CITY OF BAYSWATER

MINUTES

FOR THE
PLANNING AND DEVELOPMENT
SERVICES COMMITTEE MEETING

12 June 2018

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 Tuesday, 12 June 2018.

MINUTES

1. OFFICIAL OPENING

The Chairperson, Cr Brent Fleeton, welcomed those in attendance and declared the meeting open for the ordinary business of Committee at 6:30pm.

1.1 Traditional Owners Acknowledgement

The Chairperson, Cr Brent Fleeton, respectfully acknowledged the past, present and future traditional custodians of the land on which we are meeting, the Whadjuk (Perth) region people of the Noongar nation. Cr Brent Fleeton acknowledged and respected their continuing culture and the contribution they make to the life of this City and this region.

1.2 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

North Ward
Cr Brent Fleeton *(Chairperson)*
Cr Stephanie Gray
Cr Filomena Piffaretti

West Ward
Cr Dan Bull, Mayor
Cr Giorgia Johnson

Central Ward
Cr Barry McKenna
Cr Sally Palmer

South Ward
Cr Catherine Ehrhardt
Cr Elli Petersen-Pik

Officers

Mr Andrew Brien	Chief Executive Officer
Mr Des Abel	Director Planning and Development Services
Mr Doug Pearson	Director of Technical Services
Ms Helen Smith	Manager Planning Services
Mr Matt Turner	Manager Strategic Planning and Place
Ms Wardia Du Toit	PA/Director of Technical Services
Ms Jo Boone	Administration Assistant

Observers

Public - 11
Press - 1

Apologies

Cr Chris Cornish, Deputy Mayor

Leave of Absence

Cr Lorna Clarke *(31 May to 30 June 2018)*

COMMITTEE RESOLUTION

That Leave of Absence be granted to Cr Catherine Erharhdt on 19 June 2018.

CR CATHERINE EHRHARDT MOVED, CR BRENT FLEETON SECONDED
CARRIED UNANIMOUSLY: 9/0

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 6:31pm.

The following questions were submitted both in writing and verbally:

Mr Steven Ostaszewskyj – 6 Farley Way, Bayswater

Mr Ostazewskyj took the opportunity to thank all Councillors for their support on 30 January 2018 at the Ordinary Council Meeting in regards to the City considering permitting a wider range of land uses in the City's industrial area as part of the Local Planning Strategy and the Town Planning Scheme. There has been encouraging discussions amongst business owners regarding the matter in relation to its potential to reduce vacancy rates.

Question 1

Can the City please advise where it is at in terms of the preliminary works which have been done in relation to widening the permitted land uses?

The City's Manager Strategic Planning and Place, Matt Turner, advised that the City is currently working on the Draft Local Planning Strategy which includes that matter and other matters raised in the Engagement Building Bayswater which will be considered as part of another item later this evening and is due to be considered by Council later this year.

Question 2

Can the City advise what type of land uses are being considered at the moment?

The City's Manager Strategic Planning and Place, Matt Turner, advised that this has not been evaluated/considered as yet.

Question 3

Can the City advise if contact has been made with business owners in the industrial area to determine their thoughts on what allowable uses would assist in reducing the vacancy rates?

The City's Manager Strategic Planning and Place, Matt Turner, advised no.

Mr Warren Lance – 21 Watervista Place, Maylands

For your information, today, a further 180 signatures were lodged at the City's Civic Centre, therefore, totalling 388 signatories not wanting the four concepts presented for the Maylands Brickworks, however, supporting the concept submitted by the Friends of Maylands Brickworks effectively.

A series of questions were asked at the last Council Meeting, meetings in March 2018 and April 2018 regarding the Maylands Brickworks. Essentially, either at a Development and/or Council Meeting last year after SHO submitted to put up some concepts in relation to the Brickworks, the Council's decisions was along the lines that whatever was submitted had to be in line with normal development requirements of the City. Accordingly, the response received early last month indicated differently and that the current Town Planning Scheme requires development to be near major transport routes and amenities etc.

There is no high on rise Town Planning Scheme No. 24 around the Brickworks and therefore, only a part response was provided when asking questions, especially when the Council states that its transparent and accountable. Similarly, the Friends of Maylands Brickworks where advised that a Business Case would need to be developed to go ahead with the proposed submission and was dealt with partly as the group's submission.

Question 1

From observations, what was the Business Case that Council considered in relation to the purchase of the Carters' Wetlands? Was there one done?

The Chairperson, Cr Brent Fleeton clarified that these are not questions rather points which he is taking on board and different to the Maylands Brickworks. Accordingly, further information will be provided by the Director and the extra petition will be considered as part of Item 8.

Mr Lance further advised that there is an inconsistency as the Friend of Maylands Brickworks were advised that they need to do a Business Case, yet there doesn't appear to have been one done relating to the purchase of the Carters' Wetlands.

The Chairperson, Cr Brent Fleeton advised that the Councillors present have heard the points raised in relation to this matter.

Question 2

Why doesn't the Council follow the process that they have established?

The Chairperson, Cr Brent Fleeton advised that on the point of the Maylands Brickworks, no resolution has been made by Council to do any works and it is still going through the consultation phase. Unfortunately, it has been outsourced to the SHO, which is undertaking the project and the Council has not made a decision to do anything. The Chairperson reiterated that no decision had been made as to what is happening at the Brickworks.

Mr Lance advised that he understands, however, the Council is missing the point. There were directions made by Council that involved whatever SHO did and that had to comply with the consultation process that the Council signed off on which was distributed on 4 January which has not been complied. Even after asking the question, the response received was no and that the SHO did it their way as there were errors in their process. Secondly, there was a decision from either the Planning Committee or full Council that indicated that whatever SHO circulated, had to comply with the development concept of the City (i.e. the Town Planning Scheme).

The Director Planning and Development Services, Des Abel, advised that officers went through the City's records and Council resolutions and could not identify a formal resolution that specifically identifies this point.

Mr Lance further advised that the group will be going go back and looking at the whole process again and probably go and get some legal advice to find out where next (Court or Tribunal) it's believed the process has been done by the SHO on behalf of Council and Council owns the property which makes the process invalid.

The Chairperson, Cr Brent Fleeton thanked Mr Lance for his points made.

Mr Mark Kilroy - 30 Maurice Street, Embleton

Question 1

Item 9.1 is recommended for approval, however, should members have any questions, is there and opportunity to address them?

The Chairperson, Cr Brent Fleeton, advised that the Committee is unable to interact once the item is pulled, if it does get pulled, for discussion. If Councillors have a concern with it, then there is an opportunity to defer it.

Question 1

Will it be deferred, should anyone have concerns?

The Chairperson, Cr Brent Fleeton, advised that he is not going to pre-empt what his fellow Councillors are going to decide.

Mr Harvey Tonkin – harveyt@iinet.net.au

Question 1

With respect to the item on Mobile Food Vans, can you please advise why the fee at Crimea Reserve is nearly double the annual fee of all other food van areas, and how this figure was arrived at?

The City's Manager Strategic Planning and Place, Matt Turner, advised that Council made a decision to increase the fee to effectively double due to the popularity of the location.

It is understood that there are variations now, mainly due to demand on a Friday night, however, during the day, some food vans only operate for half a day and it seemed to be unfair.

The City's Manager Strategic Planning and Place, Matt Turner, advised that the additional fees only apply to Friday and Saturday evenings at Crimea Reserve. Other vans that are there in the morning or throughout the week, normal fees apply.

Mr Paul Shanahan - 35 Grosvenor Road, Bayswater

Question 1

Applauded Council for undertaking the Bayswater Structure Plan, however, raised a question in relation to an unadvertised and unforeshadowed change to the Structure Plan that was made by the Planning Committee at its meeting of 8 May 2018. The Council endorsed support for the unforeshadowed motion to significantly increase setbacks in areas zoned R60 on King William Street. Many of these sites are located within the heart of the Town Centre. Mr Shanahan believed that there is fear amongst residents that this unforeshadowed motion will stifle investment in the Town Centre. Taller buildings will not be economically viable and simply won't be built.

Upon investigating the Council's own reports on the Bayswater Town Centre's Structure Plan and after listening to the audio of the deputations related to the matter, there appears to be virtually no reference to requesting this change in the public submissions, the change is not recommended by the planning consultant, TPG, in any of their reports and the change was not recommended by the City's officers in any of their reports.

Can Council please provide information as to how the unforeshadowed motion came into existence? Specifically, explain why this very significant motion was delayed until well after the Structure Plan was drafted, until well after all public submissions and deputations on the issue were made by interested ratepayers and made in such a way that denied affected property owners, ratepayers and residents the opportunity to make any comment on such a significant change to this plan.

The Chairperson, Cr Brent Fleeton, advised that due to a lot of specific information being requested, the question will be taken on notice and a written response provided.

Ms Linda Slater – 20 Burnside Street, Bayswater

Question 1

Community engagement/feedback outlined in the report by TPG which informed the Bayswater Town Centre Structure Plan indicated that the greatest densities should be in the heart of the Bayswater Town Centre (i.e. along King William Street, close to the Bayswater Train Station).

This view was overwhelmingly endorsed by a majority of submissions made in response to the Structure Plan. Data in the City's own officer's report showed that a large majority of these submissions held this view. At the City of Bayswater meeting of 8 May 2018, the majority of deputations made in response to the Bayswater Town Centre Structure Plan also supported this view.

The extensive community feedback from the City's own Building Bayswater report, which elected members had possession of prior to the last meeting, recommended that for the Bayswater Town Centre, the City consider density and height of R100 and 10 storeys in the immediate train station precinct, down to an R60/4 storey height within the 800m walkable catchment.

Can Council please provide information on how this overwhelming and repeated community feedback regarding prioritising density in the heart of the Bayswater Town Centre was considered in formulating the Bayswater Town Centre Structure Plan?

The Chairperson, Cr Brent Fleeton advised that the question will be taken on notice and a written response provided.

Public Question Time was closed at 6:46pm.

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
12 June 2018	*Cr Catherine Ehrhardt*	*9.3*	*Review of Short Term Accommodation Policy*
12 June 2018	*Cr Giorgia Johnson*	*9.4*	*Review of Mobile Food Vehicle Fees for Crimea Park*

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

Nil.

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
12 June 2018	*Cr Catherine Ehrhardt*	*9.4*	*Review of Mobile Food Vehicle Fees for Crimea Park*

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

That the Minutes of the Planning and Development Services Committee held on 8 May 2018 which have been distributed, be confirmed as a true and correct record.

CR BRENT FLEETON MOVED, CR DAN BULL, MAYOR SECONDED

CARRIED UNANIMOUSLY: 9/0

7. DEPUTATIONS

7.1 Proposed Change of Use to Health Studio and Associated Alterations
Location: Lot 2, Tenancy 2, 7 Fonts Place, Embleton

In relation to Item 9.2, Mr Alan Landy (Applicant - High Performance Committee Wrestling Australia/Gladiator Wrestling, Tenancy 2, 7 Fonts Place Embleton) was in attendance, speaking in support of the officer's recommendation *(refer page 27).*

7.2 Proposed Amendment to Local Planning Scheme No 24 - Bedford Fair Shopping Centre
Location: Lot 11, 215-217 Grand Promenade, Bedford

In relation to Item 9.6, Carlo Famiano (Director - Principal Town Planner, CF Town Planning & Development, Unit 3, 1 Mulgul Road, Malaga) was in attendance, speaking against the officer's recommendation *(refer page 82).*

7.3 Proposed Indoor Recreation Facility
Location: Lot 127 and 128, 13 and 15 Focal Way, Bayswater

In relation to Item 10.1, Mr Roman Zagwocki (Planning Consultant on behalf of Linc Property, Level 3, 338 Barker Road Subiaco) was in attendance, speaking on the item.*(refer page 148).*

8. PETITIONS

8.1 Cr Dan Bull, Mayor - Proposed Temporary Part Closure Whatley Crescent - FAL Project

Cr Dan Bull, Mayor tabled a petition containing 51 signatures regarding Item 9.10, Proposed Temporary Part Closure of Whatley Crescent - FAL Project objecting to the two month closure.

COMMITTEE RESOLUTION

That the submitted petition in relation to the Proposed Temporary Part Closure of Whatley Crescent be accepted and considered as part of the deliberations on Item 9.10.

CR DAN BULL, MAYOR MOVED, CR BRENT FLEETON SECONDED
CARRIED UNANIMOUSLY: 9/0

8.2 Cr Brent Fleeton - Reactivation of the Maylands Brickworks

The Chairperson, Cr Brent Fleeton, tabled a petition from the Friends of Maylands Brickworks containing an additional 108 signatures regarding the reactivation community engagement Information Pack for the Maylands Brickworks.

COMMITTEE RESOLUTION

That the submitted petition in relation to the Reactivation of the Maylands Brickworks be accepted and referred to the Chief Executive Officer for inclusion with the submitted petition lodged on 16 March 2018.

CR BRENT FLEETON MOVED, CR DAN BULL, MAYOR SECONDED
CARRIED UNANIMOUSLY: 9/0

ORDER OF BUSINESS

Items were dealt with in the following order: Items 9.2, 9.6, 10.1, 9.3 to 9.7 and 9.10.

All remaining items were carried by en bloc resolution.

9. REPORTS BY OFFICERS (COMMITTEE DELEGATION)

9.1 Proposed Three Storey Single House

Location:	**Lot 60, 8 Rothbury Road, Embleton**
File Number:	**DA17-0608**
Applicant:	**Michael Clarke**
Owner:	**Mark & Anh Linh Kilroy**
Reporting Branch:	**Statutory Planning Services**
Responsible Directorate:	**Planning and Development Services**
Refer:	**Item 9.1.2: PDSC 13.03.2018**

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

EXECUTIVE SUMMARY

Application:

A planning application dated 27 November 2017 and amended plans dated 30 April 2018 have been received for proposed three storey single house at Lot 60, 8 Rothbury Road, Embleton.

Key Issues:

- Application was deferred by Council at the Planning and Development Services Committee Meeting held on 13 March 2018 at the request of the landowner.
- Amended plans to be considered, comprising a reduction of height and building bulk of the proposed development.
- Amended proposal does not meet the building height, street setback, visual privacy and lot boundary setback requirements of the Residential Design Codes (R-Codes).
- Two objections received during community consultation.
- Impact of the proposal on the amenity of the area.

BACKGROUND

Town Planning Scheme No. 24 Zoning:	Medium and High Density Residential - R25
Use Class:	Single House - 'P'
Lot Area:	439m^2
Existing Land Use:	Vacant
Surrounding Land Use:	Single House
Size/Nature of Proposed Development:	Three Storey Single House

This application was previously referred to the Planning and Development Services Committee Meeting held on 13 March 2018, where it was deferred following a request from the landowner to allow the plans to be revised.

Revised plans were received on 30 April 2018, and included a reduction to the maximum wall and roof pitch height by 1.6m to 7.2m and 1.5m to 9.4m respectively, and a number of design changes including improved articulation through additional windows and amendment to roof pitch to reduce the perceived building bulk of the dwelling.

The primary consideration in relation to this application is the visual impact of the proposed development on the amenity of the area, including the streetscape and the affected adjacent properties, given the proposal does not meet the building height, average street setback, lot boundary setback and visual privacy requirements of the R-Codes, and to consider objections that have been received in relation to the amended proposal..

CONSULTATION

The City sought comment for the initial proposed variations from the adjacent affected property owners for a period of 14 days. At the completion of this first advertising period, four objections were received. One of the objections was co-signed by three adjoining owners.
The City sought further comment on the amended plans and variations from the adjacent affected property owners for a period of 14 days. At the completion of the advertising period, two objections were received. The applicant received a letter of support from a previously objecting neighbour. Details of the objections, applicant's responses and officer's comments are stated below.

ISSUE AND NATURE OF CONCERN	APPLICANT RESPONSE	OFFICER COMMENT
Street Setback: Reduction of the average street setback is considered to detrimentally affect the streetscape. Dwelling could be setback further to limit the impact on the streetscape.	The proposed average front street setback variation (i.e. approx. 600mm) for the new dwelling on Lot 60 is considered minor, and is noted that a survey strata with common property would include averaging down the adjoining battle-axe leg (driveway) and be compliant. *"The minimum front setback for the proposed new dwelling on Lot 60 meets the 'deemed to comply requirements' of Element 5.1.2 C2.1 R-Codes."* *"The reduced front setback enables the dwelling to be positioned further forward on the lot to provide a large rear yard area to accommodate the needs of a young family."* *"The reduced front setback of the new dwelling can be attributed to the shallow depth (i.e. 27.5 metres) and the excessive fall of Lot 60 (i.e. 2.91 metres)."* Further, the finished floor level of the first floor is 1.2m below street level.	Refer to 'Street Setback' Section below.
Visual Privacy: Overlooking onto the driveway is not acceptable. Highlight windows may be an acceptable alternative.	*"The use of screening to the side of the balcony will assist with reducing the extent of direct overlooking over the adjoining north-eastern property."* *"Those portions of the 'cone of vision' from the dining room and bedroom 1 windows of the new dwelling will extend over the driveway/battle-axe leg of adjoining Lot 61 (No.8A) Rothbury Road."*	Refer to 'Visual Privacy' section below.
Building Height: Building height variation is considered to negatively impact the surrounding properties' access to views of significant, notably towards the Darling Scarp.	Lot 60 is characterised by a 2.91 metre fall from the front of the property to the rear boundary, and "*will not have an adverse impact on the local streetscape or adjoining properties, it satisfies the 'design principles criteria' of Element 5.1.6 of the R-Codes and may therefore be approved by the City."* *"The 'view of significance' enjoyed by Lot 60 is the Darling Scarp to the east. The proposed variation to the maximum wall and ridge heights of the new dwelling on Lot 60 are considered minor in scale when viewed from the street and therefore unlikely to compromise or in any way diminish the 'views of significance' currently enjoyed by the adjoining residential properties."*	Refer to 'Building Height' section below.

ANALYSIS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks:			
Front	Min 3m Avg. 6m	4.8m 5.3m	Compliant Variation
Side - Northeast			
Ground Floor (bedroom 2)	1.5m	1.5m	Compliant
First Floor (theatre)	1.2m	1.5m	Compliant
Second Floor (void)	1.4m	2.9m	Compliant
Side - Southwest			
Ground Floor (laundry)	Nil	Nil	Compliant
First Floor (garage)	Nil*	Nil	Compliant
Second Floor (bedroom 1, ensuite)	3.0m*	2.0m	Variation
Rear			
Ground Floor (games, alfresco)	1.5m	6.8m	Compliant
First Floor (dining, balcony)	3.1m	6.8m	Compliant
Second Floor (void, ensuite)	1.8m	10.2m	Compliant
Boundary Wall:			
Maximum Wall Height -			
Side (Southwest)	3.5m	5.5m	Variation
Maximum Average Wall Height -			
Side (Southwest)	3.0m	5.0m	Variation
Maximum Wall Length -			
Side (Southwest)	9.0m	7.2m	Compliant
Maximum Building Height			
Wall Height	6.0m	7.2m	Variation
Roof Pitch Height	9.0m	9.4m	Variation
Minimum Open Space	50%	59.8%	Compliant
Maximum Overshadowing of Adjoining Property	25%	9.9%	Compliant
Minimum Parking	2 car bays	2 car bays	Compliant
Minimum Visual Privacy Setbacks:			
First Floor SE facing Balcony	7.5m	5.5m (NE)	Variation
First Floor SE facing Balcony	7.5m	6.9m (SE)	Variation
First Floor SE facing Dining Window	6.0m	4.8m (SE)	Variation

* Setback requirements are reduced by half the adjoining battle-axe leg width to a maximum 2.0m as per R-Codes 5.1.3 C3.1 (v)

Site Context

The affected streetscape is characterised as primarily single and two storey residential dwellings with approximately one third of the housing stock along the street comprising two storey dwellings. The dwellings are a mixture of mid-20th century construction up to contemporary development.

The street slopes up to the north west and down to the south east. The subject site slopes steeply down approximately 3m from the street frontage to the rear of the lot. Consequently, the proposed development has been designed with the slope of the site in mind.

Street Setback

The average street setback of the proposed dwelling is 5.4m in lieu of 6.0m. The front of the dwelling is proposed 1m forward of the street setback of the adjoining properties to the south-west and north-east at 6 and 10 Rothbury Road however complies with the minimum street setback requirements of the R-Codes. The dwelling at 2A Rothbury Road also has a reduced setback, yet this lot faces a former secondary street, so forms a transition to the 6.0m average setback.

The primary objection received relating to the street setback variation relates to street surveillance and setback consistency. The applicant has amended the plans to move a services wall from the boundary closest to 6 Rothbury Road to assist in mitigating some of those concerns.

On the above basis and as the size, scale, and street setback of the dwelling the variation to street setback is considered is to be generally consistent with the existing streetscape and have no undue impact on the streetscape and amenity of the area.

Lot Boundary Setbacks

The boundary wall average height of 5.0m and maximum height of 5.5m involves a 2.0m (57%) variation to the deemed-to-comply requirement of the R-Codes, which permit an average height of 3.0m and maximum height of 3.5m.

The wall adjoins the access way to 8A Rothbury Road, along the south western boundary, and is 7.2m in length resulting in a total area of 36m². A wall meeting the maximum height and length permitted under the deemed-to-comply requirements would result in a total area of 27m² for comparative purposes.

The wall adjoins an access way and will therefore have minimal impact to the adjoining dwelling, however is considered to contribute to a bulky built form. The applicant has sought to address the visual impact by placing highlight windows along the upper level of the wall which is considered an acceptable means to break up the visual impact of the wall. Accordingly the boundary wall height variations are considered to be of no undue impact on the amenity of adjoining affected properties and are supported.

Visual Privacy

The proposal presents three visual privacy variations affecting two adjoining properties. These primarily affect the rear adjoining 8A Rothbury Road, with some encroachment into 10 Rothbury Road from the balcony.

The cone of vision for the first floor dining room window facing south-east encroaches 1.2m into a portion of the driveway of 8A Rothbury Road. This overlooking has no adverse impact to the associated dwelling and outdoor living area.

The cone of vision for the balcony facing south-east encroaches 0.6m into 8A Rothbury Road, and 2.0m into 10 Rothbury Road. The encroachment into 8A Rothbury Road overlooks a blank garage and bedroom wall, and the roof of the dwelling. The alfresco area of the dwelling is at the rear, and therefore unaffected.

The 2.0m encroachment into 10 Rothbury Road directly overlooks an outdoor living area and swimming pool; however a letter of support was received from the affected land owner, consenting to the variation.

Given the above, it is considered that the proposed impacts of the proposed overlooking into the adjoining properties have either no undue impact, or consent from the respective affected party, and accordingly the variations are supported.

Building Height

The proposed building has a maximum roof pitch height of 9.4m in lieu of 9.0m, and a maximum wall height of 7.2m in lieu of 6m. The proposed external wall height presents a variation of 1.2m (20.0% increase) to the requirements of the R-Codes; whilst the roof pitch height of the dwelling represents a variation of 0.4m (4.4% increase).

These height variations are principally attributed to the fall of the land to the south-eastern side of the block and the retention of a consistent floor level in the south-eastern half of the dwelling. The dwelling from the street frontage presents as a two storey dwelling with a 7.6m height to the top of the roof pitch, with the lower half of the first floor below the street level. The rear appears as a two storey dwelling given the upper level being within the roof structure when viewed from this direction.

There are a number of two storey dwellings existing along the street, at 6, 9A, 12, 17 and 19 Rothbury Road. Further, two storey with under-croft garages and basements exist at 10, 11, 13 and 15 Rothbury Road. The dwelling at 12 Rothbury Road is of a moderately larger size and scale to the proposed dwelling, which has a two storey appearance at the street frontage. The dwelling complies with overshadowing requirements of the R-Codes, and the impact of the south western wall is not considered to unduly impact the amenity of the lots to the south-west.

The maximum height of the north-eastern wall is 7.2m and contains limited articulation; however it is considered that the increased height is offset by the upper floor being within the roof pitch at the rear where the lot is lower. The dwellings' first floor is also below the street level, assisting in a reduction of its scale in terms of the streetscape.

The loss of sightlines to views of significance, in this instance towards the Darling Scarp, are not considered to be affected to any greater degree than that of a fully compliant dwelling when viewed from the street. The dwelling presents from street level as lower than a two storey dwelling and the height variations to the R-Codes that are sought are a result of the fall of the site towards the rear of the site. The dwellings located on the north-western side of Rothbury Road are on a higher natural ground level and site vistas are still afforded to affected dwellings by a combination of the roof pitch and the adjoining 4.0m wide access driveway to the south western boundary of the proposed development.

Given these considerations, the amended proposal is considered to respond to and be a consequence of the topography of the site. The proposed variations are not considered to be of any undue impact on the streetscape and amenity of the area and are supported.

OPTIONS

The following options are available to Council:

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

CONCLUSION

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC LINK

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

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

- City of Bayswater Town Planning Scheme No. 24;
- City of Bayswater local planning policies; and
- State Planning Policy 3.1 Residential Design Codes.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

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

COMMITTEE RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council grants planning approval for the proposed three storey single house at Lot 60, 8 Rothbury Road, Embleton, in accordance with planning application dated 27 November 2017 and amended plans dated 30 April 2018, subject to the following planning conditions:

1. **The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.**
2. **The approved parapet/boundary wall and footings abutting the boundary must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall shall be finished to a professional standard, to the satisfaction of the City of Bayswater.**
3. **Prior to occupation, one street tree is to be planted on the Rothbury Road verge in front of the subject site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater.**

4. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

5. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.

6. All vehicle crossings being upgraded designed and constructed to the satisfaction of the City of Bayswater.

7. The existing and/or proposed driveways being constructed with brick paving or concrete to the satisfaction of the City of Bayswater.

Advice Notes:

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.

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

3. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.

4. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.

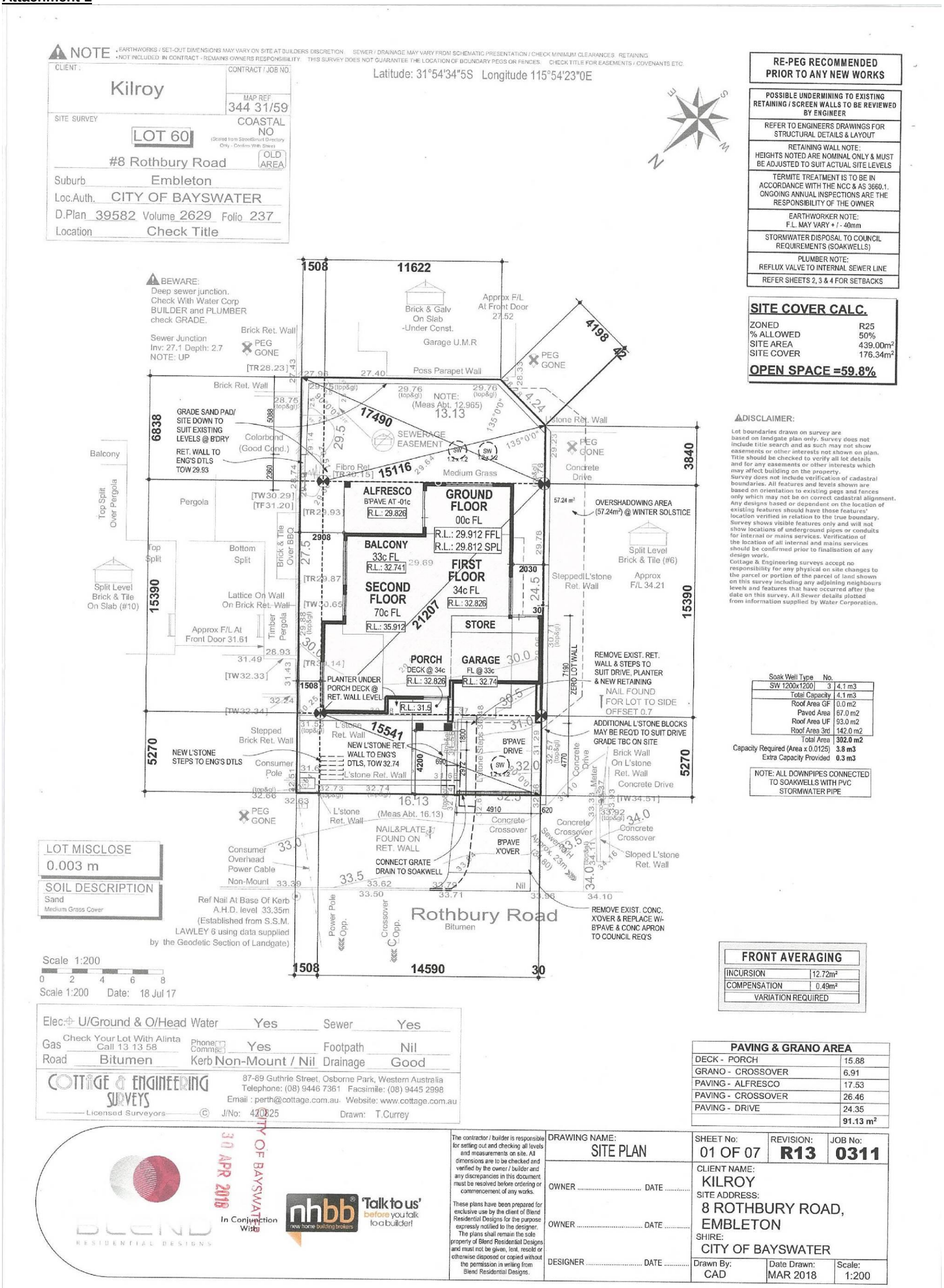
5. In relation to condition 3, a list of suitable tree species is provided on the City's website @ http://www.bayswater.wa.gov.au/cproot/617/2/StreetTrees2010.pdf or as determined by the City's Parks and Gardens Services. The recommended bag size is 45 litres (35 litres minimum).

6. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.

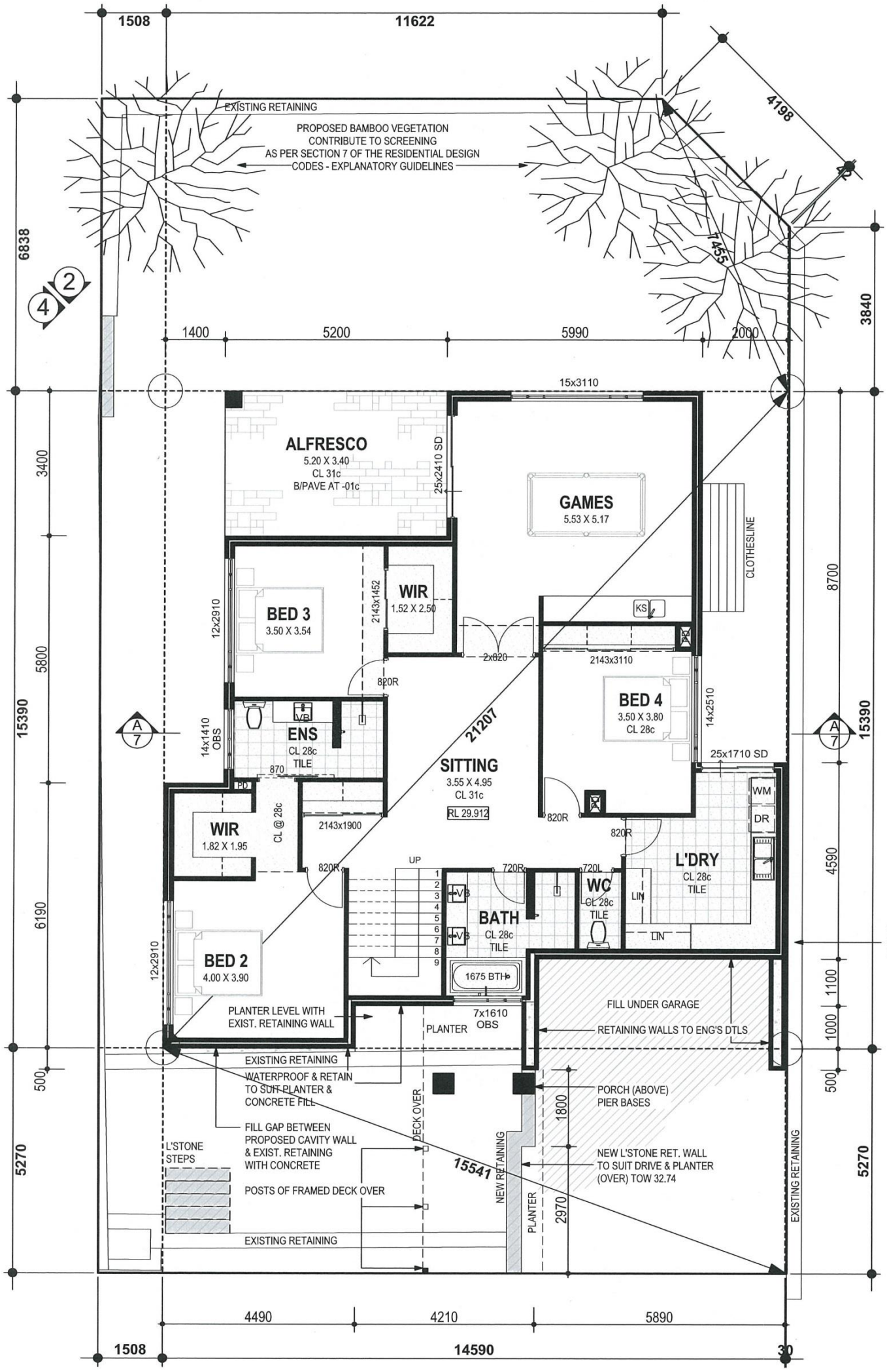
CR BRENT FLEETON MOVED, CR DAN BULL, MAYOR SECONDED

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 9/0

Attachment 1



THIS DESIGN MAY BE SUBJECT TO FURTHER CHANGES DUE TO ADDITIONAL REQUIREMENTS IMPOSED BY LOCAL AUTHORITIES



GF AREAS	M²	PERIM.
GROUND FLOOR	160.05	59.97
ALFRESCO	17.68	17.20
	177.73 m²	**77.17 m**

FF AREAS	M²	PERIM.
GARAGE	36.13	24.18
STORE	6.72	14.38
PORCH	5.46	9.42
FIRST FLOOR	136.33	57.36
BALCONY	17.68	17.20
	202.32 m²	**122.54 m**

SF AREAS	M²	PERIM.
SECOND FLOOR	115.00	46.76
	115.00 m²	**46.76 m**

BLEND RESIDENTIAL DESIGNS

In Conjunction With

nhbb new home building brokers 'Talk to us' before you talk to a builder!

The contractor / builder is responsible for setting out and checking all levels and measurements on site. All dimensions are to be checked and verified by the owner / builder and any discrepancies in this document must be resolved before ordering or commencement of any works.

These plans have been prepared for exclusive use by the client of Blend Residential Designs for the purpose expressly notified to the designer. The plans shall remain the sole property of Blend Residential Designs and must not be given, lent, resold or otherwise disposed or copied without the permission in writing from Blend Residential Designs.

DRAWING NAME: GF FLOOR PLAN

SHEET No: 02 OF 08

REVISION: R15

JOB No: 0311

OWNER ..... DATE .....

OWNER ..... DATE .....

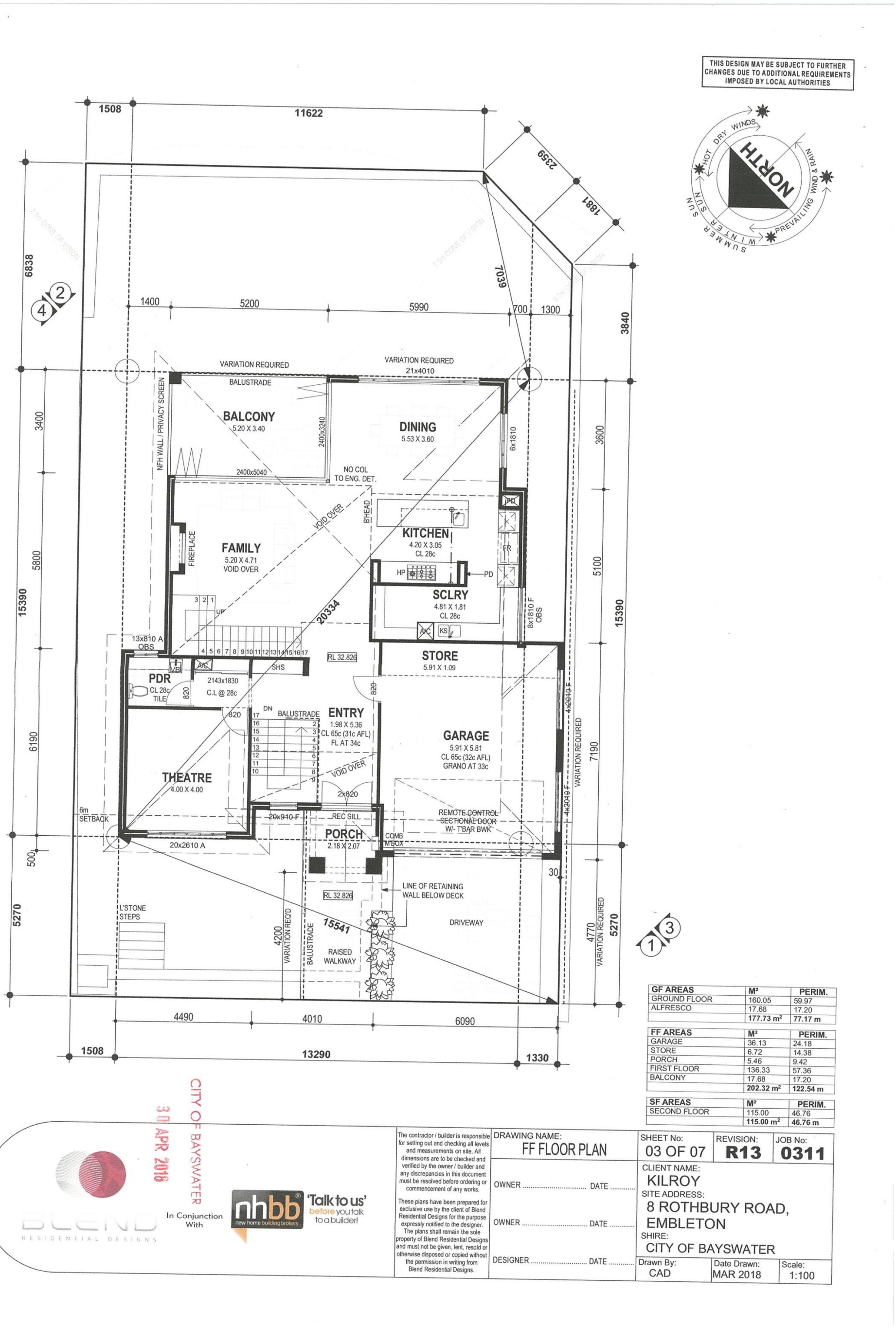
DESIGNER ..... DATE .....

CLIENT NAME: KILROY

SITE ADDRESS: 8 ROTHBURY ROAD, EMBLETON

SHIRE: CITY OF BAYSWATER

Drawn By: CAD | Date Drawn: MAY 2018 | Scale: 1:100



GF AREAS	M²	PERIM.
GROUND FLOOR	160.05	59.97
ALFRESCO	17.68	17.20
	177.73 m²	**77.17 m**

FF AREAS	M²	PERIM.
GARAGE	36.13	24.18
STORE	6.72	14.38
PORCH	5.46	9.42
FIRST FLOOR	136.33	57.36
BALCONY	17.68	17.20
	202.32 m²	**122.54 m**

SF AREAS	M²	PERIM.
SECOND FLOOR	115.00	46.76
	115.00 m²	**46.76 m**

CITY OF BAYSWATER
30 APR 2018

BLEND RESIDENTIAL DESIGNS

In Conjunction With

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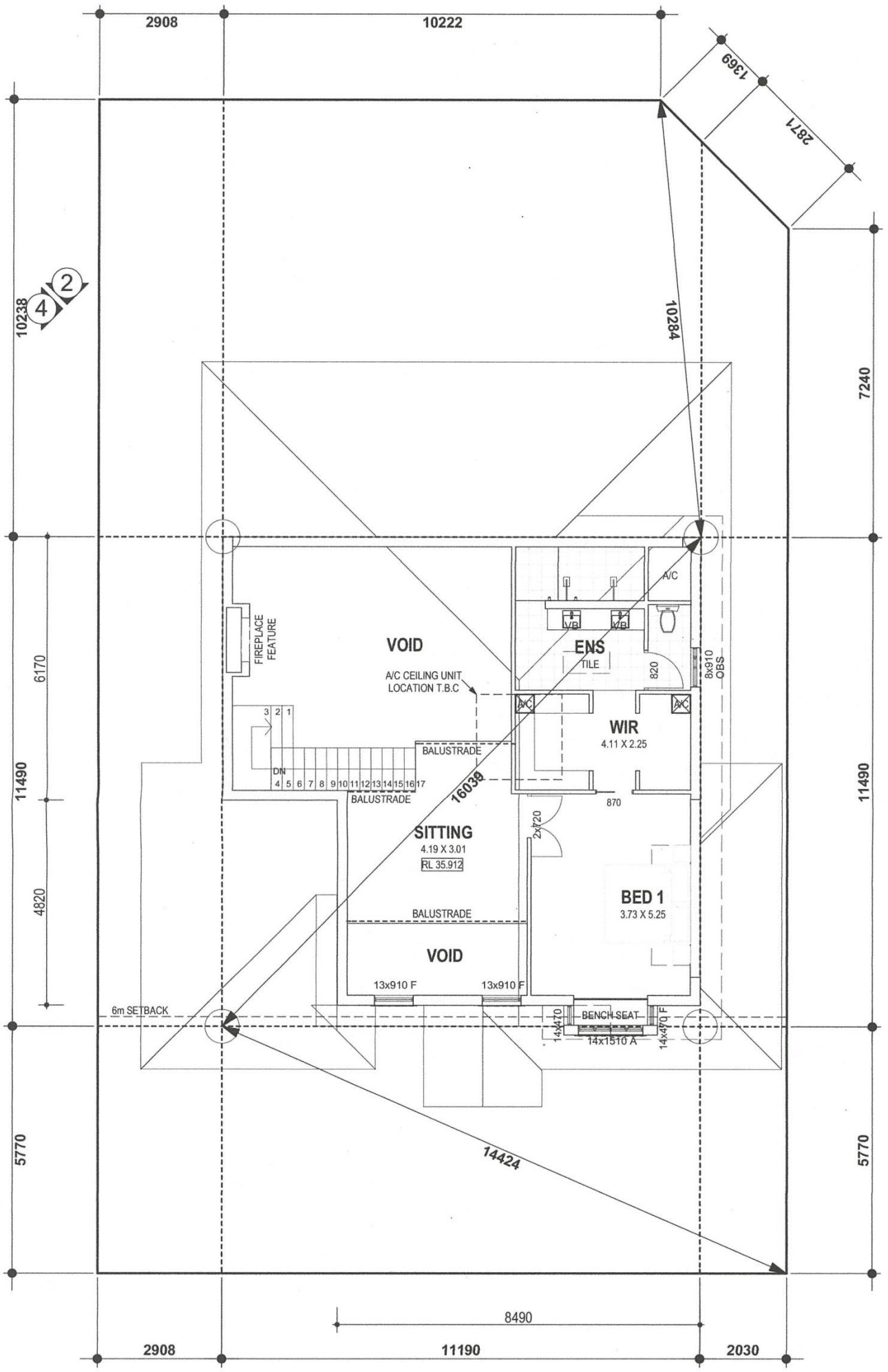
DRAWING NAME: FF FLOOR PLAN	SHEET No: 03 OF 07	REVISION: R13	JOB No: 0311
OWNER ..... DATE	CLIENT NAME: KILROY		
OWNER ..... DATE	SITE ADDRESS: 8 ROTHBURY ROAD, EMBLETON		
DESIGNER ..... DATE	SHIRE: CITY OF BAYSWATER		
	Drawn By: CAD	Date Drawn: MAR 2018	Scale: 1:100

THIS DESIGN MAY BE SUBJECT TO FURTHER CHANGES DUE TO ADDITIONAL REQUIREMENTS IMPOSED BY LOCAL AUTHORITIES

TIMBER FRAMED STUD WALLS TO ENGINEER'S DETAILS



GF AREAS	M²	PERIM.
GROUND FLOOR	160.05	59.97
ALFRESCO	17.68	17.20
	177.73 m²	**77.17 m**

FF AREAS	M²	PERIM.
GARAGE	36.13	24.18
STORE	6.72	14.38
PORCH	5.46	9.42
FIRST FLOOR	136.33	57.36
BALCONY	17.68	17.20
	202.32 m²	**122.54 m**

SF AREAS	M²	PERIM.
SECOND FLOOR	115.00	46.76
	115.00 m²	**46.76 m**

CITY OF BAYSWATER
30 APR 2018

BLEND RESIDENTIAL DESIGNS

In Conjunction With

nhbb new home building brokers 'Talk to us' before you talk to a builder!

DRAWING NAME: SF FLOOR PLAN

SHEET No: 04 OF 07

REVISION: R13

JOB No: 0311

OWNER ..... DATE .....

OWNER ..... DATE .....

DESIGNER ..... DATE .....

CLIENT NAME: KILROY

SITE ADDRESS: 8 ROTHBURY ROAD, EMBLETON

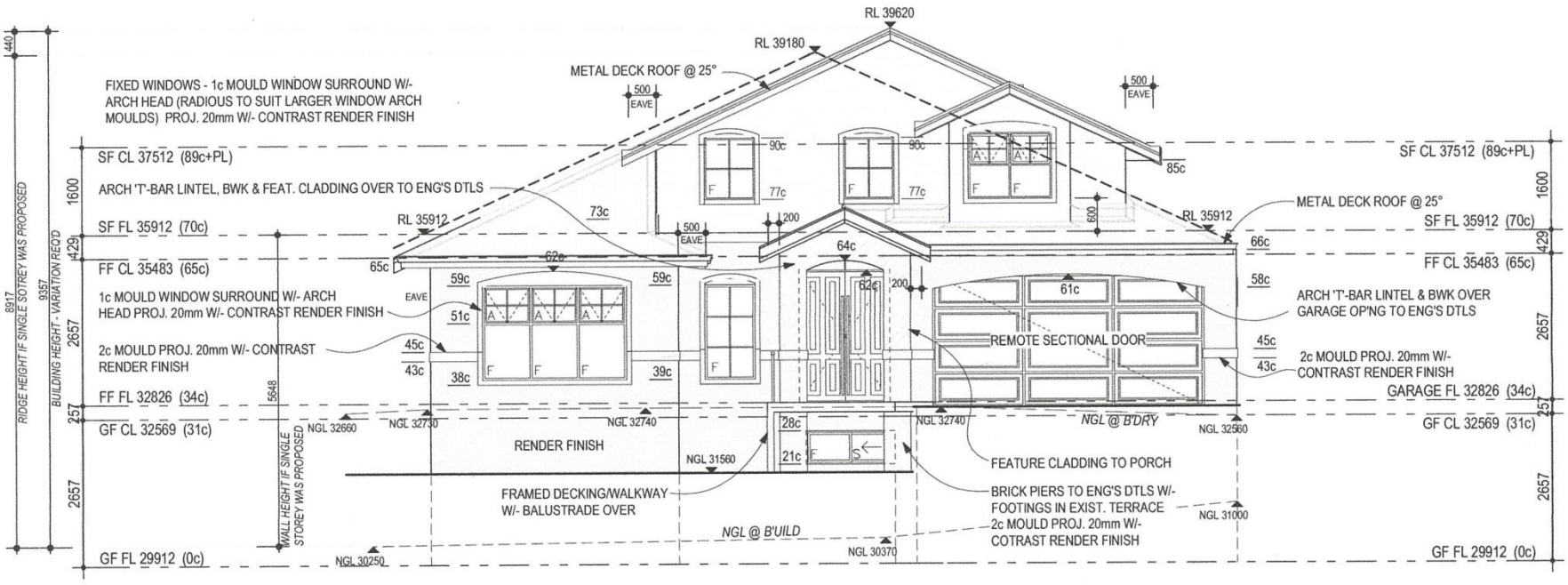
SHIRE: CITY OF BAYSWATER

Drawn By: CAD

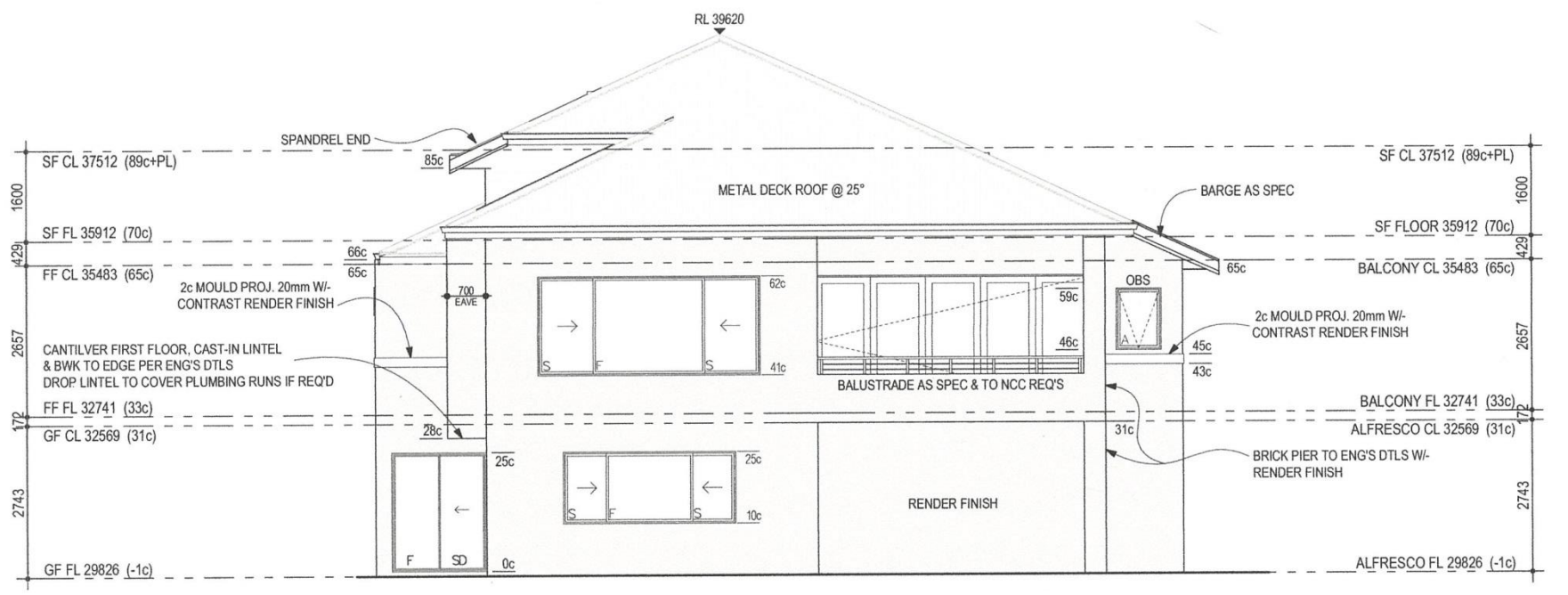
Date Drawn: MAR 2018

Scale: 1:100

THIS DESIGN MAY BE SUBJECT TO FURTHER CHANGES DUE TO ADDITIONAL REQUIREMENTS IMPOSED BY LOCAL AUTHORITIES



ELEVATION 1
1:100



ELEVATION 2
1:100

CITY OF BAYSWATER
30 APR 2018

BLEND RESIDENTIAL DESIGNS

In Conjunction With nhbb new home building brokers 'Talk to us' before you talk to a builder!

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OWNER ..... DATE .....

OWNER ..... DATE .....

DESIGNER ..... DATE .....

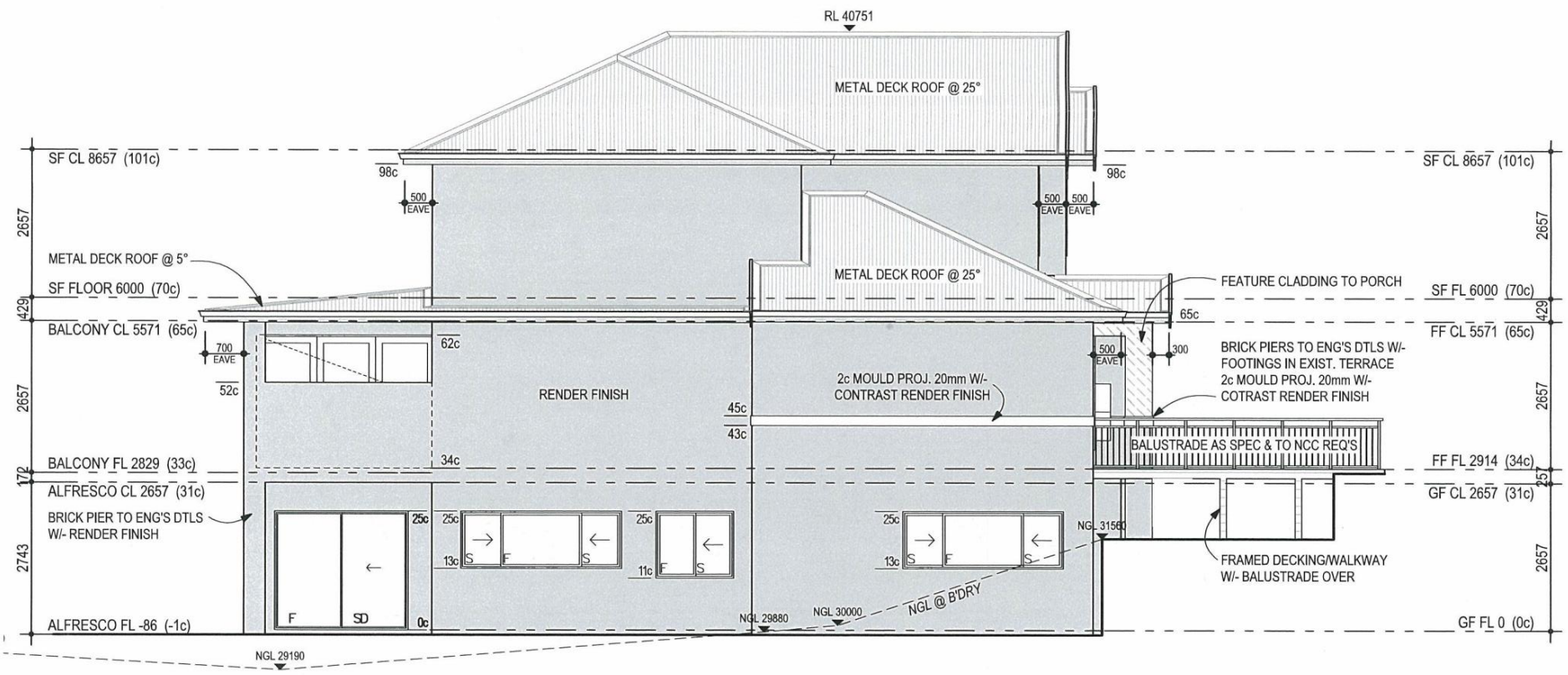
DRAWING NAME:	SHEET No:	REVISION:	JOB No:
ELEVATIONS	05 OF 07	R13	0311

CLIENT NAME: KILROY
SITE ADDRESS: 8 ROTHBURY ROAD, EMBLETON
SHIRE: CITY OF BAYSWATER

Drawn By:	Date Drawn:	Scale:
CAD	MAR 2018	1:100

THIS DESIGN MAY BE SUBJECT TO FURTHER CHANGES DUE TO ADDITIONAL REQUIREMENTS IMPOSED BY LOCAL AUTHORITIES

ELEVATION 3
1:100



ELEVATION 4
1:100

BLEND
RESIDENTIAL DESIGNS
Ph: (08) 6465 4425
E: info@blenddesigns.com.au
W: www.blenddesigns.com.au
A: 37 Willcock St, Ardross WA

DRAWING NAME:	SHEET No:	REVISION:	JOB No:
ELEVATIONS 2	06 OF 07	R10	0311

OWNER ..... DATE .....

OWNER ..... DATE .....

DESIGNER ..... DATE .....

CLIENT NAME: KILROY

SITE ADDRESS: 8 ROTHBURY ROAD, EMBLETON

SHIRE: CITY OF BAYSWATER

Drawn By:	Date Drawn:	Scale:
CAD	NOV 2017	1:100

A3 Landscape

STREETSCAPE VIEW

STREETSCAPE VIEW IS REPRESENTATIONAL ONLY
LEVELS FOR PROPOSED RESIDENCE ARE ACCURATE HOWEVER
LEVELS FOR NEIGHBOURING PROPERTIES ARE ASSUMED.

NOTE: TO SCALE ON A2 SHEET

BLEND RESIDENTIAL DESIGNS In Conjunction With nhbb 'Talk to us' before you talk to a builder!

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DRAWING NAME: STREETSCAPE	SHEET No: 09 OF 08	REVISION: R14	JOB No: 0311
OWNER ..... DATE	CLIENT NAME: KILROY		
OWNER ..... DATE	SITE ADDRESS: 8 ROTHBURY ROAD, EMBLETON		
DESIGNER ..... DATE	SHIRE: CITY OF BAYSWATER		
	Drawn By: CAD	Date Drawn: MAR 2018	Scale: 1:100

9.2 Proposed Change of Use to Health Studio and Associated Alterations

Location:	**Lot 2, Tenancy 2,7 Fonts Place, Embleton**
File Number:	**DA18-0123**
Applicant:	**Alan Landy - Gladiator Wrestling**
Owner:	**John & Diane Ragno**
Reporting Branch:	**Statutory Planning Services**
Responsible Directorate:	**Planning and Development Services**

EXECUTIVE SUMMARY

Application:

A planning application dated 12 March 2018 and plans dated 12 March 2018 have been received for a proposed change of use to health studio (personal training and wrestling club) and associated alterations at Lot 2, Tenancy 2, 7 Fonts Place, Embleton.

Key Issues:

- The appropriateness of a health studio which is a discretionary ('D') use within the light industry zone under the City's Town Planning Scheme No.24 (TPS 24).
- Non-compliance with the car parking requirements of TPS24.
- Impact of the development on the area.

BACKGROUND

Town Planning Scheme No. 24 Zoning:	Light Industry
Use Class:	Health Studio - 'D'
Lot Area:	2,571m^2
Existing Land Use:	Light Industry
Surrounding Land Use:	Light Industry
Size/Nature of Proposed Development:	Change of Use to Health Studio (Personal Training and Wrestling Club) and Associated Alterations

The primary consideration in relation to this application is the appropriateness of a health studio given it is a discretionary ('D') use at the site in accordance with TPS24, the proposal does not meet the car parking requirements of the City's TPS24 and the impact of the proposal on the amenity of the area.

CONSULTATION

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

ANALYSIS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Parking:	23 car bays	7 car bays	Variation

Site Context

The subject site is located on the eastern side of Tonkin Highway, western side of Broun Avenue and the eastern side of Beechboro Road North, and consists of seven individual tenancies comprising of light industrial uses.

Appropriateness of Use

The proposed health studio has a gross leasable area of 307m2. The ground floor is proposed to feature a high performance gym area, club meeting room, club kitchen, toilet, wrestling mat and loading and unloading dock area. On the mezzanine floor two incidental offices, gym and circuit training areas are proposed. The proposed hours of operation are:

- Monday to Friday 8:00am to 4:30pm for personal training (maximum one staff and one person);
- Monday to Friday 4:30pm to 8:00pm for wrestling classes (maximum two staff and 10 persons); and
- Saturday 8:00am to 1:30pm for wrestling classes (maximum two staff and 10 persons).

The peak hours of operating are likely to be the classes operating between 4:30pm to 8:00pm Monday to Friday and 8:30am to 1:30pm Saturday, and the maximum number of staff at any one time is two persons, inclusive of the numbers above.

A survey of the land uses within the complex has identified that the existing uses currently operate during the following hours:

- Star Panel and Paint (Tenancy 1) – 7.30am – 5.00pm Monday to Friday and 7.30am – 2.00pm Saturdays.
- Austec Electrical (Tenancies 3, 4, 5 and 6) – 7.30am – 4.00pm Monday to Friday.
- McClellands (Tenancy 7) – 8.30am – 4.30pm Monday to Friday.

The proposed hours of the operation will overlap the operational hours of the motor vehicles repair business by 30 minutes on Monday to Friday and on Saturday; however the remaining tenancies do not operate within the specified peak periods.

It is considered not uncommon for these types of uses to operate within Light Industry zones as there is an opportunity for reciprocal parking arrangements and any potential impact such a noise is conducive to the subject zoning. In this instance reciprocal parking will be available onsite and the nearest residential dwelling is located approximately 75m away.

Given the use is operating outside of normal business hours and the subject tenancy being at the rear of the property the safety of patrons is to be considered. The applicant has advised that the premises contain the following safety features and procedures:

- Security cameras;
- External lighting; and
- All members that are dropped off are required to be picked up within the premises.

Officers consider that this will result in an increase in sense of safety between the entry and car parking areas of the premises during these hours and minimise opportunities for antisocial behaviour.

In light of the above and no objections being received during the advertising period, the proposed use itself is not considered to unduly impact the surrounding locality and is an appropriate use for the site.

Car Parking

In accordance with TPS 24 a health studio requires "*1 bay per 15sqm of floor area and 1 bay per staff member".* In light of this requirement, the proposed health studio requires a total of 23 car bays.

The subject site has a total of 30 car bays, shared between the seven tenancies located on the lot. The subject tenancy has an allocation of seven car bays and therefore a shortfall of 16 car bays results. The nine car bays at the northern part of the site adjacent to Broun Avenue will be removed at a future date as this portion of land has been ceded to Main Roads Western Australia for the road widening of Broun Avenue. This will result in a reduction in the number of car bays on site to 21.
As detailed in the appropriateness of use section above, the health studio proposes to cater for 10 persons with a maximum of two staff members (12 total) at any one time. Given the nature of the proposal, the need to provide 23 car bays is considered excessive compared with the number of car bays required to accommodate the proposed health studio. On the assumption that all users of the site drive a car the maximum bays required would be 12.

The other uses operating onsite (excluding the motor vehicles repairs business) are closed by 4.30pm Monday to Friday, and on Saturdays. Therefore, the car bays allocated to these tenancies are available for reciprocal parking purposes for the proposed use.

In light of the above, the site is considered to provide adequate parking for the proposed use, and the car parking variation is not considered to unduly impact the adjacent tenancies or locality.

Signage

The proposal involves the refacing of an existing pylon sign onsite which is exempt from requiring development approval. A condition has been implemented to ensure the sign is not illuminated.

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, it is considered that the proposal is appropriate within the light industry zone 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 local planning policies.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Plans for Development

COMMITTEE RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council grants planning approval for the proposed change of use to health studio and associated alterations at Lot 2, Tenancy 2,7 Fonts Place, Embleton, in accordance with planning application dated 12 March 2018 and plans dated 12 March 2018, subject to the following conditions:

1. **The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.**
2. **The hours of operation shall be limited for personal training classes to 8:00am to 4.30pm Monday to Friday, and for all other classes to 4.30pm to 8:00pm Monday to Friday and 8:00am to 1:30pm Saturday.**
3. **The total maximum number of staff and patron for the personal training classes shall be limited to two persons on site at any one time. The total maximum of staff and patrons for all other classes shall be limited to 12 persons on site any one time. Any proposed increase in the number of staff and patrons shall require further planning approval.**
4. **The signage hereby permitted shall not contain any flashing, moving or pulsating lighting, nor contain lighting that is distracting to road users, or interferes with traffic signals, to the satisfaction of the City of Bayswater.**
5. **No storage or display of goods is to occur outside the building, to the satisfaction of the City of Bayswater.**
6. **On completion of any construction works, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.**

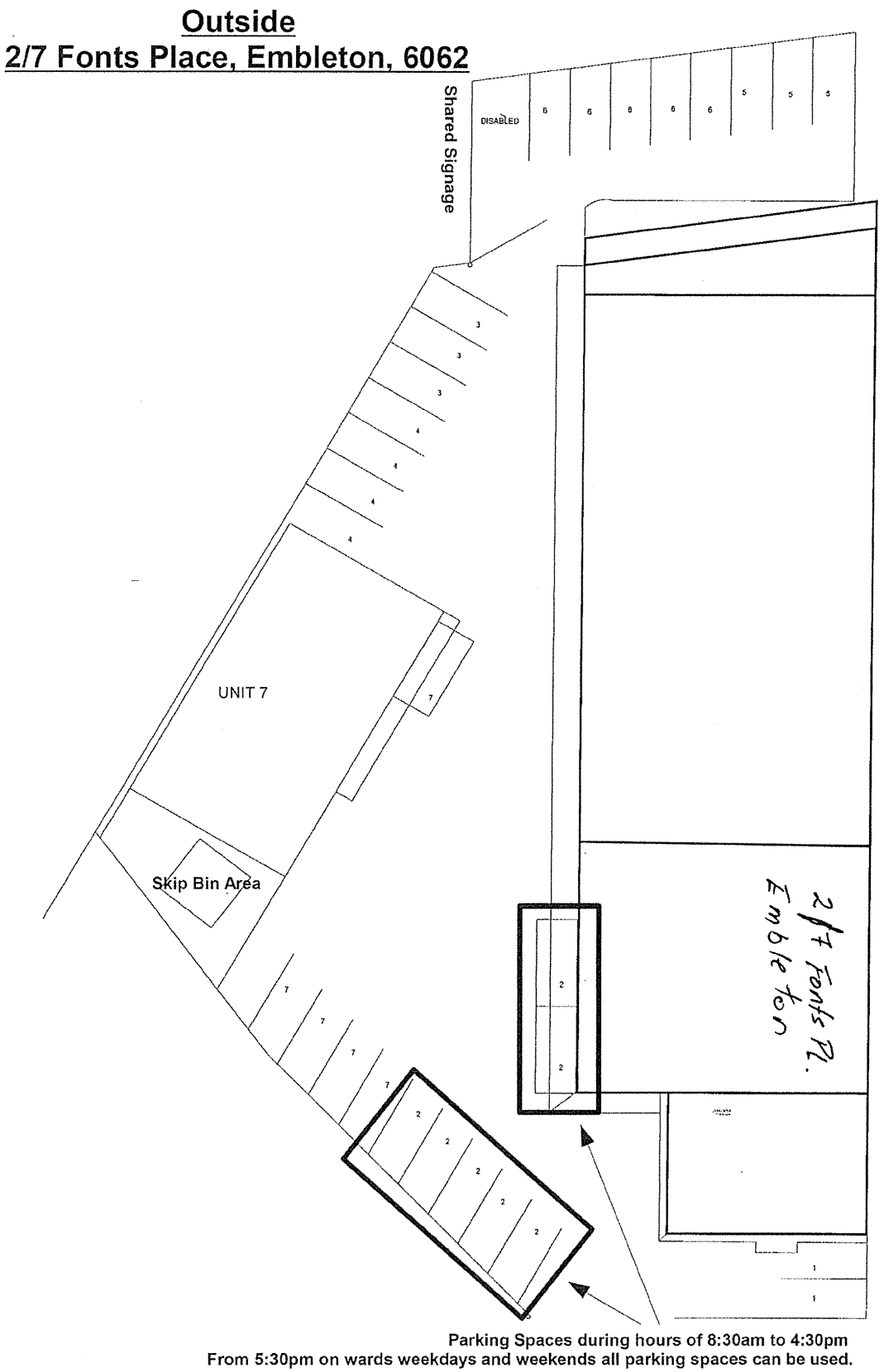
Advice Notes:

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

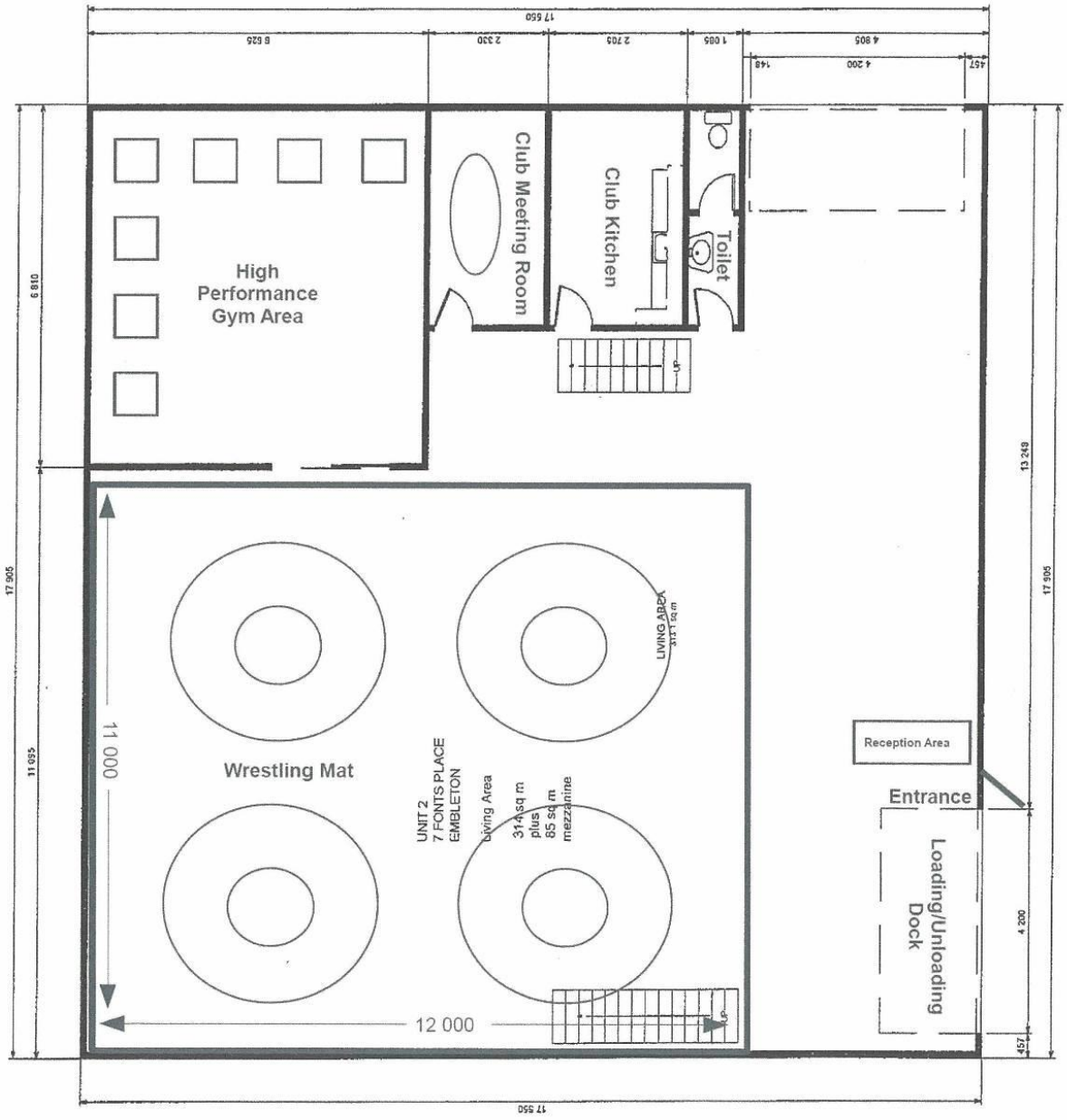
CR BARRY McKENNA MOVED, CR FILOMENA PIFFARETTI SECONDED

CARRIED UNANIMOUSLY: 9/0

Attachment 1



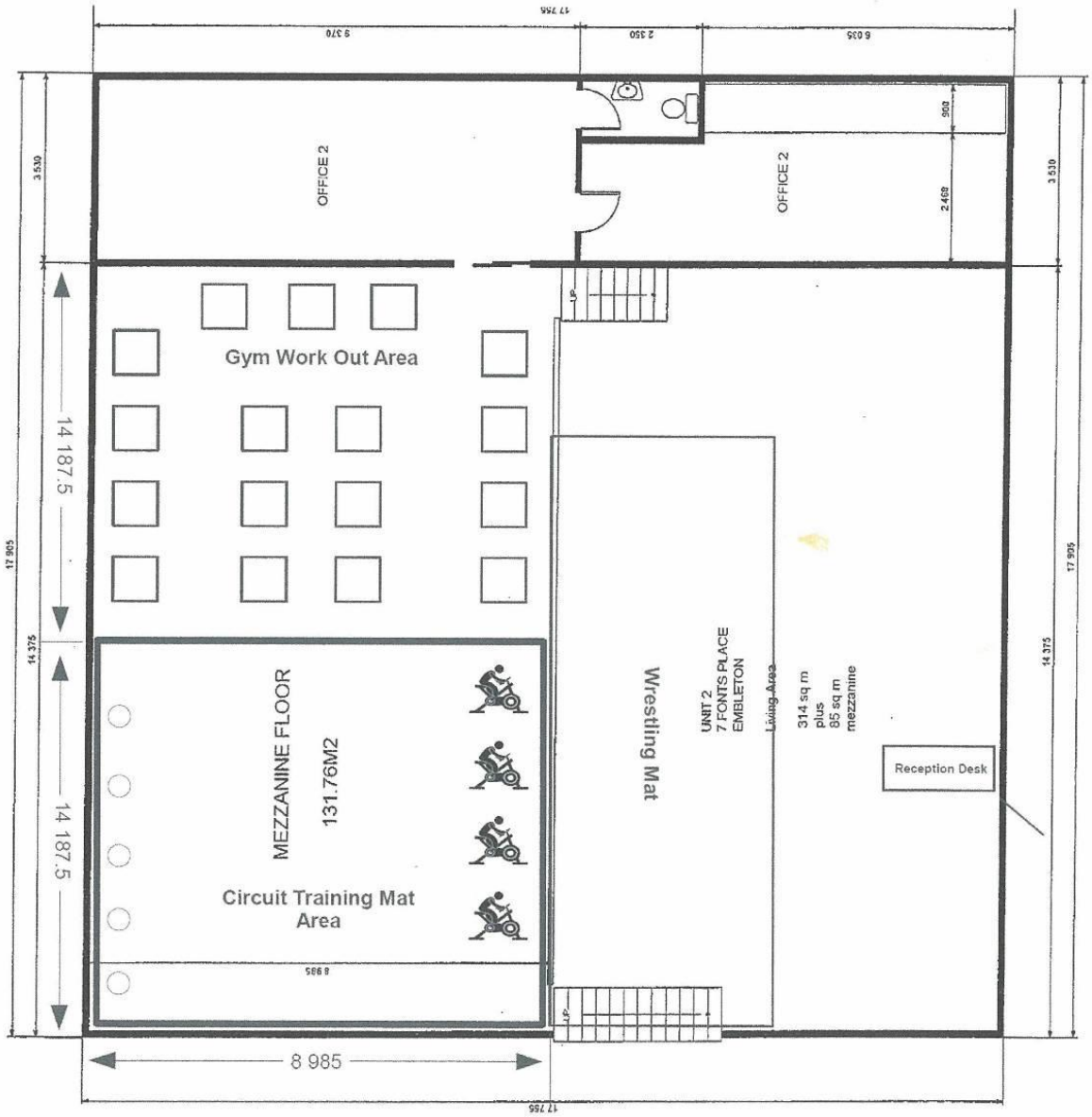
Bottom Level
2/7 Fonts Place, Embleton, 6062



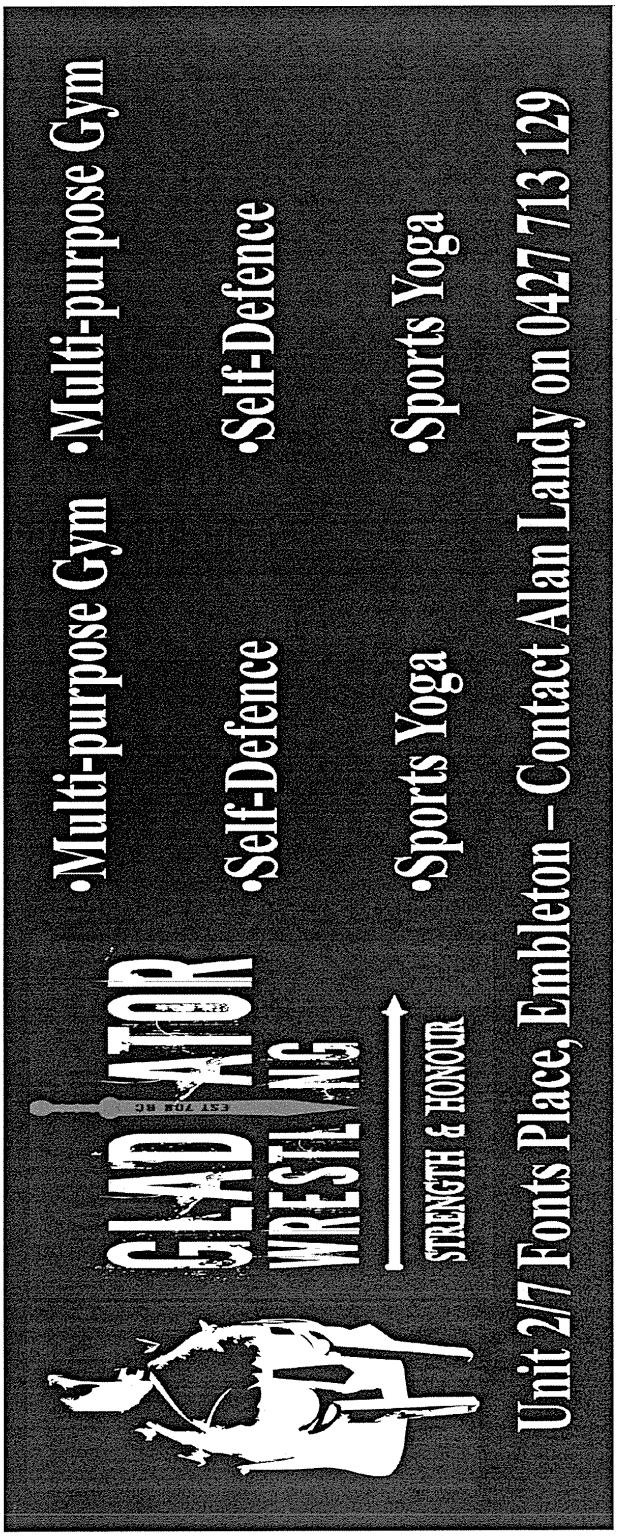
OF BAYSWATER

1 2 MAR 2018

Top Level
2/7 Fonts Place, Embleton, 6062



Signage Specification Sheet



11

9.3 Review of Short Term Accommodation Policy

Reporting Branch: Strategic Planning and Place Services
Responsible Directorate: Planning and Development Services
Refer: Item: 9.1.16: PDSC 20.06.2017
Item 8.1.12: PDSC 21.03.2017
Item 8.1.5: PDSC 21.02.2017
Item 11.1.17: OCM 15.12.2015
Item 11.1.17: OCM 22.09.2015

CR CATHERINE EHRHARDT DECLARED A FINANCIAL INTEREST

In accordance with section 5.60(A) of the Local Government Act 1995, Cr Catherine Ehrhardt declared a financial interest in this item as she co-owns property that operates as an Airbnb. Cr Ehrhardt withdrew from the meeting at 7:41pm.

EXECUTIVE SUMMARY

Application:

Council consideration is sought in relation to a review of the 'Short-Term Accommodation Policy'.

Key Issues:

- At the Planning and Development Services Committee Meeting held 20 June 2017 Council adopted the Short-Term Accommodation Policy and resolved to review it after 12 months.
- In the past 12 month the City has not received any application for short-term accommodation.
- The City has received two complaints / enquiries about existing short-term accommodation premises.
- The City has received two enquiries about the requirement for building approval.

BACKGROUND

At the Planning and Development Services Committee held 20 June 2017 Council adopted the Short Term Accommodation Policy and resolved as follows:

"That:

1. *Council adopts the modified 'Short-Term Accommodation' policy as included in Attachment 1 to this report subject to:*

   "1. Exemption from Planning Approval.

      (i) Clause 1 being amended to read

      Short Term Accommodation with the following characteristics does not require planning approval:

         (a) The number of guests on a freehold lot is no greater than 10, or 6 in addition to the keeper and keeper's family, at any one time.

         (b) Any vehicle parking associated with the Short-term Accommodation is contained on the site or adjoining verge area."

      (ii) Deletion of Clause 2.4 Number of Guests Accommodated.

2. *Council revokes the existing 'Bed and Breakfast Facilities in Residential Areas' policy.*
3. *The City publishes the following notification(s) in the local newspaper(s):*

   (a) The adoption of the modified 'Short-Term Accommodation' policy.

   (b) The revocation of the existing 'Bed and Breakfast Facilities in Residential Areas' policy.

4. The City reviews the impact of the 'Short-Term Accommodation' policy during a 12 month period, and a report relating to this matter be referred to Council."

CONSULTATION

No further consultation has occurred on this matter. In the event Council wishes to modify the policy it is to be pursuant to the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

ANALYSIS

The City has not received any applications for short term accommodation in the past 12 months and has only received two complaints. Both complaints were ensuring that the short-term accommodation premises had approval to operate rather than raising a specific issue with how they were operating. The City's officers spoke with operators of the short-term accommodation and confirmed that they were operating in accordance with the current policy and therefore did not require planning approval and were permitted to operate.

Additionally, two people have queried with the City when building approval is required. The Short-term Accommodation Policy currently includes the following provision under the Details Required for Planning Applications section in relation to building approvals:

"2. Other Approvals

This policy does not exempt short-term accommodation from the requirement to obtaining any other necessary approvals, such as building approval."

This approach was taken as the requirements for building approvals are considered on a case by case basis (depending on the size of the dwelling, the number of occupants and numerous other factors). Given the case by case nature of the requirement for building approvals it was considered overly onerous to include these requirements in the policy itself. As only two people have raised this issue with the City it is not considered to be a problem with the policy and is easily manageable when people request additional information.

In light of so few complaints being received and no specific issues being raised it is considered that there is no need to modify the current policy.

OPTIONS

The following options are available to Council:

	OPTION	BENEFIT	RISK
1.	Does not modify the Short-Term Accommodation Policy. ***Estimated Cost:*** • Nil	• The current policy appears to be operating well. • Incurs no advertising fee.	• The policy may be unclear for some applicants/people.
2.	Modify the Short-Term Accommodation Policy with other modifications for public advertising. ***Estimated Cost:*** • $950 for public advertising.	• Dependent on modification(s) proposed.	• Dependent on modification(s) proposed.

CONCLUSION

In light of the above, it is recommended that Council proceeds with Option 1 and does not modify the Short-Term Accommodation Policy.

FINANCIAL IMPLICATIONS

As detailed in the 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 Scheme No. 24; and
- City of Bayswater Short-Term Accommodation Policy.

The process for modifying local planning policies is set out in of Part 2 of the Town Planning Schemes and Deemed Provisions for Local Planning Schemes section of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

Nil.

COMMITTEE RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council receives this report relating to review of the Short-Term Accommodation Policy and does not modify the policy.

CR FILOMENA PIFFARETTI MOVED, CR BRENT FLEETON SECONDED
CARRIED UNANIMOUSLY: 8/0

At 7:42pm, Cr Ehrhardt returned to the meeting.

9.4 Review of Mobile Food Vehicle Fees for Crimea Park

Location:	**2 McArthur Street, Morley**
Owner:	**State of WA**
Reporting Branch:	**Strategic Planning and Place Services**
Responsible Directorate:	**Planning and Development Services**
Refer:	**Item 14.7: OCM 27.03.2018** **Item 8.1.10: OCM 21.02.2017** **Item 10.14: OCM 6.12.2016** **Item 10.12: OCM 21.06.2016** **Item 10.9: OCM 19.04.2016** **Item 11.1.18: OCM 17.11.2015** **Item 11.2.10: OCM 24.06.2015** **Item 11.1.14: OCM 23.09.2014**

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 operates a food van which operates under this policy. Cr Johnson withdrew from the meeting at 7:42pm.

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 she knows several mobile food vendors. Cr Ehrhardt remained in the room during voting on this item.

EXECUTIVE SUMMARY

Application:

Council consideration is sought on the following:

- A review of the fees of mobile food vehicle (MFV) permits for Crimea Park; and
- An Expression of Interest (EOI) process and assessment matrix for MFVs at Crimea Park.

Key Issues:

- The City has undertaken a review of the fees of MFV permits for Crimea Park.
- An EOI process and assessment matrix have been developed for MFVs to operate at Crimea Park.

BACKGROUND

At the Planning and Development Services Committee Meeting held 21 February 2017 Council considered a number of issues associated with the management of MFVs at Crimea Park and resolved as follows:

"That:

1. *Council approves continuation of the following measures to address the impact of mobile food vehicles operating at Crimea Park:*
    - *(a) A maximum of 12 mobile food vehicles onto the Crimea Park reserve in a designated area near the skate park on Friday, Saturday and Sunday evenings. During this time no mobile food vehicles will be permitted to operate at the Crimea Park car park.*
    - *(b) A limit of six mobile food vehicles at any given time when operating in the Crimea Park carpark. This will be at all times except Friday, Saturday and Sunday evenings.*

(c) *The Mobile Food Vehicle Permit fee for Crimea Park being: three month permit - $500, six month permit - $1,000 and 12 month permit - $2,000.*

(d) *The Mobile Food Vehicle Permit fee for all other approved locations being: three month permit - $250, six month permit - $500 and 12 month permit - $1,000.*

2. *The mobile food vehicle permits for Crimea Park be separated into morning permits and evening permits.*

3. *The City does not accept any applications for new evening mobile food vehicles operating at Crimea Park until the number of permits has gone down to less than 12 evening permit holders. As one of the 12 permits becomes available, it will be replaced by those who have expressed their interest to operate a mobile food vehicle at Crimea Park on a first-in basis.*

4. *The City investigates possible new locations for mobile food vehicles."*

At the Ordinary Council Meeting held 27 March 2018 Council considered a Notice of Motion to review the City's Mobile Food Vehicles Policy and fees and resolved, in part, as follows:

"That Council requests the Chief Executive Officer to:

2. *Review the mobile food vehicle permit fees for Crimea Park to encourage a suitable amount of mobile food vehicles to operate at the park.*

3. *Develop an expression of interest and associated matrix assessment approach in relation to permitting mobile food vehicles at Crimea Park.*

The outcome of these investigations relating to Crimea Park is to be presented to Council by June 2018"

CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter. In the event Council proceeds with a new expression of interest process all current permit holders will be advised and invited to apply. Additionally, in the event Council wishes to modify the fees of permits for Crimea Park, it is recommended that it be modified and public notice given as a part of the adoption of the Fees and Charges in the City's 2018/19 Budget.

ANALYSIS

Mobile Food Vehicle Operators in Crimea Park

There are currently 12 operators permitted to trade from Crimea Park and a further 10 operators on the waiting list. All the applications for permits for Crimea Park have been received since mid-April, and that of the current permit holders 11 exclusively trade from Crimea Park. The same situation has occurred over the past few years, when the City has received an influx of MFV applications for Crimea Park in April for three to six months and once there are permits available (generally in August / September) operators on the waiting list are offered a permit but no longer wish to operate at Crimea Park as it is out of peak season. It appears that operators generally choose not to trade from Crimea Park during the spring / summer period as there are a large number of festivals, markets and events being held elsewhere, which can be more profitable for the traders. In light of the above, Crimea Park is considered to be a highly seasonal location, which has its peak period during the autumn / winter period.

The current approach to permits at Crimea Park is that the first 12 applicants receive permits to operate (providing they comply with the existing policy) and any applications received after are placed on a waiting list. Once a permit becomes available it is assigned to the operator who applied first.

All of the current permits for Crimea Park expire prior to 1 August 2018. In the event Council wishes to proceed with the EOI process, it is recommended that it be implemented from that time.

Mobile Food Vehicle Permits for Crimea Park

Currently the City has a dual permit system for MFVs, with one permit available for Crimea Park and one permit available for all other locations within the City. In the event a permit holder wants to operate at all locations (including Crimea Park) they have to obtain two permits at a minimum cost of $750.00 for 3 months. The dual permit system was introduced at the Ordinary Council Meeting held 6 June 2016 in response to concerns about the number of traders at Crimea Park, overflowing rubbish bins, illegal parking, food vendors blocking of car parking bays, alcohol use in public and lack of access to facilities (public toilets). It was considered the dual permit approach may incentivise traders to operate at other permitted locations within the City and alleviate the above concerns.

The dual permit system does not appear to have had the desired effect as currently there are 24 MFVs permitted to operate within the City, 11 of which operate exclusively at Crimea Park (with another seven on the waiting list to trade exclusively at Crimea Park).

In accordance with the Council resolution officers have completed a review of the mobile food vehicle permits for Crimea Park.

The table below details the fees of mobile food vehicle permits within the City of Bayswater and in other local governments throughout the Metropolitan Region.

Permit Fees	3 Months	6 Months	12 Months
City of Bayswater - Crimea Park Only	$500.00	$1,000.00	$2,000.00
City of Bayswater - Other Locations (excluding Crimea Park)	$250.00	$500.00	$1,000.00
City of Perth - All locations	-	-	$1,200.00
City of South Perth - All locations	-	-	$1,600.00
City of Vincent - All locations	-	-	$900.00
City of Fremantle - All locations	-	-	$521.10
City of Rockingham - All locations	-	-	$1,000.00

The above table indicates that the cost to operate at all locations within the City (including Crimea Park) is significantly higher than in other local governments.

The current dual permit system appears to discourage operators from trading at other locations within the City as well as Crimea Park due to the significant additional fee of a second permit on top of an already expensive permit for Crimea Park.

In light of the above it is considered that the fees of MFV permits for Crimea Park should be modified as follows:

Permit Cost	3 Months	6 Months	12 Months
City of Bayswater - All locations (including Crimea Park)	$500.00	$1,000.00	$2,000.00
City of Bayswater - Other Locations (excluding Crimea Park)	$250.00	$500.00	$1,000.00

It is considered that the above permit fees would strike a balance between encouraging a greater number of operators to obtain permits for the whole City rather than just Crimea Park, and not encouraging too many operators to obtain a permit for Crimea Park.

In the event Council wishes to modify the fees of permits for Crimea Park, it is recommended that it be modified as a part of the Fees and Charges in the City's 2018/19 Budget.

Expression of Interest

At the Ordinary Council Meeting held 27 March 2018 Council resolved that the City was to develop an EOI and associated matrix assessment approach in relation to permitting MFVs at Crimea Park.

It is considered that there are two EOI options for Council to consider in relation to MFVs at Crimea Park:

1. Invite EOIs for 12 permits.

    - This option would provide all MFV vendors with equal opportunity to be allowed to operate from Crimea Park and enable the City to ensure that all approved vehicles are of a high standard.

- This option would require significant officer time advertising and assessing EOIs and given the seasonal nature of the site may result in Crimea Park not being used by any MFVs during the summer months when the permitted vehicles are at other locations. Additionally, some traders may not be interested in applying through the EOI process, resulting in fewer vehicles applying for the site than previously. This process would need to be undertaken at least once a year as permits expire. It is recommended this process be undertaken twice a year due to the seasonal nature of Crimea Park.

2. Invite EOIs for parties interested in 'managing' the operation of mobile food vehicles at Crimea Park.

    - Under this option the managing party would ensure that no more than 12 vehicles are operating at Crimea Park at any time and that all waste is removed from the site at the end of each day of trading. Additionally, the managing party will be responsible for opening and closing the site at the beginning and end of each day of trading. There is potential for the City to enter into a one year (or longer term) agreement with a managing party with the option to extend to two or three years (or longer term), which would limit the amount of officer time, spent processing the EOIs.
    - This option would require significant officer time advertising and assessing EOIs. As the managing party would be responsible for rostering food vehicles to attend each day it may not be fair to all operators who want to trade from the site. Additionally, some MFVs may not wish to operate under a managing party, limiting the number of MFVs interested in operating the site.

In light of the above, it is considered that in the event Council wishes to procced with an EOI process that Option 1 be considered as it will allow a more transparent process and will ensure there is equal opportunity for all traders to operate from the site.

It is considered that any EOI process will also significantly increase the amount of red tape and complexity for operators to submit an application as they will need to address and provide evidence on how they meet the requirements of the assessment matrix. In addition it would take approximately 15 - 30 hours of officer time (dependent on the EOI process chosen); the increased officer time can be accommodated with the current resources but may limit officers' ability to undertake other matters.

Furthermore, during the summer months (December 2017 - March 2018) there were only seven mobile food vehicles with permits to operate at Crimea Park, during this time other operators who wished to operate a Crimea Park were able to apply for a permit for up to 12 months, which would have allowed them to continue to operate over the winter peak season.

Additionally, since the introduction of the current permit process there have been no complaints from surrounding land owners or businesses in relation to the operation of MFVs at Crimea Park. It is considered that the current approach has rectified the issues which were previously occurring at Crimea Park.

Given the above it is considered unnecessary to introduce an EOI process as it will cause unnecessary red tape and complexity, it will also significantly increase the amount of officer time spent assessing MFV permits.

Expression of Interest Matrix

In developing an EOI process for MFVs at Crimea Park the City discussed with other local governments with similar practices already in place. There are currently only two local governments which currently have some form of EOI processes for MFVs, the City of Perth and City of Fremantle.

City of Perth

The City of Perth has limited the number of MFVs to 12 food trucks/vans and five food trailers. It has an EOI process once a year, with permits beginning in early April each year throughout the City.

The City of Perth has a criteria which must be met as a part of the application form including:

- Offering a unique culinary experience (i.e. gluten free, vegetarian, vegan, kid friendly options etc.);
- Having a well presented food vehicles;
- Having previous experience; and
- Having a strong marketing and social media presence.

However, the City of Perth advised that they generally do not get more than eight applications so it is more of a 'tick box' exercise than an assessment against strict criteria.

City of Fremantle

The City of Fremantle has limited the number of MFVs to 20 throughout the whole City. Instead of a specified EOI time each year new permits are only available once an existing operator does not renew their permit. All MFVs on the waiting list are then invited to apply for the open permit. All applications are assessed against the following general objectives:

- Provides affordable, healthy, good quality and cultural unique food;
- Provides a food type not provided by other MFVs;
- Engages with the community; and
- Proposes to operate at underutilised areas.

While the City of Fremantle currently have a waiting list of MFVs they advised that there was no strict scoring matrix which MFV applications were assessed against.

City of Bayswater Expression of Interest

In the event Council wishes to proceed with an EOI process for individual traders to operate at Crime Park, it is considered that two EOI processes should be undertake each year, one for a summer permit (October - March) and one for a winter permit (April - September). Given the seasonal nature of the site it is considered highly likely that the site would remain unused during the summer period when food vehicles are trading at festivals and as other locations. Additionally, the summer and winter permit approach may encourage different operators to use Crimea Park during the different seasons.

In the event Council wishes to proceed with an EOI process for a party to manage the site, an EOI process could be undertaken once with the option to extend if the City considers they are sufficiently managing the MFVs at Crimea Park.

Assessment Matrix

An assessment matrix has been developed using the following principles:

- Does the mobile food vehicle propose to help activate the area;
- Does the mobile food vehicle complement the existing food businesses in the area;
- Does the mobile food vehicle comply with the relevant legislation; and
- Will the mobile food vehicle impact the amenity of the surrounding area.

The above principles reflect the objectives of the City's Mobile Food Vehicle Policy. A copy of the full draft matrix has been included in **Attachment 1**. It is considered that the draft matrix will ensure there is a fair and transparent process to select MFVs to operate at Crimea Park which are of a high quality.

The draft matrix is applicable for individual operators. In the event Council wishes to seek EOIs from parties to manage the site it would need to be modified as the current matrix only applies to single operators not how a party would manage a group of MFV's. The matrix could be modified to include requirements on how a management party will ensure all operators are provided equal opportunity to trade and how they will ensure a variety of different food options are available each night, any modified criteria should be aligned with the above principles.

OPTIONS

The following options are available to Council in relation to the cost of the MFV permits for Crimea Park:

	OPTION	BENEFIT	RISK
1.	Considers as part of the Fees and Charges in the City's 2018/19 Budget that the Crimea Park mobile food vehicle permits be modified to allow permit holders to operate at Crimea Park and all other locations approved in the mobile food vehicles policy. ***Estimated Cost:*** • Nil.	• Encourages traders to operate from other locations. • Reduces the fees of MFV permits more in line with other local governments.	• May increase the demand for permits for Crimea Park.
2.	Reduce the cost of the mobile food vehicle permits for Crimea Park in some other way. ***Estimated Cost:*** • Nil.	• Dependent on modification(s) proposed.	• Dependent on modification(s) proposed.
3.	Make no changes to the cost of mobile food vehicle permits for Crimea Park. ***Estimated Cost:*** • Nil.	• Only traders who specifically want to trade at Crimea Park apply.	• The fees for permits for Crimea Park deters operators from applying for other locations. • Other locations within the City are not being activated.

The following options are available to Council in relation to the EOI process and assessment matrix for MFV permits for Crimea Park:

OPTION		BENEFIT	RISK
A.	Reaffirms the current mobile food vehicle permit process for Crimea Park. ***Estimated Cost:*** • Nil	• Does not require any additional officer time. • Ensures all new applications are considered equally. • Will not increase red tape and complexity for operators to apply for a MFV permit for Crimea Park. • Effectively manages the rubbish, parking and other issues which were previously occurring at Crimea Park. • Aligns with the City's Mobile Food Vehicle Policy. • Provides an open and transparent process for obtaining a MFV permit at Crimea Park. • The City has received limited complaints from current MFV operators regarding the current process for issuing permits.	• The site is primarily only used during the winter season.
B.	Seek expressions of interest from individual traders twice a year to operate at Crimea Park, using the draft assessment matrix. ***Estimated Cost:*** • $900.00 for advertising (each time the EOI is advertised) • Plus 25 - 30 hours of officer time.	• Provides an open and transparent process for obtaining a MFV permit at Crimea Park. • Aligns with the City's Mobile Food Vehicle Policy. • Encourages the MFVs permitted to trade at Crimea Park are a high quality. • Encourages the area is activated during the summer and winter months. • Provides equal opportunity for all mobile food vehicles to trade at Crimea Park.	• Will require significant officer time advertising and assessing applications. • Will require officer time twice a year to advertise and assess the applications. • EOI process may discourage some food vehicles from applying. • Increases the amount of red tape to apply for a MFV permit at Crimea Park.

OPTION		BENEFIT	RISK
C.	Seek expressions of interest from individual traders twice a year to operate at Crimea Park, using a modified assessment matrix. ***Estimated Cost:*** • $900.00 for advertising (each time the EOI is advertised) • Plus 25 - 30 hours of officer time.	• Dependent on the modification(s) proposed.	• Dependent on the modification(s) proposed.
D.	Seek expressions of interest from individual traders when a permit to operate at Crimea Park becomes available, using the draft assessment matrix. ***Estimated Cost:*** • $900.00 for advertising (each time the EOI is advertised) • Plus 25 - 30 hours of officer time.	• Provides an open and transparent process for obtaining a MFV permit at Crimea Park. • Aligns with the City's Mobile Food Vehicle Policy. • Encourages MFVs permitted to trade at Crimea Park are a high quality. • Provides equally opportunity for all mobile food vehicles to trade at Crimea Park	• Will require significant officer time advertising and assessing applications. • EOI process may discourage some food vehicles from applying. • Increases the amount of red tape to apply for a MFV permit at Crimea Park.
E.	Seek expressions of interest from individual traders when a permit to operate at Crimea Park becomes available, using a modified assessment matrix. ***Estimated Cost:*** • $900.00 for advertising (each time the EOI is advertised) • Plus 20 - 25 hours of officer time.	• Dependent on the modification(s) proposed.	• Dependent on the modification(s) proposed.
F.	Seek expressions of interest from parties to manage the mobile food vehicles at Crimea Park, using the draft assessment matrix. ***Estimated Cost:*** • $900.00 for advertising (each time the EOI is advertised) • Plus 15 - 20 hours of officer time.	• Managing party would ensure that Crimea Park is maintained (rubbish removed, gates opened and closed etc.). • Managing party would ensure that the correct number of vehicles is operating each day.	• Will require significant officer time advertising and assessing applications. • Other mobile food vehicle operators may not wish to operate under a managing party. • The rostering process may not be fair to all operators. • Assessment matrix may not be applicable to management parties.

OPTION		BENEFIT	RISK
G.	Seek expressions of interest from parties to manage the mobile food vehicles at Crimea Park, using a modified assessment matrix. ***Estimated Cost:*** • $900.00 for advertising (each time the EOI is advertised) • Plus 15 - 20 hours of officer time.	• Managing party would ensure that Crimea Park is maintained (rubbish removed, gates opened and closed etc.). • Managing party would ensure that the correct number of vehicles is operating each day.	• Will require significant officer time advertising and assessing applications. • Other mobile food vehicle operators may not wish to operate under a managing party. • The rostering process may not be fair to all operators.

CONCLUSION

In light of the above it is recommended that Council proceeds with Options 1 and A to consider as part of the Fees and Charges in the City's 2018/19 Budget that the Crimea Park mobile food vehicle permits be modified to allow permit holders to operate at Crimea Park and all other locations approved in the mobile food vehicles policy, and reaffirms the mobile food vehicle permit process for Crimea Park.

FINANCIAL IMPLICATIONS

The financial implications are detailed in the table above.

STRATEGIC LINK

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

Theme: Our Community
Aspiration: An active and engaged community.
Outcome C1: A strong sense of community through the provision of quality services and facilities.

Theme: Our Local Economy
Aspiration: A business and employment destination.
Outcome E1: Support initiatives for local businesses.
Outcome E3: Attractive to new services, businesses and investment.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

- City of Bayswater Mobile Food Vehicles Policy;
- *Environmental Protection (Noise) Regulations 1997*; and
- *Food Act 2008*.

VOTING REQUIREMENTS

Simple majority required

ATTACHMENTS

1. Draft Assessment Matrix

OFFICER'S RECOMMENDATION

That Council:

1. Considers as part of the Fees and Charges in the City's 2018/19 Budget that the Crimea Park mobile food vehicle permits be modified to allow permit holders to operate at Crimea Park and all other locations approved in the mobile food vehicles policy.
2. Reaffirms the current process relating to the issuing of Mobile Food Vehicle Permits for Crimea Park.

COMMITTEE RESOLUTION

That Council:

1. Supports a single fee structure for mobile food vehicles to allow mobile food vehicle operators to trade from all locations within the City, including Crimea Park.

2. Considers the inclusion of the following fee structure for all mobile food vehicle permits within the City, as part of the Fees and Charges in the City's 2018/19 Budget:

(a) Three month permit at a cost of $250;

(b) Six month permit at a cost of $500; and

(c) 12 month permit at a cost of $1,000.

3. Amends the current process relating to the issuing of mobile food vehicle permits for Crimea Park such that the City seeks expressions of interest for a maximum of 12 individual traders twice a year to operate at Crimea Park, using the draft assessment matrix included in Attachment 1.

CR FILOMENA PIFFARETTI MOVED, CR CATHERINE EHRHARDT SECONDED
CARRIED UNANIMOUSLY: 8/0

REASON FOR CHANGE

The Committee changed the officer's recommendation as it was felt that the costs of operating a mobile food van within the City of Bayswater, particularly at Crimea Park was too high in comparison to other local governments and would not attract such activities and small businesses within the City. Also the City is to seek expressions of interest for traders twice a year to operate at Crimea Park due to the benefits outlined in Option B. of the Options table.

At 7:45pm, Cr Johnson returned to the meeting.

Attachment 1: Draft Assessment Matrix for Mobile Food Vehicles at Crimea Park

Criterion		Weighting
1.	Mobile Food Vehicle is operated by a resident of the City of Bayswater.	10%
2.	Mobile food vehicle unique experience: • Affordable food options. • Range of food options (gluten free, vegetarian, vegan, children friendly etc.) • Unique food experience (type of food not already available in the area / by another mobile food vehicle)	35%
3.	Strong marketing / social media presence.	20%
4.	Area activation: • Provide seats for patrons. • Ancillary entertainment / attractions. • Other activation initiatives.	35%

9.5 Trees on Private Land and Street Verges

Reporting Branch: Strategic Planning and Place Services
Responsible Directorate: Planning and Development Services
Refer: Item 9.2.2: CTFCSC 15.05.2018
Item 9.1.7: PDSC 23.01.2018
Item 9.1.16: PDSC 15.08.2017
Item 9.2.5: CTFCSC 19.07.2017
Item 9.1.7: PDSC 18.07.2017
Item 12.2.10: OCM 23.02.2016

EXECUTIVE SUMMARY

Application:

Council consideration is sought regarding final approval of a local planning policy (LPP) and Amendment No. 78 to the City's Town Planning Scheme No. 24 (TPS 24) in relation to trees on private land and street verges.

Key Issues:

- Council at its Planning and Development Services Committee Meeting held 23 January 2018 resolved to adopt a LPP and initiate Amendment No. 78 to TPS 24 in relation to tree on private land and street verges for public advertising.
- The proposed LPP and scheme amendment was advertised for a period of 42 days. A total of 23 submissions were received during the consultation period, 14 in support and 9 in objection to the proposal.

BACKGROUND

Council at its Planning and Development Services Committee Meeting held 23 January 2018 considered a proposed LPP and Amendment No. 78 to TPS 24, and resolved as follows:

"That:

1. *Council adopts for advertising the draft Local Planning Policy 'Trees on Private Land and Street Verges' as included in Attachment 1 to this report.*
2. *Council initiates Amendment No. 78 to the City of Bayswater Town Planning Scheme No. 24 to:*

   (a) Include the following new Clause 8.3.9:

   *"8.3.9 Tr*ees on Private Land and Street Verges

   8.3.9.1 Scope

   (a) The provisions in Clauses 8.3.9.2, 8.3.9.3 and 8.3.9.4 apply to all developments and subdivisions in accordance with City of Bayswater Policy.

   8.3.9.2 Trees on Private Property

   (a) A minimum of one 'standard tree' is to be provided on private property for every 350m² of site area (rounded to the nearest whole number). At least one 'standard tree' is to be provided on each site.

   (b) The total number of trees required in (a) maybe reduced by one, for each 'tree worthy of retention' that is retained or relocated elsewhere on the site or 'large tree' that is provided. Where a 'tree worthy of retention' is retained or relocated elsewhere on the site and it is a 'large tree', the total number of trees required in (a) maybe reduced by two.

(c) In relation to open air car parking areas in non-residential developments, 'standard trees' that provide shade cover are to be provided at a minimum rate of 1 tree per 4 bays. The number of trees required in (a) can be used to provide the shade trees.

8.3.9.3 Trees on Street Verges

If no street trees exist, at least one new 'standard tree' is to be provided on the verge adjacent to the site, by the land owner or developer, where space is available, to the satisfaction of the City of Bayswater.

8.3.9.4 Alternative Design Solution

An alternative design solution that varies any of the requirements contained in Clauses 8.3.9.2 and 8.3.9.3 will only be considered in exceptional circumstances and where the alternative is consistent with the objectives of City of Bayswater policy and is justified in a report prepared by a landscape architect, arborist or equivalent, to the satisfaction of the City of Bayswater."

(b) Insert the following new definitions in Appendix 1- interpretations:

"Standard Tree - A species of tree that has the potential to grow to at least 4m in height and has a minimum size of at least 35 litres when planted.

Large Tree - A species of tree that has the potential to grow to at least 12m in height and has a minimum size of at least 35 litres when planted.

Tree Worthy of Retention - Existing trees on private property that:

(a) Are considered by the City of Bayswater to be healthy specimens with ongoing viability; and

(b) Are considered by the City of Bayswater to be species that are not included on an applicable weed register or are an unsuitable tree species; and

(c) Are at least 3 metres in height; and/or

(d) Have a trunk with a diameter of at least 100 millimetres at 1 metre from the ground; and/or

(e) Have two or more trunks and the aggregate of their individual diameter at 1 metre above ground is at least 200 millimetres; and/or

(f) Have a canopy with a diameter of at least 3 metres."

3. Council considers Amendment No. 78 to the City of Bayswater's Town Planning Scheme No. 24 to be 'standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

(a) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and

(b) The amendment is not a complex or basic amendment.

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."

Council at its Community, Technical, Finance and Corporate Services Committee Meeting held 15 May 2018 considered adopting a tree amenity valuation system, and resolved as follows:

"That Council:

1. Adopts the Helliwell Amenity Valuation system, to be used to determine the amenity value of tree assets across the City for the following purposes:

(a) For general asset cost analysis and recording in line with the Integrated Planning and Reporting (IPD) Asset Management Guidelines;

(b) Asset cost recovery in the event a tree is illegally removed; and

(c) Consideration of asset cost recovery when a resident wishes to have a tree removed to facilitate development of their property.

2. Considers including a clause providing a head of power to place a monetary value on a tree when it is removed due to development in the City's Town Planning Scheme No.24 via Amendment No.78 and in the draft 'Trees on Private Property and Verges' Policy when they are considered following their current public advertising period."

CONSULTATION

Environmental 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 the City that the proposed scheme amendment would not require environmental assessment.

In correspondence dated 16 March 2018 the Heritage Directorate of the Department of Planning, Lands and Heritage (DPLH), advised the City 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 LPP and scheme amendment in accordance with Council's resolution of 23 January 2018. A total of 23 submissions were received during the consultation period, 14 in support and 9 in objection to the proposal.

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

- New subdivisions and developments in Maylands destroy the trees and as many trees as possible in the area should be retained.
- This is a good initiative by Council. Local councils play a major role in urban planning and development and this policy should be approved.
- If an existing tree can be retained on site that is preferable to a new tree being planted and should be encouraged. New houses should try to protect and retain existing trees where possible.
- Council should spend more on greening streets, particularly in town centres and pedestrian areas.
- Houses often cover almost the entire block, which leaves little room for trees. Trees are our air conditioners and they help to preserve our wildlife. With their removal to create denser new suburbs, we are contributing to the ‘urban heat island effect’.
- Connection to nature improves mental and physical health and wellbeing, and shade covered verges encourages walking. There is growing momentum to increase children’s connection with nature, with organizations such as Nature Play WA advocating for unstructured nature play.
- The proposal will definitely help towards finding the balance between urban sprawl and healthy vegetation. Only with smarter initiatives such as this, will we secure the successful management and future of the Swan Coastal Plain vegetation.
- Verge trees provide shade for vehicles, too often land is cleared and shade is lost.

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

- Land owners should be the one to decide to keep a tree, not the Council. The retention of trees should be incentivised rather than mandatory. Land owners should not be punished for having trees on their land if they want to redevelop or subdivide their land. If this proposal is accepted people will remove their trees now to avoid fines later.
- The City of Bayswater has ample land that can be used to increase the tree canopy coverage. Council should plant more trees on council land and road strips to meet the targets.
- Trees block sun accessing solar panels.

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

ANALYSIS

Submissions in Objection

The key issues raised in objection during public consultation are discussed below.

Retention of Trees on Private Property

Submissions were received during consultation in objection to having to retain existing trees onsite. Submitters were also concerned that they would be penalised for having trees on their property if and when they decide to redevelop or subdivide their property and that this would lead to the removal of trees on private property ahead of time to avoid complications at the time of redevelopment or subdivision.

Although the proposed policy and scheme amendment encourages and incentivises the retention of existing trees on private property, it does not mandate retention. Landowners are able to remove trees from private property prior to or as part of the redevelopment or subdivision of their land; however they will be required to plant new trees in accordance with the policy and scheme amendment provisions.

Plant Trees on City Land Only

Submissions were received arguing that the City of Bayswater has ample land that can be used to increase tree canopy coverage to meet the City's targets, including street verges and parks and that land owners should not be burdened by having to plant trees on private land.

The City of Bayswater has made an aspirational commitment to increase canopy coverage to 20% by the year 2025. The City's current tree canopy coverage is approximately 13.2%. Aside from planting new trees, the loss of existing trees needs to be considered when trying to achieve this target.

Research in Australia and internationally has indicated that the highest area in which tree canopy coverage is being lost is mainly within urban areas on private land and is due to both urban infill and the tendency to build bigger houses on subdivided blocks, (Cool communities: Urban trees, climate and health, Brown et al. 2013).

This aligns with preliminary investigations within the City through the review of aerial images and anecdotal evidence. Furthermore, this is also consistent with patterns of tree canopy loss in suburbs with similar characteristics (older suburbs that have seen a high level of infill development over the last 20 years). The City of Stirling undertook research into where canopy trees are being lost. They found that 67% of canopy trees are being lost on private residential land.

The City of Bayswater contributes significantly to the effort to increase tree canopy coverage by planting approximately 1,000 trees per annum on City owned or managed land, including street verges, park and reserves. However without addressing the loss of trees and the need to increase the amount of trees on private land, it is considered that the City's aspirational commitment to increase canopy coverage to 20% by the year 2025 is unlikely to be achieved.

The proposed policy and scheme amendment provisions are considered necessary, reasonable and not overly onerous and will contribute to increasing the amount of the trees within the City, which will benefit all residents, workers and visitors to the City.

Trees Block Sun Access to Solar Panels

A submission was received commenting that trees block sun accessing solar panels. In an urban context, it is accepted that trees and structures may impede solar access to some parts of neighbouring properties during some hours of the day and that this should not be a reason for not providing or removing a tree.

Recommended Modifications to the Local Planning Policy and Scheme Amendment No. 78

The following modifications are recommended to the proposed policy and scheme amendment. Changes to the policy provisions are shown in relation to the advertised provisions in **Attachment 2** and a modified version of the policy incorporating the modifications is included in **Attachment 3.**

Scope

The scope section of the proposed policy requires trees to be provided on the street verge as part of all development and subdivision applications, which would require trees to be provided for minor developments, such as patios and front fences.

On further review of the draft policy by the City officers, this requirement is considered to be onerous and unfair on applicants wanting to undertake minor development and therefore it is recommended to modify the policy so that trees will only be required to be provided on street verges where the approximate cost of development is:

(a) $100,000 or more for residential developments; and

(b) $200,000 or more for non-residential and mixed use developments, excluding those involving only a change of use or internal works.

It was also considered important that a new clause be added to the scope section of the policy requiring any development that does not meet the monetary thresholds, mentioned above, to still have consideration for the objectives and some provisions contained in the policy, at the discretion of the City. It is important that some of the provisions apply to all types of development. For example, a development application for a carport may require a new crossover that requires a street tree to be removed. Therefore the provisions in relation to the removal of street trees in this instance would be relevant, even though the development application may not have an estimated development cost of $100,000 or more.

Removal of Trees on the Street Verge

Council at its Community, Technical, Finance and Corporate Services Committee Meeting held 15 May 2018 resolved to adopt a tree amenity valuation system for the purpose of, amongst other things, calculating the amenity value in monetary terms of a tree on the street verge when it is proposed to be removed as part of a new development. It was also resolved to consider providing a head of power to place the monetary value of a tree in this subject policy and scheme amendment.

It is therefore proposed to include a new clause in the 'Requirements for Trees on Street Verges' section of the proposed policy and a new clause in the proposed scheme amendment that reflect this Council resolution. The new clauses will outline that where the removal of a tree on the street verge is warranted and has been approved by the City, the land owner or developer may be responsible for the payment of a fee for the loss of amenity value of the tree to the satisfaction of the City.

The new fee is proposed to be included in the Fees and Charges in the City's Budget to for 2018/19 onwards to reflect the Council resolution to adopt the new amenity valuation system.

It is also considered necessary to include an additional provision in the policy when the removal of the tree has been approved by the City, the land owner or developer may be responsible for the removal of the tree, including engaging a qualified contractor and any costs or claims that may arise from the removal of the tree.

Tree Maintenance

The proposed policy requires all new trees onsite and on the street verge to be planted and watered for the first two summers by the land owner or developer, to the satisfaction of the City of Bayswater.

It is considered necessary to add to this provision that the watering is to be undertaken via reticulation or other similar method to ensure trees are watered properly and regularly.

Revocation of Existing 'Landscaping Policy' and 'Street Trees Planning Policy'

The proposed policy addresses the primary provisions of two existing local planning policies, titled 'Landscaping Policy' and 'Street Trees Planning Policy' (**Attachment 4**). Consequently these policies can be revoked if the proposed policy is adopted by Council.

Implementation

The proposed policy provisions do not conflict with any provisions in the Residential Design Codes (R-Codes) and therefore the City does not require the approval of the Western Australian Planning Commission (WAPC) to implement the policy.

In relation to the proposed scheme amendment, the City will recommend to support with or without modifications or not support the scheme amendment to the WAPC, who will make the final decision. The DPLH has advised the City that when they consider the proposed scheme amendment they will need to consider how to implement the requirements for:

- Trees to be provided on private property as part of a residential subdivision application; and
- Trees to be provided as part of a single dwelling application when it is fully compliant with the deemed-to-comply requirements of the R-Codes.

The City will continue to work with the DPLH to resolve these matters.

Compliance

Compliance action in relation to the subject requirements will be undertaken when non-compliance matters come to the attention of the City such as the receipt of complaints, which is consistent with other planning compliance actions.

Commencement Date

If Council resolves to adopt the policy, the policy will come into effect once the City publishes notice of the policy in the newspaper(s) in accordance with Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Once the policy comes into effect all new and currently lodged applicable development and subdivision applications are required to have regard for the policy requirements.

In order not to burden applications currently lodged with the City and to publicise and give the development industry sufficient time to consider the policy requirements, it is considered fair and reasonable to exclude applications lodged prior to 1 August 2018 from having to comply with the requirements of the policy.

OPTIONS

The following options are available to Council:

	OPTION	BENEFIT	RISK
1.	• Adopt Amendment No. 78, subject to inclusion of the officer recommended new clause, and forward the amendment to the WAPC for final approval. • Adopt the modified version of the policy as detailed in **Attachment 3**. • Revoke the existing Landscaping Policy and Street Trees Planning Policy. ***Estimated Cost:*** • $1,000 (for local planning policy adoption and scheme amendment gazettal newspaper notifications).	• The requirements will assist in achieving the City's objective to increase canopy coverage to 20% by the year 2025. • The tree canopy coverage across the City will increase on private property relative to the status quo. • There will be a greater chance of retaining trees on private property relative to the status quo. • Landowners and developers will be slightly burdened, however far less than if they were required to retain trees on their property. • Other local government have taken a similar approach. • Issues raised by City officers and the 15 May 2018 resolution of Council will be reflected in the modifications to the policy and scheme amendment.	• Landowners and developers may consider to be burdened by the need to incorporate and maintain trees into new developments.

OPTION		BENEFIT	RISK
2.	Adopt Amendment No. 78 and the policy, with no modifications; forward the amendment to the WAPC for final approval and revoke the existing Landscaping Policy and Street Trees Planning Policy. ***Estimated Cost:*** • $1,000 (for local planning policy adoption and scheme amendment gazettal newspaper notifications).	• The requirements will assist in achieving the City's objective to increase canopy coverage to 20% by the year 2025. • The tree canopy coverage across the City will increase on private property relative to the status quo. • There will be a greater chance of retaining trees on private property relative to the status quo. • Landowners and developers will be slightly burdened, however far less than if they were required to retain trees on their property. • Other local government have taken a similar approach.	• Landowners and developers may consider to be burdened by the need to incorporate and maintain trees into new developments. • Issues raised by City officers and the 15 May 2018 resolution of Council will not be reflected in the policy and scheme amendment.
3.	Adopt Amendment No. 78 and the policy, with other modification(s); forward the amendment to the WAPC for final approval and revoke the existing Landscaping Policy and Street Trees Planning Policy. ***Estimated Cost:*** • $1,000 (for local planning policy adoption and scheme amendment gazettal newspaper notifications)	• Dependent on the modification(s) proposed.	• Dependent on the modification(s) proposed.
4.	Advise the WAPC that the City does not support Amendment No. 78 and not proceed with the policy. ***Estimated Cost:*** • Nil	• Landowners and developers will not consider to be burdened by the need to incorporate and maintain trees into new developments. • Nil advertising cost.	• The ability to achieve the City's objective to increase canopy coverage to 20% by the year 2025 will be reduced. • The tree canopy coverage across the City will continue to decrease.

CONCLUSION

In light of the above, it is recommended that Council proceed with Option 1 to:

- Adopt Amendment No. 78, subject to the inclusion of the officer recommended new clause, and forward the amendment to the WAPC for final approval.
- Adopt the modified version of the policy as detailed in ***Attachment 3***.
- Revoke the existing Landscaping Policy and Street Trees Planning Policy.

FINANCIAL IMPLICATIONS

The financial implications are addressed 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.

Theme: Our Natural Environment
Aspiration: A green and sustainable environment.
Outcome N1: Natural environment and biodiversity which are conserved and protected.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Scheme Amendments

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 and WAPC 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.

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

Local Planning Policies

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* prescribes the process for the creation and revocation of local planning policies.

At the conclusion of the advertising period, a local government must consider all submissions and resolve to proceed, with or without modifications or not to proceed with the local planning policy.

If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.

A local planning policy may be revoked by a notice of revocation prepared by the local government and published in a newspaper circulating in the scheme area.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Officer's Response to Submissions
2. Schedule of Modifications
3. Modified Local Planning Policy Trees on Private Land and Street Verges
4. Existing Landscaping Policy and Street Trees Planning Policy.

OFFICER'S RECOMMENDATION

That Council:

1. Recommends approval of Amendment No. 78 to the City of Bayswater Town Planning Scheme No. 24 in relation to trees on private land and street verges, 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, subject to including the following new clause:

   "8.3.9.5 Where the removal of a tree on the street verge is warranted and has been approved by the City of Bayswater, the land owner or developer may be responsible for the payment of a fee for the loss of amenity value of the tree, to the satisfaction of the City of Bayswater."

2. Adopts the modified version of Local Planning Policy - 'Trees on Private Land and Street Verges' as contained in Attachment 3.
3. Revokes the existing Landscaping Policy and Street Trees Planning Policy.
4. Allows all development and subdivision applications lodged prior to 1 August 2018 to be excluded from having to comply with Local Planning Policy - 'Trees on Private Land and Street Verges'.

COMMITTEE RESOLUTION

That Council:

1. **Recommends approval of Amendment No. 78 to the City of Bayswater Town Planning Scheme No. 24 in relation to trees on private land and street verges, 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, subject to including the following new clause:**

   "8.3.9.5 Where the removal of a tree on the street verge is warranted and has been approved by the City of Bayswater, the land owner or developer may be responsible for the payment of a fee for the loss of amenity value of the tree, to the satisfaction of the City of Bayswater."

2. **Adopts the modified version of Local Planning Policy - 'Trees on Private Land and Street Verges' as contained in Attachment 3.**

3. **Revokes the existing Landscaping Policy and Street Trees Planning Policy.**

4. **Allows all development and subdivision applications lodged prior to 1 August 2018 to be excluded from having to comply with Local Planning Policy - 'Trees on Private Land and Street Verges'.**

5. **When it is physically possible and unless Council approves otherwise, any Development Approval granted by the City, except for change of use applications, on lots along Guildford Road shall include a planning condition that requires tree(s) to be planted on the Guildford Road widening area verge.**

CR ELLI PETERSEN-PIK MOVED, CR DAN BULL, MAYOR SECONDED

CARRIED: 7/2

FOR VOTE: ***Cr Sally Palmer, Cr Dan Bull, Mayor, Cr Stephanie Gray, Cr Barry McKenna, Cr Catherine Ehrhardt, Cr Giorgia Johnson and Cr Elli Petersen-Pik.***

AGAINST VOTE: ***Cr Brent Fleeton and Cr Filomena Piffaretti.***

REASON FOR CHANGE

The Committee included an additional recommendation as it was felt that this will supplement the provisions in the policy and deals with the special case of Guildford Road, which will require developments to plant trees along this main urban corridor and improve the streetscape.

Attachment 1

Summary of Submissions - Amendment No. 78 to Town Planning Scheme No. 24

No.	Support / Oppose / Comment	Interest in the Proposal	Summary of Submission	City of Bayswater Comments
1.	Support	Owns a property in the Bayswater area.	• "We have at least one tree worthy of retention and 4 more large established trees. • To know that they could be protected after we move on would be tremendous and to be able to sell it with them still in place to be built around would be a huge relief. • People choose our verges to park on to make use of the shade from our trees as there is so little else around. • Too often we see land cleared and shade lost."	• Noted.
2.	Support	Owns a property in the Maylands area.	• No comment	• Noted.
3.	Object	Owns a property in the Maylands area.	• "The right to fell or keep a tree on a residential property should remain that of the owner. • The City owns significant open green space that can be used to maintain a tree canopy of sufficient size to be a significant impact on a greener Bayswater."	• Although the proposed provisions encourage and incentivise the retention of trees on private property, they do not mandate retention. • The City does and will continue to plant trees on public land within the City, including areas of open space.
4.	Support	Owns a property in the Maylands area.	• No comment	• Noted.
5.	Support	Occupies a property in Maylands the area.	• "All new subdivisions and developments in Maylands destroy the trees. It needs to stop."	• Noted.
6.	Support	Owns a property in the Maylands area.	• "We should try and retain as many trees in our area. • Additional trees should be planted within passive reserves to create more useable spaces."	• Noted.
7.	Support	Owns a property in the Maylands area.	• "Good initiative by Council. • If an existing tree can be retained on site that is preferable to a new tree and should be	• Noted.

			encouraged. • New house design should try to maximize existing tree protection. • Would also like to see Council spend more on greening streets, particularly in town centres and pedestrian areas i.e. Guildford Road area in Maylands."	• The City of Bayswater plants approximately 1,000 to 2,000 trees per year in areas including street verges and town centres. • The City is currently investigating the planting of trees along Guildford Road and greening the Maylands Town Centre.
8.	Support	Owns a property in the Bayswater area.	• No comment	• Noted.
9.	Object	Owns a property in the Bayswater area.	• "No issues with regard to verge trees but the council has no right to interfere with the legal rights of persons in possession of land. • If the council is serious about maintaining Bayswater's tree canopy, focus on urban planning initiatives such as promoting high density living in our hubs/town centres."	• The proposed provisions are considered necessary, reasonable and not overly onerous and will contribute to increasing the amount of the trees within the City. • The City has and are in the process of modifying residential densities in the town centres in order to reduce the impact that wide spread infill development has on tree canopy cover.
10.	Object	Owns a property in the Maylands area.	• "The retention of trees should be incentivised rather than punitive. • Our block has lots of old trees which we would love to keep but some will impede development. By incentivising this scheme we would look to design around the trees more."	• Although the proposed provisions encourage and incentivise the retention of trees on private property, they do not mandate retention. • By retaining some of the trees and designing around them, the total amount of trees that will need to be provided can be reduced.
11.	Object	Owns a property in the Bayswater area.	• "People should be allowed to do what they want with their property. • Many people buy big blocks as a future investment as I have. When I finally subdivide I don't want to be punished for having trees.	• The proposed provisions are considered necessary, reasonable and not overly onerous and will contribute to increasing the amount of the trees within the City. • When land is subdivided or redeveloped, the landowner will have the option to either retain trees or plant new ones. The

			• If this proposal is accepted people will remove their trees now to avoid fines later."	landowner will not be forced to retain any trees on your land. • Landowners are able to remove trees from their property prior to subdividing or redeveloping their land if they wish.
12.	Support	Owns a property in the Maylands area.	• "Perth is rapidly sprawling. Although Perth has one of the lowest population densities in the world, we are fast becoming one of the world's largest urban areas. Infill development has been proposed as an antidote to urban sprawl, but care needs to be taken that this infill does not fragment our urban nature, further decreasing our biodiversity. • Houses within these developments cover almost the entire block, which leaves little room for trees. Trees are our city's air conditioners (cooling our streets) and they help to preserve our wildlife. With their removal to create denser new suburbs, we are creating an 'urban heat island effect' • Connection to nature has long been known to improve mental and physical health and wellbeing, and shade covered verges encourages walking • There is growing momentum to increase children's connection with nature, with organizations such as Nature Play WA advocating for unstructured nature play. • We cannot undo past developments. However, we should learn from them and reduce our future impact. • The proposal will definitely help towards finding the balance between urban sprawl and healthy vegetation. Only with smarter development planning initiatives such as this, will we secure the successful management and future of the Swan Coastal Plain	• Noted.

			vegetation. • Local councils play a major role in urban planning and development and I hope this policy is approved."	
13.	Support	Owns a property in the Bayswater area.	• No comment	• Noted.
14.	Support	Owns a property in the Maylands area.	• No comment	• Noted.
15.	Support	Owns a property in the Maylands area.	• No comment	• Noted.
16.	Support	Owns a property in the Bayswater area.	• No comment	• Noted.
17.	Support	Owns a property in the Noranda area.	• I have an issue with the way that urban infill is happening at present, mostly being achieved by owners sub-dividing their block and building 2 or more houses on the land and leaving no room for green spaces. This is well covered in your proposed policy.	• Noted.
18.	Object	Owns a property in the Embleton area.	• "I do not support the retention or planting of more trees. There are plenty of trees in the area and they will cause problems for developing further down the line."	• The proposed provisions will contribute to increasing the amount of the trees within the City. • The proposed provisions are considered reasonable and not overly onerous for developers to work with as part of new developments.
19.	Object	Owns a property in the Morley area.	• "It should be optional for people to plant trees on their property or the Council should plant more trees on council land and road strips to meet your targets."	• The proposed provisions are considered necessary, reasonable and not overly onerous and will contribute to increasing the amount of the trees within the City. • The City of Bayswater plants approximately 1,000 to 2,000 trees per year in street verges, parks and other natural areas to contribute to increasing the tree canopy in the City.
20.	Support	Owns a property in the Noranda area.	• "The amount of trees being cut down around my suburb is appalling. We need more trees,	• Noted.

			not less! I would refuse to purchase a block of land if it had been cleared of trees entirely. I would only consider purchasing land with well-established trees on it and plan the house around them."	
21.	Object	Owns a property in the Bedford area.	• "I believe trees should be retained where possible and verge trees to be planted free of charge. • I do not agree with the following conditions being imposed upon private developments. A detailed landscaping plan to be submitted. Landscaping to be completed prior to taking up residence. Street trees that die to be replaced at the owners cost, unless it is where a loss is due to lack of proper care or purposeful destruction. • One house being built at the rear of another should not be considered under this policy..."	• The proposed provisions are considered necessary, reasonable and not overly onerous and will contribute to increasing the amount of the trees within the City. • Verge trees will make a positive contribution to the amenity of the street for the benefit of the current and future residents of the development and other residents in the area.
22.	Object	Owns a property in the Morley area.	• Trees have been left to grow dangerously, especially around the verge on Crimea Reserve, Driscoll Way, McArthur Street and Frimley Way, Morley. I have witnessed branches fall, some with the diameter of the branch to be 10-15cms. This could easily cause serious injury and/or death to any passer-by. Many children live in the area and play in the park. The trees have not been attended to in any way over the 42 years I have lived here. Their branches reach across the roads to within 1-3 meters of power lines. The branches have now become straggly and ugly. • "In many instances, and on driving around Morley, I have noticed that many trees and branches obscure signs and traffic lights. This	• The City undertakes a risk assessment of all trees on active reserves around the City, including Crimea Reserve in order to ensure that our trees are maintained to present the lowest level of risk possible, while still maintaining the many benefits that large trees provide. Additionally, where there are trees on verges, residents can request a risk assessment be carried out for the tree adjacent to their property. If the tree is found to present an unacceptable risk, appropriate measures will be undertaken to rectify the situation. • The City will investigate the obscuring of signs and traffic lights when alerted and take necessary action to resolve the

			is very dangerous." • The heights of trees impede on neighbours and my solar panels and solar hot water systems. We have installed these at our own cost, in order to assist with looking after the environment and saving on power bills. • "Something needs to be added to this policy regarding neighbours trees. All trees need to be kept maintained and kept at a reasonable height. The height of trees impact on fallen limbs into neighbours properties. The leaf matter clogs up gutter and causes angst with leaves strewn across neighbour's properties. If a height common sense rule could be included in this policy, it would surely save a lot of neighbourhood squabbles, and a lot of frustration between neighbours. • I have noticed how roots from many trees are causing problems with cracks in roads, footpaths and driveways. This is dangerous, and could cause anyone to trip and injure them seriously. • It is amazing when a property or land is being re-developed and the developer is allowed to bull doze every tree and shrub in site. This may be economical for the developer. The site looks dreadful. When this re-development occurs, no trees are ever planted to compensate the ones that have been removed. Not good for the environment." • The City will not let me trim the verge tree next to my property. Within the next 12	issue if warranted. • While the City acknowledges the environmental benefits of solar panel, trees also play an important part in improving the environment. In an urban context, it is considered reasonable that trees and structures may impede solar access to some parts of neighbouring properties during some hours of the day and that this should not be a reason for not providing or removing a tree. • Issues in relation to trees on neighbouring properties are matters to be dealt with between the respective parties. Legal Aid WA or the Citizens Advice Bureau can be contacted to seek advice on resolving these types of issues. • The City will investigate damage to infrastructure when alerted and take necessary action to resolve the issue if warranted. • Although it is considered to be unreasonable to require landowners to retain trees onsite, the retention of trees is incentivised. If all trees are removed from the site during redevelopment and subdivisions, the City will require replacement trees to be planted. • The lopping and topping of trees is no longer an acceptable management

			months, this verge tree will grow to such a height that I will never be able to trim it, and it will impede on sunlight getting to my solar panels and solar hot water system. • "I am a lover of nature and trees. All I am asking is that trees be maintained properly. "One does not sit a baby in its high chair and leave it to grow up by itself!" Trees need nurturing and care. Trees that grow in the forest can be left, but suburban ones need attention."	practice for trees, as it destroys the natural form of trees, which is significantly stronger than trees that are lopped. It also increases the likelihood of pest, disease and fungal attack that can lead to increased rates of decay within the main trunk. There are other pruning options available to allow light to pass through a tree, this is assessed on a case by case basis, taking into account the health and condition of the tree, its location in relation to the solar panels and level of influence it is actually having on the panels. • Trees are maintained on City managed land based on best practice principles.
23.	Object	Owns a property in the Morley area.	• While I agree with the need for a 'greener' environment and am aware of the benefits it offers, I totally oppose Council being given the sanctioning of controlling what home owners can and cannot do with trees they have chosen to grow and care for on their own property. • I have always been of the belief here in Australia we live in a democracy – equality for all persons. It would appear I am mistaken should Council go ahead with the proposal. Given the powers Council already has over what people can and cannot do, I believe the Council is overstepping their boundaries on this issue. • With the plan for the future of a greater tree canopy for the City of Bayswater, the total	• The proposal provisions do not seek to control what home owners do with trees they have chosen to grow and care for on their property. The proposal provisions require trees to be provided as part of new development. • The proposed provisions are considered necessary, reasonable and not overly onerous and will contribute to increasing the amount of the trees within the City. • It is considered that the proposal was sufficiently advertised for the community

			community needs to be listened to, not just various 'selected groups' and random telephone surveys. Council states the population of the City of Bayswater in 2015 had reached 70,472. From numbers quoted in the draft, one is particular, a random telephone survey of 70 persons, hardly constitutes a very large representative of the population as quoted. • To enable a wider consultation with the community, a more personal approach should be undertaken to ensure all persons have the opportunity to voice their opinions. Council will argue advertising in the local newspaper is afforded to all to read. This mode of passing on information is rather null and void. Very few ever receive the local paper. I would suggest a mail out to all households. The argument this is costly is negligible when one considers Council can personally advise ratepayers of information. I personally have only this weekend learnt of this draft.	to have their say. The proposal was advertised for a period of 44 days by way of notification in The Perth Voice and Eastern Reporter newspapers, information being placed on the City's engagement website, Engage Bayswater and hard copies of the documents being made available for inspection at the City of Bayswater Civic Centre, City of Bayswater Libraries and The RISE One Stop Shop. A telephone survey was not undertaken in relation to the proposal. • It is not considered practical to send letters out to all households in the City of Bayswater in this instance. If letters were sent out to all households in the City for these types of projects, it would amount to a significant cost to the City. It is considered that the method of advertising undertaken is sufficient and cost effective.

Attachment 2 - Schedule of Modifications

Section	Advertised Provision	Recommended Modification
Scope	1. The requirements for trees on private property in this policy apply to all development where the approximate cost of the proposed development is: (a) $100,000 or more for residential developments; and (b) $200,000 or more for non-residential and mixed use developments, excluding those involving only a change of use or internal works. 2. The requirements for trees on street verges in this policy apply to all developments and subdivisions, including those involving only a change of use. 3. In relation to all residential subdivisions, the requirements for trees on private property in this policy apply where additional lots are proposed and an existing dwelling is proposed to be retained.	1. The requirements in this policy apply to all development where the approximate cost of the proposed development is: (a) $100,000 or more for residential developments; and (b) $200,000 or more for non-residential and mixed use developments, excluding those involving only a change of use or internal works. 2. Any development that does not meet the thresholds specified in Clause 1 is to still have consideration for the objectives and some provisions contained in this policy, at the discretion of the City of Bayswater. 3. In relation to all residential subdivisions, the requirements for trees on private property in this policy apply where additional lots are proposed and an existing dwelling is proposed to be retained.
Requirements for Trees on Street Verges	1. Trees on the street verge are to be retained, unless in the opinion of the City of Bayswater: (a) The tree is dead; (b) Where an unacceptable level of risk exists within the tree's structure and remedial techniques cannot rectify; (c) The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it; (d) The tree is causing significant damage to infrastructure and suitable documented evidence is provided by a suitably qualified currently practising arborist, at the expense of the applicant; and/or (e) To facilitate the placement of a permanent vehicle access crossing as a last resort, where there is no other viable option.	1. Trees on the street verge are to be retained, unless in the opinion of the City of Bayswater: (a) The tree is dead; (b) Where an unacceptable level of risk exists within the tree's structure and remedial techniques cannot rectify; (c) The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it; (d) The tree is causing significant damage to infrastructure and suitable documented evidence is provided by a suitably qualified currently practising arborist, at the expense of the applicant; and/or (e) To facilitate the placement of a permanent vehicle access crossing as a last resort, where there is no other viable option. 2. In the event that the removal of a tree on the street verge is

		warranted and has been approved by the City of Bayswater in accordance with Clause 1, the land owner or developer may be responsible for: (a) The removal of the tree, including engaging a qualified contractor and any costs or claims that may arise from the removal of the tree; and (b) The payment of a fee for the loss of amenity value of the tree in accordance with the City of Bayswater's fees and charges, to the satisfaction of the City of Bayswater.
Tree Maintenance	1. All new trees on the site and on the street verge are to be planted and watered for the first two summers by the land owner or developer, to the satisfaction of the City of Bayswater.	1. All new trees on the site and on the street verge are to be planted and watered (via reticulation or other similar method) for the first two summers by the land owner or developer, to the satisfaction of the City of Bayswater.

Attachment 3

Trees on Private Land and Street Verges

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

PURPOSE:

To outline the requirements for providing, maintaining and protecting trees on private land and the street verge during the development of land or residential subdivision in the City of Bayswater.

OBJECTIVES

To:

1. Assist with achieving the City of Bayswater's objective to increase tree canopy coverage to 20% by the year 2025 by increasing tree canopy coverage on private and public land.
2. Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to wildlife habitats, biodiversity and ecological corridors.
3. Assist with community comfort through shade and the reduction of glare, provide neighbourhood amenity, character and sense of place, and provide visual screening and privacy.
4. Provide a diverse range of tree sizes and species to enhance visual interest and to assist with providing a more resilient urban forest.
5. Prevent tree diseases and excessive shade through the adequate separation of trees, facilitate diversity in the age, size and species of trees throughout the City of Bayswater, and to encourage the retention of 'trees worthy of retention' and the planting of 'large trees'.

INTRODUCTION

The City of Bayswater's Urban Forestry Strategy indicates that canopy tree coverage is approximately 13.2%. The City has made an aspirational commitment to increase canopy coverage to 20% by the year 2025 in order to increase the level of benefits derived from having trees within the urban environment.

A significant proportion of trees in the urban area are being lost due to infill development, which if no intervention is undertaken will have significant impacts on the community and urban areas.

POLICY STATEMENT:

Definitions

Tree growth zone - An exclusion zone around a tree, which assists in the protection, growth and ongoing health of a tree.

At and below ground level, the tree growth zone is to comprise soil and other water permeable materials that aid in the health and growth of the tree.

A trafficable water permeable surface can encroach within the tree growth zone of new trees; provided that suitable provision is made to prevent ground compaction and tree root damage. If trafficable water permeable surfaces are proposed within the tree growth zone a report by a 'suitably qualified landscape architect' or suitably qualified currently practising arborist, at the expense of the applicant, is required detailing requirements to ensure tree roots will not be compacted or damaged.

Tree worthy of retention - Existing trees on private property that:

(a) are considered by the City of Bayswater to be healthy specimens with ongoing viability; and
(b) are considered by the City of Bayswater to be species that are not included on an applicable weed register or are an unsuitable tree species; and
(c) are at least 3m in height; and/or
(d) have a trunk with a diameter of at least 100mm at 1m from the ground; and/or
(e) have two or more trunks and the aggregate of their individual diameter at 1m above ground is at least 200mm; and/or
(f) have a canopy with a diameter of at least 3m.

The City of Bayswater may require an arborist report to be prepared by a suitably qualified currently practising arborist, at the expense of the applicant, to verify if a tree is considered worthy of retention.

Standard tree - A species of tree that has the potential to grow to at least 4m in height and has a minimum size of at least 35 litres when planted.

Large tree - A species of tree that has the potential to grow to at least 12m in height and has a minimum size of at least 35 litres when planted.

Hard surface - Any surface that does not readily allow for drainage and the penetration and attaching of anchoring tree roots.

Suitably qualified landscape architect - A landscape architect currently registered with the Australian Institute of Landscape Architects or a similar association.

Scope

1. The requirements in this policy apply to all development where the approximate cost of the proposed development is:
   (a) $100,000 or more for residential developments; and
   (b) $200,000 or more for non-residential and mixed use developments, excluding those involving only a change of use or internal works.

2. Any development that does not meet the thresholds specified in Clause 1 is to still have consideration for the objectives and some provisions contained in this policy, at the discretion of the City of Bayswater.

3. In relation to all residential subdivisions, the requirements for trees on private property in this policy apply where additional lots are proposed and an existing dwelling is proposed to be retained.

Requirements for Trees on Private Property

1. 'Standard trees' are to be provided at a rate of one tree for every 350m^2 of site area (rounded to the nearest whole number). At least one 'standard tree' is to be provided on each site.

2. The total number of trees required in Clause 1 may be reduced by one, for each 'tree worthy of retention' that is retained or relocated elsewhere on the site, or 'large tree' that is provided. Where a 'tree worthy of retention' is proposed to be retained or relocated on the site and it is a 'large tree', the total number of trees required in Clause 1 may be reduced by two.

3. A 'tree growth zone' is required around the entire base of all new trees or existing trees that are to be retained on the site, measured at:

   (a) a minimum radius of 2m for a 'standard tree'; and
   (b) a minimum radius of 3.5m for a 'large tree'.

4. No structure is to encroach within the 'tree growth zone', above or below ground level. The 'tree growth zone' is to be contained completely on the site, except for 'trees worthy of retention'.

5. If the 'tree growth zone' is situated on top of a 'hard surface', a report by a suitably qualified currently practicing consulting arborist is required, at the expense of the applicant, confirming that the design of the 'tree growth zone' is appropriate to allow the tree to grow to maturity, to the satisfaction of the City of Bayswater.

6. The trunks of all proposed new trees are to be adequately separated from the trunks other trees, to the satisfaction of the City of Bayswater.

7. The trunks of all trees are to be located outside of any required minimum outdoor living area dimensions required in the Residential Design Codes, except for the trunks of 'trees worthy of retention' when they are retained.

8. In relation to open air car parking areas in non-residential developments, 'standard trees' that provide shade cover are to be provided at a minimum rate of 1 tree per 4 bays. The number of trees required in Clause 1 can be used to provide the shade trees.

9. A 'tree worthy of retention' may only be relocated elsewhere on the site or on the adjacent street verge, where a report by a suitably qualified currently practicing consulting arborist is provided detailing the new location of the tree and how the tree will be kept in good health prior to, during and after the relocation, to the satisfaction of the City of Bayswater.

Requirements for Trees on Street Verges

1. Trees on the street verge are to be retained, unless in the opinion of the City of Bayswater:

   (a) The tree is dead;
   (b) Where an unacceptable level of risk exists within the tree's structure and remedial techniques cannot rectify;
   (c) The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it;
   (d) The tree is causing significant damage to infrastructure and suitable documented evidence is provided by a suitably qualified currently practising arborist, at the expense of the applicant; and/or
   (e) To facilitate the placement of a permanent vehicle access crossing as a last resort, where there is no other viable option.

2. In the event that the removal of a tree on the street verge is warranted and has been approved by the City of Bayswater in accordance with Clause 1, the land owner or developer may be responsible for:
   (a) The removal of the tree, including engaging a qualified contractor and any costs or claims that may arise from the removal of the tree; and
   (b) The payment of a fee for the loss of amenity value of the tree in accordance with the City of Bayswater's fees and charges, to the satisfaction of the City of Bayswater.

3. If no street trees exist or a street tree is to be removed with regard to Clause 1, at least one new 'standard tree' is to be provided, by the land owner or developer, on the verge adjacent to the site, where space is available, to the satisfaction of the City of Bayswater.

4. In addition to Clause 3, the City of Bayswater may require additional trees to be provided, where space is available, to the satisfaction of the City of Bayswater.

5. A minimum 2m setback is to be provided from the edge of any street tree trunk, and any crossover/driveway and the trunks of all proposed new trees are to be adequately separated from the trunks of other trees, to the satisfaction of the City of Bayswater.

Alternative Design Solution

1. An alternative design solution that varies any of the requirements contained in this policy will only be considered in exceptional circumstances where the alternative is consistent with the objectives of the policy and is justified in a report prepared by a 'suitably qualified landscape architect', to the satisfaction of the City of Bayswater.

Tree Maintenance and Replacement

1. All new trees on the site and on the street verge are to be planted and watered (via reticulation or other similar method) for the first two summers by the land owner or developer, to the satisfaction of the City of Bayswater.

2. All retained and new trees on the site and on the street verge are to be adequately maintained and kept in good health. In the event that a tree is in poor health and needs to be removed, it is to be replaced with an adequate replacement tree by the owner or developer, to the satisfaction of the City of Bayswater.

Information to be Submitted with a Development and Subdivision Applications

Plans for all development and subdivision applications that are subject to this policy are to indicate:

1. The location and species of all trees proposed to be retained that are 'trees worthy of retention' on the site and all existing trees within the street verge that may be impacted by the proposed development or subdivision;

2. The location of all proposed new trees on the site and on the street verge;

3. The location of all proposed 'tree growth zones'; and

4. Additional elevations may be required, to the satisfaction of the City of Bayswater, indicating the potential size and canopy spread of all retained or proposed trees on the site and on the street verge at maturity in relation to any existing or proposed structures or any retained or proposed trees.

RELATED LEGISLATION:

Policy is adopted under the City of Bayswater's town planning schemes, in accordance with Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

RELATED DOCUMENTATION:

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	

Attachment 4

STREET TREES PLANNNING POLICY

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

PURPOSE:

To outline the City's requirements for dealing with street trees when considering development or subdivision applications.

POLICY STATEMENT:

Information on Plans

1. Upon submitting plans for development or subdivision applications, the plan shall clearly show all street trees, and shall identify any street trees that are proposed to be removed or relocated.

Street Trees Affected by Development or Subdivision

2. The Acceptable Development Criteria of the Residential Design Codes require street trees to be avoided or replaced. Clause 4.4.1 of Town Planning Scheme No. 23 and Clause 8.3.7 of Town Planning Scheme No. 24 provide for the general maintenance of amenity within the City, including street trees.
3. The City's preferred position is for all street trees to be maintained in their current locations.
4. If the development of plan of subdivision is able to be modified such that the street tree can be maintained, with no major impact on the development, then the application shall be requested to amend the plan to maintain the street tree.
5. Where a street tree is unable to be maintained, then there are three options:
   a) The street tree may be relocated;
   b) The street tree may be replaced; or
   c) The street tree may be removed.

Relocation of Street Trees

6. Should the applicant request to relocate a street tree, then an assessment shall be made as to the appropriateness of doing so. The City shall consider the following matters when assessing the suitability of relocating a street tree:
   a) The location and number of crossovers proposed;
   b) Any services located within the verge;
   c) The impact of the proposed relocation upon the streetscape; and
   d) Any other matter the City considers relevant.
7. Should relocation of the tree be considered acceptable, then the tree shall be relocated to another location on the verge in front of the subject property. The relocated tree shall be aligned in accordance with the requirements of the City's Technical Services Division and at no cost to Council.

Replacement of Street Trees

8. Should the applicant request to replace a street tree, then an assessment shall be made as to the appropriateness of doing so. The City shall consider the following matters when assessing the suitability of replacing a street tree:
   a) The location and number of crossovers proposed;
   b) Any services located within the verge;
   c) The impact of the proposed replacement upon the streetscape; and
   d) Any other matter the City considers relevant.
9. Should replacement be considered acceptable then the tree, of advanced stock, shall be replaced with another tree in accordance with the types of street trees approved by the City's Technical Services Division.
10. The replacement tree shall be located on the verge in front of the subject property. The replacement tree shall be aligned in accordance with the requirements of the City's Technical Services Division.

Removal of Street Trees

11. Should the applicant request to remove a street tree without replacement, then an assessment shall be made as to the appropriateness of doing so. The City shall consider the following matters when assessing the suitability of relocating a street tree:
   a) The location and number of crossovers proposed in relation to the available length of verge;
   b) Any services located within the verge;
   c) The impact of the proposed removal upon the streetscape; and
   d) Any other matter the City considers relevant.
12. Should it be considered that removal of a street tree is appropriate, then the removal of the tree shall occur at the applicant's expense. The tree shall not be removed until approval has been given in accordance with an approved plan.

Watering

13. Landowners should, and are encouraged to water any relocated or replaced street trees appropriately. Notwithstanding, Council will undertake to water newly planted street trees from time to time.

Trees on Private Land – Dispensation

14. The City encourages the retention of trees on private land during development or subdivision.
15. The Residential Design Codes provide for applications to be considered under performance criteria for many aspects of development. Where an environmental feature is being maintained, consideration may be given to providing an up to 5% lot area variation under the performance criteria of the R-Codes.
16. Council may consider a proposal to vary development standards to ensure the retention of significant vegetation.

DEFINITIONS:

Clause 2.6 of Town Planning Scheme No. 24
Clause 3.1 of Town Planning Scheme No. 23

RELATED LEGISLATION:

Nil

RELATED DOCUMENTATION:

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	24 July 2007
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	
Reviewed / Modified	Date	

LANDSCAPING POLICY

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

PURPOSE:

To provide clarification on the requirements to provide landscaping within Commercial and Industrial zones, with the view to improving the amenity of the built environment and moderating climatic conditions.

POLICY STATEMENT:

Clause 8.6.5 and Clause 8.7.7 of Town Planning Scheme No 24 set out the requirements for landscaping in the Commercial and Industrial zones. This policy is made pursuant to these clauses and provides further interpretation of these requirements.

The intent of the policy is ensure that existing vegetation is maintained wherever possible and that landscaping be used to improve the quality and amenity of built areas in Commercial and Industrial zones.

1. At the time of making an application for planning approval within a Commercial and Industrial zone, a landscaping plan shall also be submitted for approval. The landscaping plan shall include the following information:
    a. The layout of all parts of the area to be landscaped;
    b. The type, location and number of species to be planted; and
    c. The nature of any barrier used to protect landscaping areas, including bollards and kerbing.
2. The requirement to submit a separate landscaping plan at the time of making a planning application may be exempted where:
    a. The submitted site plan is considered to show sufficient detail;
    b. The planning application involves the redevelopment of a site and does not impact on established landscaping areas; or
    c. The planning application involves a minor extension or addition to an existing structure only.
3. Wherever possible existing vegetation, including street trees, should be retained and incorporated in the design and layout of a proposed development.
4. All landscaping areas shall be fully reticulated unless the applicant can provide satisfactory evidence that reticulation is not necessary for the maintenance of the landscaped area.
5. Landscaping in car parks shall consist of a combination of trees (for shade) at a ratio of one (1) tree per six (6) car bays and ground covers. Shrubs will not be permitted where they are likely to interfere with driver sight lines or where they are likely to intrude into parking areas, vehicular access ways or pedestrian paths.
6. All landscaped areas shall be separated from vehicle access and parking areas through the use of walls, kerbing or bollards to enable the protection of the landscaping.
7. Where appropriate, the landscaping and reticulation of the road verge adjoining a Commercial or Industrial development may be required as a condition of planning approval.

DEFINITIONS:

Nil

RELATED LEGISLATION:

Clause 2.6 of Town Planning Scheme No. 24

RELATED DOCUMENTATION:

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	23 July 2003
Reviewed / Modified	Date	25 January 2005
Reviewed / Modified	Date	1 March 2016

9.6 Proposed Amendment to Local Planning Scheme No 24 - Bedford Fair Shopping Centre

Location:	**Lot 11, 215-217 Grand Promenade, Bedford**
Applicant:	**CF Town Planning and Development**
Owner:	**Various**
Reporting Branch:	**Strategic Planning and Place Services**
Responsible Directorate:	**Planning and Development Services**

EXECUTIVE SUMMARY

Application:

Council consideration is sought to consider a proposal from the landowners to initiate a proposed amendment to Town Planning Scheme No. 24 (TPS 24) in relation to:

1. The rezoning of the rear portion of Lot 11, 215-217 Grand Promenade, Bedford from 'Public Purposes Reserve - Car Parking' to 'Business'; and
2. To include an Additional Use of 'Multiple Dwelling' and 'Grouped Dwelling' for the subject property.

Key Issues:

- The current zoning of the subject property does not allow for multiple or grouped dwellings.
- TPS 24 makes provision for Additional Uses. An Additional Use is 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.
- The City has commenced with the preparation of a Local Planning Strategy (LPS).

BACKGROUND

Subject Property

The subject property is Lot 11, 215-217 Grand Promenade in Bedford and is located on the south-eastern corner of the intersection of Grand Promenade and Walter Road West (see Figure 1). The site is currently developed as a two storey commercial centre known as the Bedford Fair Shopping Centre and mainly fronts onto Walter Road West. The remainder of the property accommodates a parking area.

Surrounding development consist of low key commercial and retail uses, low to medium density residential and service related industrial uses as part of the adjacent Dianella Industrial Precinct.

Lot 11 has been strata titled into 14 lots and is currently under multiple-ownership. In addition a caveat was placed on the certificate of title for the subject property in 1985, entered into by the land owners and the City of Bayswater to place the following restriction on the original development:

- Maximum floor area to be 905m²; and
- Offices, restaurants, showrooms, warehouse and medical suites comprising a maximum floor area of 715m².

Should a future redevelopment of the site involve an increase in the above floor areas, it would require the existing caveat to be removed from the certificate of title.

The location of the subject property on the corner of Walter Road West and Grand Promenade is shown on Figure 1, while Figure 2 shows the existing development thereon.

Figure 1

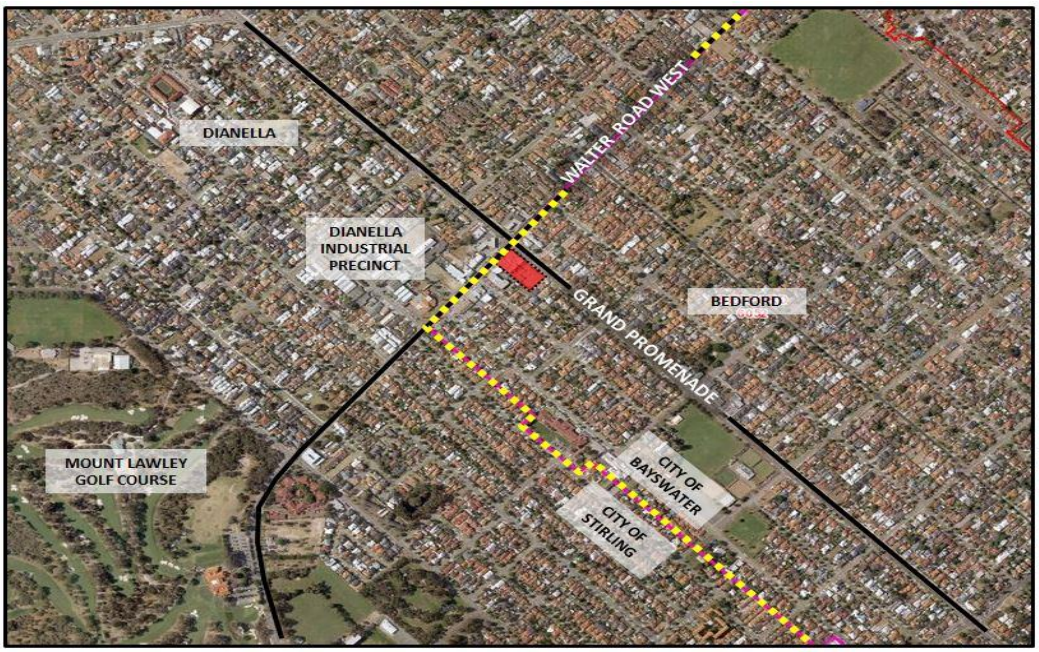


Figure 2

City of Stirling - Proposed Rezoning of Dianella Industrial Precinct

As early as 2004 the Dianella Industrial Precinct (opposite the subject property) was identified by the City of Stirling (COS) as an area of transition from industrial to predominantly residential use. In 2009 the City proceeded to develop the 'Dianella Industrial Precinct Planning Study', which contained a number of options, residential densities and building heights up to six storeys in height and included office and mixed use development.
A scheme amendment to rezone the area was however not initiated as the then Department of Planning did not support the proposal. The extent of the proposed commercial component, its potential to become a new activity centre and the potential impact on existing activity centres, were raised as concerns.

In March 2016 the COS received an application to rezone the Dianella Industrial Precinct to 'R-AC0' and 'Local Centre' and initiated the scheme amendment in December 2016. Following the

advertising of the scheme amendment and based on submissions received, the COS Council, at a meeting held on 6 February 2018, resolved:

"That Council Resolution Number 1217/005, resolved at the Council meeting held 5 December 2017 as follows:

That the item relating to Local Planning Scheme No.3 Amendment No.80 - Rezoning of Dianella Industrial Precinct from 'Industry' to 'Residential: R-AC0 and Additional Use' and 'Local Centre'- Outcomes of Advertising be REFERRED to a future Planning and Development Committee meeting to allow a community workshop to be held.

be REVOKED and REPLACED with the following:

1. *"That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council does NOT SUPPORT Amendment No. 80 to Local Planning Scheme No. 3".*
2. *"That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council DETERMINES that the Dianella Industrial Precinct Local Development Plan is not required for the purpose of orderly and proper planning".*
3. *That consideration BE GIVEN in the 2018/2019 budget process for appropriate funding to undertake a comprehensive planning exercise, involving community consultation, to determine the appropriate planning framework for the Dianella Industrial Precinct and the Walter Road Local Centre (including House Number 234A, Grand Promenade)".*
4. *That the City's officers ENGAGE with the City of Bayswater to establish if the local government is interested in participating in the planning exercise to include Walter Road to the east within the local centre".*

The City of Bayswater Long Term Financial Plan currently does not make provision for a joint project with the COS in this regard. Council resolved at its Ordinary meeting held on 27 March 2018 that the COS will be requested to engage with the City of Bayswater as well as all businesses and property owners on the Bayswater side of Walter Road to be effected by Stirling's Walter Road Local Centre planning exercise. It is considered that this approach will ensure that Stirling will have consideration for potential impact on properties on the Bayswater side.

CONSULTATION

In the event that 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, in accordance with current practice.

Further, in accordance with the Regulations, upon Notice of Assessment from DWER and DPLH being received (and issued 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. Notification 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;
5. Hard copies of the amendment documentation made available for inspection at the City of Bayswater Civic Centre and the City's libraries.

ANALYSIS

Proposal

The applicant has prepared a report in support of an amendment **(Attachment 2)** to the City's TPS 24 to:

1. Rezone the rear portion of the subject property from 'Public Purposes - Car Park' to 'Business' zone; and
2. Include an 'Additional Use' of 'Multiple dwelling' and 'Grouped dwelling' over the subject property by inserting an entry in Appendix No.2 - Schedule of Additional Uses, of TPS 24.

The purpose of the proposed scheme amendment is to accommodate the redevelopment of the subject property consisting of a combination of business uses, residential apartments and grouped dwellings. The applicant proposes the future detail layout and design of the development to be guided by a Local Development Plan (LDP), included as a condition to the proposed 'Additional Use' entry into TPS 24. The LDP will need to incorporate the following key matters to facilitate the future development of the subject property:

1. Apply a residential density coding;
2. Determine the extent of commercial floor space;
3. Development standards to control the built form outcome; and
4. Provide limitations to development abutting the adjoining low density residential development.

The current zonings were allocated in terms of the then Bayswater District Zoning Scheme (Town Planning Scheme No. 13) in 1993 and specifically 'Public Purposes - Car Park' was introduced to secure the car parking portion related to the original development and therefore forms part of the subject property.

Strategic Planning Framework

State Planning Framework

The Western Australia Planning Commission (WAPC) Central Metropolitan Perth Sub-Regional Strategy (Sub-Regional Strategy) builds upon the principles of *Perth and Peel @ 3.5 million* and is a key instrument for achieving a more consolidated urban form that will reduce dependence on new urban greenfield development. The Sub-Regional Planning Framework provides the spatial framework which will guide urban consolidation over the long term.

The Sub-Regional Planning Framework envisions key urban corridors as being not only movement corridors or reserves for major infrastructure, but locations for increased and diversified places for people to live and work and a focus for investigating increased residential densities, with the potential for mixed land uses.

The Sub-Regional Planning Framework sets a target of an additional 15,750 dwellings within the City of Bayswater by 2050. In addition to general housing infill, 14,760 additional dwellings have already been planned for, in a number of activity centres and train station precincts in the City, including:

- Morley Activity Centre (8,200);
- Maylands District Centre (2,500);
- Meltham Station Precinct (1,560); and
- Bayswater Town Centre (2,500).

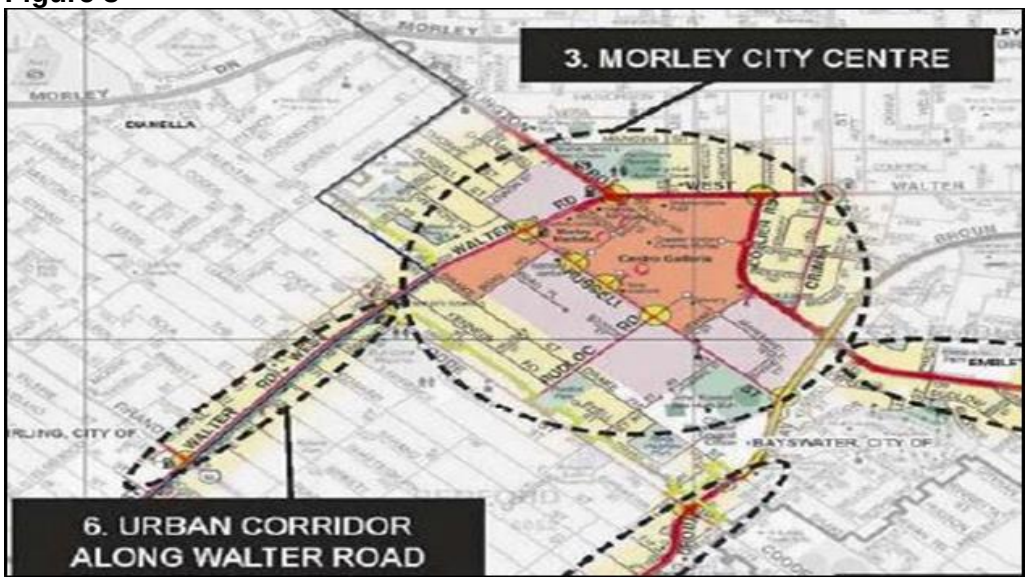
It is therefore considered that the City will readily be able to meet its target of providing an additional 15,750 dwellings by 2050.

Both Walter Road West and Grand Promenade are identified as existing public transit corridors with the potential for Transit Oriented Development (TOD)/mixed land uses to be accommodated.

Local Housing Strategy (LHS)

The City of Bayswater's LHS, which was adopted by Council on 22 May 2012, establishes a strategic framework to guide the City's current and future housing needs. Walter Road West has been identified and is included as an urban corridor, as it links the Morley City Centre with Edith Cowan University and Central Perth. Urban corridors are connectors between activity centres that provide excellent, high frequency public transport to support the land uses located along the corridors and activity centres. The LHS recommends that urban corridors should be characterised by the intensification of high-quality residential development with targeted commercial nodes in appropriate places. Figure 3 below is an extract from the LHS.

Figure 3



Local Planning Strategy (LPS)

The City is in the process of preparing a LPS, which will supersede the LHS. The LPS sets out the local government's objectives for future planning and development, such as activity centre planning, residential densities and building heights and includes a broad framework by which to pursue those objectives. The LPS is required to provide the background justification for a review of the City's town planning scheme, and inform any new town planning scheme.

In November 2017, the City commenced with preliminary community consultation for the LPS. A Deliberative Panel was undertaken for the LPS in February/March 2018 to establish where the community supports increased density. The results of the Deliberative Panel will be presented to Council soon and be used to inform the preparation of a draft LPS. The draft LPS is expected to be presented to Council for adoption in late 2018 (and will then be referred to the WAPC for endorsement).

Statutory Planning Framework

Metropolitan Region Scheme

The site is zoned 'Urban' in the Metropolitan Region Scheme.

Town Planning Scheme 24

Under the provisions of TPS 24, the site is currently zoned 'Business' and 'Public Purposes - Car Park'. Applying a 'Business' zone with an 'Additional Use' of 'Multiple Dwelling' and 'Grouped Dwelling' to the subject property in its entirety is required to accommodate the mixed use development proposal. In terms of TPS 24, the proposed 'Multiple Dwelling' and 'Grouped Dwelling' uses are 'X' uses, meaning the uses are not permitted within the 'Business' zone. A scheme amendment is required to allow this. The current zonings applicable to the subject property and the surrounding area are shown on Figures 4 and 5.

Figure 4

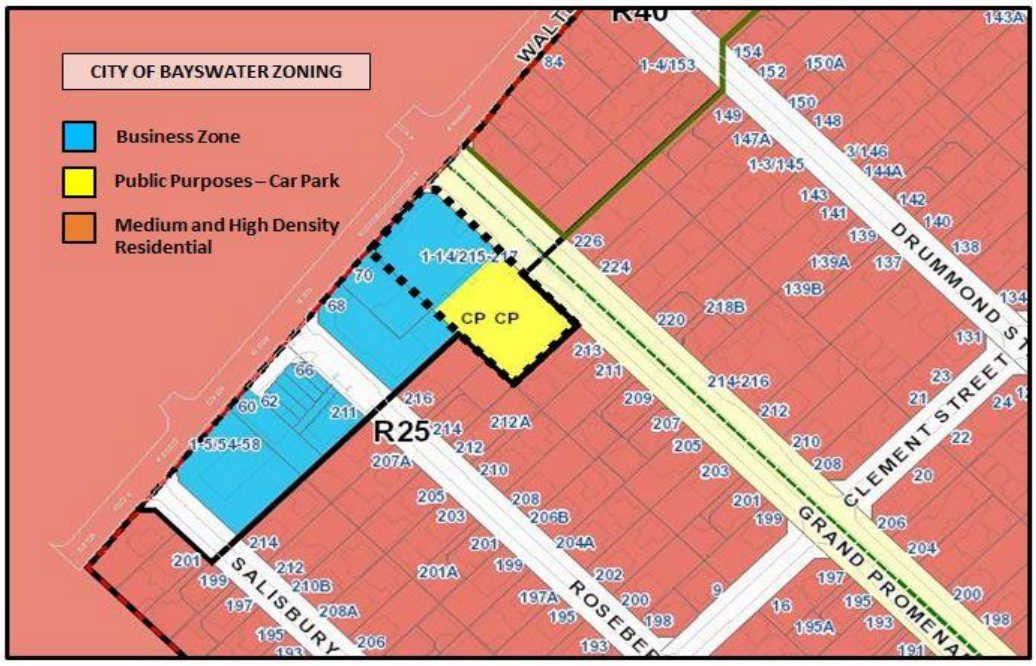
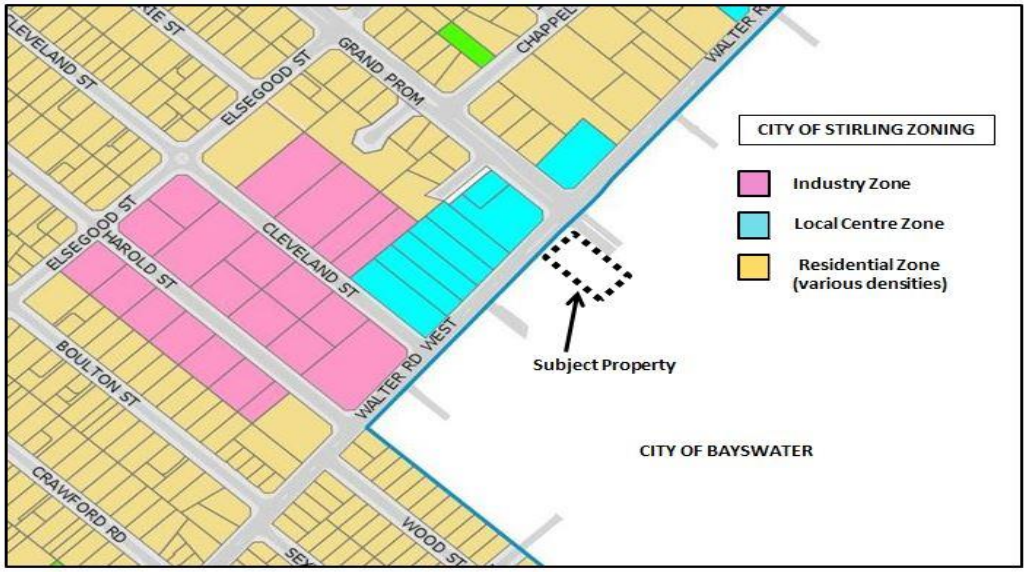


Figure 5



Applicant's Justification

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

- *"The amendment will facilitate a consistent zoning classification over the land to provide greater flexibility for any future redevelopment of the land;*
- *The subject land is ideally located in terms of its proximity to the Morley City Centre and has convenient access to a wide range of services and facilities;*

- *The location, size and physical characteristics of the property are well suited to accommodate a mixed use development;*
- *The land enjoys good access to the local and regional road network and is served by a comprehensive range of essential service infrastructure;*
- *The future redevelopment of the land to accommodate a mixed use development is consistent with the objectives of the City of Bayswater Local Housing Strategy;*
- *The proposed zoning classification and future redevelopment of the land for mixed use purposes is consistent with the aims and objectives of 'Directions 2031' and will make a beneficial contribution to the future development and sustainable growth of the Perth Metropolitan Region generally;*
- *The future redevelopment of the land will provide opportunity for an attractive and safe residential environment comprising affordable, modern and high quality housing within a well-established 'Activity Centre'. Furthermore, it will add to the diversity of housing stock and provide a variety of choice for future potential residents in the Bedford and Dianella localities and will help to accommodate the increased demand for affordable housing in the Perth Metropolitan Region;*
- *The future redevelopment on the subject land to accommodate a mixed use development (including multiple and grouped dwellings) will be consistent with the future redevelopment of the nearby 'Dianella Industrial Area' and the City of Stirling's vision to bolster the existing 'Activity Centre' along Walter Road West."*

In principle this location has the potential to be considered for increased residential densities. However it is considered that the strategic framework for future development in this area is still dependent on the outcomes of the LPS. For instance, the appropriate land uses, built form and residential density to be applied to the site is the subject of the LPS and the recently completed preliminary consultation. It is considered that any proposal for increased density should be considered as a part of the LPS process.

Proposed Additional Use to Appendix 2 - Schedule of Additional Uses

The applicant proposes the following wording and conditions to be added to Appendix 2 - Schedule of Additional Uses of TPS 24 as detailed in Table 1 below.

Table 1

No.	Description of Land	Additional Use	Conditions
TBA	Lot 11 (No. 215-217) Grand Promenade, Bedford	Multiple Dwelling and Grouped Dwelling	1. A Local Development Plan is to be prepared and adopted prior to the determination of an Application for Development Approval for the development of the land; 2. The Local Development Plan is required to prescribe the residential density coding, maximum commercial floor space permitted and relevant development standards.

Should Council decide to initiate this scheme amendment and in the absence of any strategic planning guidance for this location, a Local Development Plan (LDP) will be required to guide the development of the site. It is considered that modifications to the proposed conditions for the Additional Use are required.

The City officer recommended conditions are shown in Table 2 below.

Table 2

No.	Description of Land	Additional Use	Conditions
4	Lot 11 (No. 215-217) Grand Promenade, Bedford	Multiple Dwelling and Grouped Dwelling	1. A Local Development Plan is to be prepared and adopted prior to the determination of an Application for Development Approval for the development of the land; 2. The Local Development Plan will include such provisions as: (a) Residential density coding; (b) Maximum commercial floor space; (c) Maximum building height; (d) The location and orientation of bulk and height on the site; (e) Interface requirements to the adjoining residential properties; (f) Street setback requirements; (g) Articulation of building facades; (h) Landscaping; (i) Access and crossover requirements; and (j) Other relevant development standards as required by the City of Bayswater.

The justification for the officer's recommended modification to condition 2 is that the City requires a more comprehensive LDP in the absence of a proper planning framework. It includes specific urban design elements to adequately address urban form requirements for this location as part of a future urban corridor and to address an acceptable interface with surrounding land uses.

It is considered that a better planning and design outcome, optimising the development potential of the subject property, will be achieved should this proposed scheme amendment be deferred until an appropriate strategic development framework is in place to adequately guide the development of the area.

Type of Amendment (Standard)

Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed scheme amendment is considered to be a 'standard' amendment as it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

OPTIONS

The following options are available to Council:

	OPTION	BENEFIT	RISK
1.	Council defers initiating the proposed scheme amendment as proposed by the applicant, until at least the draft Local Planning Strategy has been adopted by Council. ***Estimated Cost:*** • All associated costs borne by the applicant.	• Will not undermine the LPS process. • It will allow the City to apply an appropriate zoning, built form and density to the site based on holistic strategic planning being undertaken as part of the LPS. • City will have a greater understanding of the community's view on land uses, built form and density within this area.	• Redevelopment may be delayed awaiting direction from the LPS.
2.	Council does not initiate the proposed scheme amendment as proposed by the applicant. ***Estimated Cost:*** • Nil.	• Will not undermine the LPS process. • It will allow the City to apply an appropriate zoning, built form and density to the site based on holistic strategic planning being undertaken as part of the LPS.	• Redevelopment may be delayed awaiting direction from the LPS.
3.	Council initiates the proposed scheme amendment as proposed by the applicant. ***Estimated Cost:*** • All associated costs borne by the applicant.	• Will encourage the redevelopment of the site. • The site may be developed sooner, which may improve the amenity of the area.	• May pre-empt the outcomes of the LPS and undermine the process and intent for the site. • The proposal might be inconsistent with the intent of the site as identified during the LPS process.
4.	Council initiates the proposed scheme amendment with modification(s). ***Estimated Cost:*** • All associated costs borne by the applicant.	• Dependent on modification(s) proposed. • Will encourage the redevelopment of the site. • The site may be developed sooner, which may improve the amenity of the area.	• Dependent on modification(s) proposed. • May pre-empt the outcomes of the LPS and undermine the process and intent for the site. • The proposal may be inconsistent with the intent of the site as identified during the LPS process.

CONCLUSION

In light of the above, it is recommended that Council proceed with Option 1 to defer consideration of initiation of the proposed amendment to rezone the rear portion of the subject property from 'Public Purposes - Car Park' to 'Business' zone and to include an 'Additional Use' of 'Multiple dwelling' and 'Grouped dwelling', until the draft Local Planning Strategy has been adopted by Council, which is expected in late 2018.

FINANCIAL IMPLICATIONS

The financial implications are addressed 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 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* prescribes the process for the preparation of scheme amendments.

In accordance with the Regulations a landowner (or consultant on behalf of a landowner) may submit a scheme amendment, to be assessed and initiated by the local government, who may:

- Initiate the scheme amendment; or
- Not initiate the scheme amendment.

If initiated, the local government must meet the following timeframes, in accordance with the Regulations:

- The scheme amendment is to be advertised for not less than 42 days; and
- The local government has 60 days from the conclusion of the advertising to consider all submissions and forward a recommendation to the Western Australia Planning Commission (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.

By initiating a scheme amendment, Council will not have the power to ultimately approve, refuse or modify the scheme amendment, as Council will only be able to decide whether to recommend support, support with modifications or to not support the scheme amendment to the WAPC and Minister, who makes the final decision.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Applicant's Scheme Amendment Report.

MOTION

That:

1. **Council initiates Amendment No. 83 to the City of Bayswater Town Planning Scheme No. 24 as follows:**

   (a) **Rezoning the rear portion of Lot 11, 215-217 Grand Promenade, Bedford from 'Public Purposes Reserve - Car Parking' to 'Business'.**

   (b) **To include an Additional Use of 'Multiple Dwelling' and 'Grouped Dwelling' for the subject property, by amending Appendix 2 - Schedule of Additional Uses of the Scheme to include the following Additional Uses:**

No.	Description of land	Additional use	Conditions
4	Lot 11 (No. 215-217) Grand Promenade, Bedford	(1) Multiple Dwelling (2) Grouped Dwel0ling	1. A Local Development Plan is to be prepared and adopted prior to the determination of an Application for Development Approval for the development of the land. 2. The Local Development Plan will include such provisions as: (a) Residential density coding; (b) Maximum commercial floor space; (c) Maximum building height; (d) The location and orientation of bulk and height on the site; (e) Interface requirements to the adjoining residential properties; (f) Street setback requirements; (g) Articulation of building facades; (h) Landscaping; (i) Access and crossover requirements; and (j) Other relevant development standards as required by the City of Bayswater.

   (c) **Amend the Scheme Maps accordingly.**

2. **Council considers Amendment No. 83 to the City of Bayswater's Town Planning Scheme No. 24 (TPS 24) to be 'standard' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**

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.**

CR SALLY PALMER MOVED, CR CATHERINE EHRHARDT SECONDED

LOST: 4/5

FOR VOTE: ***Cr Brent Fleeton, Cr Sally Palmer, Cr Stephanie Gray and Cr Catherine Ehrhardt.***
AGAINST VOTE: ***Cr Dan Bull, Mayor, Cr Filomena Piffaretti, Cr Barry McKenna, Cr Giorgia Johnson and Cr Elli Petersen-Pik.***

COMMITTEE RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council defers consideration of initiating the proposed scheme amendment to Town Planning Scheme No. 24 to rezone the rear portion of Lot 11, 215-217 Grand Promenade, Bedford from 'Public Purposes - Car Park' to 'Business' zone and to include an 'Additional Use' of 'Multiple Dwelling' and 'Grouped Dwelling', until the draft Local Planning Strategy has been adopted by Council, for the following reasons:

1. **The proposed scheme amendment can be considered as part of the Local Planning Strategy process.**
2. **Initiating the proposed scheme amendment at this time is considered to pre-empt the outcomes and undermine the process of the Local Planning Strategy.**
3. **Initiating the proposed scheme amendment at this time could result in a development which may be inconsistent with the intent of the site as identified during the Local Planning Strategy process.**

CR ELLI PETERSEN-PIK MOVED, CR DAN BULL, MAYOR SECONDED

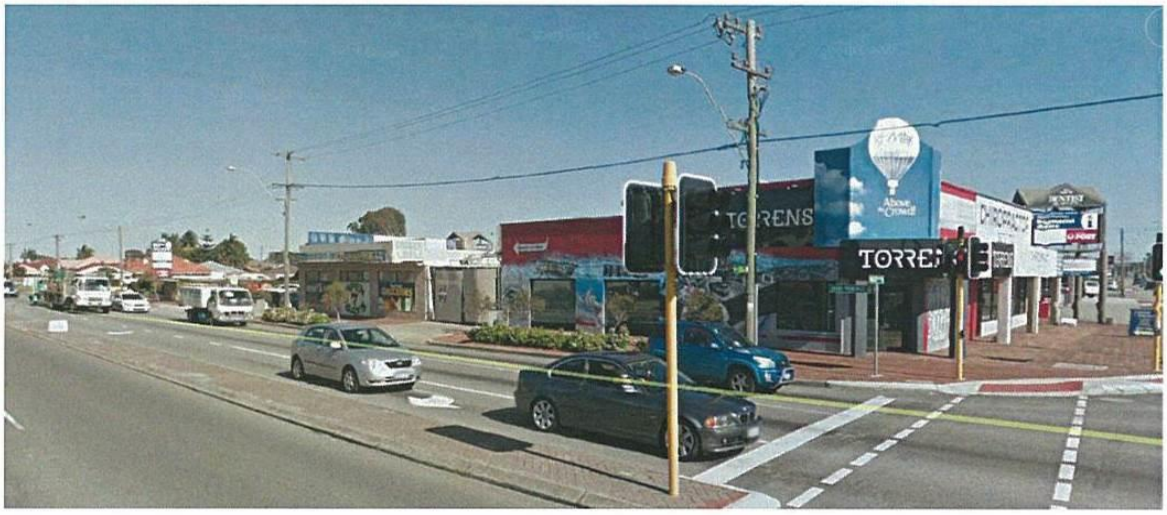
CARRIED: 7/2

FOR VOTE: ***Cr Sally Palmer, Cr Dan Bull, Mayor, Cr Filomena Piffaretti, Cr Stephanie Gray, Cr Barry McKenna, Cr Giorgia Johnson and Cr Elli Petersen-Pik.***
AGAINST VOTE: ***Cr Brent Fleeton and Cr Catherine Ehrhardt.***

Attachment 1: Applicant's Scheme Amendment Report

SCHEME AMENDMENT REPORT

CITY OF BAYSWATER LOCAL PLANNING SCHEME No.24



City of Bayswater

LOT 11 (NO.215-217) GRAND PROMENADE,BEDFORD

Prepared for:

Council of Owners – Bedford Fair Shopping Centre

Prepared by:

CF Town Planning & Development
Planning & Development Consultants

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Tel: 9249 2158
Mb: 0407384140
Email: carlof@people.net.au

February 2018

CF Town Planning & Development

CF Town Planning & Development

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CVF Nominees Pty Ltd ABN: 86 110 067 395

CF Town Planning & Development

1.0 INTRODUCTION

CF Town Planning & Development acts on behalf of current landowners of Lot 11 (No.215-217) Grand Promenade, Bedford (i.e. 'Council of Owners – Bedford Fair Shopping Centre') and have prepared the following report requesting Council's favourable consideration and approval to the initiation of a suitable amendment to the City of Bayswater Local Planning No.24 to include the following

1. Change the current zoning classification for the rear portion of the land from 'Public Purposes Reserve – Car Parking' to 'Business';
2. Inserting in Appendix No.2 'Schedule of Additional Uses': '*Multiple Dwelling' and 'Grouped Dwelling*'; and
3. Update the Scheme Map accordingly.

The following report provides a detailed description of the subject land and its immediate surrounds as well as the planning rationale and justifications for the aforementioned scheme amendment proposal. A series of maps and plans are also provided for illustrative purposes.

Should you have any queries or require any additional information regarding any of the matters raised above please do not hesitate to contact Mr Carlo Famiano on 0407384140 or carlof@people.net.au.

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CF Town Planning & Development

2.0 BACKGROUND & PURPOSE

Parent Lot 11 has historically been developed and used for commercial purposes (i.e. shopping centre - retail, private recreation, office, medical centre etc) on an uninterrupted basis for a number of years. The complex is known as 'Bedford Fair Shopping Centre'.

The existing building associated with the development in located on the front north-western portion of the land with an open car parking area occupying the rear balance portion of the property.

Under the terms of the City's Local Planning Scheme No.24 (LPS No.24), the front portion of the land is classified 'Business' zone with the rear portion being classified 'Public Purpose Reserve – Car Parking'. This has resulted in the land comprising a 'dual zoning'.

The purpose of this scheme amendment is to:

1. Provide a consistent zoning classification over the entire property (i.e. 'Business' zoning);
2. Facilitate the future coordinated re-development of the land to allow for the efficient use of the land and to provide a new/modern development that will provide an active frontage to both Grand Promenade and Water Road West;
3. Facilitate the future re-development of the land to accommodate a mixed use type development that will incorporate a residential component (i.e. multiple and grouped dwellings) to bolster the population within the existing 'Activity Centre'; and
4. Provide the appropriate statutory framework to accommodate the future re-development and management of the land.

Given the above, this application seeks the City's favourable consideration and initiation of a relevant scheme amendment to address the aforementioned proposal.

3.0 LAND DESCRIPTION

Lot 11 has been strata titled into fourteen (14) lots on Strata Plan No. 25178 and is currently owned by various entities (see Appendix 1 – Strata Plan 25178).

It is significant to note that a Caveat was been placed on the title for the subject land in 1985 (see Appendix 2). The 'Deed' was entered into between the landowners and the City of Bayswater to restrict the following in regards to the initial development of the land in 1985:

i) Maximum Floor Area 905m^2; and

ii) Offices, restaurants, showrooms, warehouses and medical suites comprising a maximum Floor Area of 715m^2.

The aforementioned restrictions are listed in Schedule No.2 of the 'Deed'.

It is significant to note that the 'Deed' does include a clause which states the following:

"In the event that Town Planning Scheme No.13 insofar as it relates to he said land is amended or a new District Planning Scheme should become operative, the car parking requirements and the maximum floor space relative to the use stipulated (in Schedule 2) may be varied at the discretion of Council'.

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In light of the above clause, LPS No.24 does not restrict the floor area of the subject land. Notwithstanding this, any future re-development of the land would require the existing 'Deed' on the land to be removed (subject to agreement between all parties).

4.0 LOCATION

The subject land is located on the south-eastern corner of the intersection of Grand Promenade and Walter Road West, within the 'Bedford Activity Centre' and approximately 1.2km south-west of the Morley Strategic Regional Centres (see Figure 1 – Location Plan). The land has direct road frontage and access to Walter Road West along its north-western boundary and Grand Promenade along is north-eastern boundary.

It is significant to note that the subject land is located adjacent the 'Dianella Industrial Area', which is currently undergoing a change to transformer the area into an expansion of the existing 'Activity Centre' and allow for high density residential development and remove the industrial zoning/use of the area. It is significant to note that the City of Stirling has initiated the relevant scheme amendment (i.e. Amendment No.80) to its Local Planning Scheme No.3 (LPS No.3) to rezone the 'Dianella Industrial Area' from 'Industrial' to 'Residential R-AC0' and 'Local Centre' zones.

Figure 1 - Location Plan

5.0 PHYSICAL CHARACTERISTICS & EXISTING LAND USES

The subject land is rectangular in shape, covers a total area of 5,210m^2, has been cleared of any significant vegetation and can generally be described as being relatively flat throughout (see Plan 2 - Existing Lot Configuration).

The subject land has been extensively developed over a number of years and is currently used for commercial purposes (i.e. shopping centre & commercial centre etc). Physical improvements include

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a two (2) storey building on the front portion of the land, substantial sealed and drained car parking area to the rear of the site, three (3) separately located crossovers along the land's frontage to Grand Promenade and access along the Walter Road West frontage see Plan 3 – Aerial Site Plan, Figures 4 & 5).

Existing adjoining and nearby land uses are broadly described as follows:

- North- east: Grand Promenade road reserve with a veterinary hospital and low density residential development beyond;
- North-west: Walter Road West road reserve with a service station development beyond;
- South-west: Commercial development associate with the 'Bedford Activity Centre'; and
- South-east: Medium density grouped housing (i.e. strata development) (see Plan 2, Aerial Site Plan).

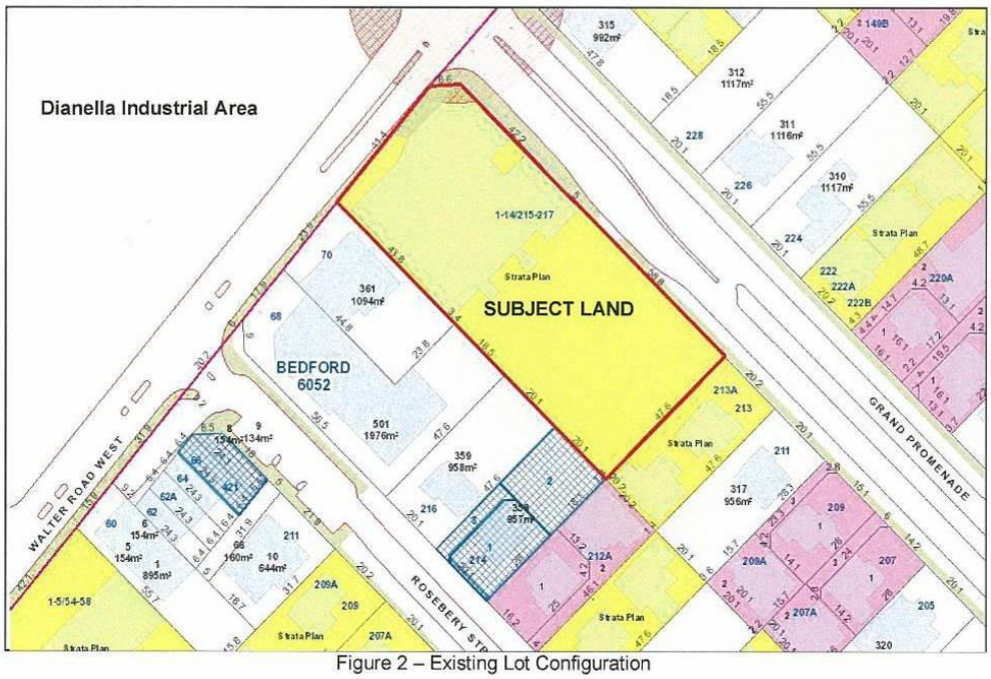

Figure 2 – Existing Lot Configuration

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Figure 3 - Aerial Site Plan

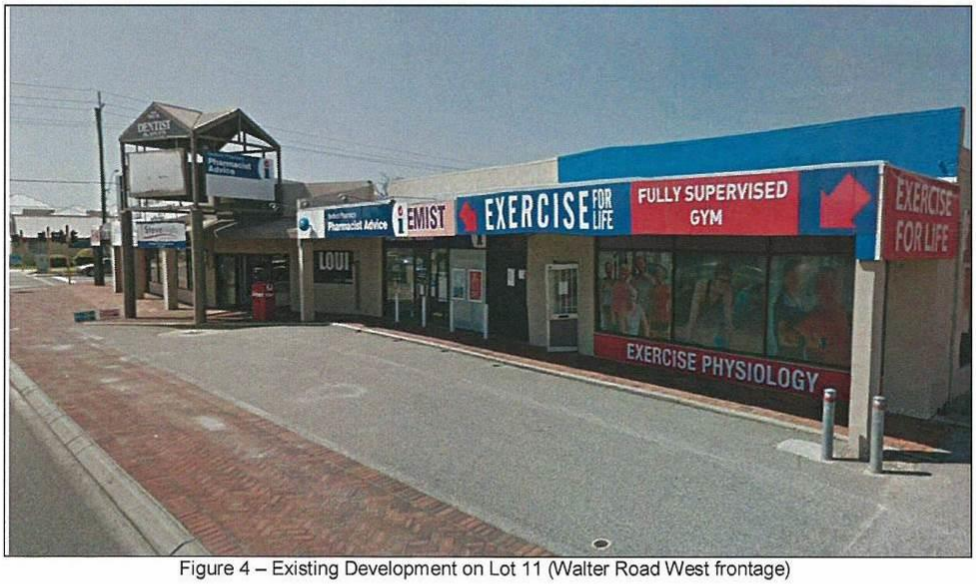

Figure 4 – Existing Development on Lot 11 (Walter Road West frontage)

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Figure 5 – Rear portion of Lot 11 (Grand Promenade frontage - open car parking area)

5.1 ESSENTIAL SERVICES

By virtue of its location in a well established part of the Perth Metropolitan Area, Lot 11 is served by or located in close proximity to a wide range of essential service infrastructure including power, water, gas, reticulated sewerage, storm water drainage and telecommunications.

Lot 11 is also served by an efficient local and district road network with convenient access to the public transport is along the adjoining road network.

6.0 SCHEME AMENDMENT PROPOSAL

As previously mentioned the current landowners are seeking Council's approval to the initiation of a suitable amendment to the City of Bayswater Local Planning Scheme No.24 (LPS No.24) to:

1. Change the rear portion (i.e. south-eastern segment) of the land from 'Public Purpose Reserve – Car Parking' to 'Business' zone;
2. Amending the Scheme Text by inserting an entry in Appendix No.2 entitled 'Schedule of Additional Uses' by including an additional use right over Lot 11 for the purpose of 'multiple dwelling' and 'grouped dwelling'; and
3. Amend the Scheme Map accordingly.

Following discussions with the City of Bayswater (Mr Matt Turner – Manager Strategic Planning & Place), it was recommended that the entry in Appendix No.2 should include conditions that will require the preparation and approval of a Local Development Plan (LDP) to guide the future development of the land. A suggested entry into Appendix No.2 for the land is outlined below:

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CF Town Planning & Development

No.	Description of Land	Additional Use	Conditions
TBA	Lot 11 (No.215-217) Grand Promenade, Bedford	Multiple dwelling & grouped dwelling	1. A Local Development Plan is to be prepared and adopted prior to the determination of an Application for Development Approval for the development of the land 2. The Local Development Plan is required to prescribe the residential density coding, maximum commercial floor space permitted and relevant development standard.

The Local Development Plan will need to incorporate the following key matters to facilitate the future development of the land:

i) Apply a residential density coding to the land;

ii) Limit the extent of commercial floor space on the land to avoid undermining any other commercial centres within the immediate area;

iii) Apply various development standards to control the built form outcome of any development, including building height, setbacks, passive surveillance and the interface with the public realm; and

iv) Provide limitations to the extent and type of development abutting the adjoining low density residential development to the south-eastern of the subject land.

The proposed aforementioned scheme amendment proposal will:

a) Provide a consistent zoning classification over the entire parcel of land (i.e. 'Business' zoning);

b) Facilitate the redevelopment of the site to provide improved commercial floor space to accommodate the modern needs of the current tenants/businesses operating on the land (as the existing commercial development on the land no longer meets the modern needs of those business operating from the site);

c) Facilitate the inclusion of a residential component to the development (i.e. mixed use) that will assist with providing increased population within the Bedford/Dianella commercial centre (i.e. 'Activity Centre') that enjoys good access to a local and regional road network and is served by a comprehensive range of essential service infrastructure; and

d) Coincide with the future redevelopment of the nearby 'Dianella Industrial Area' that is currently being undertaken by the City of Stirling.

The residential density to be applied to the site (through the Local Development Plan) will have due regard for the existing and future residential development within the immediate locality. This includes the existing R20/25 and R40 densities to the north-east and south-east of the subject land to the proposed R-AC0 density to be implemented within the nearby' Dianella Industrial Area' to the north-west of the land.

Notwithstanding the above, it is common throughout various metropolitan local authorities that an R80 density is applied to a commercial/centre zone. It is also recognised that the Local Development Plan may need to apply a lower density coding within the south-eastern portion of the land to limit any potential impacts on the existing low density residential development on the adjoining properties.

The inclusion of the 'grouped dwelling' use to Lot 11 (i.e. 'Additional Use') will facilitate a lower density built form abutting the existing residential development on the adjoining properties (i.e. south-east &

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south-west). This will assist with providing an appropriate interface and buffer between the existing built form on those lots (i.e. adjoining grouped dwelling developments) and any proposed 'mixed use' development along the Walter Road West frontage of the site.

7.0 STATUTORY CONSIDERATIONS

7.1 Metropolitan Region Scheme

Lot 11 is currently classified 'Urban' zone under the provisions of the Metropolitan Region Scheme (MRS). It should be noted that the zones and reservations prescribed by the MRS are broad categories only that are intentionally not precisely defined or limited in order to enable a flexible approach to strategic planning in the Perth Metropolitan Region.

The following definition is provided as a guide to the stated purpose/s of the land's current 'Urban' zoning classification under the MRS:

*"**Urban Zone** - Areas in which a range of activities are undertaken, including residential, commercial recreational and light industry."*

It is contended that the proposed scheme amendment to extend the 'Business' zoning classification over the entire site and including an 'Additional Use' to accommodate multiple and grouped dwellings on the land is consistent with the defined intent of the land's current 'Urban' zoning classification under the MRS and may therefore be approved.

7.2 Current Zoning Classification - City of Bayswater Local Planning Scheme No.24

The front portion (north-western segment) of Lot 11 is currently classified 'Business' zone under the City of Bayswater Local Planning Scheme No.24 (LPS No.24), while the rear portion (south-eastern segment) is classified 'Public Purpose Reserve – Car Parking' (see Figure 6 – Zoning Map).

Under the terms of LPS No.24, the use of land classified 'Business' zone for the 'multiple dwelling' and/or 'grouped dwelling' purposes are identified as an "X" use, meaning the use is not permitted within the zone.

The inclusion of an entry within Appendix No.2 of the City's LPS No.24 to include the uses of 'multiple dwelling' and 'grouped dwelling' will facilitate the future re-development of the land to facilitate a mixed use development incorporating a residential use within the existing 'Activity Centre', whilst having due regarding to the existing built form and density of the adjoining residential properties to the south-east and south-west of the land.

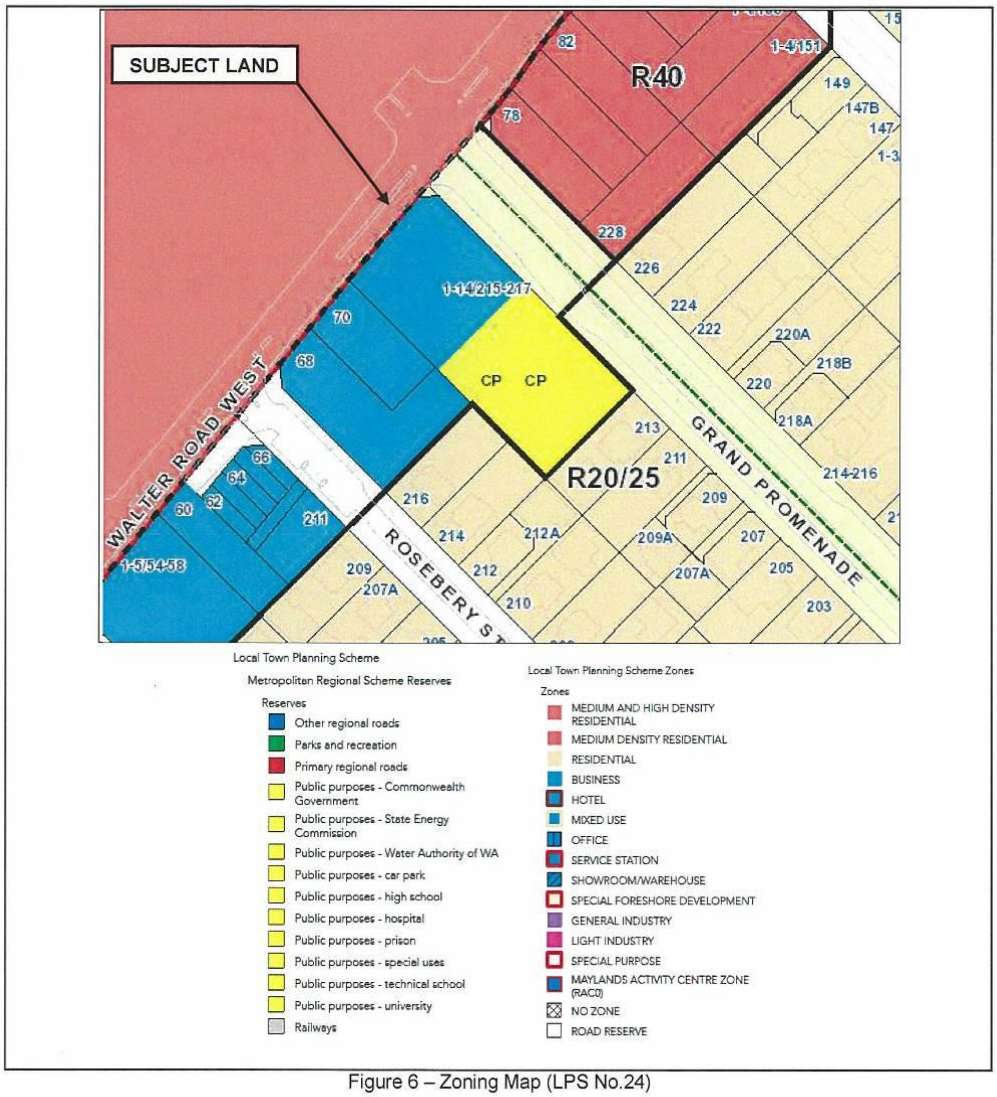

Figure 6 – Zoning Map (LPS No.24)

8.0 OTHER STATUTORY & POLICY CONSIDERATIONS

8.1 Directions 2031

'*Directions 2031*' is the Western Australian Planning Commission's (WAPC) strategic framework for guiding development of the Perth Metropolitan Region to a sustainable future. At the centre of '*Directions 2031*' is an enhanced emphasis on growth management in a bid to accommodate future anticipated population growth within Perth, obtain better use of existing infrastructure and provide for a sustainable city including improved housing affordability.

The future redevelopment of the subject land to include multiple and grouped dwellings will facilitate residential infill redevelopment within an established locality in the Perth Metropolitan Region, within an existing 'Activity Centre' that has good access to local and district services, employment opportunities and infrastructure. Furthermore, it will provide affordable housing and promote the consolidation of urban growth within an existing urban area in a manner consistent with the strategic framework outlined in 'Directions 2031'.

As such it is contended that the scheme amendment proposal for the subject land is consistent with the aims and objectives of '*Directions 2031*' and will make a beneficial contribution to the future development and sustainable growth of the Perth Metropolitan Region generally.

8.2 City of Bayswater Local Housing Strategy

The purpose of the 'Local Housing Strategy' is to provide the framework and guide for residential development within the City of Bayswater to accommodate the future housing/population needs of the City, provide a diversity of housing types and provide for affordable housing.

The Strategy identifies that Walter Road West (fronting the subject land) forms part of an 'Urban Corridor' which contains elements of existing commercial activity, comprises bus routes and connects the 'Morley City Centre' with the 'Perth Central Business District' and other 'Activity Centres'.

The Strategy provides direction for the City to prepare Detailed Area Plans (DAP's) for the 'Urban Corridor' to address land uses, access, built form and implement relevant zonings to encourage a mix of land uses. In addition, the Strategy includes the need to provide an improved built form along the Corridor through quality design. This includes improved passive surveillance, articulation of buildings and pedestrian friendly environments.

It is contended the proposed Amendment and subsequent preparation of a Local Development Plan to facilitate both multiple and grouped dwelling uses to be accommodated on the land and enable the future redevelopment of the land for 'mixed use' purposes is consistent with the stated objectives of the City's 'Local Housing Strategy' for the following reasons:

- It accords with the objectives of the Strategy and will assist with accommodating future housing and population needs of the City of Bayswater and the Perth Metropolitan Area in general;
- It will foster the re-development of the land to provide for significant improvements to the current levels of passive surveillance of the local streetscapes, will add to the diversity of housing stock within the immediate locality, will provide a variety of housing choice for future potential residents in both Bedford and Dianella localities and will help to accommodate the increased demand for affordable housing within the Perth Metropolitan Region;
- It will enable the future redevelopment of the land that will provide an attractive and safe residential environment comprising affordable, modern and high quality housing within a well established urban area; and
- It will enable the future redevelopment of that land that will encourage pedestrian interest and activity at ground floor level, contributing to the vibrancy of the pedestrian environment and the activation of both the Walter Road West and Grand Promenade Street streetscapes;

8.3 Bushfire Prone Areas

The subject land has not been identified by the Department of Fire & Emergency Services (DFES) as being located within a designated 'bushfire prone area'.

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CF Town Planning & Development

9.0 SUMMARY OF JUSTIFICATIONS

The following justifications are submitted in support of the Scheme Amendment proposal outlined in detail above:

- The Amendment will facilitate a consistent zoning classification over the land to provide greater flexibility for any future redevelopment of the land.
- The subject land is ideally located in terms of its proximity to the Morley City Centre and has convenient access to a wide range of services and facilities.
- The location, size and physical characteristics of the property are well suited to accommodate a mixed use development.
- The land enjoys good access to the local and regional road network and is served by a comprehensive range of essential service infrastructure.
- The future redevelopment of the land to accommodate a mixed use development is consistent with the objectives of the City of Bayswater 'Local Housing Strategy'.
- The proposed zoning classification and future redevelopment of the land for 'mixed use' purposes is consistent with the aims and objectives of '*Directions 2031*' and will make a beneficial contribution to the future development and sustainable growth of the Perth Metropolitan Region generally.
- The future redevelopment of the land will assist with providing improved commercial development that will benefit the current businesses operating on the land and improve the operational efficiency of those businesses.
- The future redevelopment of the land will provide opportunity for an attractive and safe residential environment comprising affordable, modern and high quality housing within a well established 'Activity Centre'. Furthermore, it will add to the diversity of housing stock and provide a variety of choice for future potential residents in the Bedford and Dianella localities and will help to accommodate the increased demand for affordable housing in the Perth Metropolitan Region.
- The future redevelopment on the subject land to accommodate a mixed use development (including multiple & grouped dwellings) will be consistent with the future redevelopment of the nearby 'Dianella Industrial Area' and the City of Stirling's vision to bolster the existing 'Activity Centre' along Walter Road West.

9.0 CONCLUSION

In light of the various information and justifications provided in support of the proposed scheme amendment we respectfully request the necessary approvals from the City of Bayswater, the Environmental Protection Authority, the Western Australian Planning Commission and the Minister for Transport, Planning & Lands to amend the City of Bayswater Local Planning Scheme No.24 in accordance with the proposals contained in the scheme amendment documentation.

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9.7 Local Planning Strategy - Building Bayswater Recommendations

Reporting Branch: Strategic Planning and Place Services
Responsible Directorate: Planning and Development Services
Refer: Item 11.1.16: OCM 2.2.2016
Item 11.1.17: OCM 23.4.2013

EXECUTIVE SUMMARY

Application:

Council consideration is sought regarding the outcomes of the Building Bayswater engagement process and the built form recommendations report.

Key Issues:

- The City undertook the Building Bayswater community engagement process from November 2017 to March 2018.
- The City's consultants have prepared a built form recommendations report to reflect the outcomes of the engagement process.

BACKGROUND

The City is required to have a Local Planning Strategy (LPS) in accordance with Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (*the Regulations). The LPS is required to set out the long term planning directions for built form and density, commerce and employment centres, public open space, infrastructure services, community facilities, heritage, traffic and transport and management of the natural environment etc. within the City and be compliant with any state or regional planning policy or strategy. In accordance with the Regulations the City is required to have an LPS prior to reviewing its Town Planning Scheme. As the City's town planning scheme No. 24 was last reviewed in 2006 it is considered that it requires a comprehensive review.

At the Ordinary Council Meeting held 2 February 2016 Council considered a process to proceed with for the preparation of a Local Planning Strategy (LPS) for the City, and resolved as follows:

"That Council endorses the preparation of a local planning strategy for the City of Bayswater in accordance with the process detailed in this report, including:

1. *Phase 1 - Strategic Visioning.*
2. *Phase 2 - Draft Strategy.*
3. *Phase 3 - Advertise and Finalise Strategy."*

Since February 2016 the City has commenced work on the LPS background information and in September 2017 appointed consultants Shape Urban to undertake the strategic visioning phase of the LPS process. The consultants were asked to focus specifically on built form outcomes for the whole City, with emphasis on the activity centres, activity corridors and station precincts identified by the strategic plan for the Perth region, *Perth and Peel @3.5 Million.*

The preliminary community engagement process was considered necessary to establish the community's thoughts and opinions prior to the LPS being developed. Preliminary engagement is not a requirement under the Regulations however it was considered that the community may be more supportive of the LPS and that having a preliminary engagement process would result in better outcomes which more broadly reflect the needs of the community. Additionally, the City's Corporate Business Plan for 2017-2021 and Strategic Community Plan 2017-2027 both emphasised the need for the City to provide a greater focus on engaging the community, it was considered that the community engagement process strongly engaged the community in accordance with the City's strategic framework.

The Deliberative Panel process was previously considered and supported by Council as a part of the report to the 2 February 2016 Ordinary Council Meeting. It was considered the best approach to the preliminary consultation as it would reach a broad cross section of the community and engage the silent majority who do not generally participate in community engagement processes. Additionally, by getting a third party to undertake the panel selection it was a random process with no bias from the City.

CONSULTATION

The consultants and the City undertook a significant consultation process known as Building Bayswater. The Building Bayswater preliminary engagement process provided the community with the opportunity to share thoughts, ideas and expectations on how the City should respond to the challenges and opportunities of new development.

The Building Bayswater engagement process was undertaken between November 2017 and March 2018 (with a break over the Christmas and January school holiday period). There were two key stages to the engagement process. The first part was undertaken between November and December 2017 and involved broad community engagement by way of letters to stakeholder groups, focus groups, pop-up sessions, online questionnaires and quick polls. The second stage of the engagement process was a community panel which occurred in late February - early March. The engagement activities are detailed below.

Broad Community Engagement

Stakeholder and Database Correspondence

228 community and social groups were emailed directly advising them about the engagement process, inviting them to be involved by holding a focus group and encouraging them to distribute the information among their networks. Additionally, organisations representing hard to reach communities were specifically targeted through follow up telephone calls.

A further 10,000 letters were sent to a random selection of the community inviting them to be involved in the broad engagement process and the community panel portion of the engagement process.

Building Types

To ensure that the Building Bayswater engagement process could clearly link the community's expectations for built form, the engagement process referenced six building 'types' that are commonly seen in the Perth Metropolitan context in lieu of the Residential Design Codes (R-Codes) normally referred to. The six building types were used to describe the character and visual amenity of development at six different scales. They provided a more specific outcome for participants to use to describe their preferred development style. All engagement activities reflected the building types as described in the 'Building Bayswater – Typical Building Types' document, the summary of which is included in **Attachment 1**.

Focus Groups and Pop-Ups

The primary engagement tool for the broad community consultation was the focus group discussions. 10 focus groups organised by the City and community groups and four pop-ups in areas of high pedestrian traffic were held between Monday 20 November 2017 and Thursday 7 December 2017. 129 participants attended the focus groups.

At the beginning of each focus group the participants were provided a presentation on the Building Bayswater and LPS processes and information about the 'Building Types' used. The focus group participants were asked to complete two tasks:

1. The first task was 'What, Where, Why'. Participants were asked to answer the following questions and write their answers on the maps provided:
   - Where do you go and where do you care about?
   - What type of building do you want to see in that area?
   - Why would you like to see those building types in those areas?

2. Participants were asked to share the outcome of task 1 by:
   - Discussing with the surrounding people your choices.
   - Comparing your reasoning and examples with their own.
   - Thinking about how their thinking impacts your own.
   - Seeing if that alters your choice.

Participants were encouraged to write on post it notes, draw on the maps and use coloured dots to identify what building types they would like to see in specific locations and what (if any) conditions they would place on the building types (i.e. setbacks, maximum building height etc.). The maps created during the focus groups and the comments from participants are included in the Community Engagement Summary document. Due to the size of the document it has not been attached to this report, however it can be found at the following link; https://engage.bayswater.wa.gov.au/building-bayswater/documents .

Building Bayswater Webpage

The Building Bayswater webpage was established on the City's existing engagement website Engage Bayswater. The webpage contained information about the Building Bayswater process, updates on the process, the online questionnaire, quick polls and information about the focus groups. The following table indicates how many people accessed the online information.

Level of Engagement	No. Engaged
Registered for information on Building Bayswater (registration was not mandatory)	13
Engaged visitors (participated in questionnaire or polls)	512
Informed visitors (downloaded documents, visited Key Dates or FAQ pages)	784
Aware visitors (visited the page)	1,067

Online Questionnaire

As not everyone can attend a focus group or pop up session an online questionnaire was made available on the Building Bayswater webpage. Similar to the focus group sessions, participants were asked to consider the building types they would like to see in specific locations throughout the City. Participants were provided with a document detailing the building types as a part of the questionnaire. The questionnaire comprised a map on which the user could drop a pin in any location of interest in Bayswater, on up to ten different locations. Participants were then asked the following questions in relation to each of the pins they dropped:

- From the building types we have identified, what type of housing or building types do you think should be encouraged in this area?
- Thinking about your preferred building types in this location, would you be willing to support greater building height or scale if the development was able to provide any of the following amenities either within the development site or in the nearby area?

- If buildings could provide the public or private benefits that you indicated support for in Question 2, what type of housing or building types do you now think should be encouraged in this area?
- Thinking about the building type that you would like to see in this area, do you have any other comments?

It is noted that a hard copy version of the questionnaire was also made available at the City's Civic Centre and Libraries, for community members who did not have access to the internet.

Quick Polls

Throughout the engagement process quick polls were used to supplement the online mapping and questionnaires. The intent of the quick polls was to ascertain high level community perceptions on common themes which arose throughout the process. Throughout the engagement process six quick polls were released. The majority of the quick polls asked participants to rank the question / statement on a scale from strongly disagree to strongly agree. The follow statements / questions were asked through the quick polls:

- Wide footpaths and places to sit and relax are important in town centres;
- What do you think we mean when we say 'tall' buildings (in storeys)*;
- A mix of housing, shops and offices within walking distance is important to me;
- Taller buildings should be located on transport corridors, or near bus stops and train stations;
- I want to see more apartments and housing choice in the City of Bayswater; and
- The most important thing to me in new development is**.

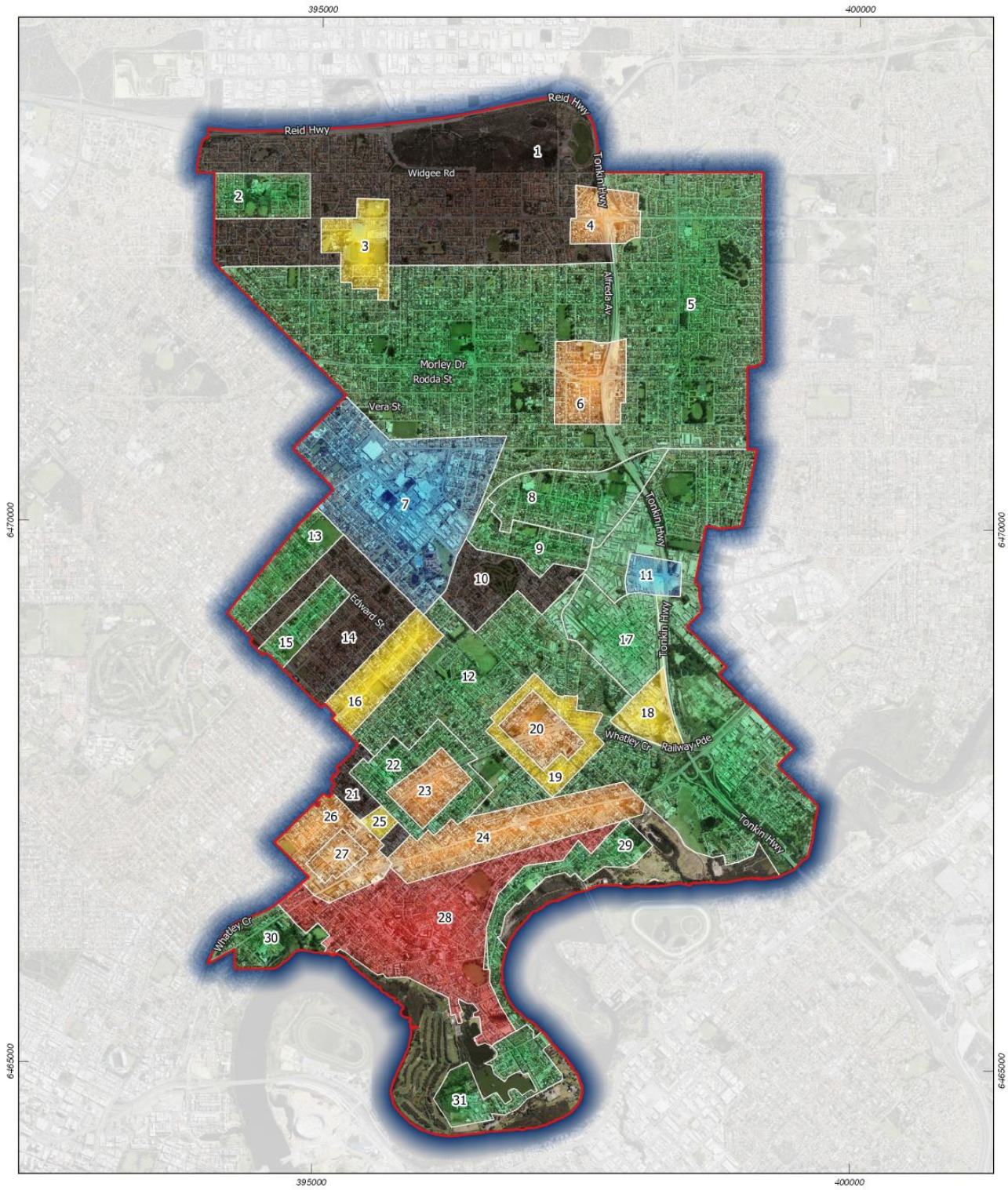
  * *The following scale was used for this question: 2 storeys, 4 storeys, 6 storeys, 8 storeys, 10 storeys or more than 10 storeys.*

  ** *The following options were available for this question: It is respectful of my privacy, it avoids overshadowing of my property, it does not increase parking and traffic and it is designed well.*

Contributions for the quick polls ranged from 44 responses to 293 responses. The results from the quick polls are included in the Community Engagement Summary as detailed above.

Broad Engagement Summary

The broad engagement portion of the process concluded in late December 2017. The consultants developed a map detailing the most common building type selected in a precinct by colour, as shown below.



Preferred development types

0 1.2 2.4 3.6 km

Grid: GDA94 / MGA zone 50

Legend

- City of Bayswater
- Preferred development type
- Type 1
- Type 2
- Type 3
- Type 4
- Type 5
- Type 6

Online Forum

Of the 10,000 letters sent to a random selection of the community 315 responded indicating that they would like to be involved in the community panel. As the community panel was limited to 40 participants an online forum was held to involve the respondents in the Building Bayswater process. The online forum was the first of its kind in Western Australia.

The online forum was held on Saturday 10 February and participants were able to participate using their home computer, or if they did not have access to a computer or needed assistance computers were provided at the City's Civic Centre. 72 people participated in the online forum.

The online forum asked participants a series of questions and required them to rank other participants responses on a scale of strongly disagree to strongly agree. The participants were asked to respond to the following questions:

- Tell us what suburb you come from and what you like most about living there.
- What do you think makes population growth and development such a hot topic?
    - What do you think is the main concern of people who oppose growth?
    - Why do you think some people support growth?
- Two broad scenarios for handling growth have been identified so far - Dispersed development and Focused development. What do you think are the advantages (pros) and/or disadvantages (cons) of each? We will address advantages and disadvantages separately.
    - Let's start with dispersed development.
- Now what do you think are the advantages and/or disadvantages of the Focused development.
- Is there another approach for handling growth that you believe is better than the two identified so far? Please describe any other approaches
- Reflecting on the discussion so far, what perspective was new to you?
- Which scenario makes the most sense to you in your suburb? Also please tell us why you support a particular approach.
    - Let's start with Dispersed development.
- What 'rules' would Council need to implement these approaches to work in the City of Bayswater?
- Finally, the Building Bayswater Panel has been asked to advise the Council on the future of the built environment in Bayswater. If you could give one piece of advice to the Panel what would it be?

The outcomes of the Online Forum generally supported the feedback of the broader community with regard to the general expectation for the location of higher density and the necessary conditions upon which higher density would be supported. The full summary of the online forum is available in the 'Building Bayswater Online Forum Summary' due to the size of the document it has not been attached to this report, however it can be found at the following link; https://engage.bayswater.wa.gov.au/building-bayswater/documents.

Community Panel

The Building Bayswater engagement process culminated in a two day community panel. The event was held over 24 February 2018 and 10 March 2018 and was attended by 35 community members, selected at random by a third party. The panellists were provided with presentations by community representatives and industry professionals discussed the results of the engagement to date and provided inputs and recommendations based on that information.

Community Panel Selection

Panellists were randomly selected by an independent organisation with experience putting together randomly selected stratified groups.

At the end of November 2017 10,000 persons were personally invited to express interest in participating in the Panel using the certified electoral roll for the City. The 314 respondents who expressed an interest in attending the panel were asked to provide their gender, age range, residential status and geographic location for stratification purposes.

The final number selected for the community panel included 44 community members, including 3 local business owners. The table below shows the number of community members who said they would attend and the number who did attend the first day of the community panel, breaking them down into the demographic groups targeted. Numbers presented in brackets refer to Day 2 of the Community Panel, where one less participant attended than attended on Day 1.

Age	Percentage in CoB	Goals	RSVP	Attended
18 - 29	16.61	9	9	8
30-39	17.34	10	8	4
40-49	13.61	7	7	6
50-59	11.92	6	6	6 (5)
60-69	10.24	6	7	6
70+	10.71	6	4	3
TOTAL	80.43	44	41	33 (32)
Male	49.8	22	20	16
Female	50.2	22	21	17 (16)
Owner	64.4	30	26	21
Tenant	32.2	14	15	12 (11)
Business	-	4	3	2

Attendees by Suburb		
Suburb	RSVP	Attended
Bayswater	10	6
Maylands	5	2
Bedford	6	6 (5)
Embleton	3	3
Morley	9	8
Noranda	5	5
Mt Lawley	2	2
Dianella	1	1

Community Panel Day 1

Prior to Day 1 of the panel, panellists were provided an information package which included:

- A summary defining the terms that would be used and other important information;
- A complete summary of the results of the engagement process to that point; and
- A map visually summarising the results of the engagement process to that point.

Day 1 of the community panel was focused on presentations from community organisations and technical experts discussing themes that were prominent in the broader Building Bayswater campaign. Each presentation lasted between 15-25 minutes and included time for questions. The presentations were from:

- Jacquie Stone from the Department of Planning, Lands and Heritage spoke about planning at the State level and the City's rights and responsibilities in responding to the State Planning Strategy;
- Greg Smith from Bayswater Urban Tree Network discussed the importance of trees in the Bayswater context;
- Paul Shanahan from Future Bayswater spoke about the necessity of talking about how City of Bayswater was going to house the inevitably growing population;
- Bernard Seeber from Seeber Pty Ltd Architects spoke about the importance of heritage integration and the means by which it can be done;
- Jullian Bolleter from Australian Urban Design Research Centres spoke about the effects of the current accommodation of growth in the Perth Metropolitan Region; and
- Trent Woods from Officer Woods Architects Pty Ltd spoke about the different building types that had been discussed in the process, including their common characteristics, benefits and drawbacks.

In addition to the presentations panellists were asked to engage with the several questions in their table groups and individually throughout the day. The conversations can broadly be separated in three tasks.

1. Panellists were asked to reflect on their time living in City of Bayswater and how the landscape and the community had changed.
2. Panellists were asked to comment on the information taken from the Building Bayswater process so far and the emerging thoughts around the location of infill development.
3. Panellists were asked to discuss the building types and their suggested 'rules'* or requirements for those building types.

   ** Rules in this context are things like 'buildings should be set back from the street', or 'each property should have 'x'm2 open space'. These rules help the City of Bayswater to guide new built form and the street environment of new development. This was explained to the panellists during the task.*

Towards the conclusion of the day panellists were provided maps to begin discussing the placement of each of the building types to encourage the kind of thinking that will be required for Day 2 of the Community Panel.

Recommended Built Form for Building Types

During task 2 panellists were asked to discuss the building types and suggest rules for those building types. Based on the comments received during the broad engagement process and the presentations received, the panellists recommended a number of rules for each building type relating to building heights, setbacks, vehicle parking, environmental outcomes, open space requirements, accessibility, design and land uses. **Attachment 2** includes a table summarising the rules for each of the Building Types.

Community Panel Day 2

Day 2 of the community panel was designed to support a process of group design (co-design) and review that repeated several times. The co-design process built on the presentations and workshopping which agreed the features of each building type on Day 1.

Panellists were first presented with a summary of Day 1 including answers to questions asked by the Panel. Panellists were then grouped to undertake three tasks applying the output from Day 1.

1. Panellists were asked to formulate agreed principles that should be used to determine the location of any future development.
2. Groups were given a precinct map and asked to identify locations for each building type, based on the previous agreed building type features from Day 1 and the principles formulated in the first task. Panellists were given the opportunity to assess and critique the work of other groups, who in turn were given the opportunity to amend their design. Panellists were then polled on the proposed precinct plans.
3. Panellists were asked to produce final recommendations and comments regarding the Panel and the Panel remit.

Principles for Development

During task 1 panellists were asked to formulate an agreed set of principles to be used to determine the location of any future development. After significant discussion the following eight principles were agreed to:

- Principle 1- Within walking distance of high-quality, usable public open/green space.
- Principle 2- It utilises currently underutilised land.
- Principle 3- There is community support.
- Principle 4- Where it maintains, enhances and improves current precinct character.
- Principle 5- Where existing community areas are incorporated with small business' and space which bring the community together.
- Principle 6- The site is located in a mixed-use area with local employment opportunities.
- Principle 7- Communities have access to social and/or community amenities.
- Principle 8- Around transport hub, corridors and public transport.

The panel used these principles to determine what building type should occur in specific locations throughout the City.

The full summary of the community panel is available in the 'Building Bayswater Community Panel Summary' due to the size of the document it has not been attached to this report, however it can be found at the following link; https://engage.bayswater.wa.gov.au/building-bayswater/documents.

ANALYSIS

The outcomes of Building Bayswater engagement will be informing consideration of the preparation of the City's LPS with regard to residential built form elements. The below planning recommendations have been suggested by the consultant's recommendations based on the broad community feedback and the recommendations of the community panel. Council's consideration on the recommendations is sought prior to the City considering them as a part of the draft LPS.

Planning Recommendations

The Built Form Recommendations report has been produced by the City's consultants to detail the recommendations of the broad engagement and the community panel, and to translate those recommendations into actions which can be considered as a part of the LPS.

Each of the recommendations is considered to be either a short, medium and long term recommendation based on the following scale:

- *Short Term* recommendations – changes to the planning scheme at the next planning scheme review and quite significant changes to the existing status quo, and are therefore likely to result in more rapid physical changes. These recommendations should be considered suitable for achieving a proportion of the City's infill targets in the short-term.
- *Medium Term* recommendations – changes to the planning scheme at the next planning scheme review whilst suggesting relatively minor physical changes to the existing environment and which are therefore likely to result in quite slow adoption.
- *Long Term* recommendations – areas to be identified for future redevelopment, with no immediate change to the planning scheme proposed. These recommendations should be considered suitable for achieving a proportion of the City's infill targets in the long-term.

The recommendations have not been given specific timeframes in recognition of the fact that the LPS is not the planning scheme, and that proposals within the LPS will take some time to translate to the planning scheme. Beyond that, once a change is made to the planning scheme, the landowners have the ultimate control over when changes to the existing built form occur. A proposed recommendation may take up to five years to translate to a planning scheme change, and private landowners may take 10-15 years to act on those changes or longer.

During the community panel the City was separated into six precincts. The recommendations are detailed below by precinct, including a map of the recommendations for each precinct area. **Attachment 3** contains a Summary of Recommendations Map which details the recommendations for the whole City. Larger versions of the plans are available in 'Building Bayswater Community Panel Summary' due to the size of the document it has not been attached to this report, however it can be found at the following link; https://engage.bayswater.wa.gov.au/building-bayswater/documents.

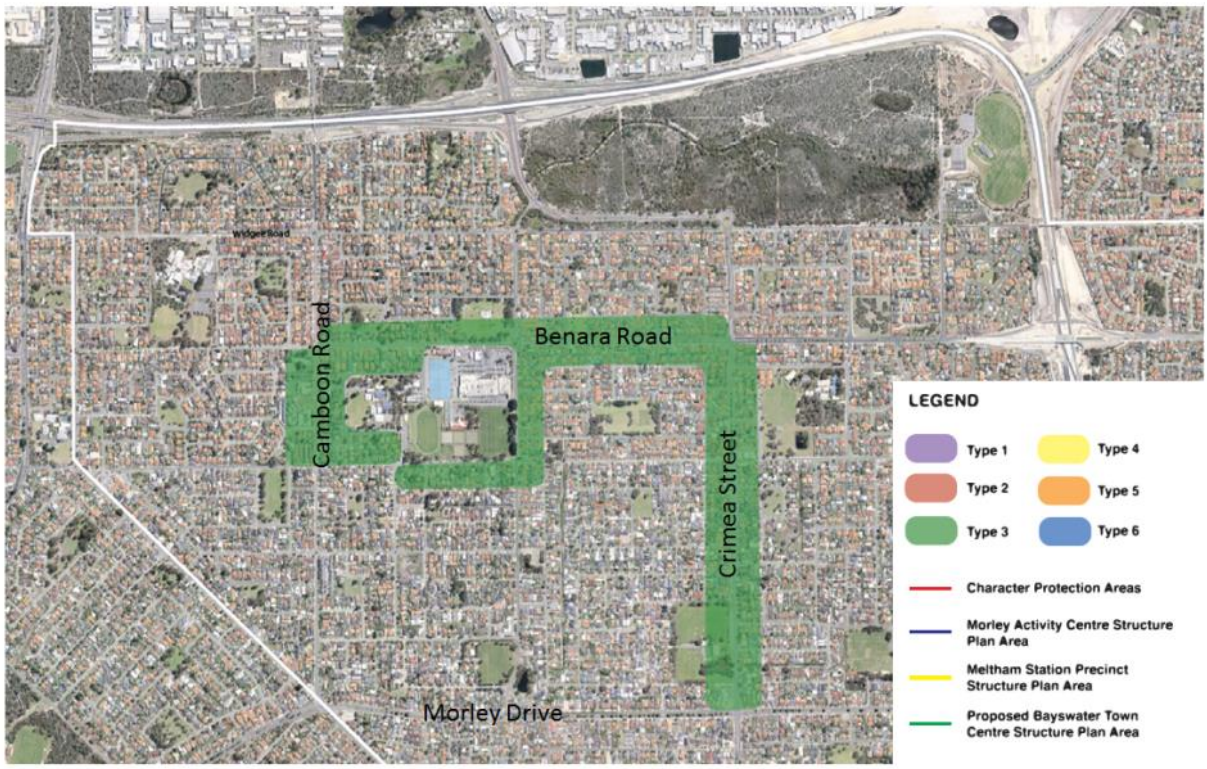
Precinct 1 - Noranda Area

Precinct 1, the Noranda Area included most of the suburb of Noranda. Panellists were asked to consider development around the Hawaiian's Noranda Shopping Centre, as it has been identified as an activity centre in *Perth and Peel @3.5 Million*. Due to the size of the precinct the recommendations were spilt into the area surrounding the Noranda activity centre and Benara Road corridor and the remainder of Noranda.

For the areas surrounding the Noranda activity centre the panellists recommended Type 3 buildings with some areas of Type 4 surrounding areas of high amenity (parks etc.) The panellists were reluctant to recommend higher densities due to limited transport options in the area and to ensure some areas of the City remained a lower density.

The Recommendations report proposes a range of medium term actions in response to the panel's recommendations.

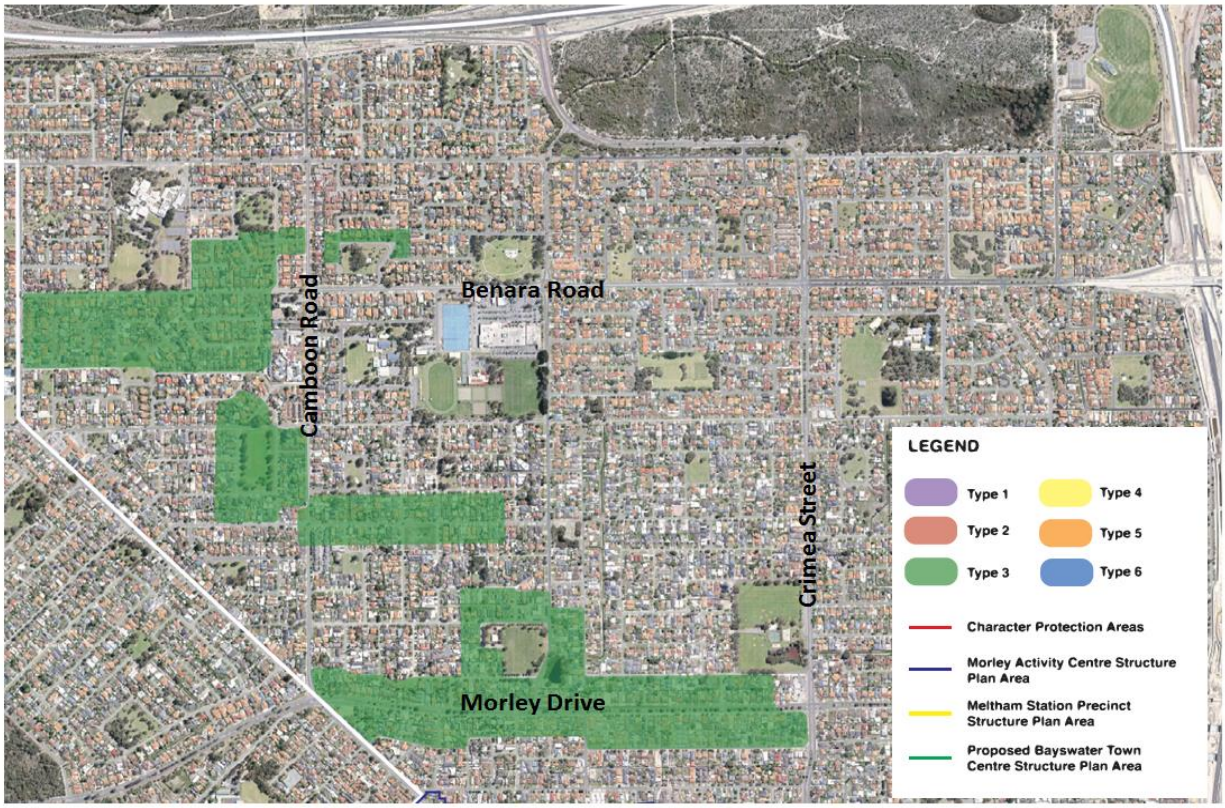
Zoning Proposed	Area	Time Frame
Noranda Shopping Centre (Activity Centre) and Benara Road (Activity Corridor) Recommendations		
R50 with a 3 storey maximum	• A two-lot depth along both sides of Benara Road between Camboon Street and Crimea Street, • A two-lot depth along both sides of Crimea Street from Benara Road to Morley Drive; • A two-lot depth along the east side McGillvray Avenue between Benara Road and Wylde Road; • A two-lot depth along the south side of Wylde Road between McGillvray Avenue and Cooper Road; • A two-lot depth on the north side of Wylde Rd between Cooper Road and Camboon Road; • A two-lot depth along both sides of Camboon Road between Wylde Road and Benara Road; and • A one lot depth on the eastern side of Parkinson Street and the southern side of Weatherill Way alongside Robert Thompson Reserve. **Should a significant expansion of the shopping centre be proposed, recommends that a Structure Plan be developed for the area.*	Medium Term



For the remainder of Noranda a number of long term recommendations have been proposed. Panellists recommended type 3 and type 4 buildings in this area along key corridors and surrounding areas of high amenity.

The Recommendations report proposes a range of long term actions in response to the panel's recommendations.

Zoning Proposed	Area	Time Frame
Noranda – Broader area Recommendations		
R60 with a 4 storey maximum	• Key nodes such as the Crimea Street shopping centre, between F.J. Beales Park and Morley Drive and on the lots between Noranda Shopping Centre and Camboon Primary School.	Long Term
R50 with a 3 storey maximum	• A one-lot depth adjacent to Millerick Reserve; • A one-lot depth along both sides of Bramwell Road between Kirkpatrick Crescent and Camboon Road; • The area between Kirkpatrick Reserve and Kirkpatrick Crescent; • The area between Barnard Place and Bramwell Road adjacent to Morley Senior High School; • The area bounded to the west by Bunya Street and the east by Camboon Road between Bramwell Road and a line approximately to Logan Way, Farmer Court and Hepworth Way; • A two-lot depth surrounding Abinger Reserve; • A two-lot depth surrounding F.J.Beales Park; and • A two-lot depth for the balance of Morley Drive between Crimea Street and Camboon Road.	Future LPS Reviews



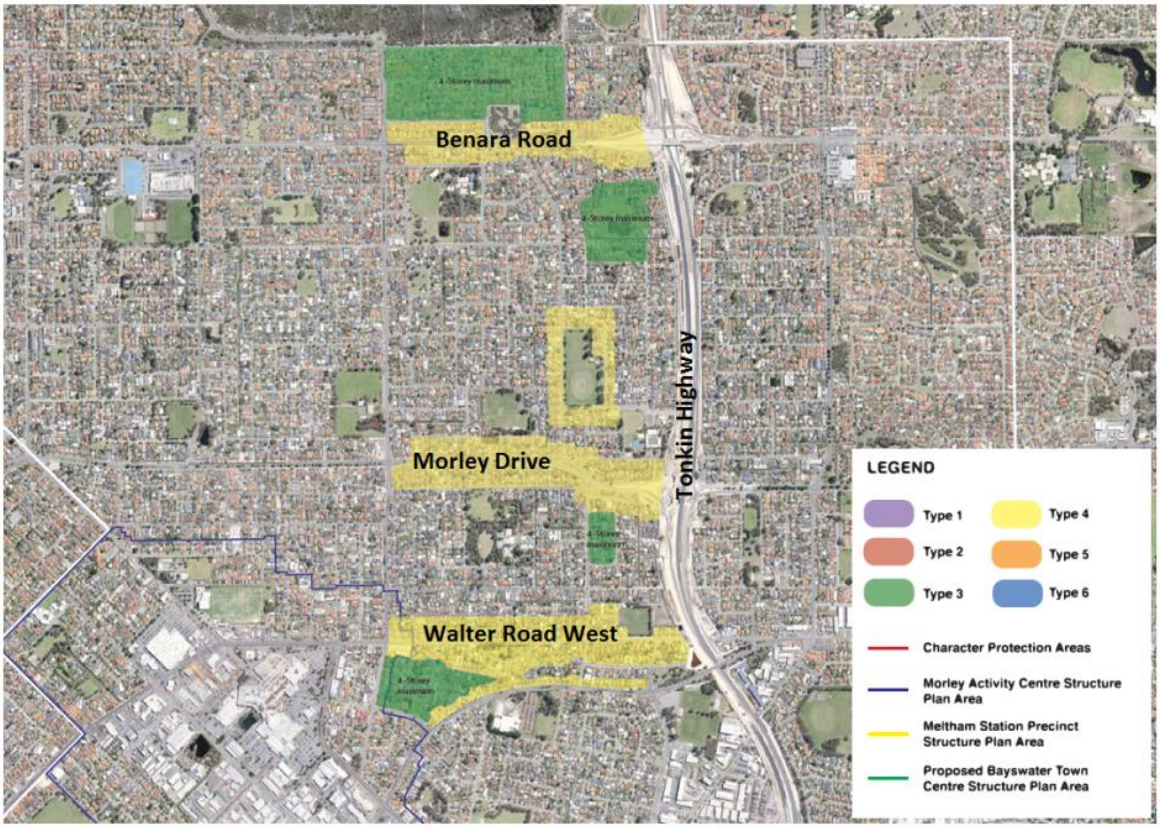
Precinct 2 - Proposed Train Stations

With the development of Morley - Ellenbrook train line a number of new train stations are proposed to be developed within the City. Panellists were asked to consider densities on the western side of the indicative train station locations in Noranda (at the intersection of Benara Road and Tonkin Highway) and Morley (at the intersection of Walter Road West or Morley Drive and Tonkin Highway).

In the event the proposed train stations are constructed at the indicative locations the panellists supported higher densities (type 4 - 6) in the surrounding areas to support the new stations. In the event the train stations do not eventuate no changes were recommended to these areas.

The Recommendations report proposes a number of long term actions in response to the panel's recommendations. The highest densities proposed by the panel were within an 800m radius of the indicative train stations, the consultant has recommended that structure plans be developed (in partnership with the State Government) for these areas in lieu of rezoning those areas the higher density proposed by the panellists.

Zoning Proposed	**Area**	**Time Frame**
Proposed Train Stations Area Recommendations		
NA	• Development of structure plans by the State Government for the 800m catchment surrounding proposed rail stations.	N/A
R60 with a 4 storey maximum	• A two-lot depth either side of Benara Road between Crimea Street and Tonkin Highway; • A two-lot depth either side of Morley Drive between Crimea Street and Tonkin Highway; • A two-lot depth either side of Walter Road West between Crimea Street and Tonkin Highway; and • A one-lot depth along the north side of Broun Avenue between Johnsmith Street and Tonkin Highway; and • A one-lot depth surrounding Embleton Reserve. *There may be an opportunity to propose increased density subject to the outcome of State Government planning for Metronet stations. Proposals for this precinct are otherwise limited to relatively low scale development surrounding key nodes and along main corridors linked to existing public transport, shops and services.	Long Term
R50 with a 4 storey maximum	• The area between Lightning Swamp Bushland to the north, Crimea Street to the west, Delta Road to the east and a line approximately to Belstead Avenue and McCaskill Way in the south; • A two-lot depth surrounding McPherson Reserve; • The area surrounded by Bath Road, Lingfiled Way and Woking Street; and • The area bounded to the south by Johnsmith Street, to the west by Collier Road, and higher density areas along Walter Road West and Broun Avenue.	Long Term



Precinct 3 - Beechboro

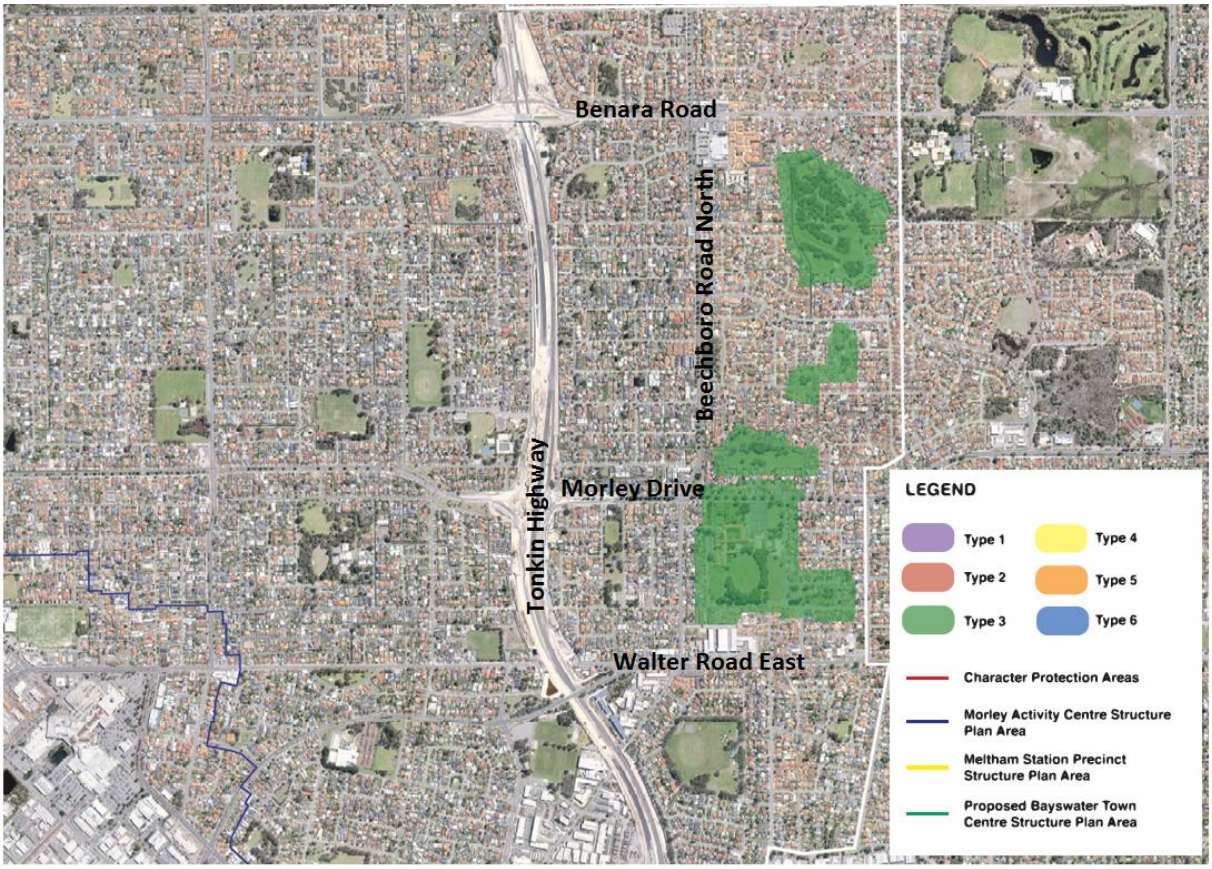
Precinct 3 included the Beechboro area, east of Tonkin Highway to the City's boundary. This area included the eastern portion of the areas surrounding the proposed train station locations. Panellists were ask to consider appropriate densities surrounding the indicative train stations and throughout the remaining area.

The panellists recommended higher densities surrounding the proposed train stations (type 4 - 6 developments), elsewhere in the precinct panellists recommended relatively low scale development as the area is underserviced by transport and community facilities and are thus less attractive for development.

The Recommendations report proposes a range of long term actions in response to the panel's recommendations. It is noted, that as with Precinct 2, the majority of the proposed density changes are within an 800m of the indicative train stations and are recommended to be included in a structure plan.

Zoning Proposed	Area	Time Frame
Beechboro Area Recommendations		
NA	• Development of structure plans by the State Government for the 800m catchment surrounding proposed rail stations.	N/A
R50 with a 3 storey maximum	• A one-lot depth surrounding Arbor Park; • A one-lot depth surrounding Allan Hill Park; • A one-lot depth surrounding Gus Weimar and Moses Saunders Park; • A one-lot depth surrounding the park bounded by Flemin Close, Marcon Street, Newington Street and Solas Road; and	Long Term

Zoning Proposed	Area	Time Frame
	• A one-lot depth surrounding Hampton Senior High School and Batterslea Reserve. • *There may be an opportunity to propose increased density subject to the outcome of State Government planning for Metronet stations. Proposals for this precinct are otherwise limited to relatively low scale development surrounding key nodes and along main corridors linked to existing public transport, shops and services.	



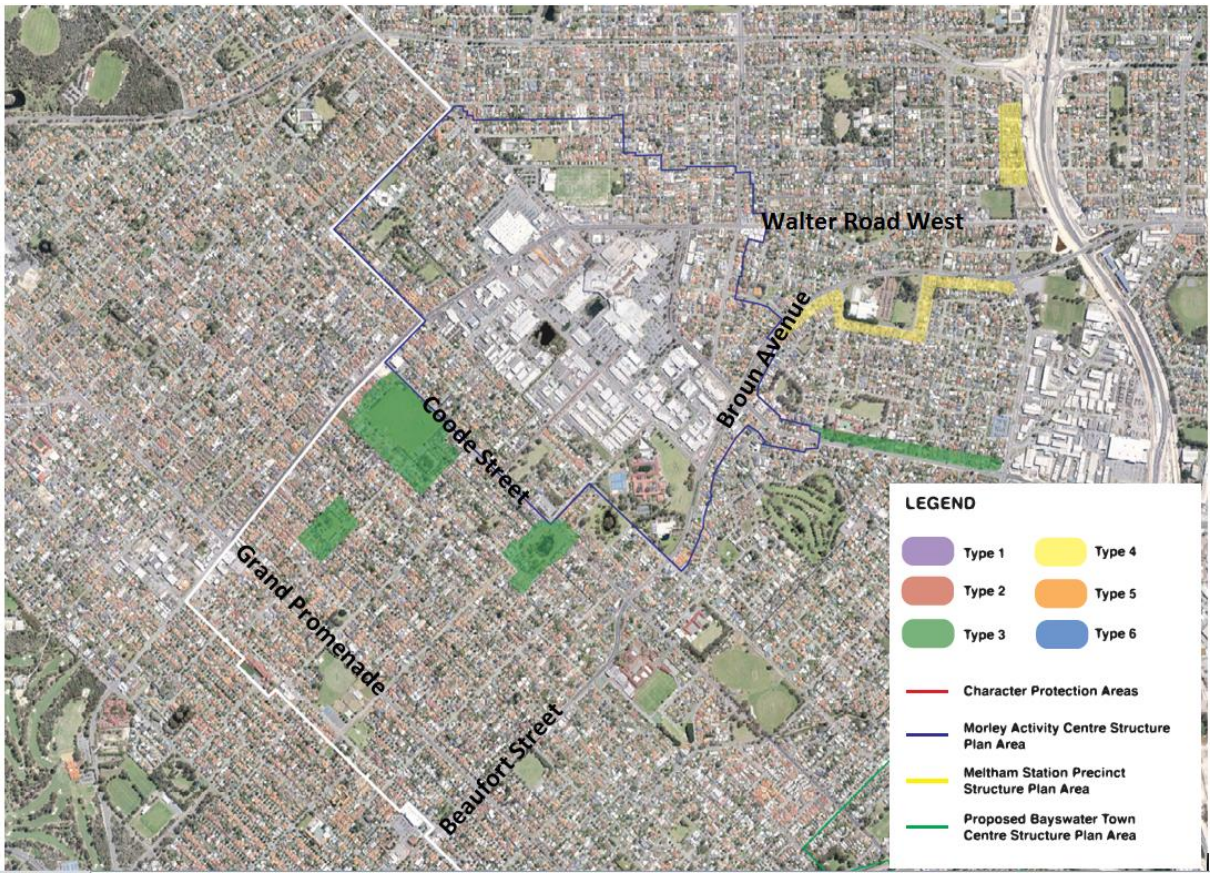
Precinct 4 - Morley, Bedford and Embleton

Precinct 4 included the portion of Morley east of Tonkin Highway and south of Morley Drive, as well as Embleton and Bedford. As the Morley Activity Centre Structure Plan (MACSP) has recently been finalised panellists were asked to consider the area outside of Morley Activity Centre along the activity corridors along Morley Drive, Walter Road and Broun Avenue. Panellists made a few recommendations for the Morley Activity Centre Area, however as they were generally the same as what is currently permitted they have not been included in the consultant's recommendations.

The panel recommended relatively modest density nodes surrounding train stations, along main roads and surrounding the Morley Activity Centre. There was some double up in this area with Precinct 2 so the recommendations along Walter Road and Morley Drive have been included with the Precinct 2 recommendations.

The Recommendations report recommends a range of medium term actions in response to the panel's recommendations:

Zoning Proposed	Area	Time Frame
Morley, Bedford, Embleton Area Recommendations		
NA	• Development of structure plans by the State Government for the 800m catchment surrounding proposed rail stations.	N/A
NA	• Development in accordance with the approved Morley Activity Centre Structure Plan in that locality.	N/A
R60 with a 4 storey maximum	• A one-lot depth on the eastern/southern side of Broun Avenue between Embleton Avenue and Sage Street and surrounding Broun Park.	Medium Term
R50 with a 3 storey maximum	• A two-lot depth surrounding Pat O'Hara Reserve • A one-lot depth on the north side of Collier Road between Broun Avenue and Embleton Avenue; and • A one-lot depth surrounding Birkett Reserve, RA Cook Reserve and Brown Lake Reserve.	Medium Term



Precinct 5 - Maylands, Guildford, Bedford

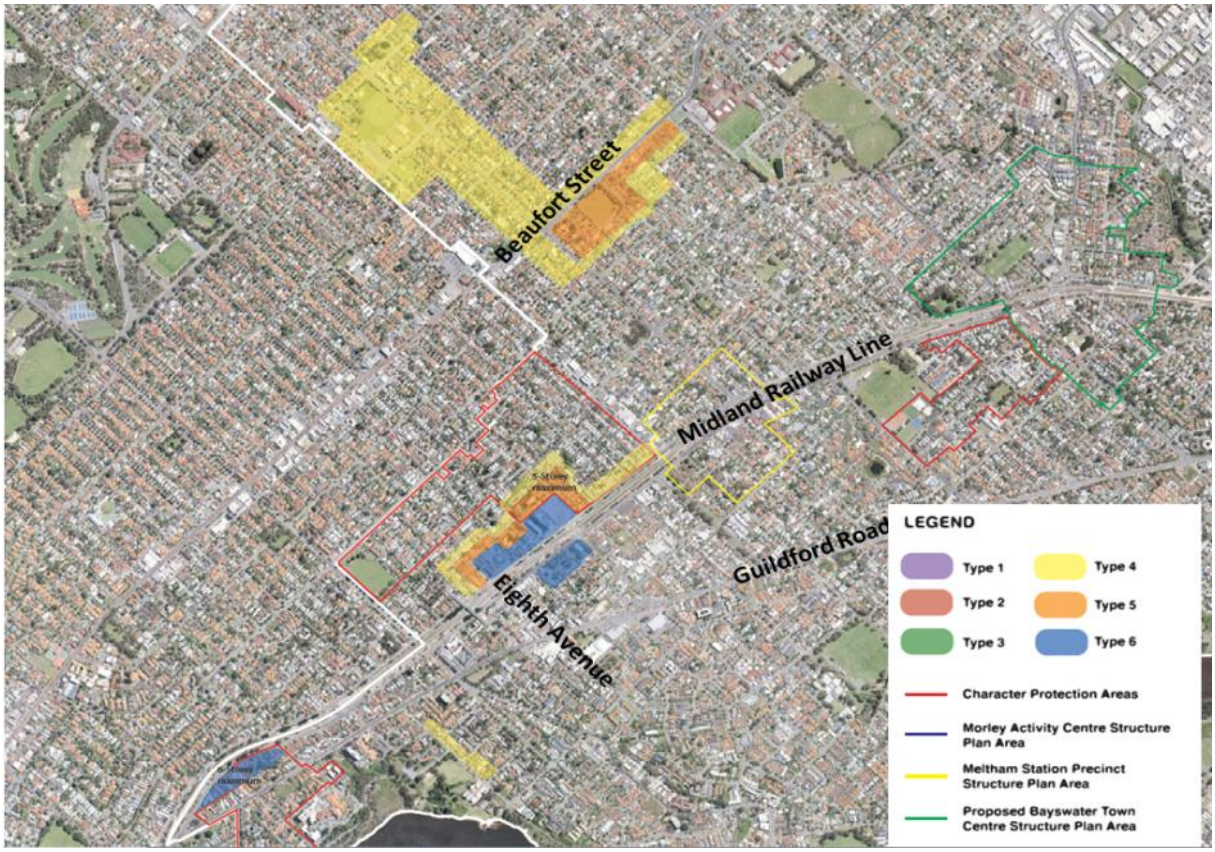
For Precinct 5 the panel were asked to consider all of Maylands and Mount Lawley and the southern portion of Bedford, with a particular focus on the western portion of the Guildford Road Corridor and areas surrounding the train stations. It is noted that Precinct 5 included the Meltham train station.

As the Western Australian Planning Commission (WAPC) has recently adopted the Meltham Station Precinct Structure Plan the area was only considered in a general way and panellists generally did not address the area. Due to the size of Precinct 5 the recommendations were divided into three sections, major nodes and corridors, minor nodes and corridors. Guildford Road was a part of this Precinct during the community panel, however the recommendations for Guildford Road are considered holistically and are included under the Precinct 6 recommendations below.

For the major nodes and corridors within Precinct 5 panellists supported significantly increased densities (between type 4 and type 6) along main road corridors, rail corridors and surrounding public open space. The report recommends a significant number of short term developments as follows:

Zoning Proposed	**Area**	**Time Frame**
Maylands, Guildford, Bedford major node and corridor Recommendations		
N/A	• Development in accordance with the approved Meltham Station Precinct Structure Plan in that locality.	N/A
R100 with a 10 storey maximum	• A two-lot depth along Railway Parade between Eighth Avenue and Kennedy Street; and • A two-lot depth along Whatley Crescent between Ninth Avenue and Caledonian Avenue.	Short Term
R100 with a 6 storey maximum	• A one-lot depth on the eastern side of Whatley Crescent from the boundary of the City north to First Avenue.	Short Term
R80 with a 6 storey maximum	• A one-lot depth either side of Guildford Road between Second Avenue on the north and the equivalent cadastral boundary on the south side of Guildford Avenue, and the area intersected by Grosvenor Road on the north and Gordon Street on the south side of Guildford Road, with minor variations due to the varying depth of lots along this corridor and including the commercial properties and The RISE at Maylands; • The area bounded by Seventh Avenue, Ninth Avenue, Whatley Crescent and Guildford Road; • An approximate two-lot depth surrounding the R100 area along Railway Parade between Eighth Avenue and Tenth Avenue; and • A two-lot depth along the eastern side of Beaufort Street surrounding Beaufort Park and along the road corridor north to May Street.	Short Term
R80 with a 4 storey	• A one-lot depth either side of Guildford Road between the southern boundary of the City and the area intersected by Second Avenue on the north and the equivalent cadastral boundary on the south side of Guildford Avenue	Short Term
R80 with a 5 storey maximum	• An approximate two-lot depth surrounding the R100 area along Railway Parade north from Tenth Avenue	Short Term
R60 with a 4 storey maximum	• A one-lot depth along the length of the R80/6-storey zone on the south side of Guildford Road; • A one-lot depth along the length of the R80/6-storey zone on the north side of Guildford Road between First Avenue and Seventh Avenue; • A one-lot depth along the north side of Fourth Avenue between View Street and Guildford Road; • A two-lot depth along Railway Parade and to the west edge of the R80/5-storey maximum area between Seventh Avenue and Sussex Street;	Short Term

Zoning Proposed	Area	Time Frame
	• The area bounded by Ferguson Street, Ninth Avenue and Guildford Road (from the edge of the R80 and R100 areas); • A one-lot depth along the length of the R80 zone on the north side of Guildford Road; • A two-lot depth along Beaufort Street from the southwestern border of the City north to May Street surrounding the Beaufort Park R80 area; and • A two-lot depth surrounding the combined Alan Lehman Reserve, Grand Promenade Reserve, Catherine Reserve and along Grand Promenade to Beaufort Street.	
R50 with a 3 storey maximum	• A one-lot depth along the length of the R60/4-storey zone on the south side of Guildford Road; and • A one-lot depth along the length of the R60/4-storey zone on the north side of Guildford Road between First Avenue and Seventh Avenue.	Short Term



For the minor nodes within Precinct 5 lower densities were supported (type 4), with development to occur over a longer period of time. This type of development was focused around areas of high amenity (surrounding public open space (POS)).

Zoning Proposed	Area	Time Frame
Maylands, Guildford, Bedford minor node Recommendations		
R60 with a 4 storey maximum	• A one-lot depth surrounding the public open space on Kathleen Avenue, De Lacy Reserve, Gibbney Reserve, Essex Reserve and Toowong Reserve; and • A one-lot depth surrounding the large vacant site on Peninsula Road between Elizabeth Street and Kirkham Hill Terrace.	Long Term

Precinct 6 - Bayswater, Guildford

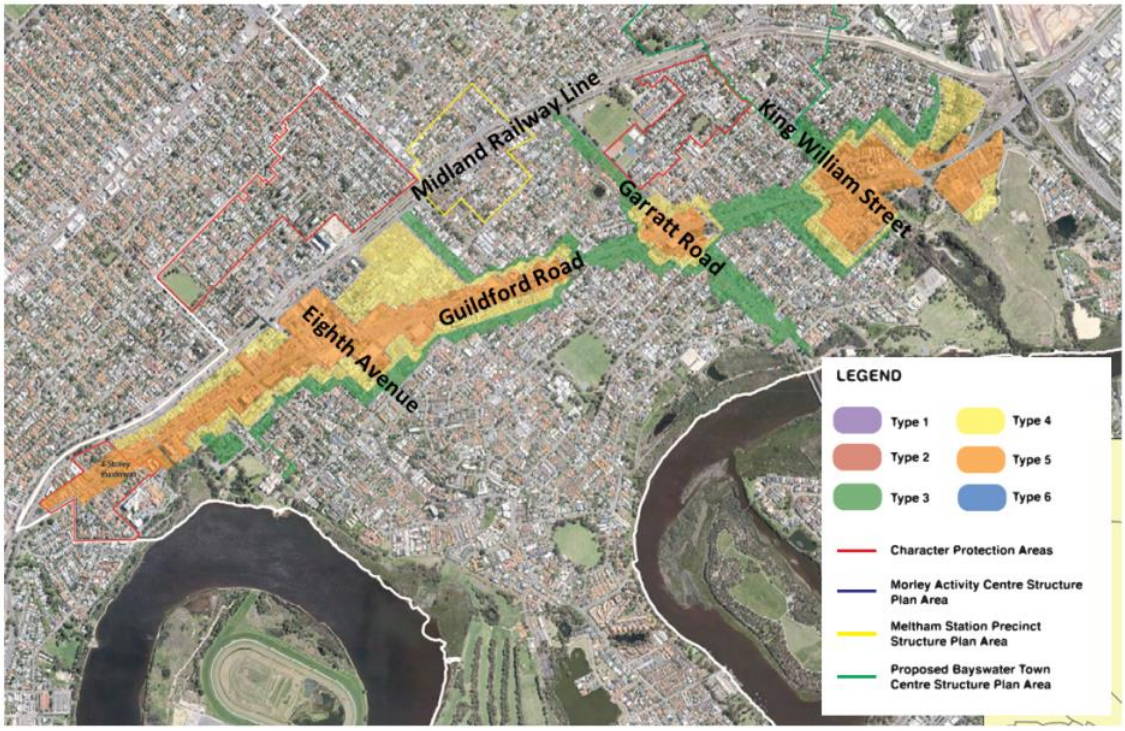
Precinct 6 included the eastern portion of the City including the Bayswater Town Centre and Guildford Road. The Bayswater Town Centre Structure Plan (BTCSP) has undergone significant engagement and was considered by Council at the Planning and Development Services Committee Meeting held 8 May 2018 where is was adopted with modifications and forwarded to the Western Australian Planning Commission (WAPC) for final consideration, therefore no short to medium term recommendations have been proposed in this area. Some commentary has been provided for the Bayswater Town Centre area based on the feedback from the engagement exercise, which may be relevant to apply in future reviews of the BTCSP structure plan.

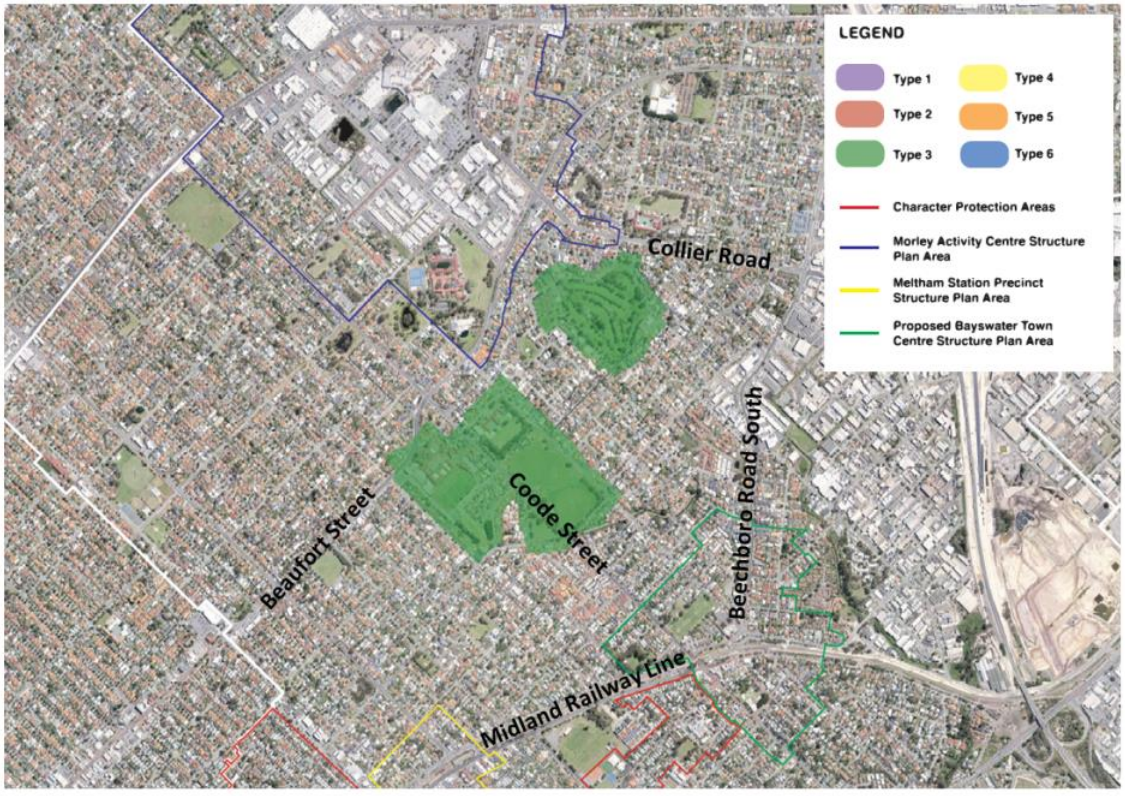
Panellist recommended building types 3 - 6 along main road corridors, the rail corridor and surrounding areas of high amenity (POS). While the panellists did not identify some areas of open space (around Hillcrest Park, Chisholm Catholic College and Embleton Golf Course) the broader community indicated that low scale development in these areas was supported.

The Recommendations report proposes a range of short and medium term actions in response to the recommendations of the panel.

Zoning Proposed	Area	Time Frame
Meltham and Bayswater Town Centre Recommendations		
N/A	• Development in accordance with the approved Meltham Station Precinct Structure Plan in that locality and with a transition from the edges of that structure plan within the 800m catchment to R50 with a 3 storey maximum. Support was provided for Type 3, 4 and 5 in this location. • The ongoing approval of a structure plan for Bayswater Town Centre.	N/A
Bayswater Guildford Corridor Recommendations		
R80 with a 6 storey maximum	• A two-lot depth along Guildford Road at the intersection of King William Street extending east to approximately the location of Slade Street, west to approximately the location of Leake Street, south to approximately the location of Sutherland Street. and north to approximately the location of Short Street; • A two-lot depth at the intersection of Garratt Road and Guildford Road; • The area south of Guildford Road bordered by Slade Street and along Newton Street and Higgins Way; and • A two-lot depth along the north side of Guildford Road between Tonkin Highway and Slade Street.	Short Term
R60 with a 4 storey maximum	• A one-lot depth surrounding the R80 areas at the intersection of King William Street and Guildford Road; • A one-lot depth surrounding the R80 areas at the intersection of Garratt Road and Guildford Road; • A lot-lot depth surrounding the R80 areas area south of Guildford Road bordered by Slade Street and along Newton Street and Higgins Way; • A one-lot depth along the R80 area on the north side of Guildford Road between Tonkin Highway and Slade Street; and • The area bordered by Anzac Street, Whatley Crescent, Newton Street and Guildford Road.	Medium Term
R50 with a 3 storey maximum	• A one-lot depth surrounding the R60 areas at the intersection of King William Street and Guildford Road; • A two-lot depth along both sides of Guildford Road from the area intersected by Grosvenor Road on the north and Gordon Street on the south side of Guildford Road to King William Street with the exception of areas identified as R80 and R60; • A one-lot depth along both sides of Garrett Road between Whatley Crescent and the Garratt Road Bridge (eastern border of the City); and • A one-lot depth along King William Street with the exception of areas identified for R80 or R60.	Medium Term

Zoning Proposed	Area	Time Frame
Bayswater Guildford Minor Nodes Recommendations		
R50 with a 3 storey maximum	• A one-lot depth surrounding the Embleton Golf Course; • A one-lot depth surrounding the Hillcrest Park and Hillcrest Primary School; and • A one-lot depth surrounding the Chisholm Catholic College and the associated playing fields.	Medium Term





Other Recommendations

In addition to the recommendations for the building types within each precinct a number of topics were raised by the community during the engagement process which have relevance to future planning within the City. The topics included setbacks, vehicle parking, private open space, public open space, visual privacy, solar access, environmental / sustainability outcomes, universal access, tree retention, affordable housing, access for Guildford Road, design review panels, development bonuses and transport advocacy. In response the consultant has recommended some policy responses to address the concerned raised by the community.

Area	**Time Frame**
General Recommendations	
• Develop a locally appropriate built form policy that amends to the provisions of the relevant R-Codes or Design WA policy to support: • Flexible setbacks and inclusion of deep soil areas to achieve maximum use of space and avoid wasted/unused open space; • Flexible parking provision based on proximity to public transport and provision of bicycle parking and end-of-trip facilities; • Flexible parking options including the possibility for unbundled parking and separate titles for parking spaces to de-link these costs from housing; • The provision of temporary screening measures that are designed to be removed once transition of neighbouring development has been effected; • Development of solar panels and rainwater tanks (or tank pads) in new low to medium density development; • New high density development to be of a high standard of sustainability, and potentially achieving a Green Star rating or similar measure; • The potential inclusion of incentives to provide a minimum of 40% accessible housing; • The potential inclusion of incentives associated with tree retention for new and existing developments, or dis-incentives for removal of significant trees; • Provision of cash-in-lieu for subdivisions of three lots or more or providing minimum deep soil zones; • Water sensitive urban design principles; • Incentivisation of affordable units through development bonuses for delivering apartments of varying size and configuration; and • The requirements for common open space and facilities, as per the Design WA draft Apartment Design Policy. This should include the requirement for 10% of the site area for 11-20 residences and 15% of the site for 21-30 residences.	Short Term
• Work with the State Government and other local governments to consider responses to protection and enhancement of tree canopy in the City. Consider legal options such as tree protection registers and fines and incentive options such as rates reductions or increased development rights, as well as others.	Short Term

Area	Time Frame
General Recommendations	
• Develop a specific control-of-access policy or detailed structure plan for Guildford Road to support improved safety and aesthetics along Guildford Road.	Short Term
• Investigate grey water in conjunction with State authorities.	Short Term
Area	**Time Frame**
• Work with developers to deliver best possible solar access during transition from lower density codes to higher density codes - developers to respond to this on a case-by-case basis where existing statutory controls cannot be met.	Short Term
• Ensure all higher density development and all development proposed within a Character Protection Area is assessed by the Design Review Panel.	Short Term

Councillor Workshop

The Recommendations report was presented to a Councillor Workshop held 1 May 2017. Councillors raised a number of queries in response to the Recommendations report. The City's consultants provided the following responses to the Councillors queries:

- Why has the land by Slade Street, Guildford Road, and King William Street Bayswater has been omitted from the suggested planning?

  The consultants noted that this area was excluded from the recommendations as no recommendation was provided by the panellists. Based on the aerial mapping it is assumed the panellists decided it was part of that reserve area. It can be considered in the draft LPS that this area be rezoned in accordance with the surrounding area.

- Why are the proposed zoning changes around Gibbney Reserve and DeLacy Reserve so high as they are not on high frequency public transport routes, are not on major roads and are not near shopping facilities?

  The consultants noted that they had similar concerns for the area, which was why these recommendations were long term recommendations.

- Why is type 6 proposed for Eighth Avenue to Kennedy Street, but not inclusive if the current shopping precinct from Seventh Avenue to Eighth Avenue?

  The consultants noted that this is the recommendation of the panel and provides for a moderate increase for part of the area between Seventh Avenue and Eighth Avenue to R80/6 storeys (type 5) up from 5 storeys. This is a relatively good way to step down from the R100 (type 6) development.
  The boundary of the area identified by the Panel and in the Recommendation report reaches further north-west than the previous plan, increasing the overall area of higher density development, but still allowing for a step down to the lower density surrounding it. It links well with the 3 storey height limited area between Sixth Avenue and Seventh Avenue.

- It appears that it is shifting the core closer to the Unison complex and missing further opportunity to increase housing / commercial next to a train station?

  The consultants noted that whilst it seems minor, the recommendations provide more than 30 lots within the Seventh Avenue to Ninth Avenue precinct at R60 / 4 storeys or R80 / 6 storeys. Some of these lots are quite large which can encourage a good scale of development.

There is no reason why Council cannot push for greater density up to Coode Street without moving too far away from the panellist recommendations. The earlier engagement did recommend higher densities in this location also.

- 10 storey directly next to the old Peninsula Hotel (current Peninsula Tavern site) is a higher and better land use, but it does not seem to take into account potential dwarfing / visual occlusion of one of the City of Bayswater's few significant buildings.

  There is an opportunity for Council to demand a higher quality interface in this location. This could be identified in the LPS, and further highlighted in the Scheme. Alternatively a Special Control Area could be placed over this site. The development of the Peninsular Hotel site under a similar Special Control Area would have similar impact and currently provides consideration of this interface issue.

- Why is not there a recommendation along Walter Road West (on the boundary with Stirling) as the panellists map had it as Type 4?

  The consultants noted that this area was left out of the recommendations due to the extent of the development proposed within the Morley Activity Centre just adjacent and the interface with R20 in the City of Stirling. The recommendations were a relatively low scale around generally scaling back from the MACSP extents. The length of this area is already significantly developed into type 2 with a likely long time before redevelopment would be undertaken.

  The consultant considers that it may be appropriate to extend a short run of type 4 along the edge of the proposed type 3 to interface with the R60 / 100 area (of the MACSP). In the short and medium term the consultants would not propose anything more than a type 3 for the balance of the existing R40 area because the opposite built form is very low scale. However, type 4 could be included in the final LPS as a long term proposal. This might encourage landowners to take a longer term view of redevelopment.

Officer Comment

It is considered that the Building Bayswater community engagement process successfully met the needs of the City as it reached a broad cross section of the community including the 'silent majority'. Additionally, the panel process allowed more in-depth consideration of the broader community's feedback. Given the final recommendations were generally similar to the broad community's feedback it is considered that the process generally reflects the community's thoughts and opinions on growth within the City.

City officers consider the Recommendations report to be an accurate reflection of the feedback received during the consultation period. It is considered that the short, medium and long term recommendations will adequately accommodate growth within the City, while preserving some areas of lower density.

Next Steps

The Recommendation report is intended to be considered as a part of the LPS. The recommendation and the background information the City has been working on will be used to develop a series of actions and recommendations to be included in the LPS. It is anticipated that a draft LPS will be presented to Council prior to the end of 2018.

Once a draft LPS has been adopted by Council it will be forwarded the WAPC for approval to advertise. The WAPC may request modifications be made to the LPS prior to public advertising. Once the WAPC has granted approval to advertise the City must advertise the LPS for a minimum of 21 days. Councillors and the community will have further opportunity to consider the built form recommendations as a part of the whole LPS when the draft version is presented to Council and again after the conclusion of the advertising period. It is intended that the advertising period will involve workshops with Councillors and the community.

At the end of the advertising period Council will reconsider the LPS with any proposed modifications to reflect the submissions received. Council may resolve to support the LPS with or without modification.

Once the LPS has been supported by Council after advertising it will be forwarded to the WAPC for final approval. The City will then commence a review of the City's town planning scheme to align it with the LPS, this may be done through amendments to the existing scheme or by developing a new scheme.

OPTIONS

The following options are available to Council:

OPTION		BENEFIT	RISK
1.	• Council receives this report relating to the Building Bayswater community engagement process and the built form recommendations, and the outcomes are to be considered as a part of the draft LPS. ***Estimated Cost:*** • Nil	• The actions included in the Recommendations report will be considered as a part of the draft LPS.	• Nil.
2.	Council provides additional comments relating to the Building Bayswater community engagement process and the built form recommendations, the outcomes to be considered as a part of the draft LPS. ***Estimated Cost:*** • Nil	• Additional comments will be considered as a part of the draft LPS. Notwithstanding, Council will have the opportunity to provide comment in the context of the whole LPS process which will be considered at a later date.	• Additional comments may not be supported by the community.

CONCLUSION

In light of the above it is considered that Council should proceed with Option 1 receive this report relating to the Building Bayswater community engagement process and the built form recommendations, and the outcomes are to be considered as a part of the draft LPS.

FINANCIAL IMPLICATIONS

The costs associated with this project are within the allocated budget amount and the subsequently approved budget variation.

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 B2: A connected community with sustainable and well maintained transport.
Outcome B3: Quality built environment.

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

Theme: Leadership and Governance
Aspiration: Open, accountable and responsive service
Outcome L2: Proactively communicates and consults.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

The LPS is to be undertaken in accordance with Section 88 of the *Planning and Development Act 2005* and Part 3 of the *Planning and Development (Local Planning Schemes) 2015*.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Building Bayswater – Typical Building Types Summary
2. Building Types Rules Summary
3. Summary Recommendations Map

OFFICER'S RECOMMENDATION

That Council receives this report relating to the Building Bayswater community engagement process and built form recommendations, and the outcomes to be considered as a part of the draft Local Planning Strategy.

MOTION

That Council provides additional comments relating to the Building Bayswater community engagement process and the built form recommendations and the outcomes to be considered as a part of the draft Local Planning Strategy.

CR CATHERINE EHRHARDT MOVED, CR SALLY PALMER SECONDED

PROCEDURAL MOTION

That this item be deferred to a future Councillor Workshop for discussion.

CR CATHERINE EHRHARDT MOVED, CR SALLY PALMER SECONDED

CARRIED: 5/4

FOR VOTE: ***Cr Sally Palmer, Cr Filomena Piffaretti, Cr Stephanie Gray, Cr Barry McKenna and Cr Catherine Ehrhardt.***
AGAINST VOTE: ***Cr Brent Fleeton, Cr Dan Bull, Mayor, Cr Giorgia Johnson and Cr Elli Petersen-Pik.***

REASON FOR CHANGE

The Committee changed the officer's recommendation as it was felt that extra consideration needs to be given to the comments relating to the Building Bayswater community engagement process and built form recommendations at a Councillor Workshop.

Attachment 1 - Building Bayswater - Typical Building Types Summary

Building Type Summary

1. Building Type One
A single or two storey house that is typically physically setback from the street and from the neighbouring house, and has a significant amount of private open space.


2. Building Type Two
Single or two storey units or houses with multiple or long driveways servicing each home, with limited green open space and setback from the street.


3. Building Type Three
Two to three storey units or houses, situated close to the front setback and often with common boundary walls and small rear courtyards.


4. Building Type Four
Three to four storey units close to the street with common walls and small courtyards, or shared spaces with balconies provided per home. Can include some commercial uses at ground level.


5. Building Type Five
Four to six storey apartments situated close to the street with balconies for private open space, a larger area of shared space within the complex. Often includes commercial uses at ground level.


6. Building Type Six
Apartment buildings of around ten storeys built up to the street, with large shared areas including facilities such as pools and shared parking. Often includes some commercial activity or offices.


Let's talk

Building Bayswater

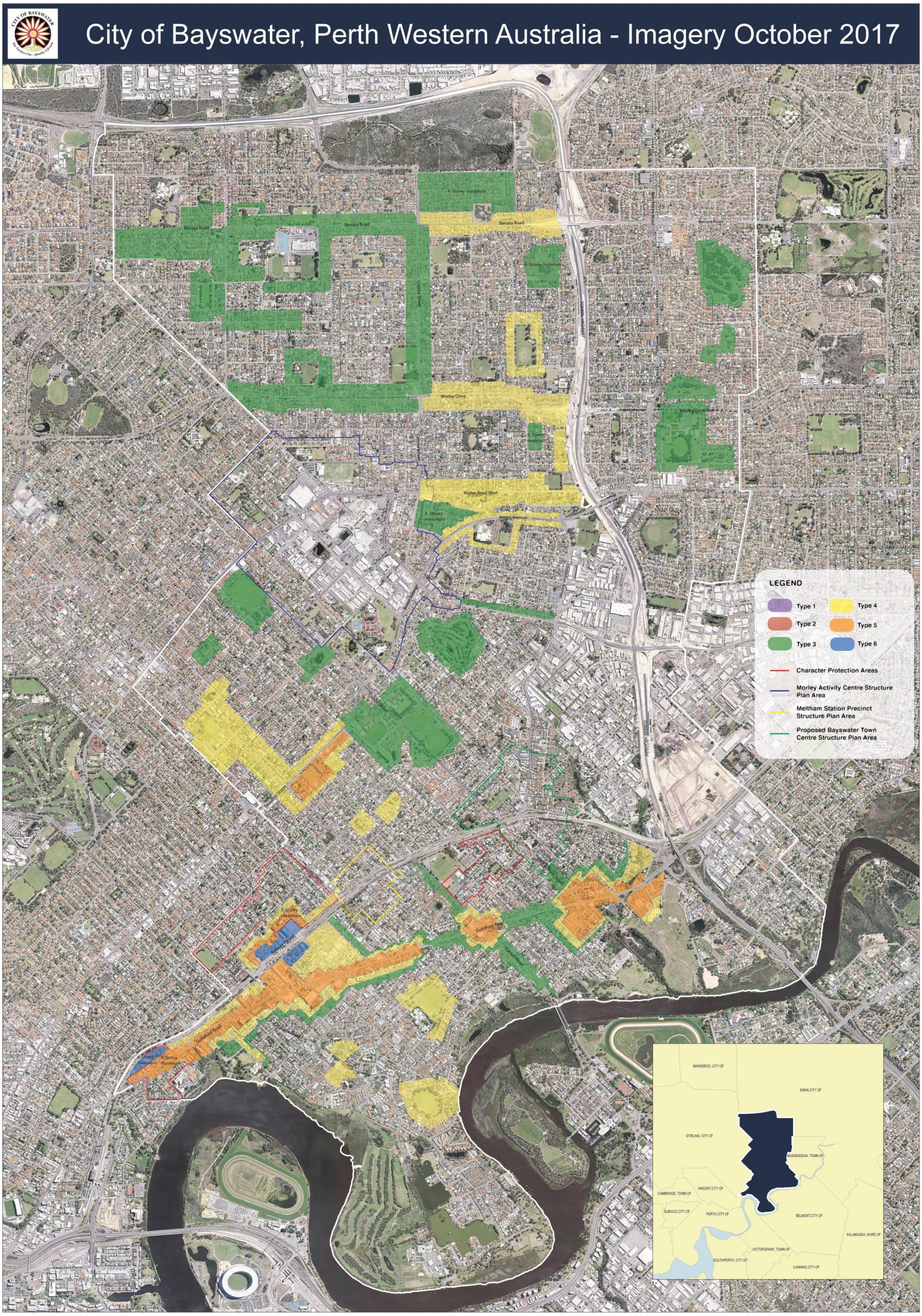
Images: Typical buildings that might be achieved or what you might see with this type of building

Attachment 2 - Building Type Rules - Recommended By Community Panellists

Building Type	1	2	3	4	5	6
Building Heights	1 - 2 storeys.	1 - 2 storeys.	2 - 3 storeys.	4 storeys. The fourth storey to be setback.	4 - 6 storeys	10 storeys
Recommended R-Coding	R20	R20 - R40	R40 - R60	R60 – R70	R80	R100
Setbacks	Increased flexibility for front setbacks, to allow for larger backyards and more useable open space	Increased flexibility for front setbacks, to allow for larger backyards and more useable open space.	Common boundary walls (nil side setbacks). 2-4m front setback.	Supported usable setbacks. "A 1m strip on each side of the building is not useful. 2-3m is 'usable." Nil front setbacks.	2m front setback to allow trees and green scaping.	2m front setback to allow trees and green scaping.
Vehicle Parking	2 bays per dwelling.	1 - 3 bays per dwelling, Minimum of 2 to be provided in areas not well serviced by public transport.	0.5 bays per dwelling, with bike bays and end of trip facilities	0.5 car bays and 0.5 bike bays per dwelling, with end of trip facilities to also be provided	1 car bay and 1 bike bay per dwelling, with end of trip facilities to also be provided.	1 car bay and 1 bike bay per dwelling, with end of trip facilities to also be provided.
Environmental Outcomes	Rain water tanks, solar panels and double glazing and demonstration of a suitable standard of energy efficiency and water efficiency.	Rain water tanks, solar panels and double glazing and demonstration of a suitable standard of energy efficiency and water efficiency.	Rain water tanks, solar panels and double glazing and demonstration of a suitable standard of energy efficiency and water efficiency.	Solar panels and water capture to be compulsory Encourage rain water tanks, double glazing and demonstration of a suitable standard of energy efficiency.	Very high standards of environmental design, a Green Star rating or similar.	Very high standards of environmental design, a Green Star rating or similar.

Building Type	1	2	3	4	5	6
Open Space	As per the existing R-Codes requirements	No specific recommendation, however there was a general concern over the lack of trees associated with this building type	No specific recommendation, however there was a general preference to maintain space for backyards	Open space to be used for communal good, including trees and common facilities.	-	-
Accessibility	-	-	-	-	High levels of accommodation be accessible (40%) for aged and disabled persons.	High levels of accommodation be accessible (40%) for aged and disabled persons.
Design					All buildings to be assessed by a design panel.	All buildings to be assessed by a design panel.
Land Use					Encourage mixed use around open spaces for cafes, retail and small convenience shopping	Encourage home based businesses and some small scale commercial development (adjacent to parks and other high amenity areas / attractors to support the commercial).

Attachment 3 - Summary Recommendations Map (A3)



9.8 Proposed Road Name - New Road Reserve, Bedford

Location:	**Previously known as Lot 1068, 110 York Street, Bedford**
Owner:	**City of Bayswater**
Reporting Branch:	**Strategic Planning and Place Services**
Responsible Directorate:	**Planning and Development Services**
Refer:	**Item 10.5: OCM 17.05.2016** **Item 11.1.16: OCM 28.04.2015**

EXECUTIVE SUMMARY

Application:

Council consideration is sought regarding the proposed naming of a new dedicated road which was previously known as Lot 1068, 110 York Street, Bedford.

Key Issues:

- Lot 1068, 110 York Street, Bedford has been formally dedicated as a road by the Minister for Lands.
- A name now needs to be allocated to the new road.

BACKGROUND

At its Ordinary Meeting of 28 April 2015 Council considered granting legal access to adjoining landowners to the rear of their properties via an 'expressed easement'. Council also considered various other options for the site, including retaining the subject land, selling the subject land as per the Business Plan and dedicating the subject land as a road.

Council at the above meeting resolved as follows:

"That:

1. *Council supports, in principle, the dedication of Lot 1068, No. 110 York Street, Bedford as a road, subject to all costs associated with the dedication and construction as a road (including legal fees and paving, drainage and lighting costs), being apportioned between adjoining landowners who benefit from the access rights.*
2. *The City consults with adjoining affected landowners in relation to the proposed road dedication and apportionment of costs (including legal fees and paving, drainage and lighting costs) between adjoining landowners who benefit from the access rights.*
3. *The City prepares a report to Council for further consideration of the proposed road dedication and apportionment of costs following the community consultation process."*

A report was submitted addressing these points and, at its Ordinary Meeting 17 May 2016 Council resolved:

"That:

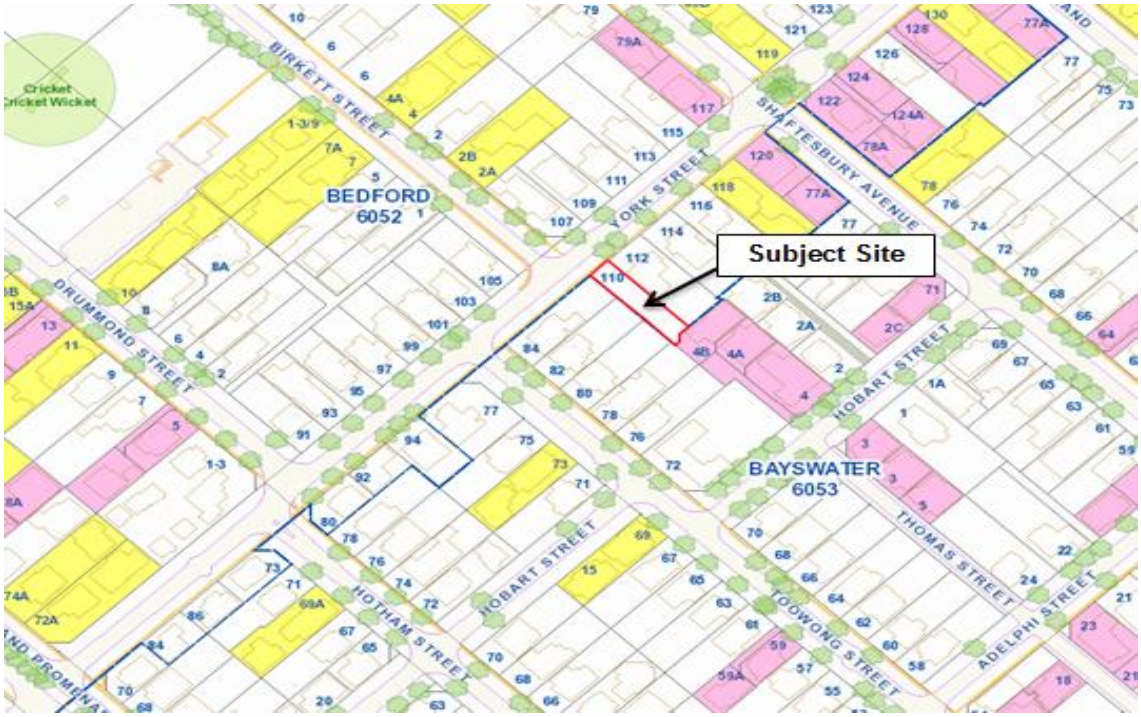
1. *Council requests, under section 56 of the Land Administration Act 1997, the Minister of Lands to dedicate Lot 1068, No. 110 York Street, Bedford as a road subject to the confirmation in writing from the relevant owners of the adjoining lots that they will pay the costs of the road's construction, including legal and statutory fees and paving, draining and lighting costs.*
2. *Council agrees to indemnify the Minister for Lands and the Department of Lands against claims for compensation and costs that may reasonably be incurred by the Minister in considering and granting the request to dedicate the land at Lot 1068, No. 110 York Street, Bedford as a road.*

3. *Upon dedication of the lot as a road by the Minister for Lands, the relevant landowners pay for the costs associated with the road's construction, including legal and statutory fees and paving, draining and lighting costs. The full payment is to be received prior to the commencement of any detailed plans or construction work in relation to the road.*

4. *Council considers an allocation of $30,000 in the City's 2016-17 Budget for the expenditure relating to the project, with the funding being 100% from landowner contributions."*

The City consequently made a request to the Minister for Lands to dedicate land as road under Section 56 1(a) of the *Land Administration Act 1997*.

On 1 March 2018 the Department of Planning, Lands and Heritage considered the request and, on behalf of the Minister for Lands, granted the request to dedicate the land as a road.



CONSULTATION

Given there are a number of properties that will take their access and street address off the road, it is proposed to advertise the new name for 14 days by notifying in writing landowners abutting the subject road.

ANALYSIS

Landgate acts on the Minister for Land's behalf to undertake the administrative responsibilities required for the formal approval of road names. The Geographic Names Committee at Landgate is responsible for final approval of all road naming. All naming must be in accordance with the Geographic Names Committee's Policies and Standards.

Landgate has previously advised the City they would consider the following names on the Bayswater Historical Society WW1 Honour Roll:

- Eddins, William
- Ginger, Herbert George R
- Innes, William Claude
- Kuser, WF
- Seal, G

- Tough, Alexander
- Wisbey, EJ

It is proposed to use the first name on the list "Eddins". It is also suggested to use the suffix of "Close" in this instance, which is defined as a "short enclosed roadway".

OPTIONS

The following options are available to Council:

OPTION		BENEFIT	RISK
1.	Council approves the naming of the subject road reserve to "Eddins Close" for the purpose of consultation with abutting landowners. ***Estimated Cost:*** • Nil.	• The proposed road name complies with the GNC's Policies and Standards. • The proposed road name complies with the City's Naming of Parks, Reserves, Streets and Infrastructure Policy.	• The abutting landowners may prefer an alternative name.
2.	Council recommends approval of a modified or different road name, for the purpose of consultation with abutting land owners. ***Estimated Cost:*** • Nil.	• Dependent on the modification(s) proposed.	• Dependent on the modification(s) proposed.

CONCLUSION

In light of the above it is recommended that Council approves the naming of the road reserve, formally Lot 1068, 110 York Street, Bedford to "Eddins Close" for consultation with abutting landowners (Option 1).

It is recommended that the proposed new road name be forwarded to Landgate for their approval following the consultation period if no objections are received from abutting landowners. If an objection is received, the matter will be referred back to Committee/Council for further consideration.

FINANCIAL IMPLICATIONS

Nil

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 B2: A connected community with sustainable and well maintained transport

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

- City of Bayswater Naming of Parks, Reserves, Streets and Infrastructure Policy.
- Geographical Names and Places GNC's Policies and Standards.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

Nil.

COMMITTEE RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council approves the proposed road name of "Eddins Close" for the new road reserve, formally Lot 1068, 110 York Street, Bedford for consultation with abutting landowners and should no objection be received, the road name be forwarded to Landgate for their approval.

CR BRENT FLEETON MOVED, CR DAN BULL, MAYOR SECONDED
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 9/0

9.9 Tender No 13-2017 - Servicing and Minor Maintenance of Air-Conditioning Units

Location: All City Buildings
Owner: City of Bayswater
Reporting Branch: Building Services
Responsible Directorate: Planning and Development Services

Confidential Attachment(s) in accordance with section 5.23(2) of the Local Government Act 1995 - a contract entered into, or which may be entered into, by local Government and which relates to matter to be discussed at the meeting and a matter that if disclosed, would reveal:

(i) a trade secret;

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person.

EXECUTIVE SUMMARY

Application:

For Council to consider and award Tender No 13-2017 for the servicing and minor maintenance of air-conditioning units (various sites) throughout City-owned buildings throughout the City of Bayswater for a contract period of three years with an option to extend for a further two, twelve months.

Key Issues:

- The City has a legislative obligation to maintain its air-conditioning assets to ensure the health and safety of those occupying these facilities.
- The tender for the servicing and minor maintenance of City owned air-conditioning assets was advertised on 9 December 2017 and closed on 9 February 2018. 15 tender responses were received with 14 conforming to the tender requirements.
- An analysis of the conforming tenders received has been undertaken and the officer recommendation is to award the tender to AMS Installation and Maintenance Solutions WA.

BACKGROUND

Air-conditioning systems require effective ongoing maintenance and the City has legislative requirements to service evaporative systems to ensure the health and safety of people utilising City buildings are met, and that the serviceable life of these units is maximised. The programmed maintenance will also ensure useable life of all the systems are being maximised. This maintenance also allows the City to assess when existing systems require replacing and assists with future budgeting for replacement of aged and unserviceable units so as to ensure a seamless transition to the replacement, without causing discomfort to occupants when systems have reached their end of life expectancy.

The City outsources all maintenance, repair and replacement of air-conditioning systems installed within the City buildings.

The City's air-conditioning systems require three separate preventative maintenance actions spaced out over the year, which comprises two minor and one major service. All works are planned to ensure systems are maintained in accordance with the manufacturers' specifications and Australian Heating, Ventilation and Air-Conditioning (HVAC) standards.

When major repairs or unit replacement is required, the contractor is required to provide a quote to undertake any additional works. If the systems fail, the contract allows for urgent repairs to be undertaken during normal working hours as well as after hours.

The current service agreement is due for renewal and the City is now seeking to enter into a new service agreement for a period of three years with provision for an extension of 12 months and a second extension of 12 months to give a total possible contract period of five years.

A tender to carry out the necessary servicing and maintenance works was advertised in the Western Australian Newspaper on Saturday 9 December 2017 and closed on Friday 9 February 2018.

At the Close of Tender, submissions were received from the following 15 contractors:

- AE Smith
- Air Concepts Pty Ltd
- Airmaster
- AMS Installation & Maintenance Solutions WA
- Australian Airconditioning Services Pty Ltd
- Australian HVAC Services Pty Ltd
- BSA Ltd
- Commercial Air Solutions
- CJS Refrigeration & Air-conditioning
- Downer EDI Engineering Power Pty Ltd
- Fredon Air Pty Ltd
- HIROTEC Maintenance Pty Ltd
- Holden Electrics Contracting
- Precise Air Group
- AMEK Engineering (non-conforming)

AMEK Engineering did not submit the mandatory Price Schedule in their submission for the tender. Therefore their tender submission was deemed non-compliant and was set aside.

The tender evaluation panel consisted of the Manager Corporate Services, Senior Building Projects Officer and Project Management Coordinator who evaluated the tender submissions in accordance with the following selection criteria and weightings:

Description	Weighting
Price	70%
Demonstrated Work Experience	10%
Sufficient Resources to meet the Tender Schedule	10%
Demonstrated Occupational Health and Safety and Environmental Management Processes	10%
Total	100%

The evaluation outcome of the tender submissions is detailed in **Confidential Attachment 1** and an overview of the evaluation of the 14 conforming submissions.

CONSULTATION

As part of the evaluation process, a reference check for AMS Installation & Maintenance Solutions WA was carried out and information was obtained from the City of Gosnells who advised that AMS Installation & Maintenance Solutions WA were very thorough and professional and always meet and exceeded the City's expectations, thus the City has reengaged them for a second contract period. AMS Installation & Maintenance WA were found to be always available and communicated well with the City of Gosnells' officers.

ANALYSIS

Conforming Tenders

Each tenderer was required to submit a fixed price to undertake set servicing of units and preventative maintenance tasks as per the Price/Rate Schedule and additional repairs and replacement rates and mark-up for the supply of equipment and spares as a percentage of Trade prices.

Evaluation Outcome

The evaluation outcome of the tender submissions is detailed in **Confidential Attachment 1** and an overview of the evaluation of the conforming submissions is provided below.

Price

The subject tender is based on a fixed price to undertake current maintenance works, and labour rates and mark-up costs to undertake repair/replacement works, in accordance with the advertised specifications.

The prices submitted by each individual tenderer is summarised in **Confidential Attachment 1.** AMS Installation & Maintenance Solutions WA received the highest score for the price criteria.

Relevant Work Experience

The tenderers were able to demonstrate their proven experience together with the ability to undertake the required servicing and maintenance works as outlined in the tender submissions.

Occupational Health and Safety and Environmental Management Processes

The tenderers were able to provide details of the high level occupational health, safety and environmental management procedures within their submissions including evidence to support site safety (Safety Management Plan).

Tenderers Resources

Experience of key staff was seen as an important factor and the tenderers provided evidence to support the claim that they were able to complete the requirements of this tender.

Tender Assessment

In accordance with the above criteria, the following scores were awarded to each tenderer by the evaluation panel:

Tenderer	Price (70%)	Relevant Work Experience (10%)	Tenderers Resources (10%)	Occupational Health and Safety and Environmental Management Processes (10%)	Total (100%)
AMS Installation & Maintenance Solution WA	70%	9.5%	9.5%	9%	98%
Australian HVAC Services Pty Ltd	62.5%	9.5%	9%	9%	90%
Downer EDI Engineering Power Pty Ltd	57%	9.5%	9%	9%	84.5%
BSA Limited	51%	9.5%	9.5%	9.5%	79.5%
Fredon Air Pty Ltd	47%	9.5%	9.5%	9.5%	75.5%
Airmaster	43%	9.5%	9.5%	9%	71%
Precise Air Group	43.5%	9%	8.5%	9.5%	70.5%
Hirotec Maintenance Pty Ltd	39%	9%	7.5%	9.5%	65%
Australian Airconditioning Services Pty Ltd	36%	9.5%	9.5%	9.5%	64.5%
CJS Refrigeration and Airconditioning	38.5%	9%	7%	8.5%	63%
Holdens Electrical Contracting	32%	9%	8.5%	9%	58.5%
Commercial Air Solutions	30.5%	9.5%	9.5%	8.5%	58%
AE Smith	26%	8%	9%	9.5%	52.5%
Air Concepts Pty Ltd	24.5%	9%	9%	8.5%	51%

In light of the above, AMS Installation & Maintenance Solutions WA has been evaluated and ranked as the highest ranked tenderer.

AMS Installation & Maintenance Solutions WA is a large HVAC installation and maintenance company, which is located within the City's industrial area. It is considered that they have the capacity and depth of experience to undertake the works required under this tender.

An analysis of the cost quoted to undertake the servicing required in the tender at several sample City sites revealed that AMS Installation & Maintenance Solutions WA quoted considerably lower prices than the second and third ranked tenderers for the same sites. This matter was then discussed with the company's Managing Director and the panel members were assured that the rates assigned to all the tasks listed within their submission were achievable as per their submitted tender submission.

The third ranked tenderer - Downer EDI Engineering Power Pty Ltd has carried out the servicing and maintenances of the City's air conditioning units for the past six years.

The top three ranked tenderers have confirmed that the price in their submission will be honoured until the end of June 2018.

Conflict of Interest

Conflict of Interest Statement has been provided by each tenderer confirming that they do not have any actual or potential conflict of interest in relation to the subject tender and works

OPTIONS

The following options are available to Council:

	OPTION	BENEFIT	RISK
1.	Award tender to AMS Installation & Maintenance Solutions WA based on conforming tender. ***Estimated Cost:*** • $55,993.10 (excluding GST) per annum and increasing annually with CPI. • Approximately $286,993.19 total cost over the term of the contract (five years).	• Fully compliant tender submission with the lowest cost option provided. • Provide the lowest price over the life of the contract. • Local large and experienced HVAC contractor.	• Contractor did not allow sufficient time to undertake assigned tasks. • Additional induction and training time to gain systems learned knowledge.
2.	Award tender to one of the other conforming contractors. ***Estimated Cost:*** • $62,729.22 - $160,805.44 (excluding GST) per annum and increasing annually with CPI. • Approximately $321,519.24 - $906,630.87 total cost over the term of the contract (5 years).	• Fully compliant tender submission. • Other experienced HVAC contractor.	• Provide a higher price over the life of the contract. • Additional funds ($6,736.12 - $104,812.34 in 2018-19) would need to be added to the current proposed budget. • Additional induction and training time to gain systems learned knowledge.
3.	Not award the tender.	• No cost to the City.	• May not receive further tenders from these contractors in the future. • Non-compliance with Code of Practices for Prevention and Control of Legionnaires ' Disease 2010 to maintain air-conditioners. • Expected significant failure of air-conditioner systems throughout the city. • Additional costs to repair failed air-conditioner systems.

CONCLUSION

The conforming tender submission from AMS Installation & Maintenance Solutions WA has been evaluated as the highest ranked tender in accordance with the selection criteria and weightings as detailed in the tender specifications. It is therefore recommended that Council accepts as the best value for money, the conforming tender submission from AMS Installation & Maintenance Solutions WA.

FINANCIAL IMPLICATIONS

As part of the City's annual preventive maintenance and special building maintenance budgets, funds are allocated to carry out programmed maintenance and servicing of all air conditioning units installed throughout the City's buildings.

The following financial implications are applicable:

2017-18 Budget Allocation	2017-18 Budget Reconsideration	Proposed 2018-19 Budget Allocation - Special Building Maintenance	Unscheduled Proposed 2018-19 Budget Allocation Repair Cost	Life Of Project/Life Expectancy Of Asset
$39,000	Nil	$55,993.10	$40,000	All listed air-conditioners are of various stages within their life cycle. This works will ensure existing and new systems life cycles will be maximised.

STRATEGIC LINK

From the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Community
Aspiration: An active and engaged community
Outcome C1: A strong sense of community through the provision of quality services and facilities.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

The servicing and maintenance of evaporative cooling systems are required to be maintained in accordance with the relevant legislations listed as follows:

- *Health (Air-handling and Water Systems) Regulations 1994;*
- AS/NZS 3666.2.2001 Air-handling and water systems of buildings - Microbial control Part 2: Operation and maintenance; and
- Code of Practice - Prevention and Control of Legionnaires' Disease 2010.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Tender Evaluation (Confidential)
2. Record of Interview (Confidential)

3. Tender Price Detailed over 1 and 5 years (Confidential)
4. Tender of Evaluation Qualitative Criteria (Confidential)

COMMITTEE RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council awards Tender No 13-2017 for the servicing and minor maintenance of air-conditioning units (various sites) within the City of Bayswater to AMS Installation & Maintenance Solutions WA in accordance with the conforming tender and tender specifications for a period of three years beginning 1 July 2018 to 30 June 2021 with the option to extend for a further two, 12 month periods.

CR BRENT FLEETON MOVED, CR DAN BULL, MAYOR SECONDED
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION: 9/0

9.10 Proposed Temporary Closure of Whatley Crescent - FAL Project

Location:	**5A and 5B Whatley Crescent, Bayswater**
Applicant:	**Salini Impregilo**
Owner:	**Public Transport Authority**
Reporting Branch:	**Engineering Services**
Responsible Directorate:	**Technical Services**
Refer:	**Item 11.1: OCM 22.05.18**

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

EXECUTIVE SUMMARY

Application:

For Council to consider submissions received for the proposed temporary closure of a section of Whatley Crescent adjacent to 5A and 5B Whatley Crescent, near Newton Street, Bayswater.

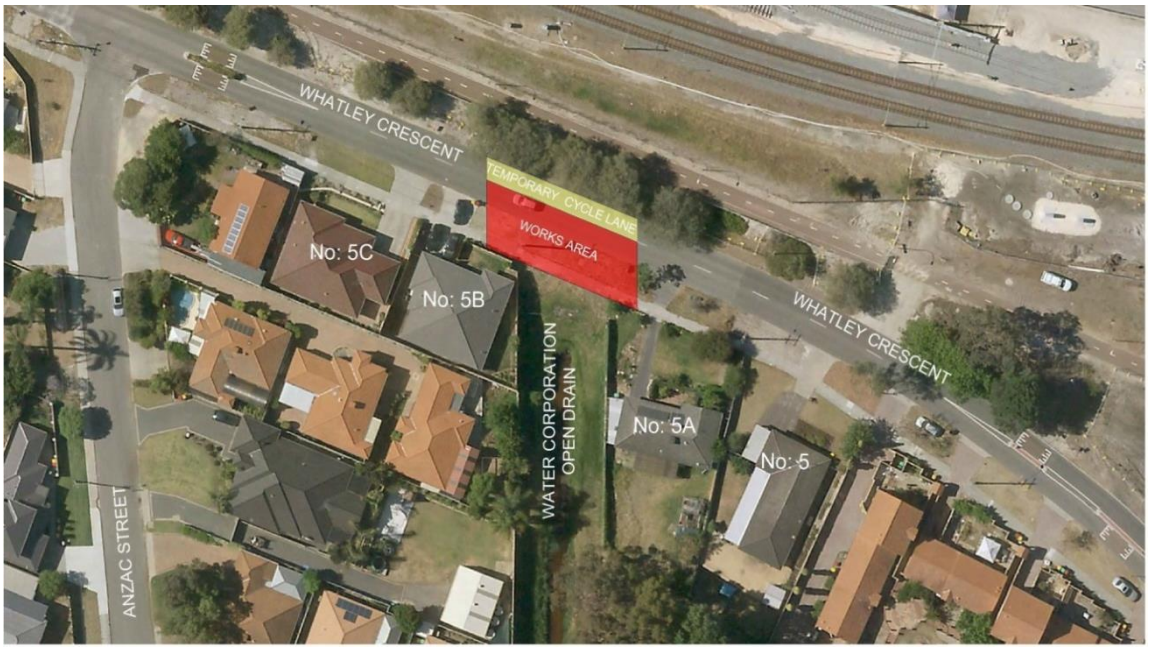
Key Issues:

- The applicant is requesting temporary closure of a section of Whatley Crescent adjacent to 5A and 5B Whatley Crescent, Bayswater to facilitate construction works for the Forrestfield Airport Link (FAL).
- Servicing and access is required for the adjoining properties.
- The applicant is requesting an approximate two month temporary closure from 14 June 2018.
- The legislative requirement for the closure of a thoroughfare for a period longer than 28 days requires notification to affected parties to be undertaken and any submissions received considered.
- In accordance with the relevant provisions of the *Local Government Act 1995*, the proposal was advertised and submissions from surrounding properties have been received.

BACKGROUND

The City has received a request from Salini Impregilo, who is the principal contractor for the FAL project, on behalf of the Public Transport Authority (PTA), for the temporary closure of a section of Whatley Crescent adjacent to No. 5A and 5B Whatley Crescent, Bayswater.

The closure is required to allow for the realignment of the Water Corporation Main Drain as part of the realignment to the rail tracks affecting the main drain that travels underneath the rail tracks from Railway Parade to Whatley Crescent.



The applicant has estimated the period of the required closure to be approximately two months. The applicant is concerned that the extent of the works will compromise public safety for users of the road, therefore has requested the temporary closure.

Whatley Crescent is a 7.2m wide paved road with footpaths on the southern side. The volume of traffic is 1,200 vehicles per day and is considered low.

The applicant requires to initiate the temporary closure on the 14 June 2018 to tie in with scheduled rail closures to facilitate the works and is proposing to only close the road to vehicle traffic, however, still allow pedestrians and cyclists.

At the Ordinary Council Meeting of 22 May 2018, Council considered the request and resolved as follows:

"That Council in accordance with the relevant provisions of the Local Government Act 1995:

1. *Supports the applicant's request for advertising of the temporary part closure of Whatley Crescent (adjacent to 5A and 5B Whatley Crescent, Bayswater) for a period of two months commencing 14 June 2018 and commence the required notification process.*
2. *Considers any submissions received from the notification process at the Planning and Development Services Committee Meeting of 12 June 2018."*

CONSULTATION

In accordance with the Council resolution of 22 May 2018, the City undertook formal consultation and the proposal was advertised in the Eastern Reporter on Tuesday, 29 May 2018, with affected residents advised in writing to provide their comments on the proposed temporary closure.

The comment period closed on Friday, 8 June 2018 and the City received six submissions.

ANALYSIS

The feedback received during the consultation period is enclosed as ***Confidential Attachment 1***. Responses to the issues raised are enclosed in ***Attachment 2***.

OPTIONS

The following options are available to Council:

	OPTION	BENEFIT	RISK
1.	Approve the applicant's request for temporary part closure of Whatley Crescent for a period of 2 months.	• Meets applicant's desired outcome. • Ensures that works are completed in a timely and safe manner.	• Dissatisfaction from objectors. • Diversion of traffic to other roads. • May set an undesirable precedent for long closure.
2.	Not approve the proposed temporary part closure of Whatley Crescent.	• Satisfaction of objectors. • No diversion of traffic to other roads.	• Dissatisfaction from the applicant. • Need for night works and associated inconvenience to residents. • Longer timeframe for works to be completed.
3.	Approve closure for a period nominated by Council.	• Offers a compromise. • Reduced impacts associated with length of closure.	• Possible dissatisfaction from the applicant and objectors. • Works may not be able to be completed in a shorter timeframe.

CONCLUSION

The FAL project is a significant State project and to fain the ultimate benefits associated with such a project, it is often necessary to ensure some level of inconvenience during construction.

The proposed part closure of Whatley Crescent for a period of two months will assist the FAL project construction timeline and therefore, Option 1 is recommended.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC LINK

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

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Section 3.50 of the *Local Government Act 1995*, states in part as follows:

*"**3.50. Closing certain thoroughfares to vehicles***

…

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

…

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and

(b) give written notice to each person who —

(i) is prescribed for the purposes of this section; or
(ii) owns land that is prescribed for the purposes of this section; and

(c) allow a reasonable time for submissions to be made and consider any submissions made."

VOTING REQUIREMENTS

Simple Majority Required

ATTACHMENTS

1. Consultation Feedback Received (Confidential)
2. Responses to Issues Raised

OFFICER'S RECOMMENDATION

That Council:

1. Notes the submissions received in relation to the proposed temporary part closure of Whatley Crescent, Bayswater, (adjacent to 5A and 5B Whatley Crescent).
2. In accordance with the relevant provisions of the *Local Government Act 1995,* approves the temporary part closure of Whatley Crescent, Bayswater, (adjacent to 5A and 5B Whatley Crescent) for a period not exceeding 2 months from 14 June 2018.
3. Advises affected parties of the above decision.

COMMITTEE RESOLUTION

That Council:

1. Notes the submissions received in relation to the proposed temporary part closure of Whatley Crescent, Bayswater, (adjacent to 5A and 5B Whatley Crescent).

2. In accordance with the relevant provisions of the *Local Government Act 1995*, approves the temporary part closure of Whatley Crescent, Bayswater, (adjacent to 5A and 5B Whatley Crescent) for a period not exceeding 2 months from 14 June 2018 subject to the applicant placing variable message signage advising of the closure on Whatley Crescent before the King William Street intersection and before the Hamilton Street/Whatley Crescent intersection, in order to discourage drivers using Whatley Crescent and side streets off Whatley Crescent during the period in which Whatley Crescent is closed, in addition to the signage proposed in the subject traffic management plan.

3. Advises affected parties of the above decision.

CR DAN BULL, MAYOR MOVED, CR STEPHANIE GRAY SECONDED

CARRIED UNANIMOUSLY: 9/0

REASON FOR CHANGE

The Committee changed the officer's recommendation as it felt that additional signage is required advising drivers at the earliest opportunity of the proposed road closure may encourage them to utilise King William Street (Distributor Road) rather than local access roads.

Attachment 2

SUBMISSIONS - TEMPORARY PART CLOSURE WHATLEY CRESCENT

NO.	ISSUE	NATURE OF CONCERN	FAL RESPONSE
1.	Turning right out of Newton Street into Guildford Road.	During peak hour traffic going to work and to the train station have to go left up to the Puma Service Station and make a U-turn and head back to the Bayswater Train Station or head into Perth	City-bound traffic from the Newton St side of the closure may experience a slight delay in turning right from Newton Street onto Guildford Road. There is refuge width within the median for vehicles waiting to enter into the westbound carriageway of Guildford Road. We recognise this is a minor inconvenience to a small number of residents, however, these are critical works and all other construction methods have been explored with the view to minimising impact to residents. As an alternate to turning right, residents may opt to turn left onto Guildford Road and use Katanning Street to turn around.
5		Will traffic management be in place to ensure you can cross onto Guildford Road safely?	
6(f)		Newton Street residents have zero access to the safety of using Whatley Crescent. Turning right onto busy Guildford Road is difficult.	
2.	Planned rail shutdown during closure.	Hazard to cyclists for buses to be able to pass through the lane restriction intended for cycle traffic only. Recommend City places a condition on the shutdown that PTA uses an alternate route for its rail replacement buses.	Transperth are reviewing their proposed train-replacement bus service routes given the impact to Whatley Crescent, however, it should be noted that the train-replacement buses will only operate during the two Midland line rail closures (i.e. 3.30am Saturday 30 June to 5.30am Sunday 1 July, and 3.30am Saturday 14 July to 5.30am Sunday 15 July). Therefore in effect, the number of buses operating will be minimal. Transperth will be in contact direct with the City to confirm these details. *City Comment: At this stage, it appears that PTA are considering Slade Street as an alternate route for the replacement buses.*
3.	Compensation for taxi fare Traffic light installation - intersection of Guildford Road and Newton Street	Route will be longer to get to destination. Will be difficult to get out of the intersection.	It is unclear where the respondent is travelling from/to, however, the impact of the closure is likely to be minimal. Traffic signals (or manual stop/go traffic controllers) will not be installed given the short closure duration and proximity to other intersections such as Newton Street (south) and the Tonkin Highway interchange. There would also be greater impact to Guildford Road traffic flows by introducing temporary traffic control at the Newton Street intersection which would negatively impact on traffic flows more broadly when considering the very limited number of right turn vehicles.
4 (a)	Increased traffic in Slade Street.	Slade Street is the nearest rat-run street with the expectation of an addition 1,000 vehicles per day (Traffic count Whatley ~1,500+ vehicles and Slade ~$1,500 per day)	Our traffic management consultant has prepared a technical note (attached) following receipt of actual traffic volumes from the City. This technical note discusses the expected traffic redistribution as a result of the closure. In summary, a redistribution of 10-20% of Whatley Crescent traffic flows could be expected along Slade Street which is well below the figures expressed by the Slade Street Action Group, in part due to the less favourable driving environment (existing traffic calming).
4(b)	Increased traffic following the two month closure.	It is believed that a substantial number of drivers will continue to use Slade Street as their preferred route and leaving an even greater traffic volume.	

NO.	ISSUE	NATURE OF CONCERN	FAL RESPONSE
4(c)	City has not included any steps to protect and/or discourage rat-run influx onto Slade	Expected at least, additional temporary traffic calming installations in-place to slow the traffic and/or discourage Slade Street as the detour rat-run and encourage what should be the designated route via King William Street being a higher category/hierarchy road 'District Distributor'.	
4(d)	City has not shown any 'duty of care' in regard to Slade Street residents and preservation of their already compromised amenity.	The almost doubling of traffic volume from 1,500 to over 2,500 vehicles is not acceptable, without any protective safeguard in place.	
6 (a)	Approximate timeframe for works seems long.	Length of road closure on Whatley would be too long.	The length of the closure has been minimised however is a function of the extensive works and two rail closures. There are two separate major drain pipes that need to be installed in separate rail possessions. These are two weeks apart to minimise disruption to the wider Midland line but also to allow the micro tunnel borer to be remobilised to its starting position for the second drive. Substantial preparatory works including sheet piling ahead of the first closure are required as well as reinstatement works to return the road and verge surfaces at the conclusion.
6 (b)	Traffic controls (temporary traffic lights) assist with alternating east/west on Whatley Crescent.	Whatley would be completely blocked from either side stopping all vehicular traffic traveling east/west.	Contraflow traffic arrangements along the remaining open portion of Whatley Crescent were considered however there is insufficient road width to ensure the traffic management can be installed and managed in accordance with Australian Standards. The non-conformances result in unacceptable risk to both road users (cyclists and vehicles) and construction workers.
6 (c)	Diversion of traffic around road surfaces.	Can traffic be diverted around the road surface, such as using verges where possible.	There is insufficient verge width on the northern (rail) side of Whatley Crescent to allow a diversion of traffic without significant mature tree clearing and impact to the existing established construction site.
6 (d)	Consideration to moving/ diverting/ closing cycle path (i.e. other side of railway be used e.g. Railway Parade)	It appears that cyclists are being preferred over motor vehicles.	There are no alternate routes for PSP users. Existing cyclists are already using Whatley Crescent given the PSP closure last year. Alternate PSP routes along Railway Parade are not viable. Even if PSP users could be diverted, Whatley Cr could not be used for vehicles as per response (b).
6 (e)	Detours to be put in place to reduce traffic travelling along Anzac Street (i.e. diversion down King William Street.	Increased traffic from Whatley travelling right into Anzac. Whatley is used as a thoroughfare to access Guildford Road. When vehicles are unable to travel down Whatley, their option is to turn into Anzac Street.	Hard barricading to prevent rat-run vehicles using Slade Street/Anzac Street would only restrict genuine residents of these streets from accessing their properties. It is unlikely that rat-run vehicles would use Anzac Street given the geometry and perception that it is counter-intuitive to the intended direction of travel (i.e. longer route to grade separated crossing of rail rather than King William Street direct).

strada road project consultants

TECHNICAL NOTE

Author: Travis Green

Date: 04/06/18

Subject:

Traffic distribution summary resulting from Proposed Whatley Crescent Closure for Main Drain works.

General

The intent of this document is to assess the likely proportions of traffic redirection resulting from the proposed closure of Whatley Crescent to through traffic between Anzac St and Newton Street. The closure is proposed to facilitate major open cut drainage works within the road pavement (crossing the adjacent Midland Line Rail reserve).

Traffic Flows

The most recent traffic data collected by the City of Bayswater (2014) indicated that daily flows on Whatley Crescent west of Newton St are in the order of 1150 vehicles per day, peak hour flows (assumed 8-10% of daily) will be in the order of 120-150 vehicles per hour.

The following outcomes are likely (and are typical of long term road closures):

- With the closure implemented it is likely that a 5-10 percent reduction in the total demand flows through the route is likely. Total redirected flows will be in the order of 1050 vehicles per day.
- Of the total redirected flows (once regular users have settled into alternate patterns – typically after a week of operation) the following breakdown in demands on the surrounding network is anticipated.
    - Newton St will still carry 5-10% of the total flows servicing the numerous existing residential properties, **Daily flow: 105 vpd, peak hour: 10 vph**.
    - Anzac St which is the primary signed detour route should carry 30-40% of the total redirected flows, flows will be predominantly through necessity (where road users simply have not planned alternate routes or are happy with the signed option, not seeking alternatives). **Daily flow: + 315-420 vpd, peak hour: + 30-40 vph**.

- King William St will be the most desirable route during peak periods due to the benefits of turning lanes, signal control and general major route efficiencies. This is likely to the most sought route by regular users as a result once flows have stabilised. This secondary (unsigned) detour route should carry 20-30% of the total redirected flows. **Daily flow: + 220-315 vpd, peak hour: + 20-35 vph**.
- Slade St and Cobden St are likely to pick up some additional traffic demand however these routes will have a reduced desirably compared to King William St and Anzac St. Slade St has limited desirability due the presence of traffic calming devices (humps) throughout its length, additionally a low level of control exists at the Guildford Rd intersection. Cobden St does not provide a direct route and will be deemed too inefficient by most road users. As a result it is likely these two roads will share 10-20% of the redirected flows (Slade will likely carry a greater proportion). **Daily flow: + 105-210 vpd, peak hour: + 10-20 vph**.

- The alternate routes and proportion of detoured traffic serviced is detailed graphically below.

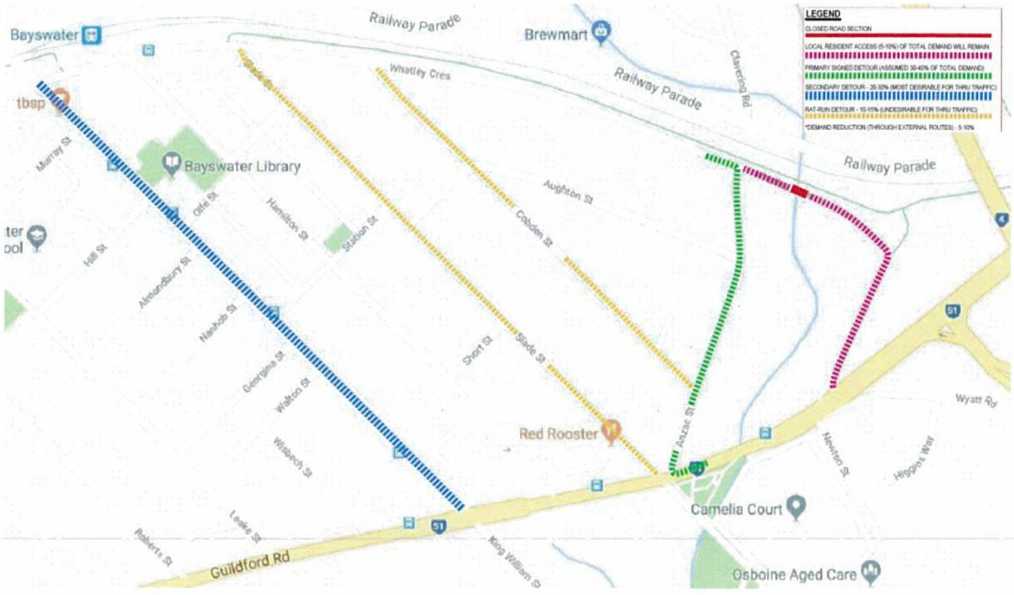


Figure 1: Detoured flow redirection routes.

Overall the impacts on the surrounding road network are likely to be low enough to be absorbed without measurable adverse effects once flows have stabilised. Hourly flows on

the local road are only anticipated to be increased by a maximum of 30-40 vehicles per hour and up to 300-400 vehicles per day.

If you have any queries do not hesitate to contact me.

Regards

Travis Green

Senior Road Safety Auditor
MRWA RTM #037

Strada Consultants Pty Ltd

10. REPORTS BY OFFICERS (COUNCIL DECISION)

10.1 Proposed Indoor Recreation Facility

Location:	**Lot 127 and 128, 13 and 15 Focal Way, Bayswater**
File Number:	**DA18-0030**
Applicant:	**Prada Constructions Pty Ltd**
Owner:	**Bayswater Industrial Estate Pty Ltd**
Reporting Branch:	**Statutory Planning Services**
Responsible Directorate:	**Planning and Development Services**

EXECUTIVE SUMMARY

Application:

A planning application dated 16 January 2018 and plans dated 19 January 2018 (elevations and perspectives) and 21 May 2018 (site plan and floor plan and landscaping plan) have been received for a proposed indoor recreation facility (Futsal Centre) at Lot 127 and 128, 13 and 15 Focal Way, Bayswater.

Key Issues:

- Appropriateness of a recreation facility at the subject site.
- The application is non-compliant with the car parking provisions of Special Control Area 10 (SCA 10) within the City's Town Planning Scheme 24 (TPS 24).
- Impact of the proposed development on the area.

BACKGROUND

Town Planning Scheme No. 24 Zoning:	General Industry - Special Control Area 10 - Precinct B
Use Class:	Recreation Facility - 'Unlisted Use'
Lot Area:	4,261m^2
Existing Land Use:	Vacant
Surrounding Land Use:	Vacant
Size/Nature of Proposed Development:	Proposed Indoor Recreational Facility (Futsal Centre)

The applicant on behalf of the property owner Bayswater Industrial Estate Pty Ltd is proposing to construct a two-storey indoor recreation facility (futsal centre) at 13 and 15 Focal Way, Bayswater which is located within Precinct B of the Tonkin Highway Industrial Estate. The proposed futsal centre is to contain two indoor soccer courts, a warm up area, ancillary kiosk café, shop and offices.

The proposed development has been assessed against the SCA10 requirements for Precinct B of the Tonkin Highway Industrial Estate and was found to be non-compliant in terms of car parking.

The application is being referred to Council for determination as the car parking shortfall is greater than 10% of the requirement, which is beyond the City officer delegation.

Additionally City's TPS No. 24 Special Control Area 10 (SCA10) prescribes that applications for the use of land for a particular purpose that is not specifically mentioned in the Use Class Table for the SCA 10 and cannot reasonably be determined as falling within the interpretation of one of the use class the Council may determine by Absolute Majority, that the use is consistent with the objectives of the particular precinct or determine it is not consistent.

In relation to this application the applicant has requested an opportunity to present a deputation to Councillors. Given the current Standing Orders do not allow deputations to be presented at Ordinary Council meetings, the application is being referred to the Planning and Development Services Committee Meeting and then referred together with the Committee recommendation to the Ordinary Council Meeting for Council determination.

CONSULTATION

The City sought comment for the proposed variation to car parking from the adjacent affected property owners for a period of 14 days. At the completion of the advertising period, three submissions in support of the proposal were received. Submissions have been summarised in the table below.

COMMENT	APPLICANT RESPONSE	OFFICER COMMENT
Surveillance: *"Support the plan and the idea of having people in the Estate after 5pm, will be a good result for estate security."*	Given games will be largely played after normal operating hours, this provides an opportunity for improved security to the area through passive surveillance.	Refer to "Appropriateness of Use" section below.
Car Parking: *"Parking should be ok as most busy times will be post day light"*	The parking demands will be significantly less than the 204 car bays required as the facility only proposes 2 playing courts which limit the number of patrons at any one time. The estate includes on-street car parking bays for any excess requirement.	Refer "Car Parking" section below.

The City also sought comment from the Department of Water and Environmental Regulation (DWER) in relation to the development being located within the Tonkin Highway Industrial Estate which is subject to the *Contaminated Sites Act 2003* due to the former use of the site by Cresco for fertilizer manufacturing. The DWER raised no objections to the proposal and comments and advice received from DWER have been incorporated into the recommended conditions of approval.

ANALYSIS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks:			
Primary Street (NW)			
Ground Floor	3.0m	30.2m	Compliant
Upper Floor	3.0m	30.2m	Compliant
Secondary Street (NE)			
Ground Floor	3.0m	10m - 12.8m	Compliant
Upper Floor	3.0m	10m -12.8m	Compliant
Side (SW)			
Lower Floor	Nil	Nil	Compliant
Upper Floor	3.0m	10m - 12.8m	Compliant
Rear (SE)			
Lower Floor	Nil	Nil	Compliant
Upper Floor	Nil	Nil	Compliant
Maximum Building Height	3 Storeys	2 Storeys	Compliant

Minimum Parking:			
Car Parking Bays	204 car bays	54 car bays	Variation
Bicycle Parking Bays	2 bicycle bays	2 bicycle bays	Compliant
Minimum Landscaping	5% of the total lot area including a 2m wide landscaping strip along the street frontage.	319m2 or 7.46%.	Compliant
		1.8m min width in a small area of Focal Way frontage	Variation
	One tree per 15m of lot frontage within the landscaping strip - 8 trees required.	9 Trees	Compliant
	One tree planted per 6 car parking spaces - 9 trees required.	13 Trees	Compliant
Fencing	Fencing to be black powder coated Garrison or Palisade fencing to a maximum height of 1.8m.	1.8m black coated palisade fencing along the front boundary.	Compliant
Built Form	The buildings shall be designed to address the street, providing a well-articulated administration/office area at the front of the building which will contribute to the streetscape.	Buildings address both street frontages.	Compliant
	The main entrance is to be on the front elevation or close to the front of the building, being clearly visible from the street.	Main entrance is clearly visible to Wicks Street which is the front of the development.	Compliant
	The primary street façade shall avoid large unbroken expanses of wall.	The primary façade along Wicks Street has broken up expanses of wall and is articulated.	Compliant
	Building frontages are to be designed to promote surveillance of the street and/or public open space.	The proposed building frontage promotes surveillance of the street.	Compliant

Site Context

The subject site is located within a General Industry zone, within the Tonkin Highway Industrial Estate. The subject sites and the adjoining properties are all currently vacant.

Appropriateness of Use

Recreation facility is a discretionary use ('D') within a General Industry zone and is not listed under the SCA10 provisions relating to Tonkin Highway within Precinct B. Under the provisions of the SCA10, the Council can consider an unlisted use by determining the application by an Absolute Majority. The proposed office, kiosk and retail uses are incidental to the predominant proposed use of the recreational facility.

The applicant has advised that the proposed futsal centre will operate 5.15pm-10.00pm Monday to Friday, and 8.30am - 8.30pm on weekends. A total of six staff is proposed to be employed for the premises, and the applicant has estimated that no more than 41 persons including staff will be on-site at any one time, based on the number of staff and courts available.

The recreational use is proposed to be open after normal business hours and on weekends with a substantial amount of car parking available for the intended clientele. The use has received support from adjoining landowners as it will provide surveillance and activity within the area outside of peak hours. The risk of impacting adjoining properties during operation is considered to be minimal based on the hours of operation and it will provide a benefit to the area, creating activity after hours to assist in reducing antisocial behaviour in the area. Accordingly the use of recreation facility is supported.

Car Parking

The recreation facility is proposed with 54 car bays on site, and the car parking requirement calculated for the site is 204 car bays. This results in a 150 car bay shortfall, with the high number of car parking bays required attributed to the significant floor area associated with the recreation facility.

The applicant has noted, that although the 204 car parking bays is the requirement based on the maximum number of bays that might ordinarily be required for the recreation use, the facility only proposes two courts for indoor soccer with a warm-up court, together with ancillary uses such as a retail area, kiosk café and bar together with an office area. The applicant has specified that the uses would only generate a requirement for 41 car parking bays based on the maximum of six employees and 35 participants on the two courts and warmup court at any one time. The hours of operation are also outside of the typical operational hours associated with industrial uses (i.e. after 5pm on a weeknight and during weekends) which will minimise risk of any conflict.

An investigation into the car parking requirements of similar recreation facilities which incorporate either one sport or additional indoor sports such as netball and volleyball in other Perth local governments including the City of Cockburn, has noted that a number of these have car parking bays requirements based on the amount of persons rather than a square metre calculation. A requirement of 1 bay per 0.25 persons up to 1 bay per 4 persons is required at these recreation facility examples within other local governments, which based on the 41 persons proposed for the subject use would require between 10 to 20 car parking bays, well within what is being proposed in the subject application. However to ensure that the facility can adequately cater for the parking demand which is likely to occur and present at other similar recreation facilities that the numbers of persons permitted be capped at a maximum of 41 persons and conditioned as part of the recommendation accordingly.

In accordance with these numbers and criteria discussed above, it is considered that the proposed 54 car parking bays is adequate to service the subject proposed uses and not unduly affect the future surrounding uses.

Landscaping

The proposed plans for the development indicate a compliant area of landscaping within the site along with a number of trees within the site and to be installed along the frontage of the lot. Despite this, there is also a 2.0m wide requirement for landscaping along the lot frontage. The proposed development indicates a small area of the Focal Way frontage with a 1.8m width. However the remainder of the landscaping has areas which are wider than 2.0m, which more than compensates for the small area of non-compliance. Based on this the proposed landscaping variation is supported accordingly.

Other Planning Matters

The Tonkin Highway Industrial Estate is subject to the *Contaminated Sites Act 2003* due to the former use of the site by Cresco For fertilizer manufacturing.

OPTIONS

The following options are available to Council:

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

CONCLUSION

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC LINK

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

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

- City of Bayswater Town Planning Scheme No. 24 and local planning policies;

VOTING REQUIREMENTS

ABSOLUTE MAJORITY REQUIRED.

ATTACHMENTS

1. Plans for Development

ADDENDUM - PLANNING AND DEVELOPMENT SERVICES COMMITTEE - 12 JUNE 2018

ADDITIONAL INFORMATION

After further consideration of condition 4 relating to the number of persons visiting the site, the City officers recommend that the condition be amended to allow for a maximum of 54 persons, based on the provision of 54 car parking bays onsite.

RECOMMENDATION IMPLICATIONS

In light of the above, Condition 4 is amended to read as follows:

"4. A maximum of 54 persons are permitted within the recreation facility at any one time."

OFFICER'S RECOMMENDATION

That Council grants planning approval for the proposed indoor recreation facility at Lot 127 and 128, 13 and 15 Focal Way, Bayswater, in accordance with planning application dated 16 January 2018 and plans dated 19 January 2018 and 21 May 2018, subject to the following planning conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. Lots 127 and 128 are to be amalgamated into a single lot prior to the submission of a building permit application. Alternatively the owner may enter into a legal agreement with the City of Bayswater, prepared by the City's solicitors at the expense of the owner. The legal agreement will allow the owner 12 months to amalgamate the lots. The agreement is required to be executed by all parties concerned prior to the commencement of the works hereby permitted.
3. The hours of operation of the recreation facility shall not commence prior to 5.00pm Monday to Friday.
4. A maximum of 41 persons are permitted within the recreation facility at any one time.
5. A detailed landscape plan shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following to the satisfaction of the City:

   (a) A minimum of one shade tree for each six car bays being provided to punctuate the on-site car bays.

   (b) In addition to the trees required under (a), a minimum of eight trees being provided within the landscaping strip along the street boundaries. The trees shall be minimum 50L pot size.

   (c) The size and number of new plants to be planted.

   (d) Areas not used for car parking are to be treated with gravel or an alternative impermeable hard or paved surface.

   Landscaping shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.
6. The café, office and retail components of the development shall be directly related and incidental to the use of recreational facility to the satisfaction of the City of Bayswater.
7. A construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.
8. A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.
9. Prior to the submission of a building permit application, a waste management plan (WMP) to be submitted for waste collection at least once per week. The applicant to amend the WMP to include a contingency plan if there is excess waste produced. The WMP must demonstrate that the contractor will be able to access the property to collect the rubbish bins.

10. A facility with a minimum of two bicycle parking bays shall be provided and protected from the weather, and contain bicycle parking devices that allow users to lock the bicycles frame and both wheels, to the satisfaction of the City of Bayswater.

11. Windows, doors and adjacent areas fronting Focal Way and Wicks Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City of Bayswater.

12. A suitably ventilated and screened refuse bulk bin area of an adequate size shall be provided to the satisfaction of the City of Bayswater. The bin area is to be provided with a permanent water supply and drainage facility for wash-down and is to be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m. The bin area shall be accessible via a suitably constructed service road that will allow heavy vehicle movement.

    The bin store shall be constructed in complementary materials, colours and design with the building to the satisfaction of the City of Bayswater. Details shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.

13. All vehicle crossovers being designed and constructed to the satisfaction of the City of Bayswater. The clearance to the subsoil drainage pit is to be a minimum setback of 0.5m.

14. The vehicle parking area shall be constructed in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with suitable directional signs, and thereafter maintained to the satisfaction of the City of Bayswater.

15. The approved parapet/boundary wall(s) and footings abutting the lot boundaries must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall(s) shall be finished to a professional standard, to the satisfaction of the City of Bayswater.

16. Any proposed vehicular entry gates shall be a minimum 50% visually permeable, and shall be open at all times during operation.

17. Any proposed fencing forward of the main building line shall not include barbed wire or any other harmful projection or material, to the satisfaction of the City of Bayswater.

18. The use of reflective or obscure glazing is not permitted on ground floor windows and/or openings.

19. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street, or designed integrally with the building and be located so as not to be visually obtrusive from the street.

20. Prior to the submission of a building permit application, detailed drainage plans demonstrating compliance with the Tonkin Highway Industrial Estate requirements shall be submitted to and approved by the City of Bayswater. The drainage plan is to be implemented in its entirety and maintained thereafter to the satisfaction of the City of Bayswater.

21. All street tree(s) within the verge adjoining the subject property are to be retained, unless written approval has been granted by the City of Bayswater for their removal, and shall have measures consistent with AS 4970-2009 undertaken to ensure its/their protection during construction of the subject development to the satisfaction of the City, including but not limited to the following:

    (a) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.

    (b) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.

(c) All activities related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ.

(d) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.

(e) The tree(s) shall be provided with supplemental water during any construction period falling over summer, with a minimum of 150 litres being provided per week.

(f) Should any works be required to be undertaken within the TPZ, approval must be given by the City prior to entering this zone. You may be required to seek advice from an Arborist in regard to the type of works being undertaken, this information is to be assessed by the City as part of the approvals to enter.

(g) Any new crossover shall maintain a minimum clearance of 2.0m from the base of a street tree(s).

22. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City of Bayswater, prior to the erection of any signage.

23. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Advice Notes:

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.

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

3. Development of the site is required to be managed in accordance with the provisions outlined in the relevant contaminated sites auditor-approved site management plan.

4. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas including any verge trees must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.

5. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.

6. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.

7. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations, including but not limited to the following:

- *Environmental Protection Act 1986;*
- *Health (Miscellaneous Provisions) Act 1911;*
- *Food Act 2008 and the Australian Food Standard Code;* and
- *Health (Air Handling and Water Systems) Regulations 1994.*

The applicant to submit detailed plans of the café and bar area (including elevations) as part of the Building Permit application.

8. The premises to comply with the *Health (Public Building) Regulations 1992*.
9. Exhaust systems (i.e. outlet) must be at least 6m (horizontal distance) from any air intake or windows/doors/balconies.
10. Applicant to submit the mechanical ventilation layout to demonstrate that the ventilation system complies with the required standards.
11. The bin pickup/access area must be flat/levelled and be adequately ventilated to prevent nuisance odour.
12. The recommended Waste Management Bin System is subject to the City of Bayswater's Technical Services Traffic Management approval/compliance.

AMENDMENT

That condition 20 be amended to read as follows:

20. A verge tree shall be planted every 10m on the verge with appropriate sub-conditions when requesting the planting of a tree.

CR CATHERINE EHRHARDT MOVED

LAPSED AS NO SECONDER

COMMITTEE RECOMMENDATION TO COUNCIL

That Council grants planning approval for the proposed indoor recreation facility at Lot 127 and 128, 13 and 15 Focal Way, Bayswater, in accordance with planning application dated 16 January 2018 and plans dated 19 January 2018 and 21 May 2018, subject to the following planning conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.

2. Lots 127 and 128 are to be amalgamated into a single lot prior to the submission of a building permit application. Alternatively the owner may enter into a legal agreement with the City of Bayswater, prepared by the City's solicitors at the expense of the owner. The legal agreement will allow the owner 12 months to amalgamate the lots. The agreement is required to be executed by all parties concerned prior to the commencement of the works hereby permitted.

3. A maximum of 54 vehicles are permitted on the premises at any one time.

4. A detailed landscape plan shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following to the satisfaction of the City:

(a) A minimum of one shade tree for each six car bays being provided to punctuate the on-site car bays.

(b) In addition to the trees required under (a), a minimum of eight trees being provided within the landscaping strip along the street boundaries. The trees shall be minimum 50L pot size.

(c) The size and number of new plants to be planted.

(d) Areas not used for car parking are to be treated with gravel or an alternative impermeable hard or paved surface.

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

5. The café, office and retail components of the development shall be directly related and incidental to the use of recreational facility to the satisfaction of the City of Bayswater.

6. A construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.

7. A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.

8. Prior to the submission of a building permit application, a waste management plan (WMP) to be submitted for waste collection at least once per week. The applicant to amend the WMP to include a contingency plan if there is excess waste produced. The WMP must demonstrate that the contractor will be able to access the property to collect the rubbish bins.

9. A facility with a minimum of two bicycle parking bays shall be provided and protected from the weather, and contain bicycle parking devices that allow users to lock the bicycles frame and both wheels, to the satisfaction of the City of Bayswater.

10. Windows, doors and adjacent areas fronting Focal Way and Wicks Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City of Bayswater.

11. A suitably ventilated and screened refuse bulk bin area of an adequate size shall be provided to the satisfaction of the City of Bayswater. The bin area is to be provided with a permanent water supply and drainage facility for wash-down and is to be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m. The bin area shall be accessible via a suitably constructed service road that will allow heavy vehicle movement.

The bin store shall be constructed in complementary materials, colours and design with the building to the satisfaction of the City of Bayswater. Details shall be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.

12. All vehicle crossovers being designed and constructed to the satisfaction of the City of Bayswater. The clearance to the subsoil drainage pit is to be a minimum setback of 0.5m.

13. The vehicle parking area shall be constructed in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with suitable directional signs, and thereafter maintained to the satisfaction of the City of Bayswater.

14. The approved parapet/boundary wall(s) and footings abutting the lot boundaries must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall(s) shall be finished to a professional standard, to the satisfaction of the City of Bayswater.

15. Any proposed vehicular entry gates shall be a minimum 50% visually permeable, and shall be open at all times during operation.

16. Any proposed fencing forward of the main building line shall not include barbed wire or any other harmful projection or material, to the satisfaction of the City of Bayswater.

17. The use of reflective or obscure glazing is not permitted on ground floor windows and/or openings.

18. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street, or designed integrally with the building and be located so as not to be visually obtrusive from the street.

19. Prior to the submission of a building permit application, detailed drainage plans demonstrating compliance with the Tonkin Highway Industrial Estate requirements shall be submitted to and approved by the City of Bayswater. The drainage plan is to be implemented in its entirety and maintained thereafter to the satisfaction of the City of Bayswater.

20. All street tree(s) within the verge adjoining the subject property are to be retained, unless written approval has been granted by the City of Bayswater for their removal, and shall have measures consistent with AS 4970-2009 undertaken to ensure its/their protection during construction of the subject development to the satisfaction of the City, including but not limited to the following:

(a) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.

(b) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.

(c) All activities related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ.

(d) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.

(e) The tree(s) shall be provided with supplemental water during any construction period falling over summer, with a minimum of 150 litres being provided per week.

(f) Should any works be required to be undertaken within the TPZ, approval must be given by the City prior to entering this zone. You may be required to seek advice from an Arborist in regard to the type of works being undertaken, this information is to be assessed by the City as part of the approvals to enter.

(g) Any new crossover shall maintain a minimum clearance of 2.0m from the base of a street tree(s).

21. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City of Bayswater, prior to the erection of any signage.

22. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Advice Notes:

1. **To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of two years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.**
2. **This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**
3. **Development of the site is required to be managed in accordance with the provisions outlined in the relevant contaminated sites auditor-approved site management plan.**
4. **Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas including any verge trees must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.**
5. **This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.**
6. **This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.**
7. **The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations, including but not limited to the following:**
   - ***Environmental Protection Act 1986;***
   - ***Health (Miscellaneous Provisions) Act 1911;***
   - ***Food Act 2008 and the Australian Food Standard Code;* and**
   - ***Health (Air Handling and Water Systems) Regulations 1994.***

   The applicant to submit detailed plans of the café and bar area (including elevations) as part of the Building Permit application.
8. **The premises to comply with the *Health (Public Building) Regulations 1992*.**
9. **Exhaust systems (i.e. outlet) must be at least 6m (horizontal distance) from any air intake or windows/doors/balconies.**
10. **Applicant to submit the mechanical ventilation layout to demonstrate that the ventilation system complies with the required standards.**
11. **The bin pickup/access area must be flat/levelled and be adequately ventilated to prevent nuisance odour.**
12. **The recommended Waste Management Bin System is subject to the City of Bayswater's Technical Services Traffic Management approval/compliance.**

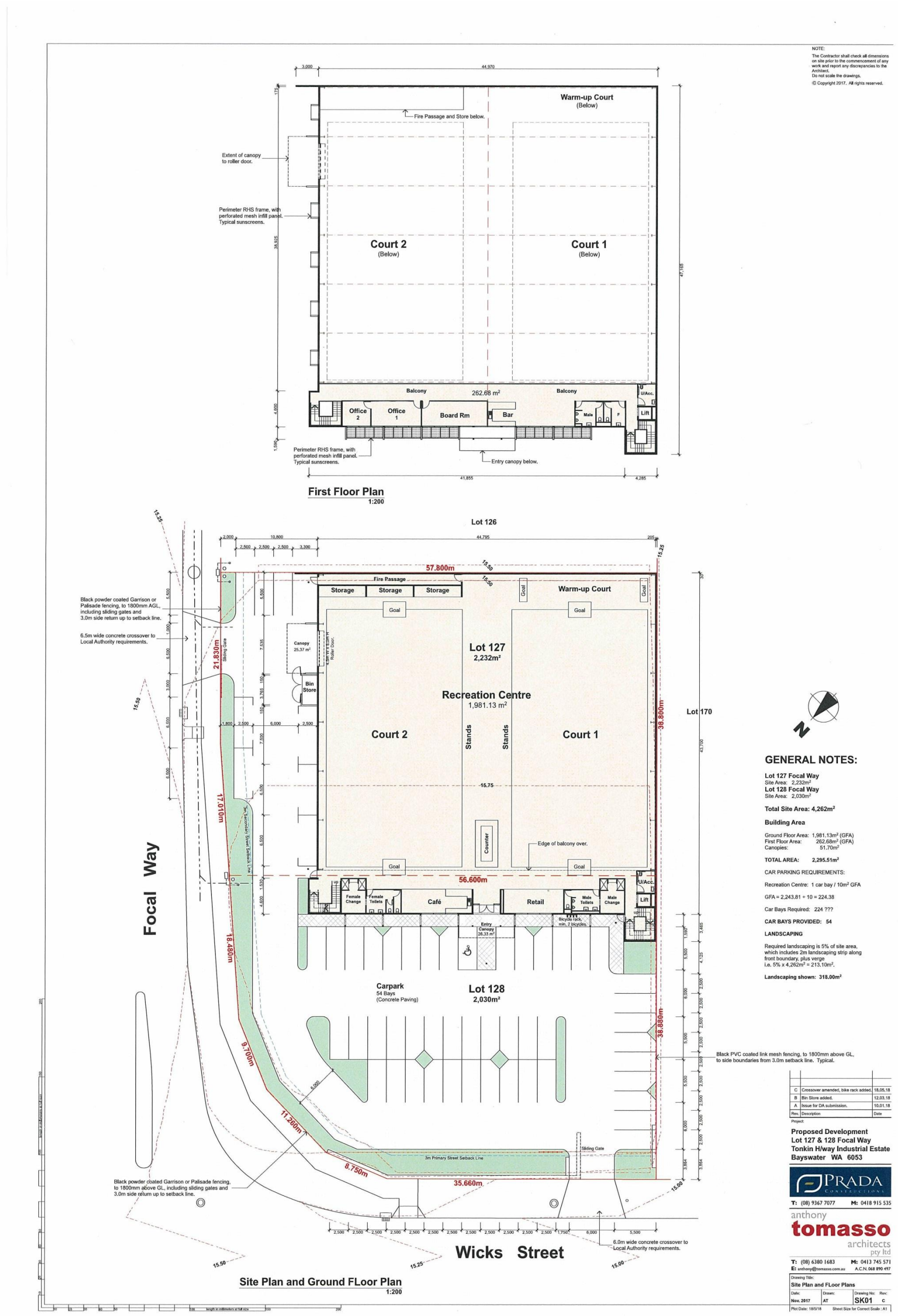
CR DAN BULL, MAYOR MOVED, CR SALLY PALMER SECONDED

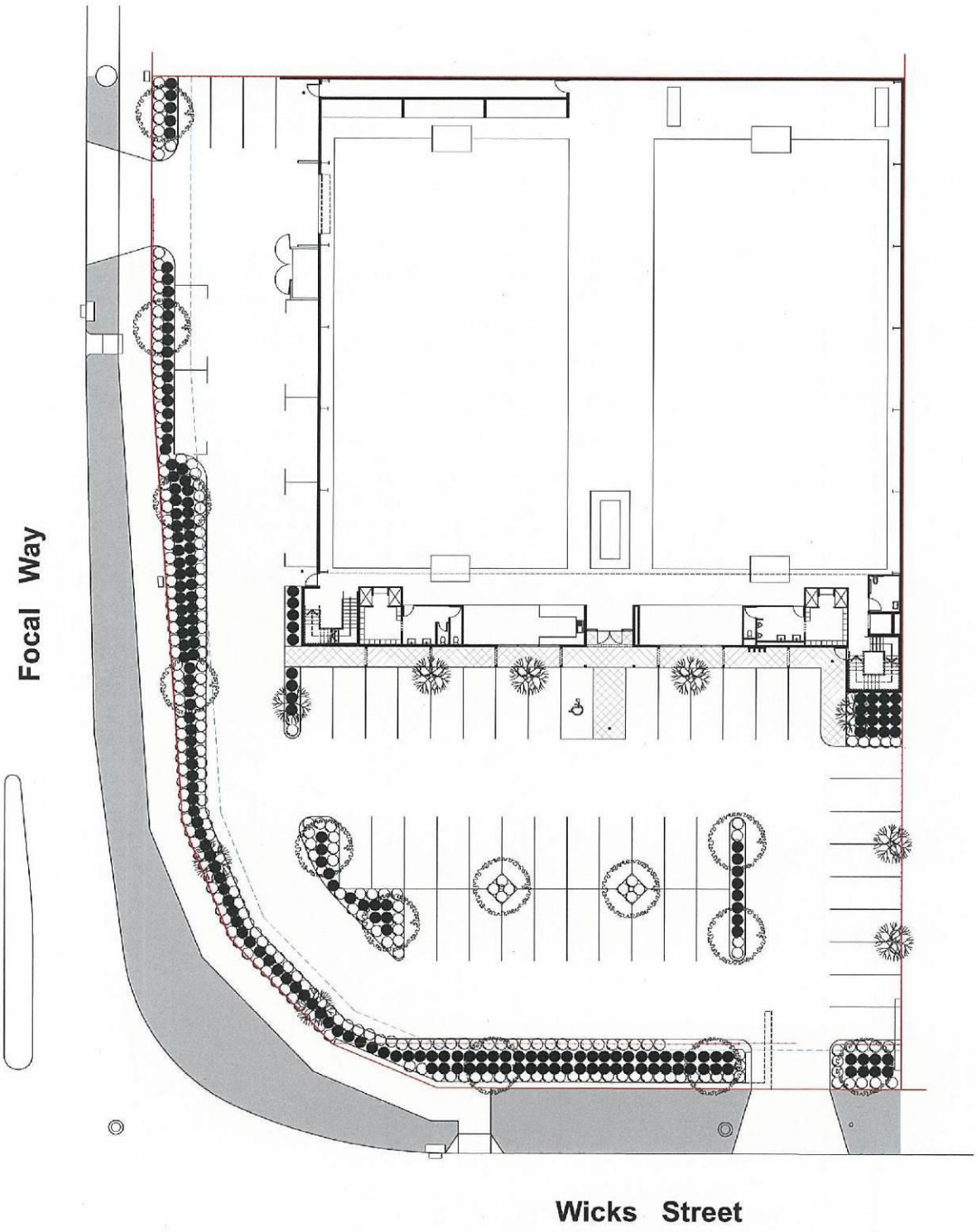
CARRIED UNANIMOUSLY: 9/0

REASON FOR CHANGE

The Committee changed the officer's recommendation as it was felt that the facility would be used by youth during the day and therefore, not restricting the hours of operation to only the evening. Also, by placing a constraint around the number of vehicles permitted to park on site, this will provide more flexibility on the number of people that can be at the property while not resulting in car parking issues for the area.

Attachment 1





LANDSCAPE LEGEND

Symbol	Species	Pot Size	No.
	Eucalyptus ficifolia Red Flowering Gum	75 Lt	13
	Hymenosporum flavum Native Frangipani	75 Lt	9
	Anigozanthos flavidus x rufus Kangaroo Paw	20 cm	200
	Eremophila glabra Emu Bush	20 cm	255
	Kikuku or similar approved roll-on turf		
	Selected Paving		

VERGE LANDSCAPING BY LANDCORP (S8.2 of Design Guidelines)

ALL LANDSCAPED AREAS SHALL BE COVERED WITH 75MM MULCH

ALL PLANTS AND SPECIES TO BE IRRIGATED AS FOLLOWS:-
RETICULATION SHALL BE VIA STREET SUPPLY CONTROLLED WITH AUTO STATION RAINMAKER CONTROLLER WITH SOLENOID VALVES WITHIN PLASTIC VALVE BOX. GATE VALVE MAIN SUPPLY. POLYPIPE 20MM SUPPLY TO EACH STATION. GURGLER DRIPPERS TO MAIN TREES AND SHRUBS, WITH POP UP SPRINKLERS TO ALL OTHER LOW PLANTING AREAS AND VERGE AREAS.

Landscape Plan
1:200

Rev.	Description	Date
A	Issue for DA submission.	18.05.18

Project:
Proposed Development
Lot 127 & 128 Focal Way
Tonkin H/way Industrial Estate
Bayswater WA 6053

PRADA CONSTRUCTIONS
T: (08) 9367 7077 M: 0418 915 535

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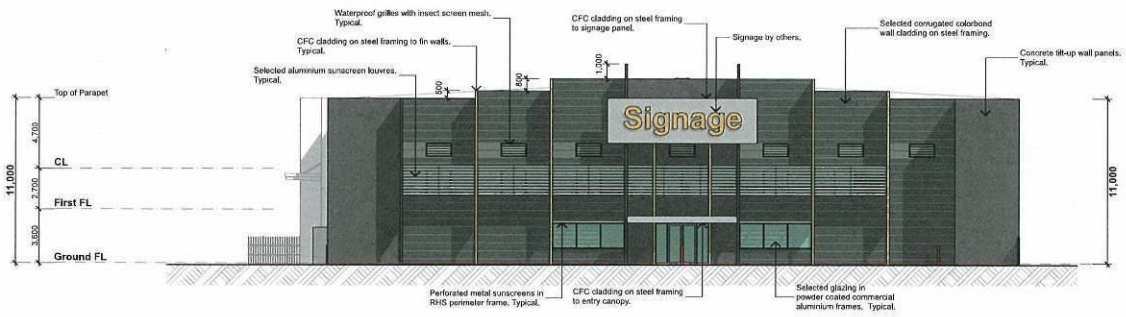
E: anthony@tomasso.com.au A.C.N. 068 890 497

Drawing Title:
Landscape Plan

Date:	Drawn:	Drawing No:	Rev:
May 2018	AT	SK04	A

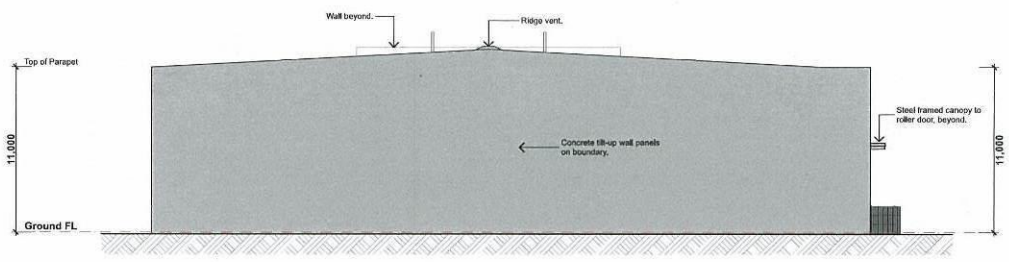
Plot Date: 18/5/18 Sheet Size for Correct Scale : A1

NOTE:
The Contractor shall check all dimensions on site prior to the commencement of any work and report any discrepancies to the Architect.
Do not scale the drawings.



North-West (Wicks Street) Elevation
1:200

North-East (Focal Way) Elevation
1:200



South-East Elevation
1:200

South-West Elevation
1:200

Rev.	Description	Date
B	Bin Store added.	12.03.18
A	Issue for DA submission.	10.01.18

Project:
Proposed Development
Lot 127 & 128 Focal Way
Tonkin H/way Industrial Estate
Bayswater WA 6053

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Drawing Title:
Elevations

Date:	Drawn:	Drawing No:	Rev:
Jan. 2018	AT	SK02	B

Plot Date: 12/3/18 Sheet Size for Correct Scale : A1

Perspective View 1

Perspective View 2

Perspective View 3

NOTE:
The Contractor shall check all dimensions on site prior to the commencement of any work and report any discrepancies to the Architect.
Do not scale the drawings.

Rev.	Description	Date
B	Bin Store added.	12.03.18
A	Issue for DA submission.	10.01.18

Project:
Proposed Development
Lot 127 & 128 Focal Way
Tonkin H/way Industrial Estate
Bayswater WA 6053

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Drawing Title:
Perspective Views

Date:	Drawn:	Drawing No:	Rev:
Jan. 2018	AT	SK03	B

Plot Date: 12/3/18 Sheet Size for Correct Scale : A1

11. REPORTS FOR NOTING

Nil.

12. LATE ITEMS

Nil.

COMMITTEE RESOLUTION - EN BLOC RESOLUTION

To en bloc the Officer's Recommendations to Ordinary Items: 9.1 and 9.8 to 9.9.

CR BRENT FLEETON MOVED, CR DAN BULL, MAYOR SECONDED
CARRIED UNANIMOUSLY: 9/0

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 ***Tuesday, 17 July 2018*** commencing at ***6:30pm.***

15. CLOSURE

There being no further business to discuss, the Chairperson, Cr Brent Fleeton, declared the meeting closed at 8:03pm.