure are in place prior to permitting development in Urban or Industrial Deferment zones.
- Include **Urban Corridor** as a road category in the Metropolitan Region Scheme, requiring a **coordinated transport response** for planning proposals within urban corridors.



Attachment 2 - Green Paper Schedule of Proposals

5. Schedule of proposals

1.0	A STRATEGICALLY-LED SYSTEM
1.1	Prominence of Strategic Planning
1.1.1	Provide in the PD Act that strategic planning is a purpose of the Act and provide a definition of strategic planning.
1.1.2	Provide in the LPS Regulations that the review of a local planning scheme must be informed by, and respond to, a review of the local planning strategy.
1.1.3	Provide in the LPS Regulations that a complex scheme amendment must be accompanied by a proposed amendment to the Local Planning Strategy (in the form of a report).
1.2	Need to explain sustainability for land use planning
1.2.1	An overarching State Planning Policy be developed which: <ul style="list-style-type: none"> i Provides a definition of sustainability for the planning system which reflects a balancing of economic development, environmental considerations, and social needs; ii Reinforces sustainability as an essential element required to be taken into account in the making of any strategy or policy; and iii Indicates the particular steps related to how economic, social and environmental factors are balanced.
1.3	Housing distribution
1.3.1	Provide that every local planning strategy include a local housing strategy, except for low growth and small regional local governments which only require basic local planning scheme requirements.
1.3.2	The DPLH to provide guidance for local government in the Local Planning Manual on how to prepare a Local Housing Strategy, including a methodology for local housing analysis.
2.0	A LEGIBLE PLANNING SYSTEM
2.2	Arranging state planning policies for brevity and simplicity
2.2.1	State Planning Policies be consolidated into a single state planning policy framework with supplementary technical guidance.

2.3	Line of sight
2.3.1	WAPC to establish common strategic “elements” for the State Planning Framework including but not limited to: <ul style="list-style-type: none"> • A “sustainability” element • A “land use element” that includes the distribution of uses of land as well as density • A “housing element” that includes the types of housing • An “environmental element” • An “open space element” • An “urban form and design element” • An infrastructure element. and prepare Technical Guidance for the details of each element to be included.
2.3.2	Provide that every State Planning Policy, Regional or sub-regional plan and the local planning strategy must follow these elements, unless otherwise agreed to by the WAPC.
2.3.3	Provide that every local planning strategy must explain how it has addressed the requirements of each common strategic element against the requirements of State Strategy, Planning Policy or Regional or sub-regional strategy.
2.3.4	Provide in the PD Act that all planning decision makers are to have due regard to State Planning Policies.
2.3.5	Provide in the <i>Metropolitan Redevelopment Authority Act 2011</i> that in performing functions under the Act, the MRA must have regard to State Planning Policies.
2.4	Complexity locating and interpreting the local planning framework
2.4.1	Require that a local planning scheme be published with the inclusion of the Local Planning Strategy (in the form of a local strategic statement) and Local Planning Policies in a document to be called a “Comprehensive Local Planning Scheme”.
2.4.2	DPLH to provide guidance for local government in the Local Planning Manual on the content and format of a Local Planning Strategy and Local Planning Policies.
2.4.3	Local governments currently undertaking, or about to embark on, a substantive review of their planning frameworks delay preparation of local planning strategies and local planning schemes (and related omnibus amendments) until guidance on the format and content of local planning frameworks is available.
2.4.4	Provide in the LPS Regulations for a clear distinction of the purposes of Local Structure Plans, Activity Centre Plans, Local Development Plans and Local Planning Policies.
2.4.5	The DPLH to provide guidance in the Local Planning Manual on the appropriate use of each local planning instrument.
2.5	Form of a Local Planning Strategy
2.5.1	The DPLH to update the Local Planning Manual with guidance on the preparation, content and format of a Local Planning Strategy and strategic statement, in a similar form to a Victorian Municipal Strategic Statement.
2.6	Form of Local Planning Policies
2.6.1	The LPS Regulations be amended to provide that local planning policies are to be prepared in a manner and form approved by the WAPC.
2.6.2	The DPLH to update the Local Planning Manual to provide guidance for the form, content and writing of a local planning policy.

2.7	Consistency of Local Planning Schemes
2.7.1	Provide in the PD Act that deemed provisions are to be included in a comprehensive local planning scheme.
2.7.2	Provide in the LPS Regulations that a comprehensive local planning scheme is to include a specific section for deemed provisions.
2.7.3	Provide in the LPS Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which: <ul style="list-style-type: none"> i group like-land uses into themes for which common development standards can be prepared ii identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply iii are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment.
2.7.4	The DPLH to revise and keep up to date the Local Planning Manual to ensure it provides local government with the guidance required to prepare and administer its local planning framework and properly reflects the expectations of DPLH and WAPC.
2.8	Location of Local Development Standards
2.8.1	Provide in the LPS Regulations that there be a location within the model provisions for mandatory development requirements for key sites and matters.
2.9	On-line Local Planning Schemes
2.9.1	Develop an interactive Planning Portal for keeping local planning schemes online and accessing them in a legible and user-friendly format.
3.0	A TRANSPARENT PLANNING SYSTEM
3.2	Community engagement
3.2.1	The DPLH should develop a Community Engagement Charter for all aspects of the planning system that includes principles with regard to: <ul style="list-style-type: none"> i Planning authorities having a duty to engage with the community in a manner that allows residents to contribute to the making or amending of a strategic plan; and ii In the making or amending of a strategic plan, the community, as soon as possible, be given information as to what is proposed and any documents that the planning authority intends to examine.
3.2.2	Align engagement processes in the planning regulations to the Community Engagement Charter.
3.2.3	Revise public notification and engagement requirements for planning proposals in the PD Act and LPS Regulations to update out-dated requirements.
3.2.4	Make provision within the LPS Regulations that the local planning strategy must be in accordance with the Community Strategic Plan under the Local Government Act to the extent that it is relevant.
3.2.5	DPLH to revise the Local Planning Manual to clarify that: <ul style="list-style-type: none"> i actions in local planning strategies are limited to those matters that can be carried out within the local planning scheme ii acknowledge a concurrent community participation process between a Strategic Community Plan and a local planning strategy.
3.3	Reasons for decisions
3.3.1	The DPLH to publish a Guide as to the Scope of Reasons by Planning Decision Makers, having regard to the Queensland model.
3.3.2	Provide in the LPS Regulations that reasons for decisions are to be provided on planning proposals.
3.4	Transparency of DPLH and WAPC statutory reports
3.4.1	WAPC practice be modified to publish Statutory Planning Committee and WAPC agenda items, reports and recommendations on region and local schemes and amendments.

3.5	Reporting by Local and State Government on planning matters
3.5.1	Provide in regulations mandatory reporting by local government on planning matters.
3.6	Transparency and accountability of Development Assessment Panels
3.6.1	Provide for DAP meetings to be held at regular times and outside of business hours.
3.6.2	Provide for the recording of each meeting of a DAP and made available on the DAP website of DPLH.
3.6.3	3.6.3 Provide clarification in DAP Practice Notes: <ul style="list-style-type: none"> i. If new information is submitted to the DAP after an RAR, the DAP should consider whether a decision should be deferred pending further RAR advice ii. As to when it may be appropriate to defer a decision, such as where issues are raised which require further detailed technical consideration by responsible authorities.
3.6.4	Amend the DAP Practice Notes to require reasons for decisions to be given in all decisions made by a DAP, including where the DAP adopts the responsible authority's recommendation contained within the RAR.
3.6.5	Provide for a requirement that applications amended through a SAT process are readvertised unless the amended plans comply with all development standards.
3.6.6	Provide that where a DAP has been invited to reconsider its decision following a SAT mediation, new specialist members be drawn from the available pool of members.
3.6.7	The SAT should consider preparing a framework for allowing parties with a sufficient interest in a matter to make a submission or be heard during SAT mediation of DAP matters.
3.6.8	Provide for expert DAP members to be drawn from a pool of members across the State on the basis of the type and complexity of the application being heard.
3.6.9	Provide for an expanded and flexible meeting process where the DAP Presiding member is of a view in relation to an application for development that wider community and local government viewpoints need to be examined.
3.6.10	Provide in the DAP Regulations that the WAPC retains its decision making ability with respect to development applications under region schemes.
3.6.11	Provide for a Presiding Member to be appointed also as the Chief Presiding Member to: <ul style="list-style-type: none"> i Oversee the quality and consistency of DAP procedures and decisions (such as consistency of the use and content of conditions; the quality of RAR reports) and recommend changes to DAP procedures and Standing Orders to DPLH ii Assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard iii Identify training needs for DAP members for the approval of the Director General DPLH.
4.0	AN EFFICIENT PLANNING SYSTEM
4.1	Arrangement of the WA planning system
4.1.1	Provide that the PD Act be amended to delete the WAPC function s14.(a)(ii) of advising the Minister for Planning on the administration, revision and reform of legislation.
4.1.2	Provide for a local government accreditation process.
4.1.3	Increase delegations from WAPC to DPLH and local government, for the purpose of the WAPC focussing on the State policy framework and regional strategic planning.

4.1.4	<p>Provide for the PD Act to be amended to:</p> <p>i Revise the membership of the WAPC to 5-7 members to have experience, skills or knowledge of any one or more of the following fields—</p> <ul style="list-style-type: none"> • planning, including strategic land use planning in metropolitan or regional areas • infrastructure planning, delivery, policy and strategy • public administration and public policy • property development • housing supply • corporate or public sector governance • economics, finance or financial management • management of business or commercial ventures • local government. <p>ii Remove committees of the WAPC from Schedule 2, in favour of an ability for the WAPC to establish committees to advise the Commission on any matter, recognising the Statutory Planning Committee and Executive, Finance and Property Committee carry out core functions of the WAPC and will be required immediately under this new system. A committee would consist of at least one member of the Commission who is to be the chairperson of the committee.</p>
4.1.5	The role and purpose of a Coastal Planning Committee be reviewed, and consideration be given to the most appropriate host organisation and regulatory framework for the Committee.
4.1.6	Revise the Service Delivery Agreement between the WAPC and DPLH to accord with the revised roles of the WAPC and DPLH.
4.1.7	Provide for new positions to be created to enable DPLH to recruit senior and experienced town planners to undertake strategic planning and policy development for the WAPC.
4.1.8	The DPLH and WAPC establish a protocol for the engagement of non-public sector expertise in the scoping and development of policies.
4.2	Process efficiency for planning proposals
4.2.1	A Planning Reform Team be retained by DPLH to implement proposals arising from the planning review and ongoing reforms to the Western Australian planning system.
4.2.2	A framework for referral of planning applications, to be incorporated in regulations as appropriate.
4.2.3	As an interim arrangement, the DPLH Independent Planning Reviewer be available to assist on issues regarding referral for WAPC matters.
4.2.4	Provide in regulation that an applicant may seek pre-lodgement advice for development applications.
4.2.5	Development Assessment Guidance be published by DPLH in consultation with local government and industry bodies.
4.2.6	Provide in the LPS Regulations that a local government must advise an applicant within 10 business days of receipt of a development application whether additional information is required.
4.2.7	Provide a procedure for local government and developer proponents to agree upfront the scope and content of a local structure plan with the DPLH and other agencies as appropriate.
4.2.8	Provide in the PD Act that the implementation section (part one) of approved structure plans and activity centre plans are to be read as part of the scheme and have the “force and effect” of the scheme.
4.2.9	Provide in the LPS Regulations that local government may refuse to progress a local structure plan or activity centre plan and amendment, if it is of the view that the proposals lacks sufficient planning merit. The amendment should also include ability for a proponent affected by such a decision to seek the views of the WAPC and the power for the WAPC to direct a local government to progress a proposal.

4.2.10	Provide for development contribution plan cost and cost contributions schedules to be included as a schedule in local planning schemes.
4.2.11	Establish a Development Contributions Infrastructure Panel to review proposed local planning scheme amendments that include Development Contribution Plans, with the cost of the review to be included as a development contribution plan administration cost.
4.2.12	Provide for in the PD Act an ability for the Minister for Planning to: <ul style="list-style-type: none"> i require a special report from a local government on the operation of a development contribution plan ii instruct a local government to take particular actions for the administration of a development contribution plan.
4.2.13	Provide in the LPS Regulations for a voluntary 'deemed-to-comply' check for single houses and provide in the P&D Regulations a specified fee for the service.
4.2.14	Provide in the LPS Regulations and R-Codes a fast-track 30-day planning approval process for single house applications that require only minor variations to the R-Codes.
4.2.15	A framework for "Basic", "Standard" and "Complex" streams for region scheme amendments, local planning strategies and amendments, and local structure plan/activity centre plans and amendments be developed by DPLH for implementation through regulation.
5.0	PLANNING FOR CONSOLIDATED AND CONNECTED SMART GROWTH
5.1	Planning for targeted urban infill
5.1.1	That the State Government develops clear arrangements for the planning and delivery of the key urban infill locations of activity centres, urban corridors and station precincts, including prioritising of areas which require State and local government collaboration.
5.2	Updating growth management policies
5.2.1	A new Consolidated and Connected Smart Growth State Planning Policy that builds on the State Government's METRONET policy and establishes contemporary smart growth principles and practices.
5.3	Planning for land use and infrastructure coordination
5.3.1	The WAPC to assist with land use and infrastructure coordination for the delivery of priority precincts through a renewed Committee.
5.4	Coordinating State infrastructure with regional rezonings
5.4.1	Provide in the Metropolitan Region Scheme an "Industrial Deferred Zone".
5.4.2	The WAPC to ensure that any requirements for State infrastructure are in place in the lifting of Urban Deferment or Industrial Deferment, and that the draft Guidelines for Lifting of Urban Deferment 2017 be amended accordingly.
5.5	Coordination of infrastructure for land development
5.5.1	Provision be made for advice on the forward planning of State infrastructure, including utility providers to assist local governments in the preparation of local planning strategies and structure plans.

5.6	Coordination of land use and transport for corridor development
5.6.1	The MRS be updated to include “Urban Corridor” as a category of Reserved Roads based on Perth and Peel @ 3.5 Million, with the Department of Transport being made responsible for coordinating a whole of transport portfolio response to planning proposals along the corridor.
5.6.2	A review be undertaken of regional road reservations in place to accommodate road widenings within the Metropolitan Region Scheme for designated Urban Corridors.
5.7	Liveable Neighbourhoods
5.7.1	Liveable Neighbourhoods be elevated to a state planning policy and maintained and refined as a best-practice approach to new greenfield development at regional, district and local level, rather including it into a single Neighbourhood part of Design WA.

Attachment 3 - Table of Modifications

Number	Green Paper Item	Subject	Green Paper Proposal	City Officers Comment	City Officers Recommendation
1	1.1.2	Synergy of local planning strategies with State level strategic planning	Provide in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> (the Regulations) that the review of a local planning scheme must be informed by, and respond to, a review of the Local Planning Strategy (LPS).	<p>The Green Paper suggests that it is difficult for users of the planning system to understand how a LPS has been influenced by State regional and sub-regional strategies. However, the Green Paper also suggests that the current timeframe for reviewing a LPS, which is every 5 years, is appropriate and should not be modified.</p> <p>It is considered that a review of an LPS should be undertaken following significant changes to State level planning strategies that will have a significant influence on the planning of a local government area, as opposed to requiring a review based on a set timeframe of 5 years.</p> <p>This will enable a better understanding of the influence that State level strategic planning has on local level strategic planning. In addition, this will help to ensure that the strategic planning undertaken at a State level has a direct influence on local planning and is actually implemented.</p>	Require a review of an LPS following significant changes to relevant State level strategies that have a significant influence on the planning of a local government area, as opposed to every 5 years.
2	1.3.1	Local Housing Strategy	Provide that every LPS include a Local Housing Strategy (LHS), except for low growth and small regional local governments which only require basic local planning scheme requirements.	While it is considered that housing is an important strategic component of most local governments, it is considered that housing can be considered as a component of a LPS as opposed to a separate strategy. This will facilitate housing to be considered within the context of the LPS's broader strategic planning framework. It would be confusing, inefficient and more complex to consider housing separately from the LPS.	Consider housing as an integrated component of the LPS as opposed to requiring a separate LHS to consider housing.
3	1.3.2	Housing Analysis	The Department of Planning	It is considered important to provide guidance	Provide guidance to local

			Lands and Heritage (DPLH) to provide guidance for local government in the Local Planning Manual (LPM) on how to prepare a LHS, including a methodology for local housing analysis.	to local governments in the LPM in relation to housing analysis. A particular issue in relation to housing analysis is that there is no consistent approach for translating dwelling increase targets into appropriate density zonings. For example a State level strategy may require an additional 1,000 dwellings to be provided in an area, however there is no consistent approach or formula to convert this number into appropriate density zonings to achieve this target. In addition, the resulting density zonings proposed to achieve the dwelling targets are often based on a 'full build-out' scenario. A full build-out scenario relates to 100% of properties being required to be developed to their full potential to achieve a dwelling target. This is highly unlikely in most situations, especially in a brown-field area and it may take a long time to achieve, often much longer than anticipated in a State level strategy.	governments in the LPM by creating a consistent approach or formula for translating dwelling increase targets into appropriate density zonings, having regard for build-out potential.
4	2.3.4	Due Regard for Decision Makers	Provide in the <i>Planning and Development Act 2005</i> (PD Act) that all planning decision makers are to have due regard to State Planning Policies (SPP).	This should be expanded so that decision makers are to have due regard to the local planning framework, including the LPS, town planning scheme (TPS) and local planning policies (LPP). In addition decision makers should be required to have due regard to local context and character, any feedback received from the community during consultation and Council's consideration / position on the planning matter.	Provide in the PD Act that all planning decision makers are to have due regard to SPP's, the local planning framework, any feedback received from the community during consultation and Council's consideration / position on the planning matter.
5	2.3.5	Due Regard for Decision Makers (MRA)	Provide in the <i>Metropolitan Redevelopment Authority Act 2011</i> (MRA Act) that in performing functions under the Act, the MRA must have regard to SPP's.	This should be expanded so that the MRA is to have due regard to the local planning framework, including the LPS, TPS and LPPs. In addition they should be required to have regard to local context and character, any feedback received from the community during consultation and Council's consideration /	Provide in the MRA Act that in performing functions under the Act, the MRA must have regard to SPP's, the local planning framework, any feedback received from the

				position on the planning matter.	community and Council's consideration / position on the planning matter.
6	2.4.1	Comprehensive Local Planning Scheme	Require that a TPS be published with the inclusion of the LPS (in the form of a local strategic statement) and LPP's in a document to be called a "Comprehensive Local Planning Scheme".	<p>The proposal is considered a positive improvement as it will be more transparent for the community to understand and align strategy with rules.</p> <p>The processes for preparing a LPS and reviewing a TPS however remain separate. It is considered that these processes should be consolidated so that the synergies between the strategic content in the LPS and the statutory content in the TPS can be considered by decision makers and the community concurrently, in order to:</p> <ul style="list-style-type: none"> • Make the process more efficient; • Reduce over consultation with the community, which can occur when consultation is undertaken for similar content; and • Increase transparency for the community and decision makers as the strategic content in the LPS will be easier to understand when linked directly with the statutory content in the TPS. 	Consolidate the processes for preparing an LPS and reviewing a TPS into one process.
7	2.4.2	Guidance for local planning strategies and policies	DPLH to provide guidance for local government in the LPM on the content and format of a LPS and LPPs.	While the City agrees that clear guidance in the LPM is necessary, it is considered important that the need for a clear scope and purpose and the consideration for local context and character is emphasised in the preparation of an LPS and LPPs.	Agrees that clear guidance in the LPM is necessary. DPLH to provide guidance for local government in the LPM on the scope and purpose of a LPS and LPPs, and consideration for local context and character.
8	2.4.3	Delaying the Local Planning Strategy	Local governments currently undertaking, or about to embark on, a substantive review of their planning	The City strongly disagrees with this proposal as it has spent considerable time and resources, including extensive community consultation exercises to progress the	Strongly disagree with this proposal. Allow local governments who have invested significant

			frameworks delay preparation of LPS's and LPP's (and related omnibus amendments) until guidance on the format and content of local planning frameworks is available.	<p>preparation of our LPS to date.</p> <p>Delaying the progress of the LPS would not align with the community's or Council's expectations to improve planning in the City and it may jeopardise the value and relevance of the consultation work undertaken to date.</p> <p>The outcome of the review may not be implemented for months/years. It is considered unreasonable for significant reviews of LPSs to be delayed for this period of time.</p>	resources into preparing an LPS to continue in accordance with the current planning framework.
9	2.6.2	Guidance for local planning policies	The DPLH to update the LPM to provide guidance for the form, content and writing of a LPP.	While the City agrees that clear guidance in the LPM is necessary, it is considered important that the need for a clear scope and purpose and the consideration for local context and character is emphasised in a preparation of the LPPs.	Agrees that clear guidance in the LPM is necessary. The DPLH to update the LPM to provide guidance on the scope and purpose of a LPP and have consideration for local context and character.
10	2.7.3	Grouping Land-uses	<p>Provide in the Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which:</p> <ul style="list-style-type: none"> i. Group like land-uses into themes for which common development standards can be prepared. ii. Identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply. iii. Are mandatory for local 	<p>The Green Paper suggests that similar land-uses could be grouped into themes and provides an example that 'amusement parlour', 'cinema/theatre', 'small bar' and 'restaurant/café' could be grouped into a single theme of 'entertainment'.</p> <p>The extremities of the land-uses included in a common theme need to be carefully considered. Using the example above, a café and a small bar may have very different impacts to the local character of an area, yet are both classified as 'entertainment' and may both be permissible in the same area.</p>	<p>More consideration is required in relation to this proposal.</p> <p>If land-uses are going to be grouped into themes, more consideration needs to be given to the actual impacts of the land-use, such as noise, odour, vibration, pollution and car parking, as different land-uses that fall under a common theme can have vastly different impacts.</p>

			government to adopt within their municipalities through the next scheme review or omnibus amendment.		
11	3.4.1	SPC and WAPC meetings	Western Australian Planning Commission (WAPC) practice be modified to publish Statutory Planning Committee (SPC) and WAPC agenda items, reports and recommendations on region and local schemes and amendments.	<p>While the City supports the proposal, it is considered that the processes, arrangements and practices associated with SPC and WAPC meetings should be afforded a higher level of transparency and accountability and be similar to local government council meetings. In particular they should be open to the public, the public can present a deputation and ask questions, be audio recorded and held after normal business hours as the decision made often have a significant impact on the community.</p> <p>In addition, reports and recommendations should be required to have greater consideration for the local planning framework and be readily available to the public prior to the meeting.</p>	<p>Supports the proposal subject to SPC and WAPC meetings also being open to the public, the public can present a deputation and ask questions , audio recorded and held after normal business hours.</p> <p>Reports and recommendations are to have regard for the local planning framework and be readily available to the public prior to the meeting. Minutes of the meeting are to be readily available to the public after the meeting.</p>
12	3.6.2	Recording DAP meetings	Provide for the recording of each meeting of a Development Assessment Panel (DAP) and made available on the DAP website of DPLH.	Council at its Ordinary Meeting held 27 March 2018, considered a motion and resolved to write to the DAP Secretariat to enable the audio recording of all future DAP meetings and to make them publicly available via the Council and DAP websites.	Council supports this proposal with the addition of the recording of each meeting also being made available on the relevant local government's website.
13	3.6.4	DAP decision reasons	Amend the DAP Practice Notes to require reasons for decisions to be given in all decisions made by a DAP, including where the DAP adopts the responsible authority's recommendation contained within the Responsible Authority Report	<p>While the City supports the proposal, it is considered that further requirements should be added the proposal.</p> <p>The responsible authority is required to provide detailed reasons for the decisions that they arrive at in their RAR, in order to demonstrate to the DAP and the public that they have considered various issues carefully.</p>	Supports amending the DAP Practice Notes to require detailed reasons for decisions to be given in all decisions made by a DAP, including where the DAP adopts the responsible authority's recommendation contained within the RAR.

			(RAR).	It is considered then, that the DAP should be required to provide at least the same level of detail and consideration when providing reasons for the decisions they arrive at, particularly if the decisions are inconsistent with the RAR recommendations.	The reasons should be at least as detailed as those provided by the responsible authority within the RAR, particularly if the decisions are inconsistent with the RAR recommendations.
14	3.6.11	DAP transparency	<p>Provide for a Presiding Member to be appointed also as the Chief Presiding Member to:</p> <p>(a) Oversee the quality and consistency of DAP procedures and decisions (such as consistency of the use and content of conditions; the quality of RAR reports) and recommend changes to DAP procedures and Standing Orders to DPLH</p> <p>(b) Assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard</p> <p>(c) Identify training needs for DAP members for the approval of the Director General DPLH.</p>	<p>While the City supports the proposal, it is considered that the Chief Presiding Member should be independent from the DAP system and not a currently practicing DAP member in order to ensure greater transparency and accountability.</p> <p>In addition the quality of how DAP processes and meetings are governed needs to be improved in order to ensure that they conducted in a more transparent, accountable and governed manner.</p>	<p>Supports the proposal subject to the Chief Presiding Member being independent and not a currently practicing DAP member.</p> <p>In addition, provide a stronger governance component to DAP processes.</p>
15	4.1.3	Increasing delegation	Increase delegations from WAPC to DPLH and local government, for the purpose of the WAPC focussing on	The Green Paper suggests that the DPLH may delegate the processing of small infill subdivisions and subdivisions which are in accordance with a local structure plan to local	Give more consideration to this proposal to ensure local governments are provided with adequate financial

			the State policy framework and regional strategic planning.	<p>government.</p> <p>Currently these types of subdivisions are processed by the DPLH for all local government areas in WA, who benefit from large economies of scale in terms of resources to manage this work load.</p> <p>In addition, the DPLH have significant experience in dealing with these types of applications.</p> <p>If the processing of these types of subdivisions were to be delegated to local governments, they would require significant financial resources and support from the State Government to manage the additional workload, efficiently process the applications and manage any issues that arise.</p>	resources and support from the State Government to process small infill subdivisions and subdivisions which are in accordance with a local structure plan.
16	4.2.9	Reasons to refuse to progress a local structure plan or activity centre plan and amendment.	Provide in the Regulations that local government may refuse to progress a local structure plan or activity centre plan and amendment, if it is of the view that the proposals lacks sufficient planning merit. The amendment should also include ability for a proponent affected by such a decision to seek the views of the WAPC and the power for the WAPC to direct a local government to progress a proposal.	<p>Whilst the proposal is supported, it is considered that local government should also be able to refuse to progress a local structure plan or activity centre plan and scheme amendment, if it is of the view that a proposal does not align with the local planning framework.</p> <p>In addition there is concern that the ability of the proponent to seek the WAPC to direct the local government to progress a proposal will not adequately consider the local planning framework.</p>	Support this proposal subject to the local government also being able to refuse to progress a local structure plan or activity centre plan and scheme amendment, if it does not align with the local planning framework, and the WAPC not being able to direct a local government to progress a proposal which does not align with the local planning framework.
17	5.6.1	Urban Corridors	The Metropolitan Region Scheme (MRS) be updated to include "Urban Corridor" as a category of Reserved	While urban corridors are recognised as being important strategically, other equally if not more important strategic areas referred to in <i>Perth and Peel @ 3.5 Million</i> , such as Activity	When planning for urban corridors, the State Government should have sufficient regard for

			Roads based on <i>Perth and Peel @ 3.5 Million</i> , with the Department of Transport being made responsible for coordinating a whole of transport portfolio response to planning proposals along the corridor.	Centres and Station Precincts may also benefit from being given a higher status under the MRS and afforded a whole of transport portfolio response to planning proposals. There is also concern that the emphasis on urban corridors at a State level may jeopardise planning at a local level. In particular if an urban corridor intersects with an area planned to be an Activity Centre or Station Precinct, the planning being undertaken for the urban corridor may dominate that being undertaken at a local level and may not respond to local character or context.	strategic planning being undertaken at a local level, such as Activity Centre and Station Precinct planning and the local planning framework.
18	NA	State Administrative Tribunal (SAT)	NA	The proposed reform measures are silent on SAT issues. It is considered that SAT decisions should be required to have more regard to the character and context of a local area and the local planning framework, including any strategic planning being undertaken in the area, any feedback received from the community during consultation and Council's consideration / position on the planning matter.	SAT decisions are to have more regard to the character and context of a local area and the local planning framework, including any strategic planning being undertaken in the area, any feedback received from the community during consultation and Council's consideration / position on the planning matter.
19	NA	State Government Agencies	NA	Occasionally planning objectives or decisions are derailed or overridden by some State Government Agencies, such as Main Roads WA who may have competing interests. Furthermore it is often difficult to negotiate or compromise with some State Government Agencies. In order to improve planning efficiency and to ensure that local issues are duly considered, it is important that there is a clear process for negotiating and resolving State Government	Create in the planning system a clear process for negotiating and resolving State Government Agency issues early in the planning process and with a high degree of clarity and certainty.

				Agency issues early on in the planning process and with a high degree of clarity and certainty.	
20	NA	Third Party Appeals	NA	<p>Council at its Planning and Development Services Committee Meeting held 6 February 2018 , resolved to support in principle the introduction of third party appeal rights into the WA planning system in relation to application decisions by DAP, SAT and the WAPC.</p> <p>Council were of the opinion that numerous people have genuinely felt aggrieved by decisions made by DAP, SAT and the WAPC that were not right for their area but they have had no recourse after the decision has been made.</p>	Introduce third party appeal rights into the WA planning system in relation to application decisions by DAP, SAT and the WAPC.
21	NA	Community consultation	NA	<p>The Regulations require how and when community consultation is to be undertaken for strategic planning proposals, such as scheme amendments.</p> <p>The Regulations only require basic consultation to be undertaken with the community, involving advertising a draft concept and requesting the community to provide written feedback.</p> <p>Projects that do not engage with the community well are more vulnerable to social risks, such as outrage and low support and may appear uncoordinated.</p> <p>Furthermore, consultation for certain planning proposals is required to be undertaken at a stage in the process when a draft concept has already been developed. At this stage the community often feel like the decision has already been made and therefore consultation is tokenistic and unauthentic.</p>	<p>Reconsider how and when community consultation is undertaken for different planning proposals in the planning system.</p> <p>Consider better tools and timeframes to ensure community engagement is genuine and effective and that the outcomes are valuable and informative. The tools and timeframes should better reflect the varying levels of community consultation required for different planning matters.</p>

				<p>The Regulations should encourage good community consultation similar to the City's recent 'Building Bayswater' community engagement process for significant projects such as LPSs and structure plans as the benefits include:</p> <ul style="list-style-type: none">• Improved community ownership of decisions made.• Less outrage as community members have the opportunity to have their say and greater community understanding of the rationale behind a decision.• Improved decision making by ensuring decisions are soundly based on evidence of informed community opinion and take into account the views and experience of those affected by them.• Strengthens the partnership between the community and the responsible authority and builds relationships with stakeholders.• Enhances the responsible authority's reputation as a responsive, transparent and inclusive organisation.	
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10. REPORTS BY OFFICERS (COUNCIL DECISION)

Nil.

11. REPORTS FOR NOTING

Nil.

12. LATE ITEMS

Nil.

13. CONFIDENTIAL ITEMS**13.1 Reports by Officers (Committee Delegation)**

Nil.

13.2 Reports by Officers (Council Decision)

Nil.

14. NEXT MEETING

The next meeting of the Planning and Development Services Committee will take place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on 14 August 2018 commencing at **6:30pm**.

15. CLOSURE

There being no further business to discuss, the Chairperson, Cr Dan Bull, Mayor declared the meeting closed at 8:54pm.