



NOTES
Concept Forum
South Perth Train Station
Precinct Study Presentation
**Held in the Council Briefing Room
Wednesday 22 October 2008
Commencing at 5.30pm**

Present

Mayor J Best Chairman

Councillors

P Best Como Beach Ward
L P Ozsdolay Manning Ward
R Grayden Mill Point Ward
K R Trent, RFD Moresby Ward

Officers

Mr C Frewing Chief Executive Officer
Mr S Bell Director Infrastructure Services (from 5.55pm)
Mr S Cope Director Development and Community Services
Mrs G Fraser Senior Strategic Planning Officer
Ms N Cecchi PA to Director Development and Community Services (Notes)

Consultants

John Syme Syme Marmion
Karen Hyde Syme Marmion
Chris Bebich Department for Planning and Infrastructure
Dale Bastin Department for Planning and Infrastructure

Apologies

Cr G W Gleeson Civic Ward - approved Leave of Absence
Cr I Haselby Civic Ward - approved Leave of Absence
Cr B W Hearne Como Beach Ward
Cr T Burrows Manning Ward
Cr D S Smith Mill Point Ward
Cr C A Cala McDougall Ward
Cr R Wells, JP McDougall Ward
Cr S Doherty Moresby Ward - approved Leave of Absence

OPENING

The Mayor opened the Concept Forum at 5.30pm, welcomed everyone in attendance and provided a brief history of the South Perth Train Station Precinct Study. The Director Development and Community Services then provided an update on the current status of the Study advising that, following the appointment of Syme Marmion, the Study Consultant was arranging a stakeholder consultation.

1. South Perth Train Station Precinct Study

The Mayor introduced John Syme and Karen Hyde from Syme Marmion, and Chris Bebach and Dale Bastin from the DPI. John Syme provided a summary of the Study and presented an overview on the following topics:

- The project - Objective;
- Project team (Syme Marmion & Co, Mackay Urban Design, Philip McAllister Architect, EPCAD, and Worley Parsons);
- Proposed South Perth Train Station - Area within 800 metre radius;
- Program - Proposed tasks over next 6 months;
- Transit Oriented Development (TOD) - Public transport use / Focus on environment within walking distance of station / Origin / Destination.
- Comparative study regions (South Perth / Claisebrook / East Perth / Subiaco) - Average annual growth / Age profile / Commercial floor area / Employment self-sufficiency;
- Issues and considerations - Rail patronage and operations / Integration with existing community / Heritage / Station access / Parking / Community expectations / Development viability;
- Intensification and development opportunities (Theoretical) - Urban zoned land / Other.

At the conclusion of the presentation, Council Members raised questions and points of clarification on the following issues which were responded to by the presenters and City Officers.

- TPS6 amendment - Timeframe;
- 2-day workshop early December - Participants (Zoo Board / Chamber of Commerce / Sporting clubs / DPI / PTA);
- Peak and off peak times - Destination use;
- Parking problems - Survey;
- Attractive location - Station design challenge;
- Employment self-sufficiency in Town of Victoria Park;
- Development options - Mixed use (Commercial / Residential / Recreational);
- Community Engagement Study - Stage 1 conclusions;
- Community consultation and support - Protect area from intense development;
- Future of existing amenities - Decision needs to be addressed at inception (Richardson and Windsor Parks / Golf course / Perth Zoo);
- Transport connections between current facilities;
- Vision 2030 - Impact from stakeholders.

“Where to from here?”

John Syme advised that stakeholder forums consisting of local property owners, sports clubs and the Perth Zoo would need to be conducted. Arrangements are currently being made to facilitate these forums.

Closure

The Mayor thanked the Consultants for addressing the briefing and closed the Concept Forum at 7.07pm.



NOTES

October Council Agenda Briefing
Held in the Council Chamber
Tuesday 21 October 2008
commencing at 5.30pm

Present:

Mayor J Best Chairman

Councillors:

G W Gleeson	Civic Ward
P Best	Como Beach Ward
B Hearne	Como Beach Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R Grayden	Mill Point Ward
D Smith	Mill Point Ward
K R Trent, RFD	Moresby Ward (from 5.35pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure
Mr S Cope	Director Development and Community Services
Ms D Gray	Acting Director Financial and Information Services
Mr R Kapur	Manager Development Assessment
Mr N Kegie	Manager Community, Culture and Recreation
Mrs G Fraser	Acting Strategic Urban Planning Adviser
Miss J Jumayao	Legal and Governance Research/Project Officer
Mrs K Russell	Minute Secretary

Apologies

Cr I Hasleby	Civic Ward - approved leave of absence
Cr T Burrows	Manning Ward
Cr S Doherty	Moresby Ward - approved leave of absence
Mr M Kent	Director Financial and Information Services

Gallery

There were 6 members of the public present and 1 member of the press

OPENING

The Mayor opened the Agenda Briefing at 5.30pm, welcomed everyone in attendance and advised on the format of the Briefing stating that Deputations would be heard first followed by any questions on the Deputation items and then the October Council reports would be presented by the Chief Executive Officer.

DEPUTATIONS

The Mayor advised that the Deputation from Mr Chris Brook, the applicant in relation to Agenda Item 10.3.5 (proposed two storey Single House 33 Crawshaw Crescent) has been withdrawn as Mr Brook, late today, submitted modified plans for the proposal addressing issues raised by the planning officers. The Mayor further stated that the officers will now assess the modified plans to ascertain if all issues have been addressed and if time permits incorporate the changes into the final Agenda.

Opening of Deputations

The Mayor opened Deputation at 5.36pm

Mr John Meggitt of Allerdin & Associates representing the applicant (Esplanade River Suites) Agenda Item 10.3.4
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Mr Meggitt spoke for the officer recommendation for the proposed modified sign for the “Esplanade River Suites” previously the Pagoda Hotel on the following points:

- Approval already exists for existing sign
- Modifications reflect new name of hotel ‘ new livery’ of Esplanade Hotel Group
- No adverse impact on amenity of surrounding area

Mr Ronald Smith representing his mother the adjoining neighbour at 31 Crawshaw Crescent. Item 10.3.4

Mr Smith in speaking against the officer recommendation for the proposed 2 x storey Single House at 33 Crawshaw Crescent stated and in view of the advice from the Mayor that the applicant has, late today, submitted revised plans asked that Council defer consideration of the matter to the next Council Meeting to allow more time for the modified proposal to be assessed and for further neighbour consultation to occur.

Note: A copy of Mr Smith’s Deputation was circulated to Elected Members.

Note: Following each Deputation questions and points of clarification raised by Elected Members were responded to by the presenters and the officers accordingly.

Close of Deputations

The Mayor closed Deputations at 5.50pm and thanked the presenters for their comments.

OCTOBER COUNCIL AGENDA REPORTS

The Chief Executive Officer presented a brief summary of each of the October 2008 Council Reports as follows. Questions and points of clarification were raised by Members and responded to by the officers.

10.0.1 Policy P399 ‘Final Clearance Requirements for Completed Buildings

This Policy is presented for adoption in response to a Council resolution and as a result of issues associated with developments at 12 Stone Street and 21 South Perth Esplanade.

10.2.1 Community Sport and Recreation Funding Program

This report considers an application for funding from Trinity Aquinas Amateur Football Club for the installation of 2 lighting towers at the Bill Grayden Reserve.

10.3.2 Change of Use - Office to Consulting Rooms 56 Ley Street, Como

This report considers an application for planning approval for a change of use from Office to Consulting Rooms.

10.3.3 Proposed Mixed Development Lot 3298 Murray Street, Como

To consider an application from South Perth Church of Christ for preliminary support for a Master Plan comprising 74 Multiple Dwellings, a Café, Shop and Religious Activities Auditorium on Lot 3298 Murray Street, Como. *The proposal was described in detail at the Major Development Briefing on 1 October 2008.*

10.3.4 Modification to Existing Sign (*subject of a DEPUTATION*)

This report considers an application for modifications to a previously approved roof-mounted sign, for the Esplanade River Suites *previously Pagoda Hotel.*

10.3.5 Proposed Two Storey Single House 33 Crawshaw Crescent (*subject of DEPUTATION*)

This application deals with a proposed Two Storey Single House in Crawshaw Crescent. Council's determination is sought in relation to the streetscape compatibility with the existing buildings within the focus area in terms of roof form and the "General Design Guidelines Policy"

10.5.1 Applications Determined Under Delegated Authority

This report advises Council of applications for planning approval determined under delegated authority during the month of September 2008.

10.5.2 Use of the Common Seal

This report details the use of the Common Seal for the month of September 2008.

10.5.3 Annual Report 2007/2008

The purpose of this report is to present the Annual Report/Financial Statements for the year ended 30 June 2008 for adoption and to set a date for the Annual Electors' Meeting.

10.5.4 Claim for Costs from Mr Barrie Drake, 2 Scenic Crescent, South Perth

The report deals with a claim from Barrie Drake for reimbursement of costs which he states he has incurred as a result of actions he has taken in relation to alleged non-compliance with certain aspects of the planning approval granted by the City in 2000 for the property at 11 Heppingstone Street, South Perth.

10.5.5 Invitation to Attend Inaugural Meeting of Australian Council of Local Government

This report gives consideration to the attendance by the Mayor at the Inaugural Meeting of the Australian Council of Local Government (ACLG) in Canberra on 18 November 2008.

10.6.1 Monthly Financial Management Accounts as at September 2008

This report presented the monthly management account summaries for September.

10.6.2 Monthly Statement of Funds, Investments and Debtors at 30 September 2008

This report presents a statement summarising the effectiveness of treasury management for the month.

10.6.3 Warrant of Payments

This report present a list of accounts paid under delegated authority for September 2008.

10.6.4 Statutory Financial Statements for Quarter Ended 30 September 2008.

This report provides an Income Statement for the period ended 30 September 2008 with revenues and expenditures.

10.6.5 Budget Review for Quarter Ended 30 September 2008

This report reviews the 2008/2009 Adopted Budget for the period to 30 September 2008.

Briefing Not Closed to the Public

The Members present indicated there would be no *confidential* discussion in relation to Item 15.1.1 and therefore the Agenda Briefing was not closed to the public.

CONFIDENTIAL ITEM

15.1.1 CoSP Volunteer of the Year Awards

This report relates to the selection of a community member as the recipient of an Award to be announced and presented at the Thank a Volunteer Day Ceremony on 30 November 2008.

QUESTIONS WITHOUT NOTICE

Following the conclusion of the presentation of the October Reports at 6.50pm the Mayor opened the meeting to Members' questions.

Close

The Mayor thanked everyone for their attendance and closed the Agenda Briefing at 7.10pm



NOTES

TOWN PLANNING

MAJOR DEVELOPMENTS CONCEPT FORUM

- Lot 20 (No. 3) Philp Avenue, Como
Held in the Council Briefing Room
Wednesday 5 November 2008 at 5.30pm

Present:

Mayor J Best Chairman

Councillors

G W Gleeson	Civic Ward
I Hasleby	Civic Ward
P Best	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R Grayden	Mill Point Ward
K R Trent, RFD	Moresby Ward

Officers

Mr S Cope	Director Development and Community Services
Mr R Kapur	Manager Development Services
Mr L Mathewson	Planning Officer
Ms N Cecchi	PA to Director Development & Community Services (Notes)

Presenters

Mr P Webb	Planning Consultant
Ms E Allen-Fisher	Dale Alcock Homes
Ms K Watson	Applicant
Mr A Day	Applicant

Apologies

Cr D Smith	Mill Point Ward
Cr BW Hearne	Como Beach Ward

Approved Leave of Absence

Cr S Doherty	Moresby Ward
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Gallery

There were 3 members of the public present.

OPENING

The Mayor opened the Concept Forum at 5.30pm, welcomed everyone in attendance and advised that the second item listed for discussion (development at No. 2 Fourth Avenue, Kensington) has been withdrawn by the applicant.

1. Proposed Residential Dwelling and Use to include Bed & Breakfast (No. 3) Philp Avenue, Como

The Mayor introduced Mr Peter Webb, and stated that Major Development briefings were held to inform Council Members of complex and controversial development applications. Mr Peter Webb introduced Ms Kay Watson, Mr Andre Day and Ms Elizabeth Allen-Fisher and then provided the following overview of the proposal:

- The existing 50's residence on the lot
- Detail of the carport of the subject property
- The neighbouring property (No. 5 Philp Avenue)
- Existing homes opposite the subject property on Philp Avenue - Note the slope down the street from left to right
- Examples of other homes in the streetscape area
- An aerial photo of the site and neighbouring property
- Drawings describing the proposed development

Plans of the development and 'house rules' relating to the proposed use were distributed to Council Members. The Mayor urged the proponents to approach neighbours with the development plans and house rules so that they are informed of the proposal.

At the conclusion of the presentation, Council Members raised questions and points of clarification which were responded to by the presenters and City officers in relation to the following issues:

- Provision of meals - Breakfast only
- Length of stay - No limit
- Signage
- Laundry use
- House Rules
- Submissions - 11
- Similar 'B&B' approved in Bickley Crescent - Not purpose designed 'B&B'
- Commercial use / Residential - Significant impact on street amenity
- Key "planning" matters outstanding;
 1. A portion of the proposed boundary wall adjoining an outdoor living area is non-compliant;
 2. Two car parking bays located within the front setback area and not provided with the required setback from the street boundary;
 3. The proposed crossover does not maintain a 3.0 metre minimum clear distance from the existing street tree; and
 4. The amount of landscaping within the front setback area is not consistent with the existing streetscape character.

2. Proposed Mixed Development Lot 91 No. 2 Fourth Avenue, Kensington WITHDRAWN

Note: Item withdrawn by the applicant.

3. Closure

The Mayor thanked the presenters for addressing the briefing and closed the Concept Forum at 6.40pm.



NOTES

Concept Forum

Performance Monitor Results - Catalyse
Held in the Council Briefing Room
Tuesday 11 November 2008
Commencing at 5.30pm

Present

Mayor J Best Chairman

Councillors

I Hasleby	Civic Ward
P Best	Como Beach Ward
T Burrows	Manning Ward
L P Ozsdolay	Manning Ward
R Grayden	Mill Point Ward
S Doherty	Moresby Ward

Officers

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Development and Community Services
Mr N Kegie	Manager Community, Culture and Recreation
Mr S Bell	Director Infrastructure Services

Consultant

Ms Lisa Lough Catalyse

Apologies

Cr BW Hearne	Como Beach Ward
Cr C A Cala	McDougall Ward
Cr D S Smith	Mill Point Ward
Cr K R Trent, RFD	Moresby Ward - Approved Leave of Absence
Cr R Wells, JP	McDougall Ward

OPENING

The Mayor opened the Concept Forum at 5.30pm, welcomed everyone in attendance. The CEO provided background information on the City's ongoing involvement with the survey and then introduced Ms Lisa Lough from Catalyse.

1. Community Perceptions Survey

Ms Lough provided background on the 2008 Community Perceptions Survey administered by the City of South Perth among its residents to evaluate and monitor performance across a range of services and facilities. She then spoke on the following topics advising that 402 residents participated in the study and that the survey conducted by CATALYSE® provides Council with valid performance measures that can be benchmarked and consistently monitored over time:

- Introduction and Research Method
- Overall Satisfaction Ratings
- Key Findings - Overall Satisfaction (the City's Performance Compared to Others)
- Customer Focus -
 - efficiency and effectiveness of customer service
 - how open and transparent Council processes are (South Perth set industry benchmark)
 - how the community is consulted about local issues
 - how the community is informed about local issues
- Community Enrichment
 - the sense of community in your local area
 - Library and information services
 - Activities for improving health and well-being
 - Services and facilities for youth
 - Services and facilities for families
 - Festivals, events and cultural activities
 - Street artworks and public art
 - How local history and heritage is preserved and promoted
 - Support for restoring and redeveloping the Old Mill Site
 - Safety and security
- Environmental Management
 - Conservation and environmental management
 - Weekly rubbish collections
 - Fortnightly recycling services
 - Enforcement of Local Laws relating to food, health, noise and pollution
 - How traffic, parking and clean-up is managed for public events (such as Skyshow, Red Bull Air Race and Fiesta)
 - Sustainable Living
 - Travelsmart
- Infrastructure
 - Planning and Building Approvals
 - Footpaths - cycleways
 - Street Lighting - Street Sweeping / Cleaning
 - Community Buildings, Halls, Toilets
 - Streetscapes, parks, sporting grounds. Community Facilities
 - Economic development, tourism and job creation
 - Control of Park around shopping areas
- Organisational Effectiveness
 - communicated a clear vision for the area
 - understanding of community needs
- Financial Viability

2. Community Survey Results

- **Community Top Priorities**
 - Safety and Security (No. 1)
 - Streetscapes, Parks and Sporting Grounds
 - Footpaths and cycleways
- **Overall Performance**
 - Most residents (78%) are satisfied with the City of South Perth's performance
Satisfaction levels tend to be higher among seniors, younger singles and couples, renters and newer residents
There is greatest room to improve levels of satisfaction among long-term residents and those living in Como
 - Overall performance is higher than most Councils that contribute to the calculation of the Industry Standards

Strengths

- Residents regard the City of South Perth to be strong in waste management

Areas to Address

- This year, residents rated the highest priority areas to focus on improving as:
 - Safety and security
- Other areas highlighted by residents include:
 - Streetscapes, parks and sporting grounds
 - Footpaths and cycleways
 - Street lighting
 - Planning and building approvals

Demographic variances

- Older respondents (those aged 55 years or older) appear to be more satisfied over a number of service areas

At the conclusion of the presentation, Council Members raised questions and points of clarification which were responded to by the Consultant and City Officers. Copies of the presentation were distributed at the meeting with additional copies left in the Councillor's Lounge for those absent and a copy placed on *iCouncil*.

Closure

The Mayor thanked Ms Lough for addressing the briefing and closed the Concept Forum at 7.45pm.



NOTES

Concept Forum

Manning Community Facility Study
Preliminary Concept Plan Options
Held in the Council Briefing Room
Wednesday 12 November 2008
Commencing at 5.30pm

Present

Mayor J Best

Chairman

Councillors

P Best

Como Beach Ward

L P Ozsdolay

Manning Ward

C A Cala

McDougall Ward

S Doherty

Moresby Ward

Officers

Mr C Frewing

Chief Executive Officer

Mr S Cope

Director Development and Community Services

Mr N Kegie

Manager Community, Culture and Recreation

Consultant

Mr Tim Muirhead

CSD Network

Mr Adrian Welke

Troppo Architects

Apologies

Cr I Hasleby

Civic Ward

Cr T Burrows

Manning Ward

Cr BW Hearne

Como Beach Ward

Cr R Grayden

Mill Point Ward

Cr D S Smith

Mill Point Ward

Cr K R Trent, RFD

Moresby Ward - Approved Leave of Absence

Cr R Wells,JP

McDougall Ward

Mr Bell

Director Infrastructure Services

OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance. The Manager Community Culture and Recreation provided background information on the project stating that this Briefing follows the first stage of the consultation process. A number of preliminary findings have been identified, all of which require further investigation in the next stage of consultation. He then introduced Messrs Tim Muirhead of CSD Network and Adrian Welke of Troppo Architects

1. Manning Community Facility Study (within a Neighbourhood Centre)

Mr Muirhead provided an overview of the Study conducted on the following topics:

- **Consultation - Who We have Met with**
 1. Manning Library (2 meetings and 35 question sheets)
 2. Manning Infant Health Clinic (meeting and question sheets)
 3. Southcare
 4. Moorditj Keila
 5. Manning Senior Citizens Club
 6. Welwyn Ave Traders Association
 7. South Perth Lions Club (phone conversation only)
 8. Manning Rippers Football Club
 9. City of South Perth – Key Staff
 10. Manning Primary School
 11. Playgroups
 12. Manning Toy Library
 13. Selected Additional Regular Manning Hall Users
 14. Young people (Ongoing)
 15. Nearby residents (meeting and question sheets)
- **Key (Preliminary) Community Views**
 - Significant endorsement of concept
 - Neighbourhood Scale
 - Integrate whole ‘neighbourhood centre’ (school, open space, commercial, community)
 - ‘A community heart’
 - Design/management of parking
 - Design/management of security
 - Traffic minimisation/management
 - Universal Access
 - Close Road
 - Move Library
- **Preliminary findings concluded that the following elements could be included;**
 - Child and community health centre
 - Activity (‘hall’ space) To include space suitable for activities such as:
 - ✓ crèche,
 - ✓ playgroups/early years activities
 - ✓ young people,
 - ✓ dance,
 - ✓ martial arts,
 - ✓ creative arts
 - Library
 - Administrative and activity space for Moorditch Keila
 - Football Club – privately managed space, plus use of shared space for functions
 - Commercial Health services (at commercial rates, linked with shops)
 - Playgrounds (especially for younger children)
 - ‘Town Square’ space

- **Preliminary findings concluded that the following elements should be considered as lesser priorities;**
 - Large Performance space - 'overkill' at local level and major parking implications
 - Space for youth basketball - can use adjacent school/community courts
 - Tennis Courts – can use adjacent school/community courts
 - Relocation of Seniors Centre

- **Issues to think About**
 - Moving the Library / Co-locating the Library
 - Closing the road
 - Traffic management
 - Parking Management
 - Security/anti-social behaviour
 - Public Transport
 - Commercially operated, smaller scale Swimming Pool

2. **Preliminary Concept Plan Options**

Mr Adrian Welke of Troppo Architects presented a range of preliminary concepts that considered the consultation process conducted to date. These options will form the basis of the next phase of consultation. A further briefing is planned for early 2009 to present the consultant's final report and recommendations.

At the conclusion of the presentation, Council Members raised questions and points of clarification which were responded to by the Consultant and City Officers.

Where to From Here

As there was unanimous agreement with the direction of the Study, the Consultants advised they would continue to refine the plans and make a further presentation to a Council Briefing Sessions as soon as possible.

Note: Copies of the presentation were distributed at the meeting with additional copies left in the Councillor's Lounge for those absent and a copy placed on *iCouncil*.

3. **Closure**

The Mayor thanked the Consultants for addressing the briefing and closed the Concept Forum at 7:00pm.

DELEGATE'S REPORT

RIVERS REGIONAL COUNCIL

This report relates to the Ordinary Council Meeting of the **Rivers Regional Council** (formerly South East Metropolitan Regional Council) held on 16 October 2008 at the Shire of Murray.

The attached Table of contents was considered by the Regional Council at its meeting. This opportunity is taken to draw the following matters to the attention of Council which may be of particular interest.

If further information relating to any of the items listed on the Table of Contents is required, the complete Minutes are available on the *iCouncil* website and in the Council Lounge. The Delegates to the Regional Council, are supported by the CEO, Director Development and Community Services and Manager Environmental Health Services.

There are a number of routine items contained on the Agenda, but only three items of business warrant special attention.

item 14.5 provides information in relation to the Draft Partnership Agreement for the Municipal Waste Advisory Council.

The report summarises the contents of the Draft Partnership Agreement that has been negotiated with all of the participating organisations over a two year timeframe. Some changes have been made to an earlier Agreement, but the current Draft Agreement before the Regional Council is acceptable.

In February 2008 when the Regional Council last considered this item reference was made to membership of the Officers' Advisory Group and the Municipal Waste Advisory Council and Funding. All of these issues have been addressed in the Draft Agreement.

The Regional Council endorsed the Draft Partnership Agreement.

Item 14.6 - Tender for Legal Services

The Regional Council CEO has advised that tenders have been called for the provision of legal services for a five year period ending October 2013. Six firms are recommended to be accepted as part of a panel. All of the panel members are well known to Local Government and would be used dependent upon the type of advice sought.

The Regional Council deferred making a decision to appoint a panel of legal advisers for the provision of legal advice pending further research and investigation..

Item 14.7 - Regional Recovery Facility Update

Rivers Regional Council

Meeting 16 October 2008

Agenda

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
2. ATTENDANCE AND APOLOGIES
3. DISCLOSURE OF INTEREST
4. ANNOUNCEMENTS BY THE CHAIR WITHOUT DISCUSSION
5. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE
6. PUBLIC QUESTION TIME
7. APPLICATIONS FOR LEAVE OF ABSENCE
 - 7.1 Cr Gary Brown is seeking leave from 9 October 2008 to 12 November 2008
8. PETITIONS, DEPUTATIONS AND PRESENTATIONS
9. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING
 - 9.1 Confirmation of the Minutes of the Ordinary Council Meeting held on 21 August 2008
10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
11. QUESTIONS WITHOUT NOTICE
12. ANNOUNCEMENTS OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC
13. BUSINESS NOT DEALT WITH FROM PREVIOUS MEETING
14. REPORTS OF OFFICERS
 - 14.1 Payments for the Period 1 July 2008 to 30 September 2008
 - 14.2 Financial Report for the Period Ending 30 September 2008
 - 14.3 Regional Waste Education Officer - Progress Report
 - 14.4 CEO - Activity Update
 - 14.5 Municipal Waste Advisory Council - Draft Partnership Agreement
 - 14.6 Tender No 2/08 - Provision of Legal Services
 - 14.7 Resource Recovery Facility - Update
15. REPORTS OF COMMITTEES
16. REPORTS OF DELEGATES
17. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
18. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR BY DECISION OF THE MEETING
19. CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC
20. ADVICE OF NEXT MEETING
21. CLOSURE

RESIDENTIAL DESIGN POLICY MANUAL
POLICY P350 'CITY-WIDE RESIDENTIAL POLICIES'

Schedule of Submissions

Submitters' Comments	Officers' Response
GENERAL COMMENTS	
<p>(i) The whole Manual is infested with phrases such as "are to be", "is not to be", "is required to be". These terms indicate optional outcomes. If the intention is for mandatory instruction, change these terms to "SHALL" or "SHALL NOT" throughout.</p>	<p>By their nature, policies serve the purpose of guiding City Officers, the Council and others. The Council may, at its discretion, approve an appropriate variation from a policy provision in certain circumstances. To use the finite term "shall", would imply that the Council would never exercise its discretion.</p> <p>It is important to appreciate that policies are not laws and have lesser status. In the past, in recognition of this distinction, and having regard to the discretionary nature of local council policies, the Western Australian Planning Commission has advised that the status of policies should not be misrepresented by the use of language which is more properly used in Town Planning Schemes or local laws.</p> <p>Some previous Council policies have used the more definitive language suggested by the submitter. However, experience has shown that the less definitive language has not encouraged applicants to resist compliance with policy provisions.</p> <p>The submitter's comment is NOT UPHELD.</p>
POLICY 1: SUSTAINABLE DESIGN	
<p>(i) A TPS6 objective refers to the need to facilitate a diversity of housing styles and densities in appropriate locations throughout the City. The Rationale of Policy 1 fails to recognise the fundamental importance of smaller dwellings to sustainability - "... to reduce the amount of resources consumed in building and operating their homes." Dwelling sizes should reflect the actual needs of the occupiers, and smaller dwellings and higher densities are important in saving resources. Modest consumption in individual dwellings is important.</p>	<p>The City supports the concept of smaller dwellings and higher densities in appropriate locations, for the reasons explained by the submitter. However, Policy 1 is not the correct instrument to give effect to this objective. To achieve the desired outcome, appropriate density coding would need to be applied via TPS6 and plot ratio restrictions would need to be introduced into the R-Codes for Single Houses and Grouped Dwellings. While measures of these kinds would be the most effective, clauses 5(b), (c) and (d) are aimed at maximising resource efficiency in the design of dwellings and therefore the submitter's concern has been addressed to some extent. The submitter's comment is UPHELD to this extent.</p>
<p>(ii) Rationale clause 2 Climatic need for sustainability Bullet points 3 and 4: winters have moderate humidity and summers have low humidity - the classic Mediterranean or western climate.</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 1 be modified to reflect this.</p>

Submitters' Comments	Officers' Response
<p>(iii) Rationale clause 3 The City's commitment to sustainability</p> <p>While burning of fossil fuels is important from a Greenhouse Gas point of view, sustainability is also about survival after peak oil and with an increased population. I suggest the second-last paragraph be modified as follows:</p> <p><i>"...the burning of increasingly expensive fossil fuels, emission of greenhouse gases and high water consumption in association with an increased population thereby reducing the share per person of finite non-renewable resources."</i></p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 1 be modified to reflect this.</p>
<p>(iv) Clause 2 Objectives</p> <p>Objectives (a) and (c) should be reversed to properly reflect their importance within the Policy.</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 1 be modified to reflect this.</p>
<p>(v) Clause 5 Sustainable design measures encouraged</p> <p>This clause does not go far enough to reflect the City's commitment. The City should enforce the use of solar panels and rainwater tanks for all new buildings and major renovations. The cost of these two initiatives is around \$15,000 for solar (1kw system) and \$1,000 for a rain water tank without any government rebates. This is a small cost to the overall property price when most houses are at the million dollar mark and a 2-bed unit is above \$300,000.</p> <p>The policy should send a clear message that the Council is serious about the climate change issue.</p>	<p>Clause 5(c) of the Policy already encourages the employment of various water-sensitive design techniques, including the use of rain-water tanks. In response to the submission, clause 5(b) has been expanded to also encourage the use of solar panels for water heating.</p> <p>While the Policy encourages the use of various kinds of sustainable design measures, it would not be appropriate for the Council to unilaterally seek to enforce the installation of rain-water tanks and solar panels.</p> <p>When wider community support becomes evident, it may be appropriate for the State Government to legislate to enforce various design measures. Progress has already been made in this regard through the incorporation of energy-efficiency requirements into the Building Code of Australia.</p> <p>The submitter's comment is PARTIALLY UPHELD.</p>
<p>(vi) Clause 5 Sustainable design measures encouraged</p> <p>Clause 5(a) relating to encouragement of passive solar temperature control techniques, should include use of eaves.</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 1 be modified to reflect this.</p>
<p>(vii) Clause 5 Sustainable design measures encouraged</p> <p>In clause 5(b), "...minimising the use of natural daylight..." should read "...optimising..."</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 1 be modified to reflect this.</p>

Submitters' Comments	Officers' Response
<p>(viii) Clause 5 Sustainable design measures encouraged</p> <p>In clause 5(b), there is lack of attention to ventilation. Reference to 'minimizing' the use of cooling breezes clashes with (ii). Rather, we want to make appropriate use of breezes to assist with ventilation and cooling or warming at appropriate times. Thus, in winter, at the warmest part of the day a breeze can provide excellent ventilation. In summer, an afternoon sea breeze that has cooled can also provide such ventilation. It is essential for health reasons to get rid of emissions from certain objects and painted surfaces.</p> <p>Where privacy is an issue, there must be some sort of provision for an opening that allows air intake or exit but does not allow vision. That is, a window is not always necessary to provide for airflow.</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 1 be modified to reflect this.</p>
<p>(ix) Clause 5 Sustainable design measures encouraged</p> <p>Clause 5(c) should also discourage (ban) use of pot bellied stoves due to toxic wood smoke.</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 1 be modified to reflect this.</p>
<p>(x) Clause 5 Sustainable design measures encouraged</p> <p>Clause 5(d) should recognise that in recent years, cheap, ugly housing has replaced many good, strong, older dwellings. Many modern buildings do not have eaves and have low ceilings, requiring heating and cooling throughout the year. When an old building is demolished, something better should be built - including eaves, high ceilings and insulation. Ugly, flimsy housing should not be approved by the Council.</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 1 be modified to reflect this.</p>
<p>(xi) Clause 5 Sustainable design measures encouraged</p> <p>Submitter strongly agrees with clause 5(d).</p>	<p>The submitter's comment is NOTED.</p>
<p>(xii) Clause 5 Sustainable design measures encouraged</p> <p>Penultimate paragraph: I can't understand the point of the exercise if there is to be no enforcement of the policy. Why bother with it? Is it just to allow for measures that are in excess of the (recent?) statutory 5-Star rating? I would prefer that the developer be required to submit a letter of explanation (other than cost) for non-implementation. The letter should be put on the public record (e.g. available from the Web site). Certainly there should be a summary of reasons for non-compliance reported to each council meeting.</p>	<p>The Policy encourages the use of various kinds of sustainable design measures; however, it would not be appropriate for the Council to unilaterally seek to enforce such measures as though they were laws. It would be more appropriate for the State Government to legislate to enforce various sustainable design measures when sufficient community support is evident. Progress has already been made in this regard through the incorporation of energy-efficiency requirements into the Building Code of Australia.</p> <p>The submitter's comment is NOT UPHELD.</p>

Submitters' Comments	Officers' Response
<p>(xiii) Clause 5 Sustainable design measures encouraged</p> <p>The Victorian experience shows that greenhouse gas emissions from new houses have increased since the introduction of 5 Star Energy Ratings, due to larger houses being built. I suggest an energy rating per unit of Lot area to control this problem. Say 10kW per 1000 sq.m land area, at a temperature difference of 20°C at noon on 1 February, 1000W/sq.m incident sunlight, 5m/s wind. Easy to calculate for builders, easy for Planners to check. State government should take the lead and add this to the R-Codes?</p>	<p>Progress has been made in this regard through the incorporation of energy-efficiency requirements into the Building Code of Australia. The BCA is the appropriate statutory instrument for implementation of the further measures advocated by the submitter. The submitter recognises that this is a State Government responsibility. However, the BCA and not the R-Codes or this Policy, is the appropriate instrument.</p> <p>The submitter's comment is NOT UPHELD.</p>
<p>(xiv) Clause 7 Solar access for adjoining lots</p> <p>There is a flaw in the way overshadowing is calculated for new Grouped Dwellings (GD) adjoining existing GDs. A development adjoining the submitter's GD overshadows the strata property by more than 50%. The Policy says that the City will deem the R-Codes criteria to have been satisfied if the proposed buildings do not cast ANY shadow over an outdoor living area, major opening to a habitable room, a solar heating device, a balcony or a verandah on a lot adjoining the development site. Each GD should be treated as an independent property for the purpose of calculating overshadowing.</p>	<p>The submitter owns a Grouped Dwelling which is one of several on a "T" shaped lot. Her dwelling occupies a section of the lot protruding eastward from the major part of the lot. The submitter is concerned about the extent of overshadowing of her 'strata lot', caused by an approved Grouped Dwelling development on an adjoining lot, and contends that City officers are incorrectly applying the 'overshadowing' provisions of the R-Codes. She advocates the adoption of a 'Policy' provision to rectify the perceived error. The correct position is as follows:</p> <p>The approved adjoining development easily complies with the R-Codes '50% maximum overshadowing' requirement. Acceptable Development clause 6.9.1 A1 of the R-Codes, coupled with the related explanatory "Note" makes it clear that the 'overshadowing' calculation is to be based on the entire area of an adjoining 'parent' lot, not each 'strata' lot within the 'parent' lot. In the present instance, the submitter's 'strata' lot is overshadowed considerably, but that circumstance is not regulated by the R-Codes.</p> <p>Clauses 5.3.1 and 5.3.2 of the R-Codes specify the purposes for which Councils may adopt policies. Having regard to these clauses, Councils are not authorised to adopt a policy that would seek to have 'overshadowing' calculated in a manner that is different from Acceptable Development clause 6.9.1 A1 of the R-Codes. Where a proposed development complies with clause 6.9.1 A1, the Council is not authorised to impose more stringent 'overshadowing' requirements by way of a Council Policy.</p> <p>In Policy 1 within the Policy Manual, the provision relating to solar access for adjoining lots ('overshadowing'), only applies where an applicant seeks approval via the Performance Criteria path in clause 6.9.1 P1 of the R-Codes. That provision does not apply where a proposed development</p>

Submitters' Comments	Officers' Response
	<p>complies with Acceptable Development clause 6.9.1 A1 of the R-Codes.</p> <p>The submitter's concern is appreciated, however the Council is not permitted to implement a different practice in the manner advocated. Therefore the comment is NOT UPHELD.</p>
<p>(xv) Clause 7 Solar access for adjoining lots</p> <p>Clause 7 states that the Performance Criteria have been satisfied when the proposed buildings <i>"do not cast any shadow over an outdoor living area, major opening to a habitable room, a solar heating device, balcony or verandah..."</i>.</p> <p>This is unrealistic, as it is almost impossible for no shadow to be cast on these areas. Appropriately designed houses will have these features on the northern side, with the bulk of the dwelling, therefore, on the southern side. Thus, with the bulk of the building close to the southern boundary, a request for no shadow to be cast on those areas of the adjoining property along the northern, and therefore adjoining, boundary is impracticable and untenable in many situations.</p> <p>Further, the Acceptable Development provisions of this clause make no mention of affected areas, and theoretically can be approved casting a shadow completely over an outdoor living area, solar heater and habitable room window, provided that the total overshadowing does not exceed the prescribed total percentage. Given that most houses are built with similar front and rear setbacks, this is quite plausible.</p> <p>In addition, these requirements do not take into account the practical use of the adjoining property. The overshadowing is measured at noon in the middle of winter, and as such solar access to outdoor living areas and pools is not as essential, particularly taking into account standard working hours. It also seems as though too many people are expecting their neighbours to take into account some sustainable design principles when they have neglected others: it's fine to build a house without eaves to the north facing windows, allowing the house to bake in summer, providing that no-one builds a house that overshadows the same window in winter. The first allows them to build a bigger house, but prevents the neighbours from doing the same.</p>	<p>The Policy clarifies the Council's expectations where an applicant seeks a relaxation of Acceptable Development clause 6.9.1 A1 of the R-Codes by relying on the R-Codes Performance Criteria. The Performance Criteria protect an applicant's "sensitive areas" from overshadowing in the same way that existing neighbouring dwellings are protected. Where an applicant seeks approval to overshadow a higher percentage of a neighbour's property than the maximum percentage prescribed in the R-Codes, approval should not be granted unless the neighbour's sensitive areas are fully protected. An applicant who wishes to overshadow a sensitive area to any degree can do so, subject to compliance with the maximum percentage of overshadowing prescribed in Acceptable Development clause 6.9.1 A1.</p> <p>Therefore, the submitter's comment is NOT UPHELD.</p>

Submitters' Comments	Officers' Response
POLICY 2: RESIDENTIAL BOUNDARY WALLS	
<p>(i) Clause 5 Amenity factors</p> <p>Clause 5 states that the <i>"approval of any boundary wall involves a variation from the setback requirements prescribed in Table 1 of the R-Codes"</i>. I can not agree with this definition, given that boundary walls are included as an Acceptable Development criterion under section 6.3.2 of the R-Codes. Further, section 6.3.1, which refers to walls being set back in accordance with Table 1, is prefaced that walls are to be set back in accordance with Table 1 <i>"subject to any additional measures in other elements of the codes (ie. 6.3.2)"</i>.</p>	<p>The submitter's comment is supported and therefore the statement that <i>"approval of any boundary wall involves a variation from the setback requirements prescribed in Table 1 of the R-Codes"</i> has been deleted from the Policy. However, the submission does not take into account the fact that the boundary wall Policy replaces clause 6.3.2 of the R-Codes as authorised by clause 5.3 of the R-Codes. The operation of the Policy in this regard is explained in clause 1(b) of this Policy and has been further clarified in a new preamble to clause 5.</p> <p>The submitter's comment is UPHELD and it is recommended that Policy 2 be modified to reflect this.</p>
POLICY 3: CAR PARKING ACCESS, SITING AND DESIGN	
<p>(i) Clause 5(a) Minimising vehicular access from a public street</p> <p>The increasing number of developments on smaller or narrow lots, with wider driveways is causing a reduction in roadside parking. Visitor parking from Grouped or Multiple Dwelling developments is overflowing onto streets. There is concern that visitors have to walk increasing distances, and this discourages elderly visitors. The increasing problem of loss of public parking is an amenity consideration. The City should introduce a policy provision requiring a set % of a street to remain available for public parking by limiting the width of crossovers.</p>	<p>The R-Codes have been designed to address the issue raised in the submission. In this regard, clause 6.5.4 A4.2 states that:</p> <ul style="list-style-type: none"> • driveways are not to occupy more than 40% of the frontage of a property; • where a property is served by one driveway, that driveway is not to exceed 6.0m in width; • where a property is served by more than one driveway, the aggregate width is not to exceed 9.0m. <p>The objective of these provisions is to retain an adequate length of street kerbing for car parking. The Council is not permitted to implement policy provisions which are more stringent than the R-Code provisions referred to above.</p> <p>The submitter's comment is NOT UPHELD.</p>
<p>(ii) Clause 5(a) Minimising vehicular access from a public street; and Clause 6(d) Removal of redundant crossovers</p> <p>I think Policy 3 is somewhat unreasonable. As a cyclist, I am more interested in having cars parked on a property than parked on the road. Therefore, if two crossovers are requested and such crossovers are more than 12 (or 15?) metres apart then that should be permitted if it is the best way to distribute parking. It seems pointless to remove an existing crossover, say in the case of a property when a second crossover is created to a carport on the other side of the house, yet the first still serves a very useful service in getting cars off the road.</p>	<p>The restriction on the number and width of crossovers imposed by clause 5(a) of the Policy only applies where alternative vehicular access is available via a right-of-way. No such restrictions apply elsewhere.</p> <p>Clause 6(d) of the Policy requiring the removal of redundant crossovers is designed to give effect to the objective of the R-Codes provisions which restrict driveway widths in order to maximise kerbside parking space and maintain the visual quality of the streetscape. If redundant crossovers are allowed to remain, these objectives would be undermined. Further, in the interests of traffic safety and streetscape quality, it is undesirable for redundant crossovers to be used for car parking within the street reserve.</p> <p>The submitter's comment is NOT UPHELD.</p>

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<p>(iii) Clause 5(b) Street entry in forward gear</p> <p>The clause lists the roads which are classified as District Distributors. It is my understanding that sections of Melville Parade were recently included in that list in order to accommodate the building of non-permeable fencing to 1.8m in height to ameliorate traffic noise from the Kwinana Freeway. Although there is obviously no need for driveways less than 15.0m in length to have a reversing bay along Melville Parade, perhaps the Policy should state something along the lines of <i>"For the purpose of this requirement, the following roads..."</i></p>	<p>For properties gaining access from a District Distributor road, clause 6.5.4 A4.4 of the R-Codes requires vehicles to be able to enter or leave the development site in a forward gear. Melville Parade is not classified as a District Distributor road and therefore this requirement does not apply to Melville Parade properties unless on-site turning space is required for other reasons specified by the R-Codes. In relation to Melville Parade properties, clause 5(b) of Policy 3 does not require the additional words suggested by the submitter. However, the clause has been modified to provide a link to clause 10(b) of the Policy, thus being more definitive as to design requirements for on-site turning space.</p> <p>In relation to a separate issue, namely the permissible height of street boundary fences, clause 5(c)(iii)(A) of Policy 7 refers to specific streets including Melville Parade. That separate provision has no relevance to the Policy 3 provisions relating to on-site turning space.</p> <p>While clause 5(b) has been improved, the modification suggested by the submitter has not been incorporated and in this regard, the submitter's comment is NOT UPHELD.</p>
<p>(iv) Clause 7(a) Verge levels not to be modified</p> <p>The clause needs to recognise that the City could require a change in verge level for a new development, for a footpath, drainage, etc. Suggest this reads: <i>"...the City will specify verge levels for any new, rebuilt or modified crossover"</i>.</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 3 be modified to reflect this.</p>
<p>(v) Clause 10(b) Formed driveway dimensions for vehicles turning in and out of car bays</p> <p>Paragraph (i) refers to 6 parking bay diagrams which are acceptable to the City. These are seemingly made redundant by part (ii) of the same clause, which entitles people to design the parking access as per an <i>"authoritative source"</i>, given that the R-Codes access arrangements are based on Australian Standard AS2890.1, which is less restrictive than those included in paragraph (i).</p> <p>Further, figures 1 and 4 prevent the most common and beneficial parking arrangements for battle-axe designs: that being a double garage built on the rear boundary of the front lot. This arrangement is the most beneficial for the City, as the garage doors are out of view from the street, and passive surveillance is maximised by the location of windows</p>	<p>The six parking bay diagrams referred to in clause 10(b) of Policy 3 illustrate various functional design solutions, while at the same time recognising that other layouts can also be functional. Applicants are given the option of either complying with one of the diagrams or, where not complying with those diagrams, demonstrating that their alternative layout is functional by means of swept path diagrams derived from a nominated authoritative source. By providing options in this way, applicants are afforded design flexibility while ensuring that vehicles can enter and exit parking bays without difficulty.</p> <p>Having regard to the preceding comments, the diagrams (Figures 1 to 6) should be retained in the Policy.</p> <p>In addition, it is recommended that the Policy be modified, in order to:</p> <p>(i) explain that the diagrams (Figures 1 to 6) are based on the B85 vehicle defined in Australian</p>

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<p>facing down the access driveway.</p> <p>In addition to this, this requirement appears to contravene section 5.1 of the R-Codes, which states that, subject to section 5.3, local planning policies may <i>"not provide for greater or lesser requirements than the Codes unless expressly permitted under the Codes"</i>. Section 5.3 does not indicate that clauses 6.5.3 or 6.5.4 are subject to such provisions. 5.3.1 (b) does not apply in this case, as 6.5.3 specifically refers to AS2890.1, a standard which includes reversing bays.</p>	<p>Standard AS 2890.1, and are designed to facilitate a single forward and reverse movements into and from the parking bay;</p> <p>(ii) further qualify the alternative design requirements where an applicant is not complying with Figures 1 to 6. The applicant's alternative 'swept path' diagrams are required to be:</p> <ul style="list-style-type: none"> (A) derived from Australian Standard AS 2890.1 or another authoritative source; (B) based on a B85 vehicle defined in Australian Standard AS 2890.1; and (C) designed to facilitate single forward and reverse movements into and from the parking bay. <p>The Policy is not in conflict with the R-Codes, as it is not seeking to impose more stringent requirements on applicants. Rather, it is offering applicants additional choices as to how to demonstrate that the proposed parking layout is functional.</p> <p>The submitter's comment is PARTIALLY UPHeld and it is recommended that the Policy be expanded as described above.</p>
<p>(vi) Clause 10(b) Formed driveway dimensions for vehicles turning in and out of car bays</p> <p>In paragraph (ii), delete the last sentence <i>"The swept paths are to be derived from an authoritative source which is to be identified on the diagrams."</i>. This sentence allows for a variety of vehicle sizes and undefined 'authoritative sources'. Every application could be based on a different type of vehicle and a different authority. The idea of P350 is to guide and standardise. Instead, add the following: <i>"The swept paths shall be those of the standard vehicle contained in AS ... or Austroads Part ..."</i>. The standard vehicle should be the same as used to produce Figures 1-6.</p>	<p>The submitter's comment is UPHeld and it is recommended that Policy 3 be modified to reflect this.</p>
<p>(vii) Clause 13(d) Garages and carports accessed from a secondary street</p> <p>The clause should be modified to ensure that if the construction materials of garages or carports do not match the dwelling, the parking structure should be set back 6.0 metres from the secondary street.</p>	<p>The submitter's comment is UPHeld and it is recommended that Policy 3 be modified to reflect this.</p>

Submitters' Comments	Officers' Response
POLICY 4: ADDITIONS TO EXISTING DWELLINGS	
(i) This Policy is a positive inclusion to the City's planning policies, and is reminiscent of the City of Armadale's policy PLN3.1, which also requires upgrades to existing dwellings.	The submitter's comment is NOTED.
(ii) Clause 4 Definitions In the definition of 'patio', delete the word 'alfresco'. Being Italian, meaning open air, no roof, in a piazza, it only confuses.	The submitter's comment is UPHELD. It is recommended that Policy 4 be modified to reflect this and be further modified to match the new definition of 'patio' included in the City's draft TPS6 Amendment No. 16 relating to patios and pergolas.
POLICY 5: TREES ON DEVELOPMENT SITES AND STREET VERGES	
(i) Rationale <i>"While sharing the community concern about the loss of trees as a result of development, the City takes a balanced approach to both urban infill development and tree preservation, as reflected in this Policy. The Policy requires every development site with a sufficient street frontage to have at least one mature tree, being either a 'retained' tree or a newly planted tree."</i> I am pleased that the Council recognises community concern about the loss of trees. It is up to Council to address this concern on behalf of the community. However, this concern also reflects on the visual and environmental amenity of these trees amongst housing blocks so that substitution of a tree by another in a park or reserve is not satisfactory if it means no trees on the property.	The extract from the Rationale quoted by the submitter relates to clause 7(e) of the Policy which requires the planting of at least one tree on any development site which does not have any existing trees, where the site is at least 10 metres wide. It is extremely rare for development sites to be less than 10 metres wide. The submission also refers to clause 7(c). Where existing trees are removed from a development site, this clause offers, as an alternative to planting a replacement tree on site, the option of paying moneys to the City for planting a replacement tree within a road reserve or recreation reserve. This principle has been endorsed already in clause 4.2(3)(b) of TPS6 in the limited context of a performance criterion for sites with dual density coding. The similar option now contained in this Policy is offered recognising that it will sometimes be impossible to plant a replacement tree on constrained sites. The 'reserve planting' option will make a beneficial contribution to the overall 'greening' of the City. The submitter's comment is NOT UPHELD.
(ii) Clause 7(a) Existing trees to be retained wherever possible Except in the case of Grouped Dwellings, I don't understand the rationale for retaining trees more than 3m from a boundary but not being concerned about those less than 3m from a boundary. At least retention of trees less than 3m from a boundary is allowed! I quite like having buildings separated by side-of-house trees as it minimises a "sea of roofs" effect that is gaining a foothold currently. I would prefer that side-of-dwelling trees be given priority over front-of-house trees for single dwellings. Perhaps a replacement size could be	As stated in clause 7(a) and acknowledged by the submitter, a developer has the option of retaining a tree located less than 3.0 metres from a side or rear boundary. The rationale for not making this mandatory, is as follows: (i) The Legal Aid web site advises that if tree branches or roots extends onto a neighbour's property, the neighbour may cut the branches and roots to the point where they extend beyond the lot boundary (refer to www.legalaid.wa.gov.au). This action may endanger the health or life of the tree, beyond the control of the owner of the tree. The Council supports retention of all trees, but must be certain that in imposing a

Submitters' Comments	Officers' Response
<p>permitted provided the replacement tree is already planted in an acceptable location and is already over 3m in height and is of a preferred species? Jarrah is slow growing and could provide good habitat for a long time before getting too big. Some jarrahs don't necessarily grow too tall but may eventually grow too large in diameter.</p>	<p>requirement, it is always within the control of the owner of the tree to comply with such a requirement.</p> <p>(ii) If the adjoining neighbour cuts tree branches or roots, this could structurally damage the tree to the point where it becomes dangerous.</p> <p>(iii) If an existing tree is already causing damage to a neighbour's property by virtue of branch or root encroachment, the neighbour may seek removal of the tree. In this circumstance, it would not be appropriate for the Council to require the tree to be retained.</p> <p>(iv) Mandatory retention of a tree situated near a lot boundary may unreasonably restrict a neighbour's normal and reasonable development entitlements in order to safeguard both the tree and the proposed development.</p> <p>The submitter's comment is NOT UPHELD. However, it is recommended that clause 7(a) be expanded to better explain the rationale for not introducing a mandatory provision relating to trees less than 3.0 metres from a side or rear boundary.</p>
<p>(iii) Clause 7(c) Requirements where applicant seeks approval to remove an existing tree</p> <p>Paragraph (ii) re number of replacement trees required - Regarding high density buildings consisting of multiple stories of units, my understanding of past practice is that such buildings have a higher set-back requirement to make up for building bulk. Trees could be planted in this setback area. Thus more than one tree per building block would be appropriate. This could be a feature of higher density arrangements such as has existed in the past (thinking of the former Karawara) and in fact such developments may promote the numbers of trees in the city.</p>	<p>Since the R-Codes were first introduced in 1985, the rear setback requirement has been the same as for side boundaries. Therefore, it is commonly the case that insufficient space is available within these setback areas for the planting of replacement trees.</p> <p>In the case of areas coded R80 and R100, until 2002 the required setback from the street boundary was 9.0 metres. However, the 2002 R-Codes reduced this requirement to 4.0 metres. This reduced setback provides limited space for replacement tree planting. Therefore, the Policy provision requiring a maximum of two replacement trees is both practical and reasonable.</p> <p>The submitter's comment is NOT UPHELD.</p>
<p>(iv) Clause 7(e) Planting of trees on development site</p> <p>I endorse paragraph (ii) of this clause. The choice of local species trees with broad canopies providing maximum shade and bird habitat, should be automatic when Council makes a decision as to what species will be used.</p>	<p>The submitter's comment is NOTED.</p>

Submitters' Comments	Officers' Response
POLICY 6: SAFETY AND SECURITY	
<p>(i) Clause 4 Surveillance of public and communal streets</p> <p>In cases of routes used by heavy vehicles (trucks, buses) such as in Henley Street, people shouldn't be forced to open up their front gardens to the street, especially where there are young children.</p>	<p>The submitter's concern relates to a restriction on visually impermeable fences higher than 1.2 metres affecting Henley Street properties. This restriction is imposed by the R-Codes and not by Policy 6. As stated in the Explanatory Guidelines to the R-Codes, "<i>high, solid walls on the front boundary are undesirable as they disrupt the streetscape, destroy the setting of the building, and compromise the building</i>". The sole purpose of Policy 6 is to introduce surveillance requirements for dwellings other than the front dwelling on a lot. Fencing on the street boundary of the front dwelling is already governed by the R-Codes and is not changed by this Policy.</p> <p>The submitter's comment is NOT UPHELD.</p>
<p>(ii) Clause 4 Surveillance of public and communal streets</p> <p>Given the feeling that rear-access rights-of-way can be a contributing factor in crime, as noted in other sections of the Policy Manual, the Policy should require a habitable room window to provide surveillance to a rear right-of-way where applicable. This is in line with the growing number of newer estate areas which require surveillance of rear laneways by means of a major opening from a habitable room.</p>	<p>Due to the advanced state of redevelopment in the district, there is limited opportunity for surveillance of rights-of-way by way of placement of habitable room windows in new dwellings. Further, in the case of new single-storey dwellings, as well as the siting of habitable room windows facing the right-of-way, it would be necessary to have visually permeable fencing on the rear boundary. This would have adverse implications in relation to privacy. In any event, most two-storey dwellings already have at least one habitable room window facing the right-of-way.</p> <p>The submitter's comment is NOT UPHELD.</p>
POLICY 7: FENCING AND RETAINING WALLS	
No comments were received on this Policy.	
POLICY 8: VISUAL PRIVACY	
<p>(i) Clause 4 Definitions</p> <p>In the definition of 'sensitive area', reference in paragraph (b) to windows, should read "...habitable room windows...".</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 8 be modified to reflect this.</p>
<p>(ii) Clause 4 Definitions</p> <p>In the definition of 'sensitive area', paragraph (b) should be modified to identify side-facing habitable room windows as 'sensitive', even if obliquely visible from the street.</p>	<p>The City recognises that the existing level of privacy afforded to a window facing a side boundary should be maintained within the limits of the setbacks requirements of clause 6.8.1 A1 of the R-Codes.</p> <p>The submitter's comment is UPHELD and it is recommended that Policy 8 be modified to reflect this.</p>
POLICY 9: SIGNIFICANT VIEWS	
No comments were received on this Policy.	

Submitters' Comments	Officers' Response
POLICY 10: ANCILLARY ACCOMMODATION	
<p>(i) Clause 6 Floor area restriction</p> <p>Policy 10 refers to the 60 sq. metre maximum plot ratio floor area for Ancillary Accommodation. The 2008 R-Codes removes the plot ratio requirement which was in the 2002 Codes, instead only permitting a "maximum floor area of 60 sq m". The plot ratio area still applies, however, for Aged or Dependent Persons' Dwellings and Single Bedroom Dwellings.</p>	<p>The submitter's comment is UPHELD and it is recommended that Policy 10 be modified to delete reference to the term 'plot ratio'.</p>
POLICY 11: AGED OR DEPENDENT PERSONS' DWELLINGS	
<p>(i) Clause 2 Objective (b)</p> <p>It would be nice for this Policy to include a requirement for communal open space, perhaps for groups of ADP dwellings over a certain number. This could be offset in accordance with section 6.4.4 Communal Open Space, so that property developers would not be adversely affected and deterred by the requirement. In fact, it would lead to higher returns from the development as there would be no reduction in the number of dwellings which could be built, and the dwellings would have access to an appropriately landscaped communal open space, thereby encouraging neighbourly integration and support.</p>	<p>Any applicant proposing ADPs is always at liberty to provide communal open space if so desired, although the R-Codes do not require this. Separately, in relation to outdoor living area for the benefit of each ADP dwelling independently, clause 7.1.2 A2(viii) of the R-Codes allows the Council to approve a 1/3 reduction below the minimum outdoor living area for Grouped Dwellings prescribed in Table 1. Therefore, the Policy provision suggested by the submitter is not necessary.</p> <p>The submitter's comment is NOT UPHELD.</p>
<p>(ii) Clause 2 Objective (b)</p> <p>I have concerns regarding the R-Codes private open space provision for Aged or Dependent Persons Dwellings: Any reduction of personal outdoor living area for Aged or Dependent Persons' Dwellings I consider as ill advised. I have been involved with aged care (through my mother's accommodation issues) for 18 years and I'm aware that elderly people prefer a substantial degree of privacy and private space, NOT communal space. Policy 11 should require provision of some private open space.</p>	<p>The submitter advocates that the Policy should require the provision of a specified amount of outdoor living area (private open space) for each ADP dwelling. However, it is not necessary for such a provision to be included in the Policy because clause 7.1.2 A2(viii) of the R-Codes already imposes such a requirement.</p> <p>The submitter's comment is NOT UPHELD.</p>
POLICY 12: SINGLE BEDROOM DWELLINGS	
No comments were received on this Policy.	
POLICY 13: STRATA TITLING OF DWELLINGS CONSTRUCTED PRIOR TO TPS6	
<p>(i) Clause 6(d) Laundry facilities</p> <p>In paragraphs (i) and (ii), delete reference to electric clothes dryers. These are in conflict with the Policy 1 clause 5(b)(iii) which encourages low energy measures.</p>	<p>The submitter's comment is PARTIALLY UPHELD and it is recommended that Policy 13 be modified to reflect this in relation to ground floor dwellings. However, the Policy applies specifically to dwellings constructed prior to 2003 and the older developments may not have adequate space to accommodate open-air drying facilities.</p>

Submitters' Comments	Officers' Response
POLICY 14: USE OR CLOSURE OF RIGHTS-OF-WAY	
<p>(i) Rationale Rights-of-way can not only attract unsightly litter, but also burglars and vandals.</p>	<p>The submitter's observations are acknowledged in the Rationale to the Policy. In recognition of the undesirable aspects of obsolete rights-of-way, the Policy facilitates the closure of those which are not required for essential vehicular access. The submitter's comment is NOTED.</p>



Residential Design Policy Manual

Policy P350 'City-Wide Residential Policies'

Contents

Introduction

Policy P350.1	Sustainable Design
Policy P350.2	Residential Boundary Walls
Policy P350.3	Car Parking Access, Siting, and Design
Policy P350.4	Additions to Existing Dwellings
Policy P350.5	Trees on Development Sites and Street Verges
Policy P350.6	Safety and Security
Policy P350.7	Fencing and Retaining Walls
Policy P350.8	Visual Privacy
Policy P350.9	Significant Views
Policy P350.10	Ancillary Accommodation
Policy P350.11	Aged or Dependent Persons' Dwellings
Policy P350.12	Single Bedroom Dwellings
Policy P350.13	Strata Titling of Dwellings Constructed prior to Town Planning Scheme No. 6
Policy P350.14	Use or Closure of Rights-of-Way



Residential Design Policy Manual Policy P351 'Precinct-Based Policies'

Contents

(To be presented at a later date)



Strategic Plan Goal 3
Environmental Management

INTRODUCTION

Relevant Management Practice
Nil

Relevant Delegation
Delegations DC 342 and DM 342

Introduction

1. Short Title

This *Residential Design Policy Manual* is referred to throughout the document as the 'Policy Manual'.

2. Status of Policy Manual

The policies within the Policy Manual augment the provisions of Town Planning Scheme No. 6 (TPS6) and the Residential Design Codes (R-Codes). The three instruments are complementary to one another.

(a) Town Planning Scheme No. 6

The Policy Manual is a planning policy prepared, advertised and adopted pursuant to the provisions of clause 9.6 of TPS6. Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

(b) Residential Design Codes

Clause 5.3 "Local Planning Policies" of the R-Codes allows the preparation of Local Planning Policies that contain provisions which:

- (i) differ from those contained in the R-Codes in respect of :
 - streetscape (design element 6.2, A1 - A6);
 - building design (design element 6.2 A7 - A9);
 - boundary walls (design element 6.3 A2);
 - site works (design element 6.6 A1.4);
 - external fixtures (design element 6.10 A2.3 - A2.4);
 - special purpose dwellings; and
 - Aged or Dependent Persons' Dwellings (part 7.1.2 A2 (ii)); or
- (ii) augment the R-Codes by introducing additional provisions for any aspect of residential development that is not provided for in the R-Codes.

This Policy Manual contains provisions of the kinds referred to above.

3. Relationship between parts of the Policy Manual

Each Policy within the Policy Manual includes a Rationale, Objectives and other explanatory text, and Policy provisions. **Policy P350 within** the Policy Manual contains City-wide **Residential** Policies dealing with particular aspects of residential site planning and design. **Policy P351 within** the Policy Manual contains precinct-specific policies relating to a number of the identified geographic planning precincts within the City. Only those precincts with a particular character that the City seeks to

preserve or enhance will have precinct-specific policies. In such cases, the relevant precinct policy must be read in conjunction with the City-wide policies. Whether or not the Policy Manual contains a streetscape policy for a particular precinct, it is necessary to have regard to the City-wide policies in addition to any other requirements prescribed elsewhere.

4. Scope of the Policy Manual

The Policy Manual contains provisions relating to various aspects of design of all forms of residential development including ancillary carports, garages, front boundary walls and fences. Policies within the Policy Manual also contain provisions relating to upgrading of existing dwellings, tree preservation, and strata titling of existing dwellings. The Policy Manual contains two Policies, namely Policy P350 'City-Wide Residential Policies' and Policy P351 'Precinct-Based Streetscape Policies'.

5. Purpose of the Policy Manual

The City of South Perth is an appealing inner suburban municipality. A significant part of the attraction of the City of South Perth lies in its visual character. The qualities that contribute to this character include large amounts of original building stock, and 'leafy', well established garden neighbourhoods. The attraction of the City is also attributable to its close proximity to the Perth Central Business District and the Swan and Canning Rivers, and ease of access to other parts of the metropolitan area.

Due to the considerable attraction of living within the City of South Perth, the Council recognises that development activity will continue. The purpose of this Policy Manual, in conjunction with TPS6 and the R-Codes, is to guide development in a manner which will protect the attractive character of the City.

6. Objectives of the Policy Manual

- (a) To preserve the amenity of neighbouring residents and to contribute positively to the amenity of the occupants of proposed dwellings.
- (b) To promote strong design compatibility between existing and proposed residential buildings.
- (c) To preserve and enhance established streetscape character consistent with the Council's expectations as identified in Policy P351 of the Policy Manual containing precinct-based streetscape policies.

Other relevant documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes
- Other Council Policies
- City of South Perth Information Sheets
- Municipal Heritage Inventory and Heritage List
- Council's adopted Fee Schedule
- Planning approval application form
- Application check lists
- Other documents or relevant information listed in each Policy

In addition to the Policy Manual, all of the above material is available for access on the City's web site at www.southperth.wa.gov.au.



Strategic Plan Goal 3
Environmental Management

POLICY P350.1
Sustainable Design

Relevant Management Practice
Nil

Relevant Delegation
Delegations DC 342 and DM 342

Rationale

Universal need for sustainability

The need for sustainable practices in development of all kinds is universally acknowledged. On a pro rata basis, Australians' rate of resource consumption and waste production is four times higher than the planet can sustain. The world's resources are finite and will eventually be fully consumed. Many people live in houses that are too cold, too dark, too hot, or uncomfortable in some other way, and are expensive to run. Building a home using sustainable design principles can save energy, water and money, while also being more comfortable all year round. The City's aim is to encourage residents to reduce the amount of resources consumed in building and operating their homes.

Climatic need for sustainability

Perth is situated within a narrow climatic band which follows the south-western coast of the State, known as the **'Mediterranean' climate**. The main characteristics of this climatic zone are:

- Low diurnal (day/night) temperature range near the coast.
- Four distinct seasons. Summer and winter can exceed human comfort range. Spring and autumn are ideal for human comfort.
- Mild to cool winters with **moderate** humidity.
- Hot to very hot summers with **low** humidity.

This Policy has been formulated in recognition of local climatic conditions.

The City's commitment to sustainability

The City acknowledges that buildings - homes, offices, and industrial facilities - account for over 40% of carbon dioxide emissions, mostly through the combustion of fossil fuels to provide heating, cooling, and lighting and to run electrical equipment and appliances. Australian households contribute over 20% of Australia's greenhouse gas emissions.

The City of South Perth joins the State Government in its commitment to encouraging sustainable housing. Consequently, the City values and promotes development which:

- (a) minimises pollution of soil, air and water and sustains natural eco-systems in the vicinity of the development;
- (b) minimises the consumption of non-renewable resources by including some recycled materials; and
- (c) meets the objectives of social sustainability by maximising the health, safety and comfort of the occupants of the building and the wider community.

There are growing expectations from government bodies and within the industry for the built environment to meet minimum standards of environmental performance. The City is committed to actively pursuing sustainable practices, recognising that this leads to enhanced quality of life for the community. This commitment is reflected in the City's participation in Federal and State programs aimed at achieving environmental sustainability, together with a number of the City's own initiatives, including the Sustainability Strategy, Environmental Management Plans, Green Plan and other related documents. Some of these strategies and actions focus on promoting sustainable urban design.

Applicants should also be aware that proposed developments are assessed by the City according to the '5-Star Plus' sustainability rating system, as required by Western Australian legislation. This is a simple and effective way to ensure that dwellings are minimal in their impact on the environment.

Inappropriately designed buildings may not be environmentally sustainable. In considering development applications, the City is required by clause 7.5 of Town Planning Scheme No. 6 (TPS6) to have due regard to any relevant 'Planning' considerations. Environmentally sustainable design is a relevant consideration.

Sustainable design is no longer considered to be a radical 'fringe' issue, but is now a mainstream concern for the whole community. This Policy recognises the universal need for new development to minimise ecological impact. This objective is encouraged through appropriate building design, construction methods and choice of materials that minimise consumption of water and increasingly expensive fossil fuels, as well as minimising greenhouse gas emissions. Implementation of these measures will reduce the 'per person' share of finite, non-renewable resources. With increasing population, this is becoming more important. These measures are relevant to the design, construction and operation of buildings.

In pursuance of its commitment to sustainability, the City seeks to promote buildings which are environmentally sustainable for our climate and strongly encourages a sustainable approach to residential design. This Policy identifies elements of good design being promoted by the City in this regard.

Policy

1. Status

(a) City Strategies and Policies

At the highest level, the City's Strategic Plan identifies the need to develop a strategic and operational direction for sustainability (Goal 3 Strategy 3.2). In response, the City has adopted a Sustainability Strategy, which relates to all of the City's responsibilities and programs, and provides the scope and direction for every facet of the City's efforts toward sustainability. Policies P320 'Sustainability Policy' and P321 'Ecologically Sustainable Building Design' further demonstrate the City's strong commitment to sustainable practices, including building design. Policy P350.1 provides guidance in this respect to applicants seeking to develop residential land within the City.

(b) Relationship to Town Planning Scheme No. 6

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of Town Planning Scheme No. 6 (TPS6). Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

(c) Relationship to Residential Design Codes

This Policy has been prepared pursuant to clause 5.3 of the Residential Design Codes (R-Codes) that expressly permits Local Planning Policies which augment the R-Codes by providing additional Performance Criteria and Acceptable Development provisions for any aspect of residential development not provided for in the R-Codes.

2. Objectives

- (a) To achieve sustainable outcomes in terms of environmental, economic and community benefits.
- (b) To clarify the City's expectations concerning the R-Codes Performance Criteria clause 6.9.1 relating to overshadowing of an adjoining lot.
- (c) To ensure that the soil foundation beneath any proposed development is structurally stable and free of acid sulphate contaminants.

3. Scope

This Policy applies to any proposed new dwelling or additions to an existing dwelling.

4. Definition

sustainability

The City's Sustainability Strategy defines sustainability as:

"Enhancing the quality of life and prosperity of the community, and preventing the harmful local and global effects of its action through careful planning and decision making."

sustainable design

Design of residential development which enhances the quality of life of the occupants of the proposed dwellings, while minimising adverse environmental, social or economic impact on those occupants, the neighbourhood and the wider community. Sustainable design reflects strategies for optimising solar access, maximising energy efficiency and conserving water.

sustainable development

'Our Common Future: Report of the World Commission on Environment and Development', which was prepared for the General Assembly of the United Nations in 1987 to examine a global agenda for change, defines sustainable development as:

"development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

5. Sustainable design measures encouraged

The City strongly encourages the use of design solutions that will optimize solar access, maximise energy efficiency and conserve water.. However, the City does not employ experts in the field of sustainable design architecture or building techniques. Developers or home owners who wish to achieve a higher degree of sustainability than the statutory '5-Star Plus' sustainability rating system requires, should undertake their own research into available options

Wherever practicable, the site planning and design of proposed residential development should employ the following sustainable design elements, among others:

- (a) Basic passive design principles, including the following:
 - (i) design for our climate, minimising all east- and west- facing glazing, and using adjustable shading techniques, and strategic planting of shade trees (<http://www.yourhome.gov.au/technical/fs19.htm>);
 - (ii) design for the site's particular attributes and orientation;
 - (iii) orientation of dwelling, maximising north facing walls & glazing, especially in living areas with passive solar access (<http://www.yourhome.gov.au/technical/fs13.htm>);

5(a) Sustainable design measures encouraged (cont'd)

- (iv) passive solar temperature control techniques including, but not limited to,
 - (A) inclusion of eaves to provide protection against summer sun;
 - (B) passive heating in order to minimise reliance on non-renewable energy sources or solid fuel heaters which result in air pollution (<http://www.yourhome.gov.au/technical/fs14.htm>);
 - (C) passive cooling techniques and cross ventilation opportunities (<http://www.yourhome.gov.au/technical/fs15.htm>);
 - (D) use of bulk insulation to keep heat in during winter, with bulk insulation of walls, ceilings and exposed floors, and reflective insulation to keep out summer heat (<http://www.yourhome.gov.au/technical/fs16a.htm>);
 - (E) correct use of thermal mass (<http://www.yourhome.gov.au/technical/fs17.htm>);
 - (F) use of convective ventilation and heat circulation;
 - (G) siting new homes for solar access, exposure to cooling breezes and protection from cold winds;
 - (H) thorough sealing to reduce draughts and use of entry airlocks.

- (b) Resource efficiency, by minimising energy consumption and optimising the use of natural daylight and cooling breezes, including, but not limited to:
 - (i) outdoor living areas located so as to optimise solar access;
 - (ii) subject to compliance with the visual privacy requirements of the R-Codes and relevant provisions within Policy 8 of this Policy Manual, windows and doors positioned so as to provide appropriate ventilation and take advantage of cooling summer breezes and appropriate solar access. Where visual privacy would be compromised by the inclusion of a door or window, a ventilation opening should be inserted in an appropriate place;
 - (iii) provision of 'open air' clothes drying facilities in order to discourage use of mechanical dryers or the like;
 - (iv) use of solar panels for water heating.

- (c) Water-sensitive design techniques including, but not limited to:
 - (i) landscaping designed for low water use;
 - (ii) installation of on-site water storage facilities using a sustainable water source harvested from stormwater and rainfall;
 - (iii) minimal reliance on potable (high quality drinking) water for landscaping, and the use of 'grey water' where appropriate.

- (d) Minimising waste and environmental impact by:
 - (i) the use of materials that will maximise durability and longevity;
 - (ii) use of environmentally preferable products, including, but not limited to, those without toxic ingredients and those which contain recycled content;
 - (iii) adaptive re-use of existing buildings or parts of buildings.

- (e) Creating healthy indoor and outdoor environments for building occupants, workers and communities.

- (f) Minimising adverse impacts that development may have upon natural and built systems.

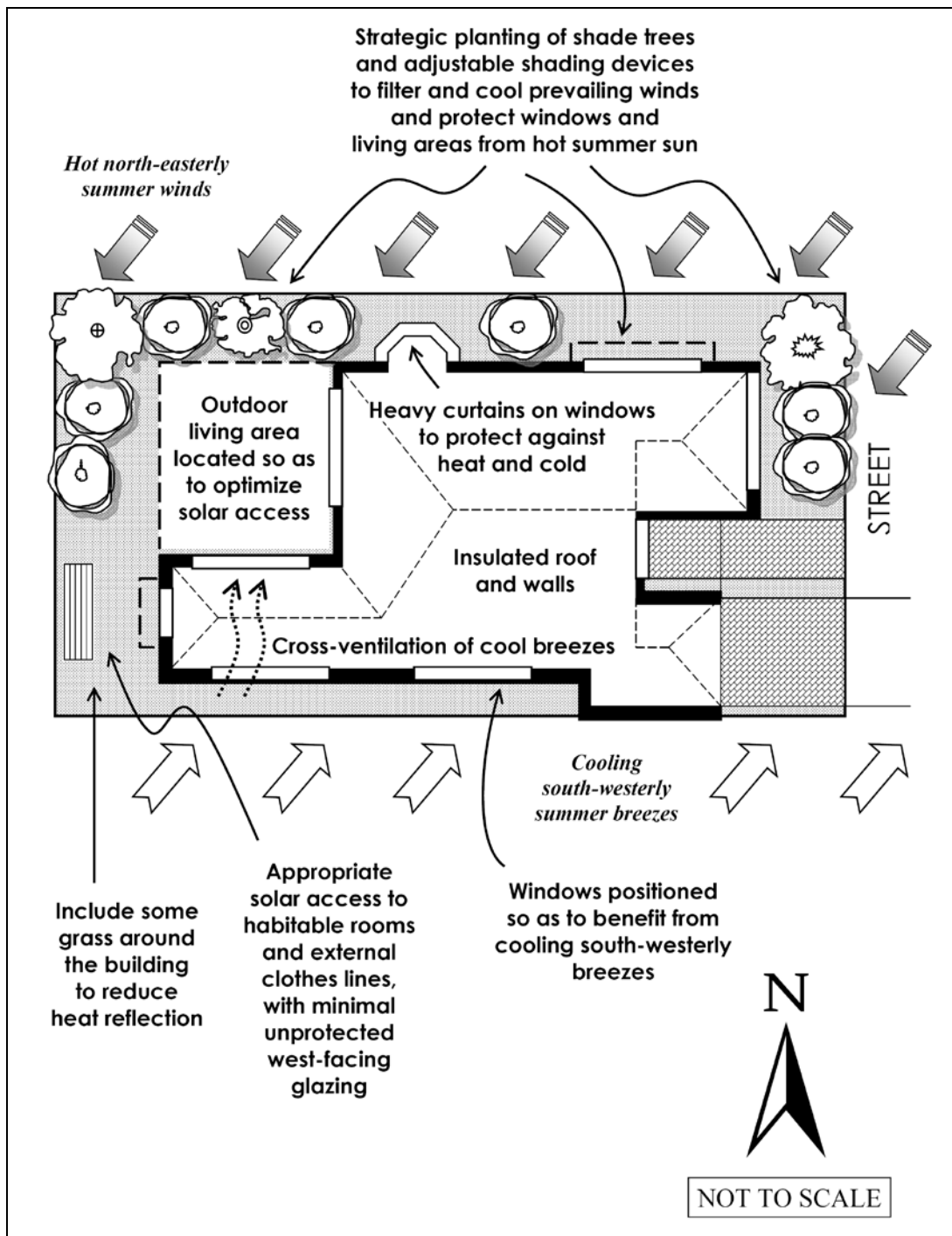
- (g) Making buildings adaptable for future inclusion of additional innovative energy and environmental technologies as they become commercially viable.

5. Sustainable design measures encouraged (cont'd)

Any design measures that will achieve the above objectives will be considered on merit. A proposal which complies with all other TPS6, R-Codes and Policy requirements will not be refused by the City if it fails to incorporate such measures.

Figure 1 to this Policy illustrates some of the sustainable design elements described in this clause.

Figure 1
Illustrated recommended sustainable design elements (Refer to clause 5)



6. Geotechnical report relating to soil foundation

- (a) In some parts of the City, acid sulfate soils are present. Therefore, prior to preparing drawings of proposed development, applicants should consult the Western Australian Planning Commission's November 2003 Planning Bulletin No. 64 relating to 'Acid Sulfate Soils'. The associated maps identifying affected areas can be accessed on the Commission's web site at <http://www.wapc.wa.gov.au/Publications/213.aspx>. Information may also be accessed on the web site of the Department for Environment and Conservation at http://portal.environment.wa.gov.au/portal/page?_pageid=53,34347&_dad=portal&_schema=PORTAL
- (b) Due to the presence of unstable material or acid sulfate soils in certain locations, the soil foundation of a development site may be unsuitable for a proposed building. In such cases, to ensure satisfactory performance of the building structure, the applicant is to:
- (i) arrange for the preparation of a geotechnical survey of the foundation material; and
 - (ii) engage a practising structural engineer to design the footings, floor slab and any other potentially affected parts of the building, having due regard to the findings of the geotechnical survey.

The geotechnical survey report is to be submitted with the structural engineer's drawings when an application for a building licence is lodged.

7. Solar access for adjoining lots

- (a) Where an applicant seeks approval via the Performance Criteria path in clause 6.9.1 P1 of the R-Codes, clause 3.6 (c) requires the submission of drawings containing sufficient information to explain how the whole property adjoining the development site would be affected by overshadowing. The City will deem the criteria to have been satisfied if the proposed buildings do not cast any shadow over an outdoor living area, major opening to a habitable room, a solar heating device, a balcony or a verandah on a lot adjoining the development site.
- (b) In calculating:
- (i) the percentage of the adjoining lot which is overshadowed by a proposed development; and
 - (ii) whether the proposed development casts any shadow over an outdoor living area, major opening to a habitable room, a solar heating device, a balcony or a verandah on an adjoining lot;

the calculations will be based upon the shadow cast by all proposed buildings. The shadow cast by any dividing fence on the common boundary line will not be taken into account in these calculations. These calculations will be carried out as though there were no dividing fence.

- (c) Where the City has determined that a proposed development does not comply with the Performance Criteria prescribed by the R-Codes, the applicant's submission of a letter from the owners of the adjoining lot stating that they have no objection to the proposal, is not an acceptable substitute. Unless the City is satisfied that the proposal complies with the performance criteria, the proposal will need to comply with the Acceptable Development clause 6.9.1 A1.


Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes (R-Codes)
- City of South Perth Sustainability Strategy
- Building Code of Australia references:
 - Volume 1: Section J Subsection 1-8 for Class 2-9 construction
 - Volume 2: Part 3.12 Subsection 1-5 for Class 1 and 10 construction

Other related Policies

- Policy P320 'Sustainability'
- Policy P321 'Ecologically Sustainable Building Design'
- Other Policies within Policy P350 'Residential Design Policy Manual : City-Wide Policies'

Other relevant Information

- Sustainable Energy Development Office information relating to Landscaping, located at <http://www1.sedo.energy.wa.gov.au/pages/landscap.asp>
- Western Australian Planning Commission Planning Bulletin No. 64 and related maps, located at <http://www.wapc.wa.gov.au/Publications/213.aspx> . The map, Figure 19 - Central Metropolitan Region Scheme acid sulfate soils, includes the City of South Perth: 
- Australian Standards: AS 2712- 2002; AS 4234- 1994; AS 4552- 2005 relating to reduction of greenhouse emissions from hot water solar systems and heating appliances
- Australian Building Codes Board (ABCB) 'Energy' web page, located at <http://www.abcb.gov.au/index.cfm?fuseaction=DocumentView&DocumentID=171>
- Green Building Council of Australia, located at www.gbcaus.org
- "*Energy Efficient Housing*", booklet available to download from the Office of Energy website www.sedo.energy.wa.gov.au (under 'Publications').
- Office of Energy website www.sedo.energy.wa.gov.au (under 'Energy Smart Homes'); or call the Home Energy Line 1300 658 158 for general advice.
- Department for Environment and Conservation information at http://portal.environment.wa.gov.au/portal/page?_pageid=53,34347&_dad=portal&_schema=PORTAL
- Eastern Metropolitan Regional Council web site: "*Water Sensitive Urban Design Local Planning Policy for Local Government*", located at <http://www.emrc.org.au/displayfile.asp?ID=37687>
- National Australian Built Environmental Rating System www.nabers.com.au
- "*Your Home - Design for Lifestyle and the Future - Technical Manual - Australia's guide to environmentally sustainable homes*". <http://www.yourhome.gov.au/>
- Royal Australian Institute of Architects policies: "*The RAIA Environment Policy*" and "*The RAIA Environment Policy - Supplementary Document*" (checklist), located at: <http://www.architecture.com.au/i-cms?page=5947>
- "5 Star Plus - A New Standard in Sustainable Housing." Department of Housing and Works. 2007.
- "5 Star Plus - Energy Use in Houses Code. Water Use on Houses Code." Department of Housing and Works. 2007.

Endorsement for community consultation**24 June 2008****Final adoption****25 November 2008****Last Review****Nil****Date of Next Review****2009**



Strategic Plan Goal 3
Environmental Management

POLICY P350.2
Residential Boundary Walls

Relevant Management Practice
Nil

Relevant Delegation
Delegations DC 342 and DM 342

Rationale

The setback of dwellings from the side and rear property boundary is a key factor in ameliorating the sense of building bulk. Therefore, when considering development proposals incorporating boundary walls, the amenity impact of such walls requires careful consideration. This Policy contains provisions which balance the proper consideration of amenity factors against the reasonable expectations of applicants.

Policy

1. Status

(a) Relationship to Town Planning Scheme No. 6

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of Town Planning Scheme No. 6 (TPS6). Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

Under clause 7.8 of TPS6, the Council may permit variations from specified site requirements, if the Council is satisfied that there would be no adverse amenity impact. This Policy identifies the extent of variation the Council may consider.

(b) Relationship to Residential Design Codes

This Policy has been prepared pursuant to clause 5.3 of the Residential Design Codes (R-Codes) that expressly permits Local Planning Policies which address local requirements for boundary walls. This Policy replaces the provisions of the R-Codes relating to boundary walls.

2. Objective

To achieve built outcomes that demonstrate appropriate consideration of the impact of the design of a proposed dwelling on the streetscape and amenity of the adjoining residents.

3. Definition

boundary wall

A wall of a dwelling, or of an attached or detached outbuilding, located on a side or rear boundary of a lot or survey strata lot. The term includes a wall set back not more than 0.1 metres from a lot boundary where the wall cannot be located on the boundary due to the existence of a physical obstruction.

4. Scope

- (a) This Policy applies to all boundary walls forming part of a residential development.
- (b) This Policy does not apply to the following:
 - (i) In the case of Grouped Dwellings to be constructed prior to the creation of 'built strata' lots, a wall on an 'internal' boundary between dwellings comprising the development.
 - (ii) Patio or carport columns abutting a boundary fence, where the roof is set back at least 0.45 metres from the boundary and the boundary fence does not exceed a height of 1.8 metres measured above the adjacent ground level of the lot adjoining the development site.

5. Amenity factors

As authorised by clause 5.3 of the R-Codes which expressly permits Local Planning Policies relating to boundary walls, this Policy replaces clause 6.3.2 of the R-Codes dealing with boundary walls. Accordingly, the following provisions apply to any boundary wall:

- (a) A proposed boundary wall will not be approved where the City considers that such wall would adversely affect the amenity of an adjoining property or the streetscape in relation to the following amenity factors:
 - (i) streetscape character;
 - (ii) outlook from:
 - (A) the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or
 - (B) any habitable room window of an adjoining dwelling;
 - (iii) visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and
 - (iv) amount of overshadowing of a habitable room window, or an outdoor living area, on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the portion of the proposed dwelling which conforms to the R-Codes Acceptable Development setback will overshadow this window or outdoor living area to an equivalent or greater extent than would the proposed boundary wall.
- (b) In every case where a boundary wall is proposed, the applicant is to submit written justification and shadow diagrams demonstrating that the proposal will not adversely affect amenity in terms of the amenity factors referred to in clause 5(a).

6. Maximum permissible boundary wall height

Where a proposed boundary wall is situated adjacent to an outdoor living area on an adjoining lot, in addition to meeting the provisions of clause 5 of this Policy, such wall shall be no higher than 2.7 metres measured above the finished ground level on the adjoining lot.

7. Setback from the street alignment of a wall on a side boundary

- (a) Subject to clauses 6 and 8(b) of this Policy, approval will not normally be granted for a boundary wall, including any 'nib' projection, to be set back less than 6.0 metres from the street alignment, or less than the setbacks prescribed by Table 2 of TPS6, whichever is the greater.
- (b) Subject to compliance with the setbacks from specified streets prescribed in Table 2 of TPS6, a setback of less than 6.0 metres, but in any case not less than 4.5 metres, may be approved where:
 - (i) specified in a Precinct-based policy; or
 - (ii) the proposed boundary wall will abut an existing boundary wall on the adjoining lot, and the proposed wall will not project beyond the adjoining boundary wall either vertically or horizontally.

8. Walls limited to one side boundary

Boundary walls will normally be permitted to abut only one side boundary of a lot. However, the City may approve walls on both side boundaries in the following circumstances:

- (a) where the development site is 12.0 metres wide or less and the siting of a wall on both side boundaries would ameliorate the visual dominance of a garage as a component of the front elevation of a dwelling, provided that one of the boundary walls is set back at least 3.0 metres further from the street alignment than the other boundary wall; or
- (b) where the development site is wider than 12.0 metres, in the interest of maintaining streetscape compatibility, and avoiding the visual impact of unrelieved building bulk, walls will only be permitted to abut both side boundaries where one of the boundary walls is set back at least 6.0 metres further from the street alignment than the other boundary wall.

9. Walls on rear boundary

The siting of a wall on one or both side boundaries does not preclude the siting of another wall on the rear boundary of the same lot.

10. Surface finish

- (a) Where the surface of a proposed boundary wall on a development site is visible from the street and forms part of the streetscape, the surface finish of the wall is to match the external walls of the building(s) on the development site.
- (b) Where the surface of a proposed boundary wall on a development site is visible from the adjoining property but does not form part of the streetscape, the applicant is to obtain the adjoining owner's agreement as to the surface finish of the wall. If the adjoining owner's agreement is not obtained, the surface finish is to be compatible with the external walls of the neighbour's dwelling. Details in this respect are to be included on the plans submitted with a building licence application.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes

Other related Policies

- Policy **P350.3** 'Car Parking Access, Siting, and Design'
- Other Policies within Policy P350 'Residential Design Policy Manual : City-Wide Policies'

Endorsement for community consultation	24 June 2008
Final adoption	25 November 2008
Last Review	Nil
Date of Next Review	2009



Strategic Plan Goal 3
Environmental Management

POLICY P350.3

Car Parking Access, Siting, and Design

Relevant Management Practice

Nil

Relevant Delegation

Delegations DC 342 and DM 342

Rationale

As an instrument supporting the City's Town Planning Scheme No. 6 (TPS6) and the Residential Design Codes (R-Codes), this Policy provides further guidance as to the City's expectations with respect to access, siting and design of garages, carports and parking bays. The Policy contains provisions which balance applicants' reasonable expectations regarding security and weather protection for vehicles, with the need to maintain desired streetscape character.

Policy

1. Status

(a) Relationship to Town Planning Scheme No. 6

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of TPS6. Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

Under clause 7.8 of TPS6, the Council may permit variations from specified site requirements, if the Council is satisfied that there would be no adverse amenity impact. This Policy identifies the extent of variation the Council may consider.

(b) Relationship to Residential Design Codes

This Policy has been prepared pursuant to clause 5.3 of the R-Codes that expressly permits Local Planning Policies which:

- (i) address streetscape or building design;
- (ii) augment the R-Codes by providing additional Performance Criteria and Acceptable Development provisions for any aspect of residential development not provided for in the R-Codes.

2. Objectives

- (a) To provide for parking and associated structures in a manner which contributes positively to the streetscape, is compatible with dwelling design and materials.
- (b) To have regard for the safety and welfare of pedestrians walking along public footpaths and other road users when designing vehicle access and parking.

3. Scope

- (a) This Policy applies to:
 - (i) any proposed garage or carport associated with any existing or proposed dwelling; and
 - (ii) any proposed unroofed car parking bay associated with any existing or proposed dwelling.
- (b) This Policy augments and is to be read in conjunction with the provisions of TPS6 and the R-Codes relating to car parking.

4. Definitions

focus area

As defined in TPS6, 'focus area' means *"the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting onto both sides of that section of the street."*

front setback area

The portion of a lot situated between the primary street boundary and the front of the closest dwelling.

5. Access to on-site parking

(a) Minimising vehicular access from a public street

Acceptable Development clause 6.5.4 A4.1 of the R-Codes requires **that, where vehicular access to a development site is available from a formed and drained right-of-way, access to that site is to be provided solely from that right-of-way.** Alternatively, under Performance Criteria clause 6.5.4 P4, vehicular access may be provided solely from a public street, subject to the number of crossovers being minimised, disturbance of street trees being avoided, and the vehicular access being safe in use and not detracting from the streetscape. Having regard to clause 6.5.4 P4, where the development site adjoins an essential right-of-way, the City would approve residential development relying on primary vehicular access from a public street to one or more of the required car bays, subject to:

- (i) there being only one crossover from the public street; and
- (ii) in the case of a site 12.0 metres wide or less, the crossover being not wider than 4.0 metres.

(b) Street entry in forward gear

Where, pursuant to clause 6.6(2)(b) of TPS6 or clause 6.5.4 A4.4 of the R-Codes, vehicular access is to be designed to facilitate entry onto a public street in forward gear, the applicant is to provide a drawing at a scale of 1:100 **depicting the swept path of a turning vehicle** demonstrating that **the vehicle is** able to enter or leave the site in a forward gear with no more than two turning movements without relying on any other parking bay to facilitate such movements. **The drawing is to be based on the B85 design vehicle referred to in Australian Standard AS 2890.1 and to comply with the provisions of clause 10(b) of this Policy.**

Note: Under clause 6.5.4 A4.4 of the R-Codes, on-site turning space is required where the development site obtains access from a 'Primary Distributor' or a 'District Distributor' road, among other reasons. The City of South Perth Functional Road Hierarchy lists Canning Highway as a Primary Distributor road. The following roads are classified as District Distributors:

Douglas Avenue, George Street, Hayman Road, Kent Street, Labouchere Road (Mill Point Road to Thelma Street), Manning Road, Mill Point Road (Labouchere Road to Canning Highway), South Terrace, Thelma Street (Labouchere Road to Canning Highway), and Way Road.

6. Vehicle crossovers

(a) Crossovers and development design to retain street trees

- (i) When preparing design drawings, applicants proposing residential development must be mindful that the City normally expects existing street trees to remain undisturbed. Therefore, subject to clause 6(c) of this Policy, vehicle crossovers and internal formed driveways need to be located so as not to disturb street trees.

The minimum acceptable separation distance between an existing street tree and any new or extended crossover is determined after properly considering all relevant factors relating to the tree, the crossover and ease of vehicular entry and egress. The minimum distance is normally 3.0 metres, measured from the centre of the tree trunk, however, in some instances a lesser distance will be approved, while in other instances a greater distance may be required. The actual required distance will be determined by the Council's City Environment Department.

- (ii) If a development proposal indicates the removal of a street tree to accommodate a vehicle crossover and formed driveway, but the City requires the tree to be retained, where relocation of the crossover causes access difficulties, modifications to the site plan or building design or both, will be required.

(b) Crossover design and associated remedial works

- (i) Having regard to the provisions of clause 6.5.4 A4.2 of the R-Codes, vehicle crossovers providing access from a public street to a development site are to be a minimum width of 3.0 metres, a maximum width of 6.0 metres and in aggregate, no greater than 9.0 metres on the parent lot. All crossovers are to be designed and constructed in accordance with the City's related specifications and guidelines and as detailed on the City's Plans SP30 and SP30(A) relating to crossover design.
- (ii) The required vehicle crossover may be either newly constructed or an existing crossover widened to the required minimum width.
- (iii) Where a proposed new or extended crossover would interfere with any existing services maintained by the City, a service authority or private company, the applicant is to arrange for the relocation of the affected infrastructure. Prior to the City issuing a building licence, the applicant is to submit the affected service provider's written agreement to the intended relocation of the infrastructure. All relocation costs are to be met by the applicant.

(c) Street tree removal, replacement, relocation or pruning

Notwithstanding clause 6(a)(i), the City may approve the removal, replacement, relocation or pruning of a street tree in conjunction with a proposed development, in accordance with clauses 8(b), 8(c) and 8(d) of Policy **P350.5** 'Trees on Development Sites and Street Verges'. In such cases, the applicant is to pay all of the associated costs identified in clause 8(g) of Policy **P350.5**.

(d) Removal of redundant crossovers

The site plan for any proposed residential development is to show the intended removal of any redundant crossover and the reinstatement of the verge and kerbing. These remedial works are to be completed at the applicant's cost prior to occupation of any dwelling.

7. Formed driveway gradient

(a) Verge levels not to be modified

If existing verge levels are modified, this may create difficulties for pedestrian movement along the road verge or footpath. Therefore, when considering any development application, the City will not approve alterations to verge levels for any new, rebuilt or modified crossover, unless this proves necessary due to design complications caused by topography.

(b) Indemnity for steep gradients

Clause 6.10(2) of TPS6 prescribes a maximum driveway gradient of 1:12 within 3.6 metres of the street alignment and 1:8 for the remainder of the driveway. However, where topography creates difficulties in adhering to these maximum gradients, the City may allow a steeper gradient subject to the applicant complying with the following:

- (i) Where the driveway gradient at any point is steeper than the maximum prescribed in Clause 6.10(2) of TPS6 but not steeper than 1:6, the applicant is to submit a letter which acknowledges responsibility for any access difficulties that may arise, without any future recourse to the City of South Perth.
- (ii) Where the driveway gradient at any point is steeper than 1:6 but not steeper than 1:4, the applicant is to submit:
 - (A) a letter which acknowledges responsibility for any access difficulties that may arise, without any future recourse to the City of South Perth; and
 - (B) certification from a consulting traffic engineer or architect that the design of the vehicular access from the street to all parking bays complies with the provisions of *Australian/New Zealand Standard AS/NZ 2890.1:2004 - Parking Facilities - Part 1: Off-Street Car Parking*. The consulting engineer or architect is to also certify the actual finished driveway gradient, which in no case is to be steeper than 1:4.

The required letter and certification are to be provided prior to the issuing of a building licence.

- (iii) Approval will not be granted for any driveway with a gradient steeper than 1:4.

8. Setbacks of garages and carports

(a) Setback of garages

(i) Vehicles parked at 90 degrees to the street

Acceptable Development clause 6.2.3 of the R-Codes prescribes a minimum setback of 4.5 metres from a primary street, and 1.5 metres from a secondary street for garages, where vehicles are parked at 90 degrees to the street. However, the City may require a greater setback having regard to the provisions of Policy P350.2 'Residential Boundary Walls' and any policy relating to streetscape.

(ii) Vehicles parked parallel to the street

(A) Acceptable Development clause 6.2.3 of the R-Codes prescribes a minimum setback of 3.0 metres from a primary street and 1.5 metres from a secondary street for garages where vehicles are parked parallel to the street. However, the City may require a greater setback having regard to the provisions of Policy P350.2 'Residential Boundary Walls' and any policy relating to streetscape.

8 (a) (ii) Vehicles parked parallel to the street (cont'd)

- (B) In the case of any garage within the front setback area, where vehicles are parked parallel to the street, the wall facing the street is to incorporate windows, other architectural design features, or artistic treatment to provide visual relief. The area between the front wall of the garage and the street boundary is to contain shrubs or bushes at least 1.2 metres in height at the time of planting, appropriately complementing the treatment of the front wall.

(b) Setback of carports

Acceptable Development clause 6.2.3 A3.4 of the R-Codes permits carports within the street setback area, subject to the width of any such carport not exceeding 50% of the lot frontage. In addition, in relation to carports within the front setback area, this Policy requires the following:

- (i) The proposal is to demonstrate compliance with relevant provisions of Policy **P350.2** 'Residential Boundary Walls' and any policy relating to streetscape.
- (ii) Where a carport is proposed to be added to an existing dwelling, and there is no practical location behind a 4.5 metre setback from the street alignment for two roof-covered parking bays complying with the minimum dimensions prescribed in TPS6, a carport will be permitted within the front setback area.
- (iii) Where a carport is proposed to be sited within the front setback area of an existing dwelling and two existing roof-covered parking bays complying with the minimum dimensions prescribed in TPS6 are already located behind a 4.5 metre street setback, or there is a practical location to provide such bays behind the 4.5 metre street setback;
- (A) neither of those existing parking bays is permitted to be converted to another use; and
- (B) a setback of less than 4.5 metres will not be permitted for the proposed carport, unless the focus area is characterised by at least one-third of the lots already having carports in the front setback area.
- (iv) In order to avoid potential obstruction of a street verge or footpath by a vehicle parked on an internal formed driveway, any carport forward of a 4.5 metre setback line shall be set back not more than 1.5 metres from the street alignment measured to the edge of the car bay.
- (v) Where a carport column is set back less than 1.5 metres from the street alignment, its dimensions shall not exceed 360 mm x 360 mm.
- (vi) Any carport forward of a 4.5 metre setback line shall be set back at least 1.0 metre from the street alignment measured to the face of any support column.

(c) Conversion of carports to garages

Where an existing carport is set back less than 4.5 metres from the street, the City will not approve conversion of that carport to a garage unless it would comply with the R-Codes setback requirements for garages.

9. Setbacks of garages, carports and car bays from a right-of-way

The setback of any proposed garage, carport or car bay from a right-of-way is to be not less than 1.5 metres, and is to be calculated to achieve a 6.5 metre reversing depth providing access to the parking facility. The reversing depth may comprise a combination of the width of the right-of-way and a setback from the lot boundary.

10. Formed driveway dimensions for vehicles turning in and out of car bays**(a) Minimum formed driveway width**

Acceptable Development clause 6.5.4 A4.2 of the R-Codes prescribes a minimum formed driveway width of 3.0 metres at the street frontage where the driveway serves four dwellings or less. Under this Policy, driveways serving four dwellings or less are to maintain a minimum width of 3.0 metres throughout their entire length.

(b) Formed driveway dimensions for vehicles turning in and out of car bays

Clause 6.3(8) and Schedule 5 of TPS6 prescribe minimum dimensions for vehicular accessways leading to car parking bays. In addition to those requirements of TPS6, this Policy contains diagrams in Figures 1 to 6 depicting six different parking bay layouts and manoeuvre arrangements. These diagrams illustrate layouts commonly proposed by applicants; however, it is recognised that other layouts can also be functional. Noting this, where car parking bays are provided on site, applicants are to comply with one of the following:

(i) The layout is to comply with the parking bay and manoeuvre arrangements depicted in Figures 1 to 6 which are based on the B85 design vehicle referred to in Australian Standard AS 2890.1. The diagrams are designed to facilitate single forward and reverse movements into and from the parking bay.

or

(ii) Where not complying with any of the layouts depicted in Figures 1 to 6, applicants are to demonstrate that their proposal is functional by means of diagrams showing the swept paths of a vehicle. The positioning and dimensions of the parking bays and access ways are to be designed to demonstrate compliance with all of the following requirements:

- (A) The swept paths are to be derived from Australian Standard AS 2890.1 or another authoritative source which is to be identified on the diagrams.
- (B) The design vehicle is to be the B85 vehicle defined in Australian Standard AS 2890.1 as: *"The design motor car whose physical dimensions represent the 85th percentile class of all cars and light vans on the road."* (Refer to Appendix B of AS 2890.1 for data and diagrams relating to the B85 vehicle).
- (C) The entry and exit manoeuvres are to be designed to facilitate single forward and reverse movements into and from the parking bay.

11. Variation from prescribed car bay dimensions

Clause 6.3(8) and Schedule 5 of TPS6 prescribe minimum dimensions for car parking bays. Wherever possible, every proposed car bay should comply with these dimensions. However, clause 7.8 of TPS6 provides discretionary power for approval of variations.

Figure 7 of this Policy depicts a car bay 'design envelope' representing a minor variation from the dimensions prescribed by TPS6. Under the power conferred by clause 7.8, in order to facilitate ease of vehicle manoeuvre and door opening, while also accommodating a degree of design flexibility, the City will permit car bays which comply with the dimensions shown in Figure 7.

12. Roof cover to occupiers' car bays

Under clause 6.3(6)(d) of TPS6, the City may require some or all of the car parking bays on a development site to be provided with roof cover. Pursuant to that clause, at least one occupiers' car bay for each Grouped Dwelling and Multiple Dwelling is to be provided with roof cover.

13. Design of garages and carports

(a) Minimum Opening Width

- (i) Clause 6.3(8) and Schedule 5 of TPS6 prescribe minimum dimensions for car parking bays. In addition, Acceptable Development clause 6.2.8 A8 of the R-Codes restricts the percentage of the lot frontage at the setback line that may be occupied by a garage, where the garage is located in front or within 1.0 metre of the associated dwelling. Further to these requirements, this Policy requires the following minimum opening widths for a garage or carport, measured clear of the face of any column or pier:

- (A) single width: 2.5 metres;
- (B) double-width: 5.0 metres.

- (ii) Garages with a triple-width opening facing the street would generally have an excessively dominant visual impact on the associated dwelling and would not be compatible with the streetscape. Therefore, such garages will generally not be permitted.

(b) Garages and carports within front setback area

- (i) Where a garage or carport is proposed to be located wholly or partly within the front setback area, the design, materials and colour are to match those of the dwelling to which the structure is appurtenant.
- (ii) A carport situated within the front setback area is not permitted to have an entry door or gate unless such door or gate is 'visually permeable' as defined in the R-Codes.

(c) Garages and carports not within front setback area

- (i) Where an attached garage is proposed to be located to the side of a dwelling and not within the front setback area, the materials and colour are to match those of the dwelling to which the garage is appurtenant.
- (ii) Where a carport is proposed to be located to the side of a dwelling and not within the front setback area, the colour of the components visible from any street are to match the colour of the dwelling to which the carport is appurtenant.
- (iii) In the case of a development comprising two or more Grouped Dwellings or Single Houses in 'battle-axe' configuration, the colour of any appurtenant garage or carport shall match that of the dwelling to which it is appurtenant, whether or not the garage or carport is visible from any street.

(d) Garages and carports accessed from a secondary street

Where a garage or carport **appurtenant to a dwelling** is accessed from a secondary street:

- (i) the colours of the components visible from any street are to match the colours of the dwelling; **and**
- (ii) **unless the construction materials match those of the dwelling, the garage or carport is to be set back 6.0 metres or more from the secondary street boundary.**

14. Visitor car parking

- (a) In addition to the requirements of clauses 6.5.1 and 6.5.3 of the R-Codes, visitors' bays for Grouped Dwellings shall be unroofed.
- (b) Where the R-Codes require the provision of visitors' parking bays, such bays are not to be situated in tandem with a dwelling occupier's parking bay, except where:
 - (i) visitors to the other dwellings have shared access to at least one other conveniently located visitors' bay;
 - (ii) two bays arranged side by side are provided for the exclusive use of the occupier of the dwelling in addition to the visitors' bay; and
 - (iii) the dwelling occupier's parking bay obstructed by the visitors' bay is set back at least 4.5 metres from the street alignment, and the visitors' bay does not obstruct access to any other bay.
- (c) All visitors' bays, other than those situated in tandem with a dwelling occupier's bay, shall be:
 - (i) retained permanently for the exclusive use of visitors; and
 - (ii) identified as common property on any strata plan relating to the development.
- (d) Clause 6.5.3 A3.1 of the R-Codes requires visitors' parking bays to be located close to, or visible from, the point of entry to a development site and outside any security barrier. However, the City will consider the alternative Performance Criteria in clause 6.5.3 P3 to have been met subject to compliance with the following:
 - (i) Visitors' bays may be located elsewhere on the development site if the City considers that the proposed location of those bays would better serve visitors' convenience; and
 - (ii) Where visitors' bays are situated inside a security barrier:
 - (A) visitors shall have convenient access outside the security barrier to an electronic communication system linked to each dwelling;
 - (B) a dedicated embayed standing area shall be provided exclusively for use in conjunction with the electronic communications system;
 - (C) the electronic communications system embayment shall be located wholly on the development site in a position where it will not obstruct the communal street; and
 - (D) two additional visitors' bays are to be provided outside the security barrier in the case of Multiple Dwellings, and one additional bay for Grouped Dwellings.

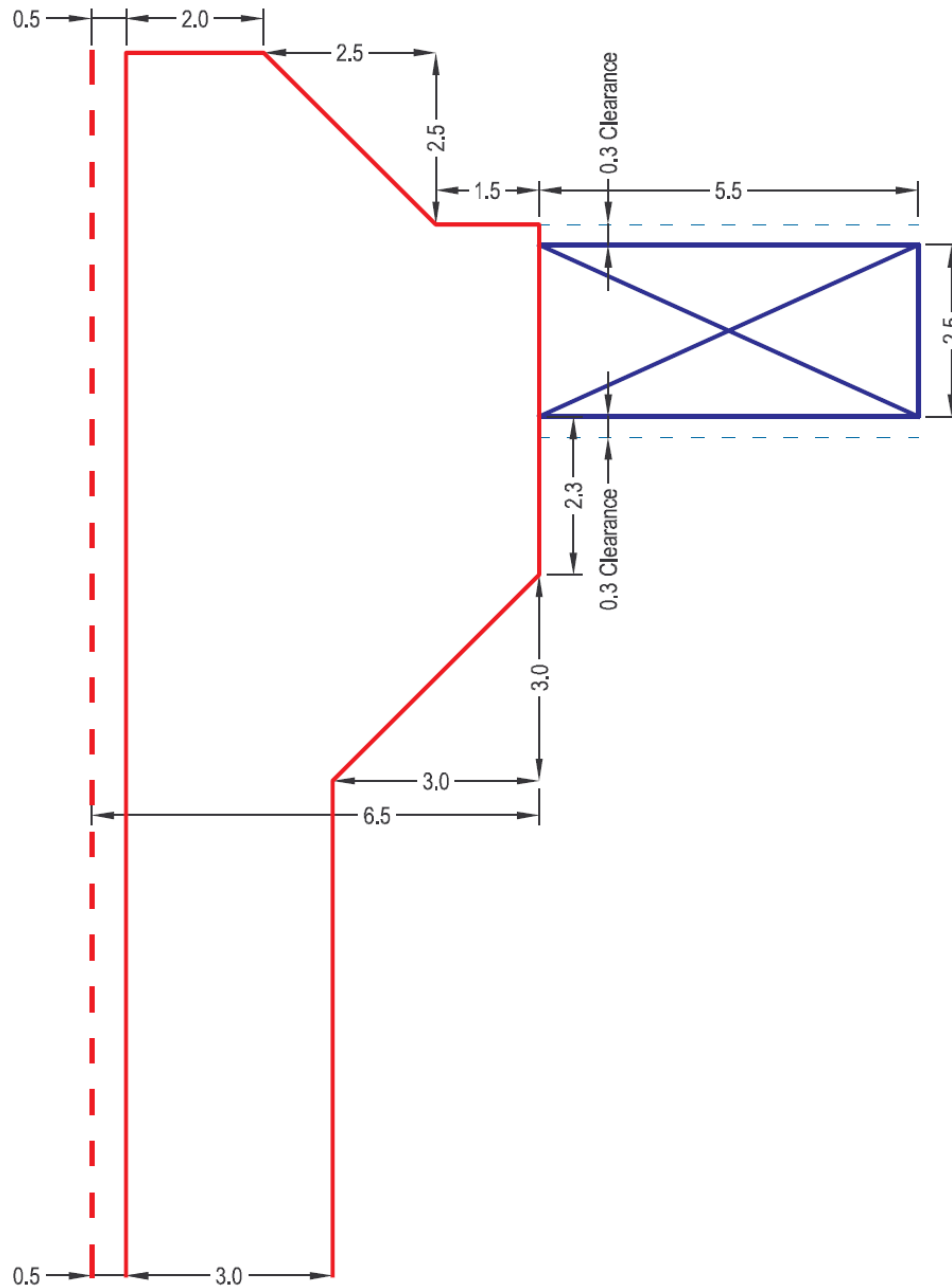
15. Identification of car parking bays for different uses

In the case of Mixed Development:

- (a) under clause 6.3(3) of TPS6, the required total number of car parking bays to be provided on the development site is the sum of the required numbers calculated separately for each use. The development site plan is to independently identify the allocation of car parking bays to the residential and non-residential occupancies;
- (b) where strata subdivision is proposed, the registered strata plan is to independently identify the allocation of car parking bays to the residential and non-residential occupancies, as shown on the approved site plan.

Figure 1
Parking bay manoeuvre 90° single - 6.5 metre reverse

(Refer to clause 10)



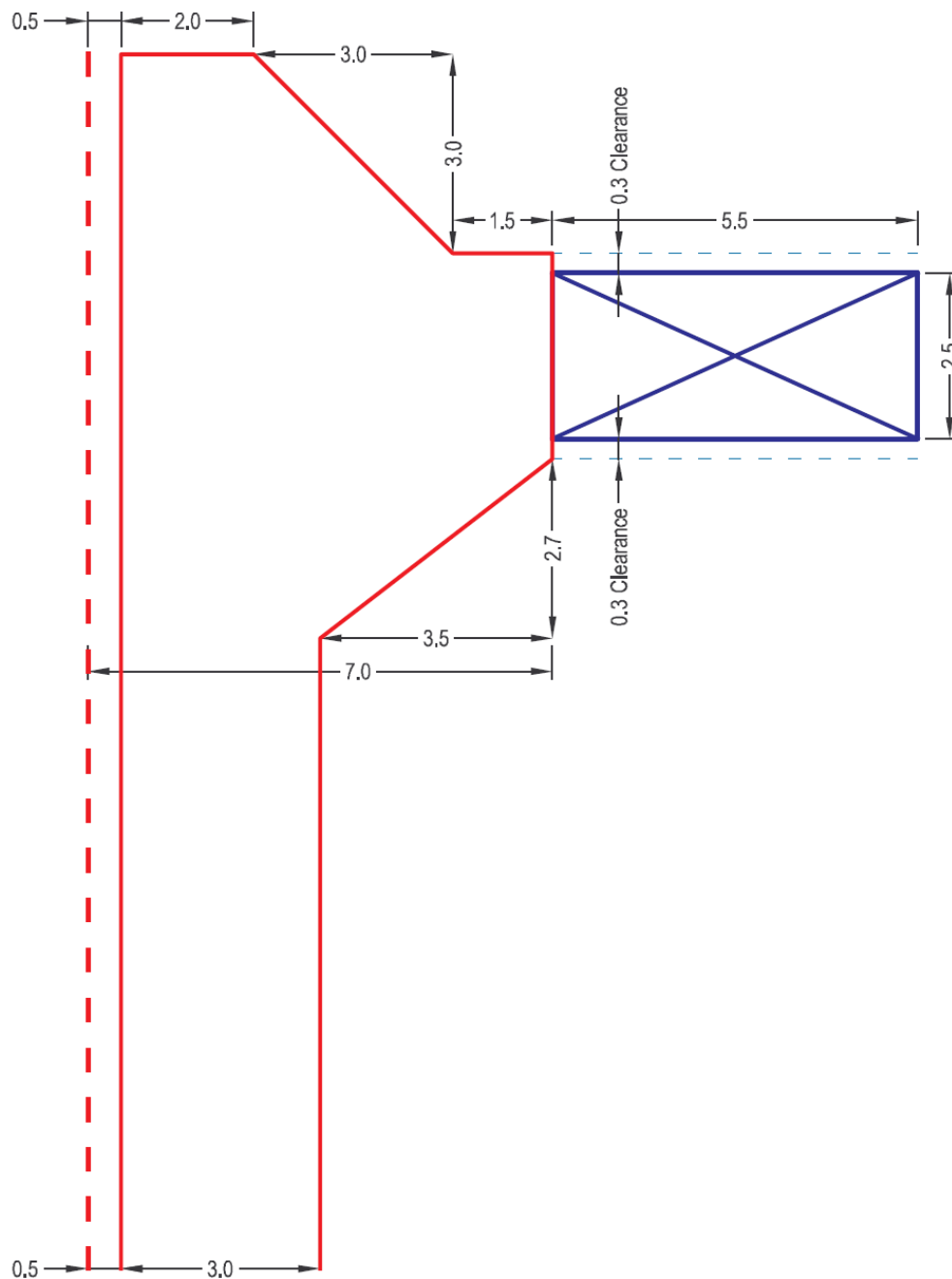
NOTES:

1. Not to scale.
2. All measurements are in metres.
3. Based on no wall, column, pier or fence being within 0.3 metres of the sides of the car bay.
4. Nominated shape and dimensions of reversing area rely on formed driveway being set back 0.5 metres from boundary fence.
5. Based on the B85 design vehicle referred to in Australian Standard AS 2890.1.
6. Designed to facilitate single forward and reverse movements into and from the parking bay.

Figure 2

Parking bay manoeuvre 90° single - 7.0 metre reverse

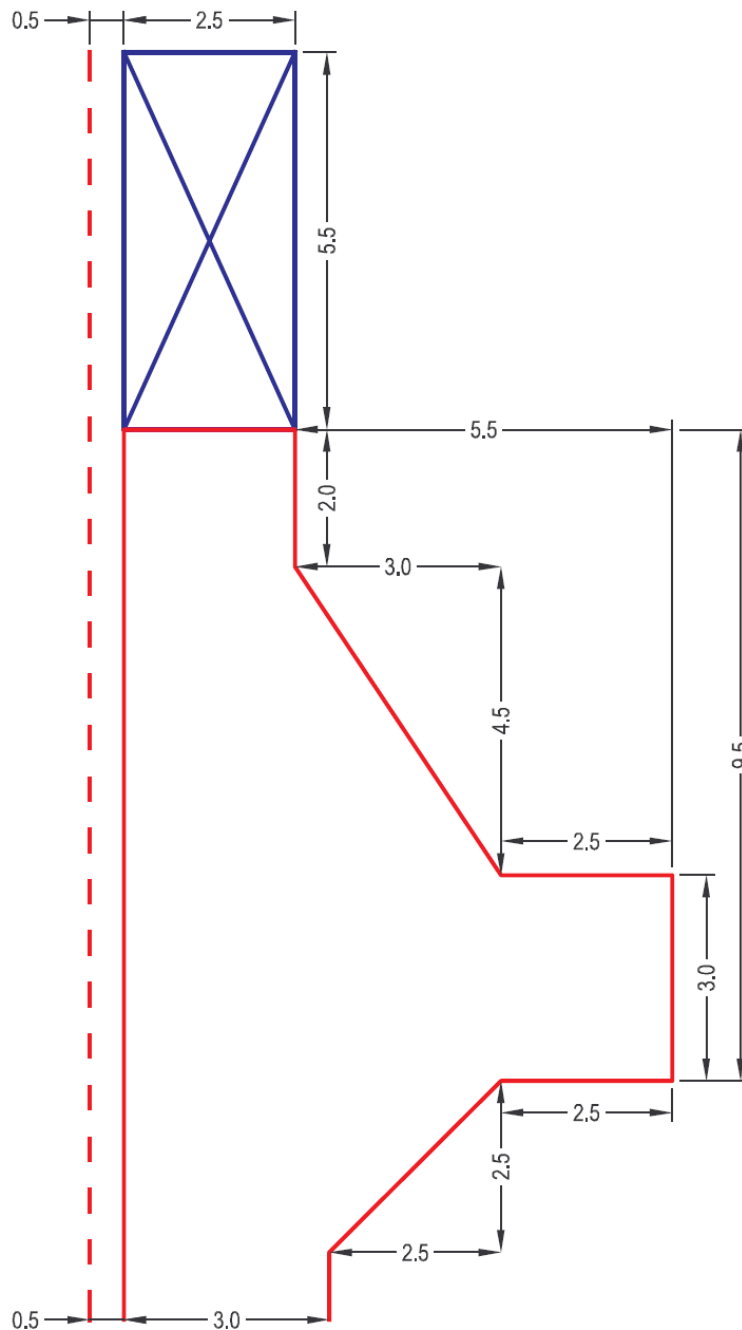
(Refer to clause 10)

**NOTES:**

1. Not to scale.
2. All measurements are in metres.
3. Based on no wall, column, pier or fence being within 0.3 metres of the sides of the car bay.
4. Nominated shape and dimensions of reversing area rely on formed driveway being set back 0.5 metres from boundary fence.
5. Based on the B85 design vehicle referred to in Australian Standard AS 2890.1.
6. Designed to facilitate single forward and reverse movements into and from the parking bay.

Figure 3
Parking bay manoeuvre 180° single

(Refer to clause 10)

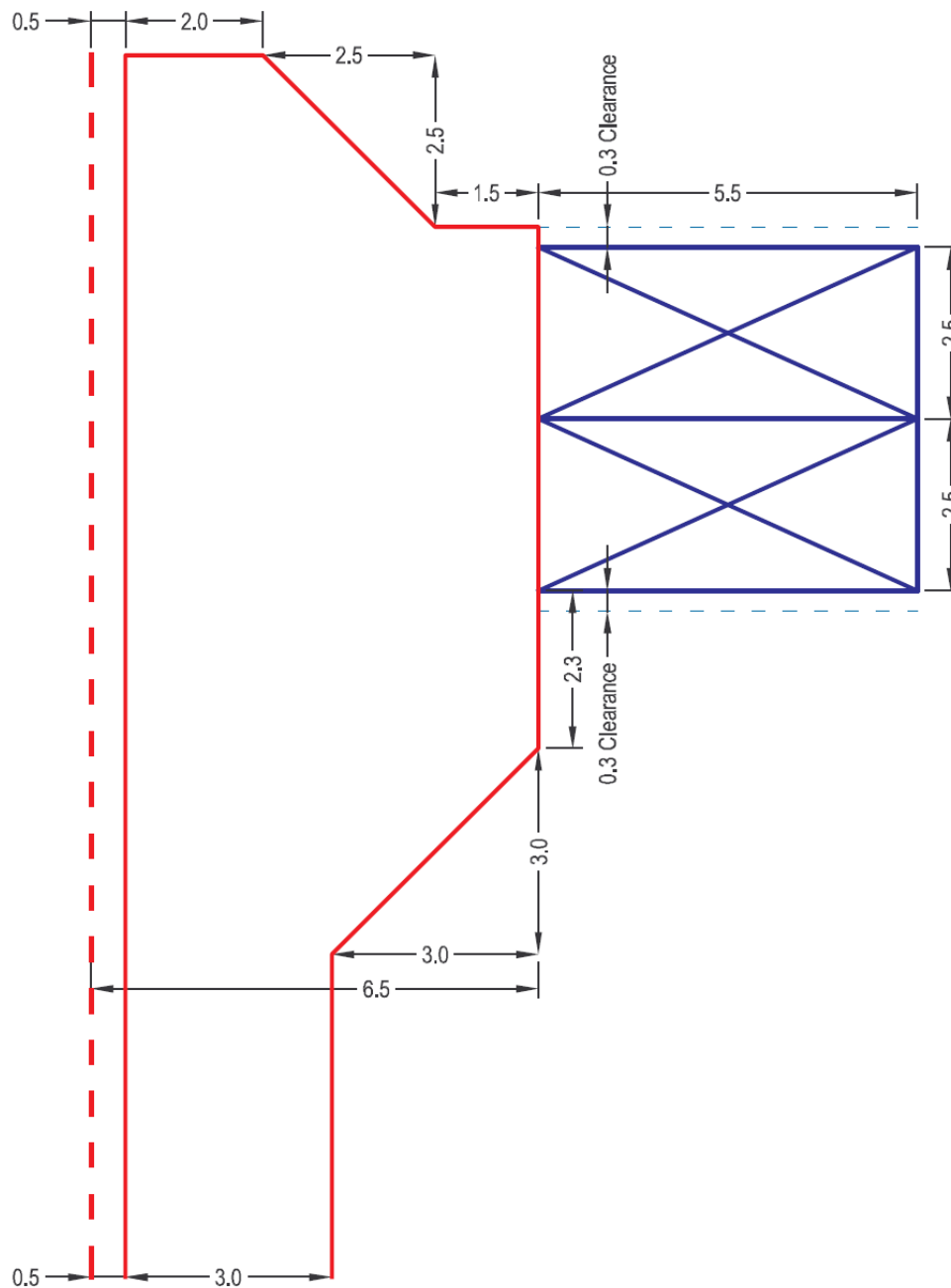


NOTES:

1. Not to scale.
2. All measurements are in metres.
3. Based on no wall, column, pier or fence being within 0.3 metres of the sides of the car bay.
4. Nominated shape and dimensions of reversing area rely on formed driveway being set back 0.5 metres from boundary fence.
5. Based on the B85 design vehicle referred to in Australian Standard AS 2890.1.
6. Designed to facilitate single forward and reverse movements into and from the parking bay.

Figure 4
Parking bay manoeuvre 90° double - 6.5 metre reverse

(Refer to clause 10)



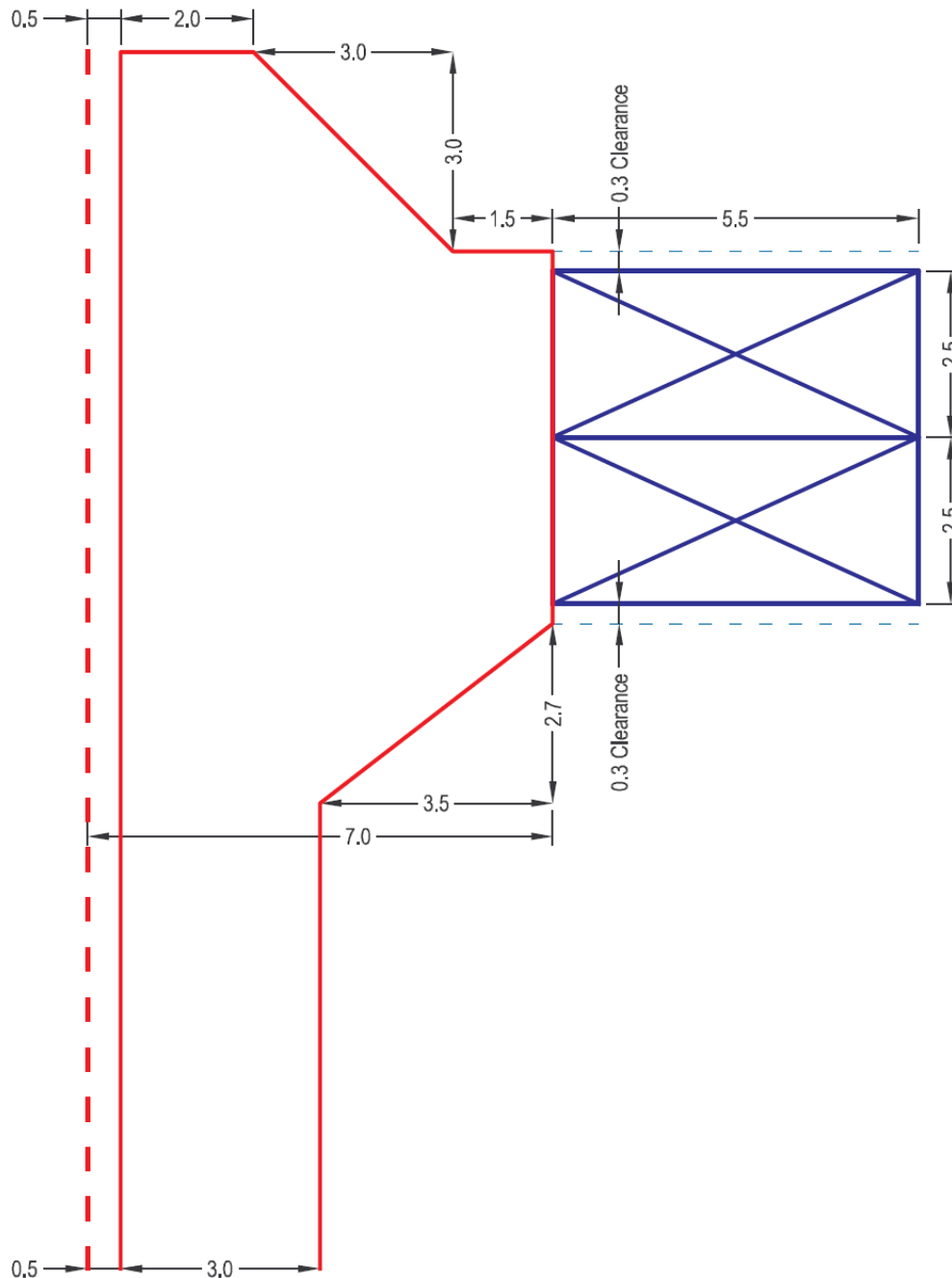
NOTES:

1. Not to scale.
2. All measurements are in metres.
3. Based on no wall, column, pier or fence being within 0.3 metres of the sides of the car bay.
4. Nominated shape and dimensions of reversing area rely on formed driveway being set back 0.5 metres from boundary fence.
5. Based on the B85 design vehicle referred to in Australian Standard AS 2890.1.
6. Designed to facilitate single forward and reverse movements into and from the parking bay.

Figure 5

Parking bay manoeuvre 90° double - 7.0 metre reverse

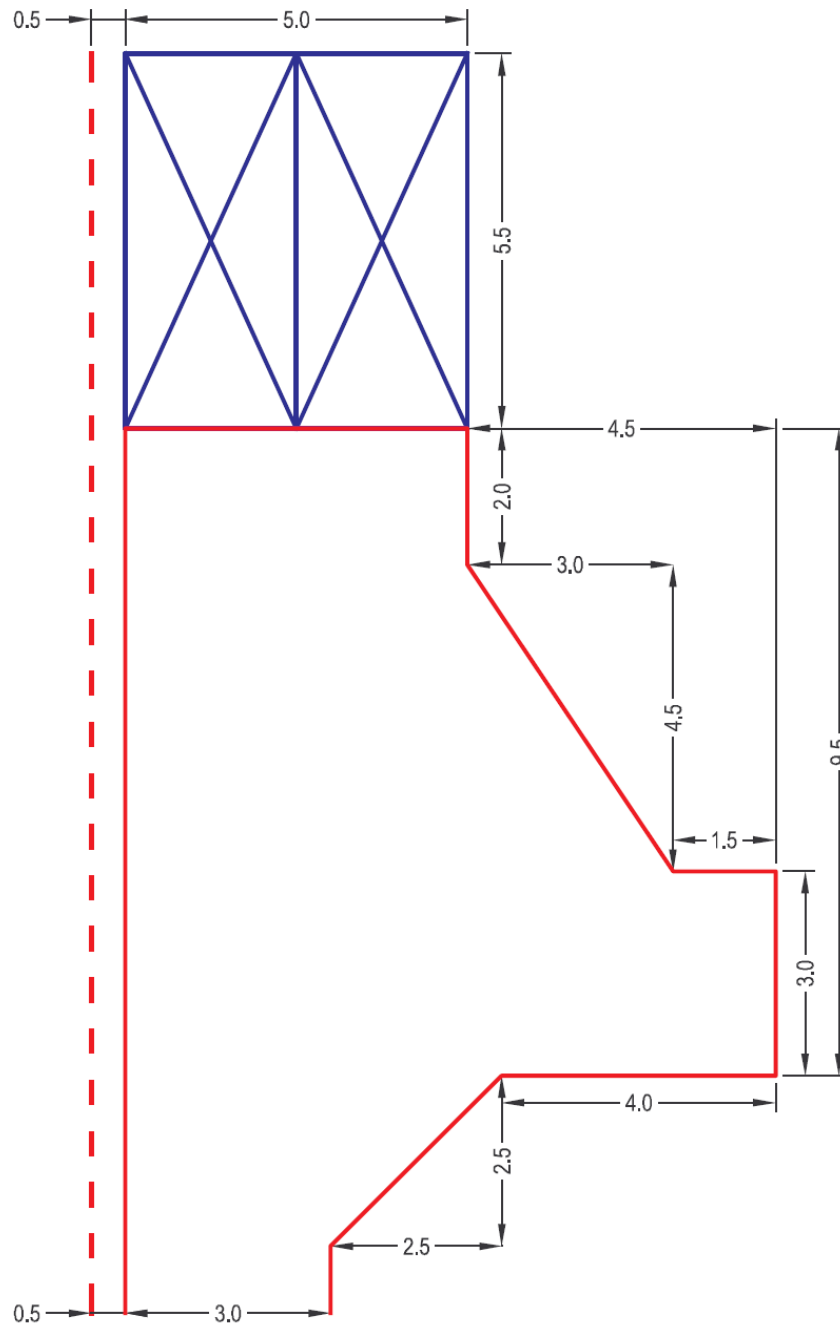
(Refer to clause 10)

**NOTES:**

1. Not to scale.
2. All measurements are in metres.
3. Based on no wall, column, pier or fence being within 0.3 metres of the sides of the car bay.
4. Nominated shape and dimensions of reversing area rely on formed driveway being set back 0.5 metres from boundary fence.
5. Based on the B85 design vehicle referred to in Australian Standard AS 2890.1.
6. Designed to facilitate single forward and reverse movements into and from the parking bay.

Figure 6
Parking bay manoeuvre 180° double

(Refer to clause 10)

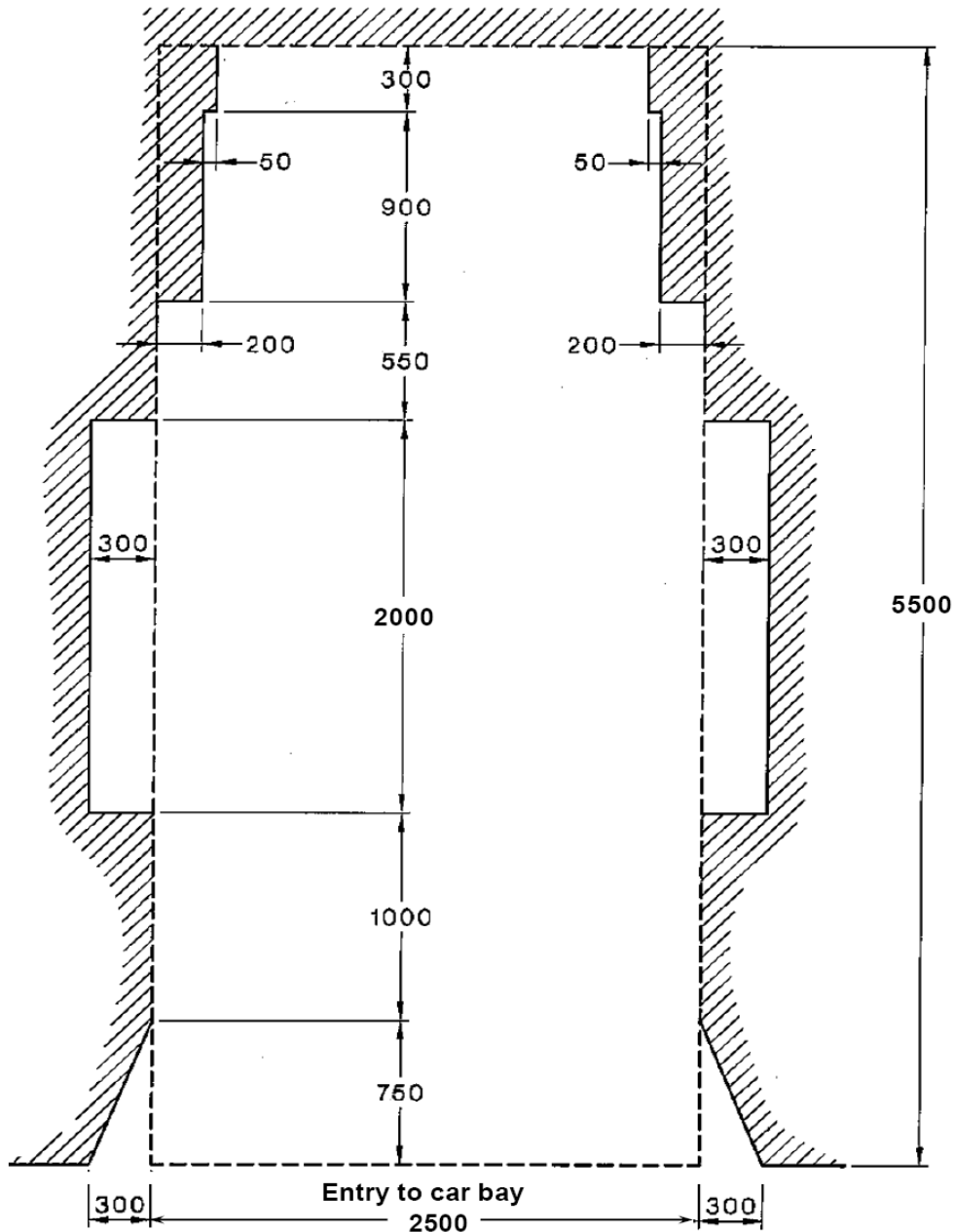


NOTES:

1. Not to scale.
2. All measurements are in metres.
3. Based on no wall, column, pier or fence being within 0.3 metres of the sides of the car bay.
4. Nominated shape and dimensions of reversing area rely on formed driveway being set back 0.5 metres from boundary fence.
5. Based on the B85 design vehicle referred to in Australian Standard AS 2890.1.
6. Designed to facilitate single forward and reverse movements into and from the parking bay.

Figure 7
Design envelope for car bay with side obstructions

(Refer to clause 11)



NOTES:

1. Not to scale.
2. All measurements are in millimetres.
3. Figure 7 is based on Figure 5.2 of Australian Standard AS 2890.1.2004 and is reproduced with permission from SAI Global under copyright Licence 0710-C247.
4. Broken line denotes a car bay of 2500mm width and 5500mm length as prescribed in Town Planning Scheme No. 6.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes

Other related Policies

- Policy **P350.2** 'Residential Boundary Walls'
- Policy **P350.5** 'Trees on Development Sites and Street Verges'
- Policy **P350.7** 'Fencing and Retaining Walls'
- Policy **P350.13** 'Strata Titling of Dwellings Constructed prior to Town Planning Scheme No. 6'
- Policy **P350.14** 'Use or Closure of Rights-of-Way'
- Other Policies within Policy P350 'Residential Design Policy Manual : City-Wide Policies'

Other relevant Information

- City of South Perth 'Street Tree Management Plan'
- *Australian/New Zealand Standard AS/NZ 2890.1:2004 - Parking Facilities - Part 1: Off-Street Car Parking.*

Endorsement for community consultation	24 June 2008
Final adoption	25 November 2008
Last Review	Nil
Date of Next Review	2009



Strategic Plan Goal 3
Environmental Management

POLICY P350.4
Additions to Existing Dwellings

Relevant Management Practice
Nil

Relevant Delegation
Delegations DC 342 and DM 342

Rationale

This Policy seeks to enhance residential amenity standards. The promotion of compatibility between existing dwellings and any additions to those dwellings contributes to this objective. To achieve compatibility, the City considers that, in the case of additions or alterations which would form part of an existing dwelling, the design, materials and external colours of the additions should match that dwelling.

In the case of development proposals involving the addition of detached dwellings behind an existing dwelling, the City considers that only the design needs to match in order to achieve a sufficient degree of compatibility. In this circumstance, it is not considered necessary for the dwellings to match one another in terms of external colours and materials.

This Policy contains provisions reflecting the City's expectations regarding compatibility where additions of various kinds are proposed.

Policy

1. Status

- (a) This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of Town Planning Scheme No. 6 (TPS6). Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.
- (b) This Policy has also been prepared pursuant to clause 5.3 of the Residential Design Codes (R-Codes) that expressly permits Local Planning Policies which:
 - (i) address building design; and
 - (ii) augment the R-Codes by providing additional Performance Criteria and Acceptable Development provisions for any aspect of residential development not provided for in the R-Codes.

2. Objectives

- (a) To ensure that the design, materials and colours of additions to an existing dwelling match, or are compatible with, the existing dwelling.
- (b) To achieve a sufficient degree of compatibility between an existing dwelling and any proposed dwelling situated at the rear of the existing dwelling.

3. Scope

- (a) This Policy applies to development proposals involving:
 - (i) any addition or alteration to any existing dwelling; and
 - (ii) any existing dwelling and any new dwelling where the new dwelling is to be constructed behind the existing dwelling and each dwelling gains access from the same street.

3. Scope (cont'd)

- (b) This Policy does not apply to proposals involving:
- (i) garages and carports whether attached to, or detached from, a dwelling. Provisions relating to garages and carports are contained in Policy P350.3 'Car Parking Access, Siting, and Design'; and
 - (ii) any other detached outbuilding.

4. Definitions

heritage-listed dwelling

A dwelling listed in the City of South Perth Municipal Heritage Inventory, Heritage List, or the State Register of Heritage Places of the Heritage Council of Western Australia.

patio

As defined in the R-Codes, the term means "*a water-impermeable roofed open-sided area which may or may not be attached to a dwelling.*" For the purpose of this Policy, a patio may:

- (a) be in the form of a shade sail with a sail area of 20 square metres or more and where any part of the structure is 3.5 metres or more in height;
- (b) incorporate fixed or adjustable louvres as roofing; and
- (c) incorporate retractable awnings or retractable blinds attached to the sides of the structure.

shade sail

A flexible membrane usually stretched horizontally and attached only by the corners to vertical or near-vertical poles or other structure, without supporting framework, and used for providing shade, other weather protection or visual screening.

5. Additions forming part of an existing dwelling

(a) Additional rooms under main roof

Subject to clauses 5(b) and 5(c), any proposed additions and alterations forming part of an existing dwelling are to match the existing dwelling with respect to design, materials and external colours.

(b) Additions involving skillion roofs

Subject to clause 7(a)(ii), where a proposed addition forming part of an existing dwelling has a skillion or flat roof or another roof form which is different from the form of the existing roof:

- (i) the depth of the addition shall not exceed 4.0 metres;
- (ii) the addition shall be set back 12.0 metres from the street boundary;
- (iii) the external materials and colours of the walls of the addition are to match those of the existing dwelling; and
- (iv) the roofing material of the addition is not required to match that of the existing dwelling.

(c) Upper storey additions

Where an upper storey addition is proposed to form part of an existing dwelling:

- (i) the external materials and colours of the walls of the addition are not required to match those of the existing dwelling, provided that the upper storey walls are not in the same vertical plane as the ground storey walls or are separated from the ground storey walls by an intervening architectural feature;
- (ii) the roof design, material and colour of the addition are required to match that of the existing dwelling.

5. Additions forming part of an existing dwelling (cont'd)**(d) Patio addition to a Single House****(i) Where patios are required to match dwelling**

A patio is required to match the design, materials and external colours of the Single House to which it is attached, where the patio is visible from a public street and is set back less than 12.0 metres from the street boundary.

(ii) Where patios are not required to match dwelling

A patio is not required to match the design, materials and external colours of the Single House to which it is attached, where the patio is set back at least 12.0 metres from the street boundary.

(e) Patio addition to a Grouped Dwelling**(i) Where patios are required to match dwelling**

A patio is required to match the design, materials and external colours of the Grouped Dwelling to which it is attached in the following situations:

- (A) in the case of a dwelling facing directly onto a public street, where the patio is attached to the side of the dwelling and is set back less than 12.0 metres from the street boundary;
- (B) in the case of a dwelling facing directly onto a public street, where the patio is situated between the dwelling and a communal street serving any other dwelling in the same group;
- (C) in the case of a dwelling facing directly onto a communal street, where the patio is situated between the dwelling and the communal street, or is visible from the communal street.

(ii) Where patios are not required to match dwelling

A patio is not required to match the design, materials and external colours of the Grouped Dwelling to which it is attached in the following situations:

- (A) where the patio is set back at least 12.0 metres from the street boundary; and
- (B) where the patio is not visible from the communal street.

6. Addition of new dwelling to an existing dwelling

(a) Where a dwelling is proposed to be added behind an existing dwelling and each is accessed from the same street:

- (i) the design of any proposed dwelling is to be compatible with the existing dwelling; however
- (ii) the dwellings are not required to match one another in terms of their external colours and materials.

(b) Where a proposed additional dwelling fronts directly onto a public street, that dwelling is to comply with any applicable Precinct Streetscape Policy.

6. Addition of new dwelling to an existing dwelling (cont'd)

- (c) Clause 6.2.9 A9 of the R-Codes requires any existing dwelling retained as part of a Grouped Dwelling development to be upgraded externally to a maintenance standard equivalent to that of the proposed additional dwelling or dwellings. This form of development is referred to as a 'built strata' proposal. In the case of a 'built strata' proposal, the City will determine the extent of required upgrading in order to comply with clause 6.2.9 A9 of the R-Codes. Among other works, the required upgrading could include any or all of the following:
- (i) Bagging or rendering and painting of the brickwork.
 - (ii) Repair of mortar joints.
 - (iii) Where the roof tiles are discoloured, replacement of all roof cladding with new tiles or metal sheeting, or the professional re-coating of the existing roof tiles subject to a 15 year guarantee against discolouration.
 - (iv) Repair or replacement of gutters and downpipes.
 - (v) Where flat-roofed, skillion-roofed or non-masonry portions of an existing dwelling are set back less than 12.0 metres from the street boundary, those portions of the dwelling are to be demolished.
 - (vi) Where flat-roofed, skillion-roofed or non-masonry portions of an existing dwelling are set back at least 12.0 metres from the street boundary, those portions of the dwelling are to be upgraded to a standard equivalent to the rest of the dwelling.
 - (vii) Concealment of plumbing fittings attached to the side wall of the existing dwelling alongside the communal street serving any proposed dwelling.
 - (viii) Substitution of glass blocks in place of glass panes for any toilet window where situated in the side wall of the existing dwelling alongside the communal street serving any proposed dwelling.
 - (ix) Other exterior repainting where necessary.
 - (x) Removal of any asbestos wall or roof sheeting.
- (d) Where a dwelling is proposed to be added behind an existing dwelling and each is accessed from the same street, the existing landscaping is to be upgraded.
- (e) Where an existing dwelling retained as part of a Grouped Dwelling development, or the existing landscaping, is required to be upgraded, the specified upgrading works are to be completed prior to either occupation of any new dwelling, or the issuing of Strata Titles, whichever occurs first.

7. Heritage-listed dwellings

- (a) **Additions forming part of an existing heritage-listed dwelling**
In the case of any proposed additions and alterations forming part of an existing heritage-listed dwelling in Management Categories A or B in the Municipal Heritage Inventory or Heritage List:
- (i) the provisions of clause 5(a), 5(c) and 5(d) apply;
 - (ii) the roof of the additions is to form an extension of the main roof of the existing dwelling. Skillion roofs are not permitted for additions to heritage-listed dwellings.
- (b) **Addition of new dwelling to an existing heritage-listed dwelling**
Clause 6.11 of TPS6 contains provisions designed to preserve and enhance heritage-listed places in Management Categories A or B in the Heritage List. In addition to those provisions, in the case of a dwelling proposed to be added behind an existing heritage-listed dwelling where each is accessed from the same street:

Policy P350.4 'Additions to Existing Dwellings' (cont'd)

7(b) *Addition of new dwelling to an existing heritage-listed dwelling (cont'd)*

- (i) the provisions of clause 6 apply; and
- (ii) any additional dwelling is to be designed and sited in a manner that will adequately safeguard the integrity, and complement the character of, the heritage-listed dwelling.

8. **Application drawings to identify external materials and colours**

Where proposed additions forming part of an existing dwelling or additional dwellings are required to match the existing dwelling in relation to external materials and colours, the application drawings relating to any such proposal are to identify the external materials and colours of both the existing dwelling and the proposed additions.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes
- *Heritage of Western Australia Act 1990*

Other related Policies

- Policy **P350.13** 'Strata Titling of Dwellings Constructed prior to Town Planning Scheme No. 6'
- Other Policies within Policy P350 'Residential Design Policy Manual'
- Precinct Streetscape Policies
- City of South Perth Heritage List

Other relevant Information

- City of South Perth Municipal Heritage Inventory

Endorsement for community consultation	24 June 2008
Final adoption	25 November 2008
Last Review	Nil
Date of Next Review	2009



Strategic Plan Goal 3
Environmental Management

POLICY P350.5

Trees on Development Sites and Street Verges

Relevant Management Practice

Nil

Relevant Delegation

Delegations DC 342 and DM 342

Rationale

Trees provide environmental, health and amenity benefits in relation to solar screening, microclimate, carbon absorption, bird and animal habitat, air quality and visual attractiveness. Due to these benefits, trees can also enhance the monetary value of individual properties and the enjoyment of residing in a green, leafy neighbourhood.

Town Planning Scheme No. 6 (TPS6) promotes urban infill which contributes to the City's sustainability commitment. However, while the City of South Perth is presently characterised by mature trees, an inevitable consequence of urban infill development is that only a very limited number of trees can be retained on development sites. While sharing the community concern about the loss of trees as a result of development, the City takes a balanced approach to both urban infill development and tree preservation, as reflected in this Policy. The Policy requires every development site with a sufficient street frontage to have at least one mature tree, being either a 'retained' tree or a newly planted tree.

Trees in road reserves are an essential part of the streetscape providing aesthetic appeal as well as the environmental benefits. Street trees are a valuable community and City asset. The amenity value of these trees is progressively increasing as the number of mature trees on development sites declines. The City therefore seeks to preserve most existing street trees. The City's 'Street Tree Management Plan' provides more detailed provisions relating to street trees.

Policy

1. Status

- (a) This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of TPS6. Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.
- (b) This Policy has also been prepared pursuant to clause 5.3 of the Residential Design Codes (R-Codes) that expressly permits Local Planning Policies which address streetscape and building design.

2. Objectives

- (a) To promote the designing of residential development in a manner that enables trees to be retained.
- (b) To ensure that new trees are planted to preserve or enhance the City's desirable 'green' character.
- (c) To preserve street trees.

3. Scope

This Policy applies to any site where new dwellings or additions to an existing dwelling are proposed.

4. Definitions

existing tree

A tree situated on a development site at the time of submission of a development application.

street tree

A tree located within any part of a road reserve.

5. Method of measurement of distance from a tree

For the purpose of this Policy, a specified distance from a tree is to be measured from the centre of the tree trunk at ground level.

6. Development site plan to show all trees

The site plan submitted as part of a development application is to accurately show:

- (a) any existing tree 3.0 metres or more in height;
- (b) which existing trees 3.0 metres or more in height the applicant intends to retain and which are proposed to be removed;
- (c) any trees to be planted on the development site; and
- (d) all trees on the street verge adjoining the development site.

7. Trees on development sites

(a) Existing trees to be retained wherever possible

Unless the applicant satisfies the City under clause 7(c) that certain trees should be removed, all existing trees 3.0 metres or more in height are to be retained, provided that the trees are situated at least 3.0 metres from a side or rear boundary of a survey strata lot or a 'green title' lot. In the case of trees situated less than 3.0 metres from such a boundary, the applicant has the option as to whether to retain or remove those trees. **Retention of trees situated less than 3.0 metres from such a boundary is not mandatory having regard to the potential safety hazard for a neighbour's property, or structural damage to the tree where roots and branches protruding beyond the lot boundary are pruned by the neighbour.**

(b) Development design is to accommodate existing trees

(i) Distance between buildings and existing trees within communal open space

Acceptable Development clause 6.4.5 A5(vi) of the R-Codes requires any existing tree 3.0 metres or more in height to be retained if it is situated within communal open space for Grouped or Multiple Dwellings. Having regard to this requirement, any proposed building is to be situated not less than 3.0 metres from a tree being retained within a communal open space.

(ii) Design to retain existing trees not within communal open space

On any part of a development site that is not proposed to be communal open space, where an existing tree is to be retained, any proposed building is to be situated at least 3.0 metres from the tree.

7. *Trees on development sites (cont'd)***(c) Requirements where applicant seeks approval to remove an existing tree**

In the case of an existing tree 3.0 metres or more in height which is situated 3.0 metres or more from a side or rear boundary of a survey strata lot or a 'green title' lot, where the site plan indicates the proposed removal of the tree:

- (i) in respect of each such tree, the applicant is to pay a fee, calculated in accordance with the City's Schedule of Fees and Charges, for the cost of a replacement tree which is to be planted within a road reserve or recreation reserve. The fee includes the cost of the supply, planting and maintenance of a suitable tree. The maintenance period is to be two years. (Note: Where the applicant pays a fee for a replacement tree, the City will plant a tree in a location and of a species to be determined by the City. The replacement tree will be planted as close to the development site as the City considers practicable.)

or

- (ii) the applicant is to submit one of the following for consideration by the City:
 - (A) documentation demonstrating why it is not feasible to redesign the development in a manner that would ensure that the tree can flourish to maturity without detriment to the tree or structural damage to any adjacent building; or
 - (B) an arboriculturalist's report justifying why the tree ought to be removed having regard to its health, life expectancy, or structural stability.

In the case of either (ii)(A) or (ii)(B), the applicant is required to plant a replacement tree. In this regard, a plan is to be submitted detailing the location, type and height of another tree to be planted in a designated position elsewhere on the development site. The replacement tree is to be of a species approved by the City and not less than 3.0 metres in height at the time of planting. Each tree that is removed is to be replaced by one tree, but in no case are more than two replacement trees required.

(d) City to decide which trees are to be retained

When assessing the development application, after having considered the proposed design and any submission made by the applicant under clause 7(c), the City will decide which trees are required to be retained. Where the City does not support the applicant's request for removal of any tree, the development proposal is to be redesigned to preserve that tree.

(e) Planting of trees on development site

- (i) In the case of a development site:
 - (A) not containing any trees at the time of submission of the development application or where no existing trees are to be retained; **and**
 - (B) having a frontage of at least 10.0 metres onto a public street; at least one tree is to be planted within the street setback area or elsewhere on the site.
- (ii) Local species trees with broad canopies providing maximum shade and bird habitat are encouraged. Palms are not suitable for new planting on development sites.

(f) Dwelling density entitlement preserved

Subject to clause 7(g), the City does not seek to reduce the number of dwellings on a development site below the normal entitlement, and will permit the removal of trees which would prevent the construction of a dwelling which could otherwise be built.

7. *Trees on development sites (cont'd)***(g) Registered trees not to be removed**

Notwithstanding clause 7(f), where a development site contains a tree which is included in the City's Register of Tree Preservation Orders pursuant to clause 6.13 of TPS6, any proposed development is to be designed to ensure that the tree will be preserved without detriment to the tree or structural damage to any adjacent building.

8. **Street trees****(a) Retention of street trees**

The City requires the retention of all street trees unless:

- (i) the tree is dead;
- (ii) the tree is diseased and remedial treatment would not be effective;
- (iii) the tree is hazardous or is causing damage to public or private property where repair and specific treatment options are not appropriate;
- (iv) the tree has a limited life expectancy;
- (v) the City considers the tree to be of an unsuitable species;
- (vi) retention of the tree would:
 - (A) restrict the number of dwellings on the development site to less than the permissible number;
 - (B) result in a visually unacceptable development; or
 - (C) unreasonably restrict vehicular access to the development site.

(b) Street tree removal or replacement

The City will replace any removed street tree with another tree on the street verge adjoining the development site, where there is sufficient space to do so. The replacement species will be selected in accordance with the City's 'Street Tree Management Plan'.

(c) Street tree relocation

If a street tree would adversely affect a proposed development in relation to the matters referred to in clause 8(a)(vi), the City may decide to relocate that tree.

(d) Street tree pruning

Where a crossover is proposed to be within 3.0 metres of a street tree, the City will determine the impact on the tree. The City may decide to approve the proposed location of the crossover, subject to the tree being pruned to avoid damage to either the tree or vehicles using the crossover.

(e) New or Extended Crossovers

The distance between an existing street tree which is to be retained and a new or extended crossover, is to comply with the provisions of clause 6(a) of Policy **P350.3** 'Car Parking Access, Siting, and Design'.

(f) Development design to retain existing street trees

Where a proposed crossover is required to be relocated in order to retain a tree, the City may require modifications to the site plan or building design or both, in accordance with the provisions of clause 6(a)(ii) of Policy **P350.3** 'Car Parking Access, Siting, and Design'.

(g) Applicant to meet costs associated with disturbance of a street tree

Where a street tree is to be removed, replaced, relocated or pruned as a result of a development, the applicant is to pay a fee, calculated in accordance with the City's Schedule of Fees and Charges. The fee includes the following:

8. Street trees (cont'd)

- (i) the amenity value of the tree calculated according to the City of South Perth Amenity Valuation Method;
- (ii) the cost of removal and stump grinding;
- (iii) the cost of pruning;
- (iv) the cost of supply and planting of a replacement '100 litre container' sized tree;
- (v) cost of maintenance for a period of two years; and
- (vi) administration costs.

9. Protection of trees which are to be retained

During construction of a development, every tree which is to be retained on a development site or within a road reserve must be protected from root, trunk and canopy damage.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes

Other related Policies

- Policy P305 'Tree Preservation Orders'
- Policy P308 'Street Trees'
- Policy **P350.3** 'Car Parking Access, Siting, and Design'
- Other Policies within Policy P350 'Residential Design Policy Manual : City-Wide Policies'

Other relevant Information

- City of South Perth 'Street Tree Management Plan'
- City of South Perth Information Sheet: 'Encroaching Roots and Branches'
(www.southperth.wa.gov.au/docs/infosheets/EncroachingRootsAndBranchesRef145.doc)

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Last Review	Nil
Date of Next Review	2009



Strategic Plan Goal 3
Environmental Management

POLICY P350.6
Safety and Security

Relevant Management Practice

Nil

Relevant Delegation

Delegations DC 342 and DM 342

Rationale

Appropriate building design can facilitate opportunities for casual surveillance of public streets and communal spaces on development sites. This is an important element contributing to on-site and neighbourhood safety and security. This Policy promotes such opportunities and contains provisions reflecting the City's expectations in this respect.

Policy

1. Status

- (a) This Policy is a planning policy prepared, advertised and adopted pursuant to the provisions of clause 9.6 of Town Planning Scheme No. 6 (TPS6). Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.
- (b) This Policy has also been prepared pursuant to clause 5.3 of the Residential Design Codes (R-Codes) that expressly permits Local Planning Policies which:
 - (i) address building design; and
 - (ii) augment the R-Codes by providing additional Performance Criteria and Acceptable Development provisions for any aspect of residential development not provided for in the R-Codes.

2. Objective

To promote casual surveillance of the public and private realm through appropriate dwelling design, in order to increase on-site and neighbourhood safety and security.

3. Scope

- (a) This Policy applies to any proposed dwelling facing a public street or communal street.
- (b) This Policy is to be read in conjunction with Policy **P350.7** 'Fencing and Retaining Walls'.

4. Surveillance of public and communal streets

Acceptable Development clause 6.2.4 requires a front dwelling to have a clear view of the street and the approach to the dwelling, and a dwelling on a battle-axe lot to provide a clear view of the approach to the dwelling. In addition, this Policy requires the following:

4. Surveillance of public and communal streets (cont'd)**(a) Grouped Dwellings facing onto a communal street**

A Grouped Dwelling facing and having direct access solely from a communal street is to have at least one major habitable room window providing a clear view of the communal street and of the pedestrian approach to the dwelling.

(b) Single House on rear battle-axe lot

In addition to providing a clear view of the approach to the dwelling, a Single House on any battle-axe lot is to have a clear view of the access leg leading to the dwelling.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes

Other related Policies

- Other Policies within Policy P350 'Residential Design Policy Manual'

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Strategic Plan Goal 3
Environmental Management

POLICY P350.7
Fencing and Retaining Walls

Relevant Management Practice
Nil

Relevant Delegation
Delegations DC 342 and DM 342

Rationale

Boundary fencing and fencing within development sites are significant elements of any development which raise issues concerning streetscape, traffic safety, personal security, visual privacy and the impact of building bulk. High, solid fences on street boundaries are sometimes favoured in the belief that they enhance personal and property security. This is not necessarily the case and, in fact, security can be compromised by high front fences, as they isolate a dwelling from public surveillance. This Policy has been prepared with the object of addressing all of these issues by way of appropriate provisions relating to fencing in various locations.

Policy

1. Status

(a) Relationship to Town Planning Scheme No. 6

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of Town Planning Scheme No. 6 (TPS6). Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme. The Policy augments and is to be read in conjunction with the provisions of TPS6 relating to fence heights.

(b) Relationship to Residential Design Codes

This Policy has also been prepared pursuant to clause 5.3 of the Residential Design Codes (R-Codes) that expressly permits Local Planning Policies which:

- (i) address streetscape;
- (ii) augment the R-Codes by providing additional Performance Criteria and Acceptable Development provisions for any aspect of residential development not provided for in the R-Codes.

(c) Relationship to State by-laws

This Policy is complementary to the State Government's *Town Planning (Height of Obstructions at Corners) General By-laws 1975* (the State by-laws), continued under the *Planning and Development Act 2005*. Pursuant to sub-by-law (3) of By-law 1A of those By-laws, this Policy prevails as a substitute for sub-by-laws (1) and (2) of By-law 1A, as it deals with street corners with angles other than a right-angle which are not addressed by that By-law.

2. Objectives

- (a) To regulate the height of obstructions adjacent to formed driveways and at the corners of streets and rights-of-way in the interest of pedestrian and vehicular safety.
- (b) To preserve or re-establish a desired 'open front garden' streetscape character.

Policy P350.7 'Fencing and Retaining Walls' (cont'd)

2. Objectives (cont'd)

- (c) To promote casual surveillance of the public and private realm through appropriate fencing design, in order to increase on-site and neighbourhood safety and security.
- (d) To regulate the height of side and rear boundary dividing fences in the interest of maintaining visual privacy.
- (e) To generally restrict the height of side and rear boundary dividing fences to 1.8 metres because higher fences can often adversely affect the amenity of an adjoining property by reason of dominant bulk, overshadowing or restriction of views.
- (f) To regulate the height of retaining walls in the interests of maintaining streetscape compatibility and protecting neighbours' amenity.

3. Scope

- (a) This Policy applies to any fencing and retaining walls on the street, side or rear boundary of the site of any residential development.
- (b) In relation to corner truncation areas adjacent to formed driveways and at the intersection of streets and rights-of-way, the Policy also applies to other obstructions which could obscure the sight-lines of motorists.

4. Definitions

corner truncation area

A triangular area that is required to be kept clear of obstructions for the purpose of pedestrian and vehicular safety, situated:

- (i) at the point where a formed driveway on a development site intersects with a public street;
- (ii) at the corner of two streets; or
- (iii) at the corner of a right-of-way and a public street or another right-of-way.

fence

As defined in TPS6, the term 'fence' means "*a structure or hedge situated on the common boundary between adjoining lands in different occupancies or within 3.0 metres of that common boundary, forming a barrier between those lands. The term includes:*

- (a) *subsequent extensions which increase the effective height of the original barrier, whether attached to or detached from the structure or hedge; and*
- (b) *a structure or hedge forming a barrier between a lot and a thoroughfare or reserve; but does not include any structural part of a building.*"

front setback area

The portion of a lot situated between the primary street boundary and the front of the closest dwelling.

obstruction

A fence, free-standing wall, letter box, electricity installation, bin enclosure, planting or other object within a corner truncation area which could obscure the sight-line of motorists.

5. Fences within front setback area

In relation to a fence and any other obstruction to motorists' sight-lines within the front setback area, the following provisions apply:

(a) Obstruction adjacent to formed driveway**(i) Method of measuring height of obstructions**

Clause 6.2.6 A6 of the R-Codes restricts the height of obstructions to a maximum of 0.75 metres within a 1.5 metre x 1.5 metre triangular corner truncation area adjacent to the intersection of a formed driveway and the boundary of a public street.

Within the corner truncation area adjacent to a formed driveway, the height of any obstruction is measured as follows:

- (A) In the case of an obstruction on the street boundary of the lot, the height is measured from any point along the street footpath or verge adjacent to the obstruction.
- (B) In the case of an obstruction situated in any position other than on the street boundary of the lot, the height is measured from any point along the edge of the formed driveway closest to the obstruction.

(ii) Masonry pier within corner truncation area

Where the corner truncation area contains no more than one masonry pier with dimensions conforming to those specified in Table 1 of clause 5(c) of this Policy, the City will consider the alternative Performance Criteria prescribed in clause 6.2.6 P6 of the R-Codes to have been met.

(b) Obstruction at corner of street or right-of-way**(i) Method of measuring corner truncation areas**

- (A) In the case of two intersecting streets, the corner truncation area is delineated by:
 - (1) equal length portions of the street boundaries, or the prolongation of those boundaries, extending from the actual or notional point of intersection, to the truncation line referred to in sub-paragraph (A)(2); and
 - (2) a straight line 8.5 metres in length which intersects both of the boundaries referred to in sub-paragraph (A)(1), thus forming a triangular area.
- (B) In the case of a right-of-way intersecting with a street or another right-of-way, the corner truncation area is delineated by:
 - (1) equal length portions of the street or right-of-way boundaries, or the prolongation of those boundaries, extending from the actual or notional point of intersection, to the truncation line referred to in sub-paragraph (B)(2); and
 - (2) a straight line 4.2 metres in length which intersects both of the boundaries referred to in sub-paragraph (B)(1), thus forming a triangular area.

The corner truncation area is measured in the manner described, irrespective of the angle of intersection of the two boundaries.

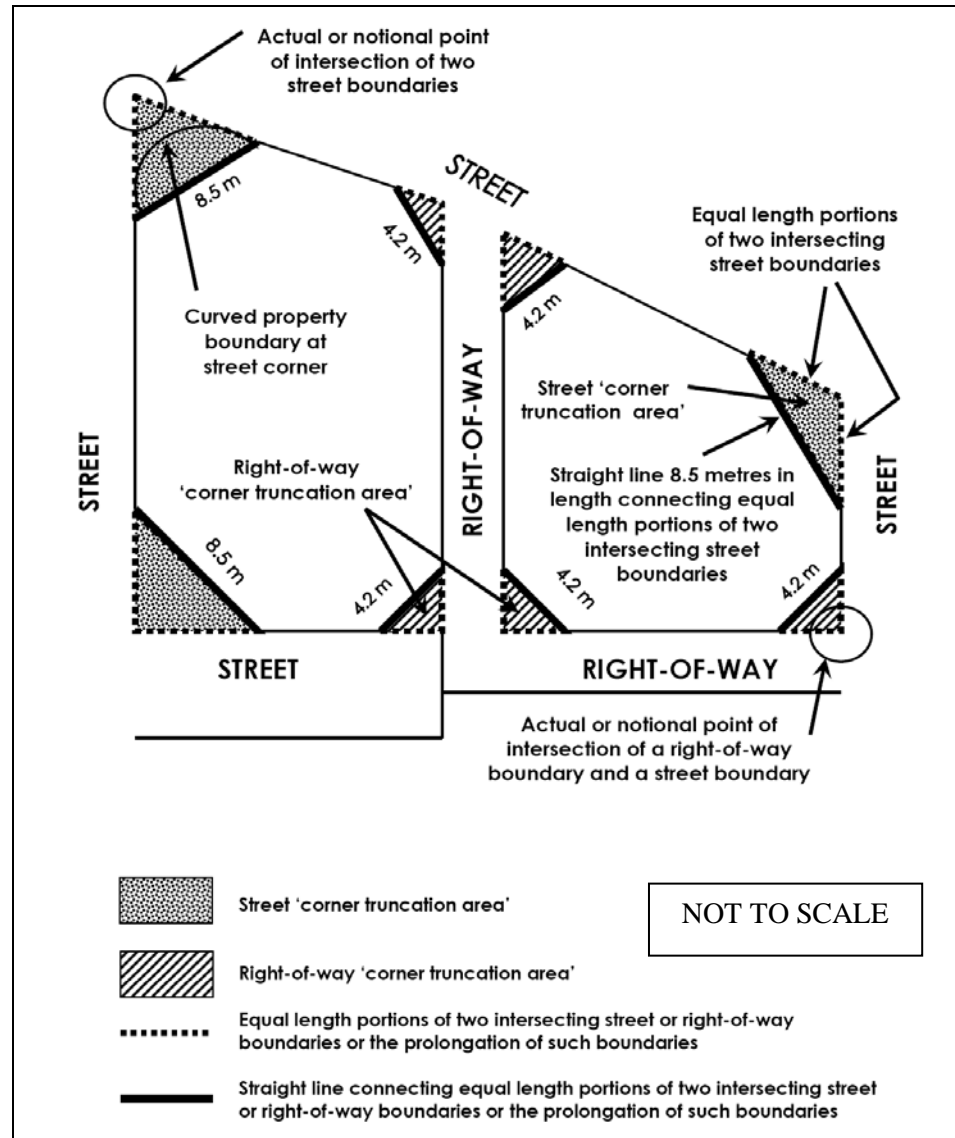
Figure 1 below depicts the 'corner truncation areas' described in clause 5(b)(i).

5(b)(i) Method of measuring corner truncation areas (cont'd)

Figure 1

(Refer to clause 5(b)(i))

Street and right-of-way corner truncation areas

**(ii) Method of measuring height of obstructions**

Within street and right-of-way corner truncation areas, the height of any obstruction is not to exceed 0.75 metres, measured from any point along the street footpath or verge adjacent to the obstruction.

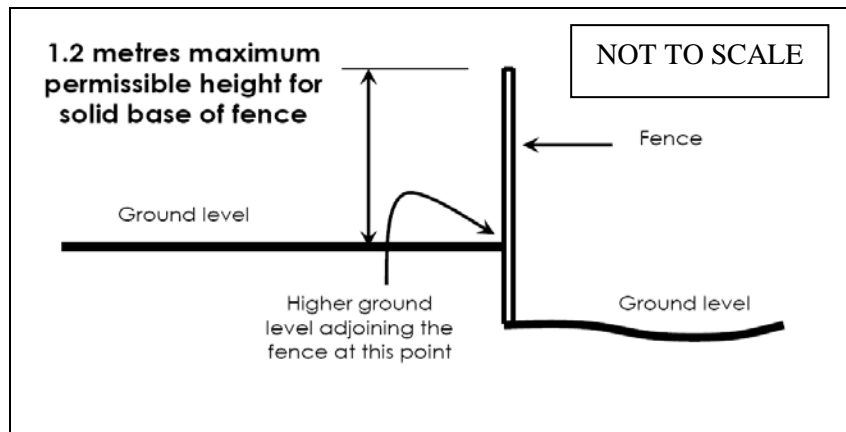
(c) Other fences within front setback area**(i) Method of measuring fence height**

Within the front setback area, other than the portion comprising a corner truncation area where greater restrictions apply, clause 6.2.5 A5 of the R-Codes restricts the height of visually impermeable (solid) fences to a maximum of 1.2 metres. The fence height is measured as follows:

5(c)(i) Method of measuring fence height (cont'd)

- (A) The height of a fence on a primary street boundary, is measured from any point along the street footpath or verge adjacent to the fence.
- (B) The height of a fence on the portion of a side boundary within the front setback area other than within a corner truncation area, is measured from the level of the ground adjacent to the fence at any point. Where the ground level is higher on one side of the fence than on the other, the fence height is measured from the higher side. Figure 2 depicts the method of measuring fence height.

Figure 2 *(Refer to clause 5(c)(i)(B))*
Fence height measured above the higher ground level adjoining the fence



(ii) **Requirements for fencing design**

Fences situated on either the primary street boundary or the portions of the side boundaries within the front setback area, are to comply with the requirements set out in Table 1 below:

Table 1 *(Refer to clause 5(c)(ii))*
Requirements for fencing design

Design Element	Requirements
Timber pickets	Maximum height: 1.2 metres.
Fibre cement or metal sheeting	Not permitted.
Solid base of fence	Maximum height: 1.2 metres. Materials: Face brickwork, rendered brick, limestone blocks, or similar masonry.
Piers	Maximum height: 1.8 metres to underside of capping; 2.1 metres to top of capping. Maximum width: 0.470 metres. Materials: Face brickwork, rendered brick, limestone blocks, or similar masonry.
Open grille panels between piers	Maximum height: 1.8 metres. Percentage open: 80% minimum. Percentage solid: 20% maximum.
Retaining walls	Maximum height: 0.5 metres. Materials: Design and finish to match solid base of fence.

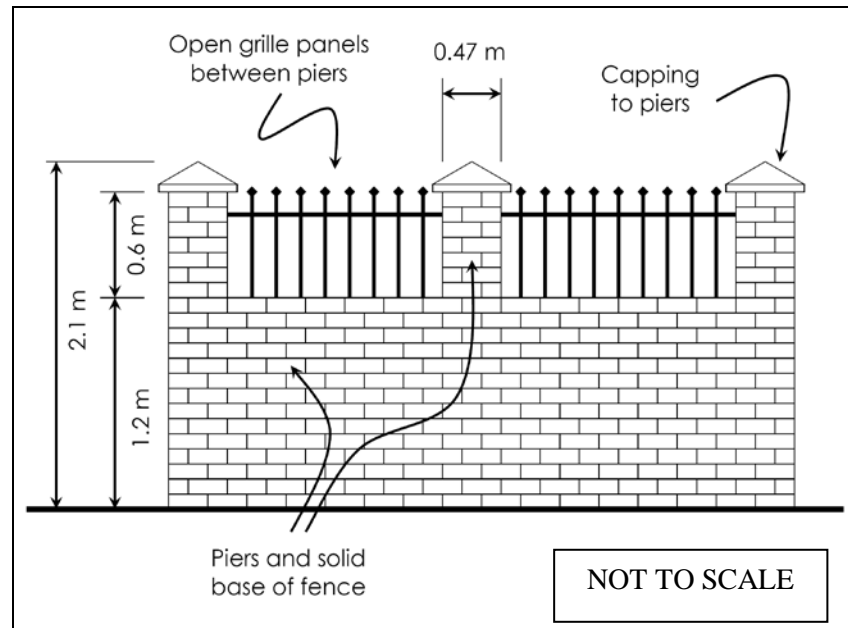
5(c)(ii) Requirements for fencing design (cont'd)

Figure 3 below depicts the requirements relating to the fencing design elements referred to in Table 1 above.

Figure 3

Requirements for fencing design

(Refer to clause 5(c)(ii))



(iii) Solid fences up to 1.8 metres high within front setback area

Acceptable Development clause 6.2.5 A5 of the R-Codes restricts visually impermeable (solid) fences to a height of 1.2 metres above natural ground level. However, the R-Codes provide for the approval of higher solid fences where the Performance Criteria in clause 6.2.5 P5 of the R-Codes are met.

Having regard to the R-Codes fencing provisions and clause 6.7 of TPS6, but subject to clauses 5(a) and 5(b) of this Policy which relate to obstructions at the corners of formed driveways and streets, a solid fence to a maximum of 1.8 metres is permissible to the extent indicated below:

- (A) The whole or any part of the primary street setback area may be enclosed where the development site fronts onto the following streets:
- Canning Highway
 - Douglas Avenue
 - George Street
 - Hayman Road
 - Kent Street
 - Labouchere Road (Mill Point Road to Thelma Street)
 - Manning Road
 - Melville Parade
 - Mill Point Road (Labouchere Road to Canning Highway)
 - South Terrace
 - Thelma Street (Labouchere Road to Canning Highway)
 - Way Road.

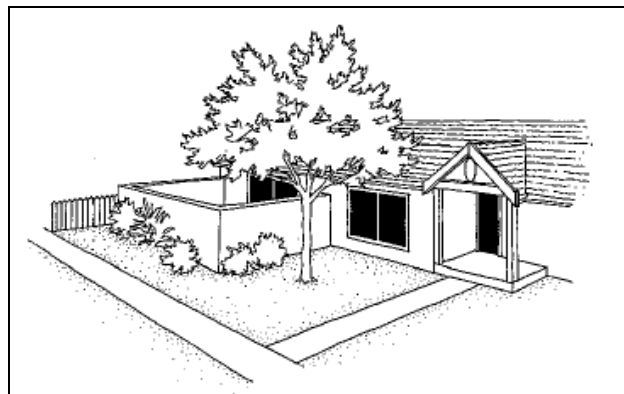
5(c)(iii) *Solid fences up to 1.8 metres high within front setback area (cont'd)*

(B) Where the development site fronts onto any street other than those listed in (A) above, having regard to any policy relating to streetscape, not more than 50% of the landscaped portion of the primary street setback area may be enclosed in the following circumstances:

- (1) where privacy screening is needed in the front setback area because there is no alternative outdoor living area; or
- (2) where privacy screening is needed for north-facing outdoor living areas.

The R-Codes Explanatory Guidelines illustrate one example of the permissible extent of fencing up to 1.8 metres in height within the front setback area, as shown in Figure 4, below:

Figure 4 *(Refer to clause 5(c)(iii)(B))*
Example of permissible extent of fencing up to 1.8 metres height within front setback area



NOT TO SCALE

Source: Residential Design Codes

6. Fences on secondary street boundaries

- (a) The height of a fence on a secondary street boundary is measured from any point along the street footpath or verge adjacent to the fence.
- (b) Subject to clauses 5(a) and 5(b) of this Policy, a solid fence up to 1.8 metres in height is permitted on a secondary street boundary.
- (c) A fence constructed of fibre cement or metal sheeting is not permitted on a secondary street boundary.

7. Fences on side and rear boundaries behind front setback area

(a) Requirement for provision of new fences

In conjunction with any proposed residential development, the applicant is to provide new fences on the rear boundary and all side boundaries of the site behind the front setback area, other than in the following circumstances:

- (i) where the proposal involves only additions, alterations or outbuildings appurtenant to an existing dwelling; or

Policy P350.7 'Fencing and Retaining Walls' (cont'd)

7(a) Requirement for provision of new fences (cont'd)

- (ii) where an existing fence is structurally sound, on a straight alignment, 1.8 metres high, and free of damage or discolouration.

(b) Method of measuring fence height

In the case of:

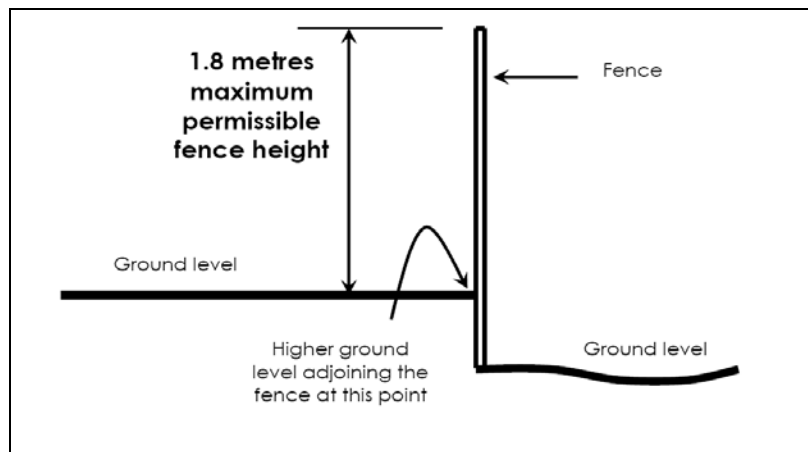
- (i) fences on side boundaries behind the front setback area;
- (ii) fences on rear boundaries; and
- (iii) 'internal' fences;

the height is measured from the level of the ground adjacent to the fence at any point. Where the ground level is higher on one side of the fence than on the other, the fence height is measured from the higher side.

Figure 5 below depicts the method of measuring fence height.

Figure 5*(Refer to clause 7(b))*

Fence height measured above the higher ground level adjoining the fence



Fence height measured above the higher ground level adjoining the fence

(c) Permissible fencing materials and height

Where clause 7(a) requires the provision of new fences, such fences are to comply with the following:

- (i) The fences are to be constructed of brick, timber, capped manufactured pre-coloured metal sheet, capped corrugated fibre-cement sheet or brushwood.
- (ii) The height is to be 1.8 metres unless:
 - (A) a greater height is approved under clause 8 of this Policy; or
 - (B) the adjoining property owner agrees in writing to a height less than 1.8 metres but in any case the height is to be not less than 1.6 metres.

(d) Existing boundary fencing to remain until replaced

Where an existing fence is to be replaced, the new fence is to be erected immediately following the removal of the existing fence.

8. Fences higher than 1.8 metres

Except in circumstances where higher fencing is employed to achieve compliance with the visual privacy requirements of the R-Codes, it is not generally necessary for a fence to exceed a height of 1.8 metres. A higher fence may have an adverse amenity impact in terms of:

- (a) excessively dominant and unattractive visual impact;
- (b) increased shadow effect;
- (c) restriction on sunlight penetration; and
- (d) restriction on views.

Clause 6.7 of TPS6 restricts fence height to a maximum of 1.8 metres unless approval is granted for a higher fence. A written request must be submitted to the City for any proposed fence exceeding 1.8 metres in height. In considering such a request, the City must be satisfied that the proposed fence will not adversely affect the amenity of any property in the locality and will not clash with the exterior designs of neighbouring buildings.

In recognition of the potential adverse amenity impacts of higher fences, the City will not normally approve a fence height greater than 1.8 metres without the written agreement of the affected adjoining neighbour. The City will consult the adjoining neighbour upon receipt of a written request for a higher fence.

9. Internal fencing

Where a development comprises two or more dwellings, the following provisions apply in respect of any 'internal' fence visible from any communal street, other common area or the front of any dwelling:

- (a) The fence is not to be constructed of fibre cement sheeting; and
- (b) Where the formed driveway serving a parking bay incorporates a 'corner' at any point, any 'internal' fence is to be aligned so as to provide a 4.25 metre truncation or larger, at such corner.

10. Retaining walls

Clause 7.2(2) of TPS6 requires the drawings submitted with every development application to show existing and proposed finished ground and floor levels on the development site. The levels of the adjoining lots and the street levels are also required to be shown. Where the nominated levels show that the applicant proposes cutting or filling of the development site, the following provisions apply:

(a) Requirement for retaining walls

Cutting or filling on any part of a site is not to exceed a depth of 150 mm unless retained by a structurally adequate wall. Details of any required retaining walls are to be shown on the site plan submitted as part of a development application.

Policy P350.7 'Fencing and Retaining Walls' (cont'd)

10. Retaining walls (cont'd)

(b) Amenity impact determining maximum height of filling and retaining walls

Clause 6.10 of TPS6 states that site levels and building floor levels are to be calculated to generally achieve equal cutting below and filling above the natural ground level, while also maintaining streetscape compatibility and protecting the amenity of the affected adjoining property. In deciding whether or not to approve the amount of filling and height of associated retaining walls proposed by an applicant, the City will have regard to the following:

- (i) The height of any retaining wall within 3.0 metres of a lot boundary should generally not exceed 1.0 metre as higher retaining walls have the potential to adversely impact on streetscape and neighbours' amenity.
- (ii) Where an applicant seeks approval for a retaining wall higher than 1.0 metre within 3.0 metres of a lot boundary, cross-section drawings are to be submitted showing the existing and proposed finished ground levels on each side of the retaining wall, together with the heights of the proposed retaining wall and the free-standing fence above it. The drawings are to demonstrate that the proposal:
 - (A) will maintain a visually balanced streetscape; and
 - (B) will not have an adverse impact on the amenity of the adjoining property in relation to visual impact, overshadowing and visual privacy.

(c) Timing of construction of retaining walls

Where a retaining wall is required, construction of the wall is to be completed prior to, or immediately after, any part of a site has been excavated or filled.

11. Requirement for a building licence

Having regard to the structural nature of masonry fences (eg. brick, stone, concrete) and retaining walls, a building licence is required to be obtained prior to the construction of such structures, regardless of where they are located. Every building licence application for a masonry fence or retaining wall is required to be accompanied by drawings certified by a structural engineer.

Other in force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes
- *Dividing Fences Act 1961* (State Law Publisher: [www.slp.wa.gov.au / statutes / swans.nsf](http://www.slp.wa.gov.au/statutes/swans.nsf))
- City of South Perth Local Law No. 21 'Relating to Streets and Footways'
- *Town Planning (Height of Obstructions at Corners) General By-Laws 1975*, continued under the *Planning and Development Act 2005*.

Other related Policies

- Policy P104 'Neighbour and Community Consultation in Planning Processes'
- Policy P350.8 'Visual Privacy'
- Policy P350.14 'Use or Closure of Rights-of-Way'
- Other Policies within Policy P350 'Residential Design Policy Manual'

Other relevant Information

- "Thinking of Erecting or Altering a Fence?" information sheet on City's web site
- "Applying for a Building Licence" information sheet on City's web site
- Dividing Fences Information ([www.dhw.wa.gov.au / 193_395.asp](http://www.dhw.wa.gov.au/193_395.asp))

Endorsement for community consultation	24 June 2008
Final adoption	25 November 2008
Last Review	Nil
Date of Next Review	2009



Strategic Plan Goal 3
Environmental Management

POLICY P350.8
Visual Privacy

Relevant Management Practice
Nil

Relevant Delegation
Delegations DC 342 and DM 342

Rationale

The Residential Design Codes (R-Codes) contain requirements relating to visual privacy. In applying the R-Codes when the City approves residential development proposals, rather than totally preventing overlooking of an adjoining property, the aim is to ensure a reasonable level of visual privacy for the adjoining residents. In circumstances where a 'sensitive area' on an adjoining lot would be overlooked, applicants need to either achieve the required setback distance, or provide intervening screening to prevent overlooking. This Policy contains provisions relating to the design of screening devices which would achieve compliance with the visual privacy requirements of the R-Codes. The Policy also identifies the documents and information that applicants need to submit in relation to visual privacy.

Compliance with the express provisions of the R-Codes is deemed to provide a reasonable level of visual privacy for the adjoining residents. If the owners of an adjoining lot desired a higher level of privacy, it would be the responsibility of those adjoining owners to implement additional screening measures.

Policy

1. Status

(a) **Relationship to Town Planning Scheme No. 6**

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of Town Planning Scheme No. 6 (TPS6). Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

(b) **Relationship to Residential Design Codes**

This Policy has also been prepared pursuant to clause 5.3 of the R-Codes that expressly permits Local Planning Policies which address building design.

2. Objective

To clarify the documentation to be submitted by applicants in order to satisfy the City that development proposals comply with the R-Code requirements relating to visual privacy.

3. Scope

This Policy applies to any proposed new dwelling or additions to an existing dwelling.

4. Definitions

Active Habitable Space

As defined in the R-Codes, the term means “*any habitable room with a floor area greater than 10.0 sq. metres and any balcony, verandah, terrace or other outdoor living area raised more than 0.5 metres above natural ground level and greater than 1.0 metre in dimension and 3.0 sq. metres in area*”.

adjoining lot

A lot adjoining a development site.

awning window

An operable window hinged horizontally at the top ('top-hung window') and moving outwards at the bottom.

cone of vision

As defined in the R-Codes, the term means “*the limits of outlook from any given viewpoint for the purposes of assessing the extent of overlooking from that point illustrated in Design Element 6.8*”.

development site

As defined in TPS6, the term means “*a lot which is the subject of:*

- (a) *a request for informal preliminary support for a proposed development; or*
- (b) *an application for planning approval*”.

effective screening

A physical barrier which is not less than 1.6 metres high, visually obscure, permanent, structurally sound, aesthetically pleasing and designed to obstruct the line of sight between an active habitable space or outdoor living area on a development site and a sensitive area. Effective screening:

- (a) may include lattice or other perforated material where situated on or near a boundary of the development site;
- (b) does not include:
 - (i) lattice or other perforated material where situated on the perimeter of a balcony or terrace;
 - (ii) any existing or proposed vegetation, including trees, on either the development site or the adjoining lot.

sensitive area

In respect of an adjoining lot:

- (a) includes:
 - (i) any private courtyard, swimming pool area, barbecue area, outdoor eating or entertaining area or other area used regularly or intensively for outdoor recreational purposes, not visible from the street; or
 - (ii) any habitable room window **which does not face the street, whether or not such window is visible from the street.**
- (b) does not include:
 - (i) any portion of the adjoining lot which is visible from the street;
 - (ii) extensive back gardens unless used in the manner described in (a)(i) above; or
 - (iii) any **habitable room** windows, balconies, terraces or front entrances which **face and** are visible from the street.

5. Required documents to demonstrate compliance with R-Codes

- (a) In relation to any major openings to habitable rooms or elevated outdoor living areas on a development site, as one method of compliance with visual privacy requirements of the R-Codes, Acceptable Development clause 6.8.1 A1 prescribes certain minimum distances from a lot boundary.

Where an applicant proposes a lesser setback than prescribed, Performance Criteria clause 6.8.1 P1 provides an alternative path to approval, provided that, as specified in clause 3.6 of the R-Codes, written justification is submitted together with detailed drawings showing the relative positions of the sources of overlooking and sensitive areas of an adjoining lot, 'cone of vision' diagrams and details of proposed effective screening measures.

Where an applicant seeks approval via the Performance Criteria path, this Policy requires the written justification and detailed drawings to demonstrate that:

- (i) there is no sensitive area within a 25.0 metre 'cone of vision' from an active habitable space or outdoor living area on the development site; or
 - (ii) where there is a sensitive area within a 25.0 metre 'cone of vision' which would be overlooked, effective screening measures will be implemented to prevent overlooking of such area.
- (b) Where the applicant contends that the proposed development complies with Performance Criteria clause 6.8.1 P1 of the R-Codes, but the submitted drawings do not provide conclusive evidence in this respect the City will consult the owners of the affected adjoining lot in the manner prescribed in Council Policy P104. Where:
- (i) the owners of the adjoining lot advise the City in writing that they consider:
 - (A) the area being overlooked not to be a sensitive area; or
 - (B) that, due to existing effective screening or the proposed installation of effective screening, a sensitive area would not be directly overlooked;the proposal will be deemed to comply with the Performance Criteria;
 - (ii) the owners of the adjoining lot advise the City in writing that they consider:
 - (A) the area being overlooked to be a sensitive area; or
 - (B) that a sensitive area would be directly overlooked due to the inadequacy of existing or proposed screening;the proposal will be deemed not to comply with the Performance Criteria. In that event, alternative measures will need to be implemented in order to comply with Acceptable Development clause 6.8.1 A1 of the R-Codes and this Policy.

6. Compliance with R-Codes required, irrespective of adjoining neighbours' support

Every proposed development is required to comply with either the Acceptable Development provisions or the Performance Criteria of the R-Codes relating to visual privacy. Therefore, where an applicant's drawings demonstrate that a proposed development does not comply with the visual privacy requirements, the City is not authorised to accept a supporting letter from the owners of the affected adjoining lot as an alternative to compliance.

7. Design modifications to eliminate non-compliant windows

- (a) Where a proposed habitable room window would overlook a sensitive area contrary to the visual privacy requirements of the R-Codes, the application drawings are to be amended to incorporate one of the following measures to achieve compliance with Acceptable Development clause 6.8.1 A1 of the R-Codes:
- (i) increasing the sill height to 1600mm above the floor level;
 - (ii) use of glass blocks or fixed obscure glass;
 - (iii) reducing the size of every non-compliant window to less than 1.0 sq. metre in aggregate; or
 - (iv) deletion of the non-compliant window.
- (b) Where fixed obscure glass is indicated on the approved drawings in order to achieve visual privacy compliance, such glass is to be installed and to remain in place permanently.

8. Use of louvres for effective screening

Where an applicant proposes to use horizontal or vertical louvres as intervening effective screening to prevent overlooking:

- (a) the louvres are to be fixed permanently in one position, or have a physical and permanent limitation on the angle to which they can be opened, to ensure that the extent of visual permeability cannot exceed that shown on the applicant's drawings referred to in clause 8(b);
- (b) drawings at a scale of 1:50 are to be submitted, demonstrating that the louvres will provide effective screening. Such drawings are to include:
- (i) details of the screening material; and
 - (ii) cross-sections depicting the screening obstructing the critical line of sight between the source of overlooking and the affected sensitive area; and
- (c) the manufacturer's specification is to be submitted, providing details of the operating mechanism as evidence that the louvres will operate in the manner shown on the applicant's drawings.

9. Use of awning windows for effective screening

Where an applicant proposes to use an awning window as intervening effective screening to prevent overlooking:

- (a) the awning window is to be of obscure glass;
- (b) the maximum angle of opening of the awning window is to be mechanically restricted to ensure that the obstruction to the line of sight is maintained as shown on the applicant's drawings referred to in clause 9(c);
- (c) drawings at a scale of 1:50 are to be submitted, demonstrating that the awning window will provide effective screening. Such drawings are to include:
- (i) details of the screening material; and
 - (ii) cross-sections depicting the screening obstructing the critical line of sight between the source of overlooking and the affected sensitive area; and

9. Use of awning windows for effective screening (cont'd)

- (d) the manufacturer's specification is to be submitted, providing details of the operating mechanism as evidence that the awning window will operate in the manner shown on the applicant's drawings.

10. Use of lattice or other perforated material for effective screening

Lattice or other perforated material will only be approved as intervening effective screening to prevent overlooking of a sensitive area where the following requirements are met:

- (a) The proposed lattice or other perforated material complies with the provisions of:
- (i) Policy **P350.1** 'Sustainable Design' in relation to solar access for adjoining lots; and
 - (ii) Policy **P350.7** 'Fencing and Retaining Walls' in relation to fences higher than 1.8 metres.
- (b) The lattice or other perforated material is to be placed on or near a boundary of the development site and not on the perimeter of a balcony or terrace.
- (c) The lattice or other perforated material is to provide effective screening within the cone of vision, to the extent that it prevents recognition of persons or the precise nature of private activity within a sensitive area. In any case where the screening measure is lattice or other perforated material, the perforations are to constitute no more than 20% of the total surface area of the screen and the individual gaps or perforations are not to exceed 50 mm in any direction.
- (d) In order to demonstrate compliance with clause 10(c), drawings at a scale of 1:50 are to be submitted. Such drawings are to include:
- (i) details of the screening material, with reference to:
 - (A) the percentage of the total surface area of the screen comprising perforations; and
 - (B) the dimensions of the perforations; and
 - (ii) cross-sections depicting the screening obstructing the critical line of sight between the source of overlooking and the affected sensitive area.
- (e) In addition to the drawings referred to in clause 10(d), the applicant is to submit a letter from the owners of the affected adjoining lot, stating that those owners are satisfied that the proposed measure would provide effective screening.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes

Other related Policies

- Policy **P350.1** 'Sustainable Design'
- Policy **P350.7** 'Fencing and Retaining Walls'
- Other Policies within Policy P350 'Residential Design Policy Manual'

Endorsement for community consultation**24 June 2008****Final adoption****25 November 2008****Last Review****Nil****Date of Next Review****2009**



Strategic Plan Goal 3
Environmental Management

POLICY P350.9
Significant Views

Relevant Management Practice
Nil

Relevant Delegation
Delegations DC 342 and DM 342

Rationale

Many new developments, including additions to existing dwellings, consist of two or more storeys. This has potential to impact on existing significant views from neighbouring properties and on the streetscape.

Whilst giving some consideration to the effect of proposed development on a significant view, the City is also mindful of the fact that when people buy a house, they do not “buy the view”. At best, views currently enjoyed over neighbouring properties can only be regarded as “borrowed views”. The City’s approach is to give balanced consideration to the reasonable expectations of both existing residents and applicants proposing new development. Wherever possible, a significant view should be shared by all parties.

Policy

1. Status

(a) Relationship to Town Planning Scheme No. 6

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of Town Planning Scheme No. 6 (TPS6). Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

(b) Relationship to Residential Design Codes

This Policy has been prepared pursuant to clause 5.3 of the R-Codes that expressly permits Local Planning Policies which:

- (i) address building design;
- (ii) augment the R-Codes by providing additional Performance Criteria and Acceptable Development provisions for any aspect of residential development not provided for in the R-Codes.

2. Objective

To give balanced consideration to the reasonable expectations of both existing residents and applicants proposing new development with respect to a significant view.

3. Scope

Clause 4.3(1)(f) of TPS6 contains provisions designed to preserve significant views from certain properties in Swanview Terrace, South Perth, by means of prescribing a minimum setback from the rear lot boundaries adjoining Sir James Mitchell Park. Clause 6.2(2) of TPS6 contains other provisions designed to preserve significant views of the Canning River from certain properties in River Way and Salter Point Parade, Salter Point. In addition to these TPS6 provisions relating to views, this Policy applies to all proposed residential development throughout the City which may affect existing significant views available from adjoining properties.

4. Definition**significant view**

For the purpose of this Policy, the term 'significant view' means a panorama or a narrower vista seen from a given vantage point, not obtainable from the majority of residential properties within the City. Examples of a 'significant view' include views of the Perth City skyline, the Swan or Canning River, suburban townscape, parkland or treescape.

5. Design considerations relating to a significant view

- (a) In the interest of preserving a significant view from a lot adjoining a development site, the City may require the design of a proposed development to be modified. In arriving at a decision regarding possible modifications, the City will have regard to the following factors, among others:
- (i) the applicant's normal development entitlements with respect to residential density and building height; and
 - (ii) the objective of maximising any significant view from existing or proposed dwellings.
- (b) Before granting a requested setback variation, the City will have due regard to the effect that the setback variation would have on a significant view. Where the City considers that a setback variation would adversely affect a significant view from a lot adjoining a development site, the requested setback variation will not be approved.
- (c) Clause 6.2(3) of TPS6 enables the City to impose a restriction on roof height where considered appropriate in the interests of streetscape character within the focus area. In addition, in order to protect a significant view, the City may require a roof pitch to be reduced, where such reduction:
- (i) would not compromise the architectural integrity of the proposed development; or
 - (ii) would not be contrary to the provisions of any applicable Precinct Streetscape Policy.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes

Other related Policies

- Other Policies within Policy P350 'Residential Design Policy Manual : City-Wide Policies'
- Precinct Streetscape Policies

Endorsement for community consultation	24 June 2008
Final adoption	25 November 2008
Last Review	Nil
Date of Next Review	2009



Strategic Plan Goal 3
Environmental Management

POLICY P350.10
Ancillary Accommodation

Relevant Management Practice
Nil

Relevant Delegation
Delegations DC 342 and DM 342

Rationale

Town Planning Scheme No. 6 (TPS6) has been formulated to give effect to a number of 'Scheme Objectives' which are set out in clause 1.6 of the Scheme. One of those objectives is to '*... facilitate a diversity of dwelling styles and densities in appropriate locations...*'. Ancillary Accommodation is one class of accommodation which caters to the specific needs of extended family groups. The City supports Ancillary Accommodation provided that it does not cause the completed development to have the appearance of two dwellings and the occupancy of such accommodation is restricted to family members. The Policy clarifies the City's design expectations where an applicant seeks approval under the Performance Criteria of the Residential Design Codes (R-Codes) for a floor area exceeding 60 sq. metres.

Policy

1. Status

(a) **Relationship to Town Planning Scheme No. 6**

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of TPS6. Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

(b) **Relationship to Residential Design Codes**

This Policy has been prepared pursuant to clause 5.3 of the R-Codes that expressly permits Local Planning Policies which address requirements relating to special purpose dwellings.

2. Objectives

- (a) To accommodate large or extended families on Single House sites.
- (b) To restrict the floor area of detached Ancillary Accommodation while supporting greater floor area where Ancillary Accommodation is located under the roof of the main dwelling.
- (c) To ensure that any future purchaser of a property containing Ancillary Accommodation is aware of the occupancy restriction.

3. Definition

Ancillary Accommodation

As defined in the R-Codes, the term 'Ancillary Accommodation' means "*Self-contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling.*"

4. Scope

This Policy applies to Ancillary Accommodation in any zone where such use is permissible.

5. Occupancy restriction

- (a) Having regard to the occupancy restriction applicable under the R-Codes, any planning approval granted for Ancillary Accommodation would be conditional upon the applicant registering on the Certificate of Title for the lot, a notification informing prospective purchasers that the Ancillary Accommodation may only be occupied by members of the family who occupy the main dwelling, and that occupancy by any other persons would be an offence under the *Planning and Development Act*.
- (b) The City will not issue a building licence for proposed Ancillary Accommodation until such time as the applicants, at their cost, have registered the required notification on the Certificate of Title relating to the occupancy restriction.
- (c) When the Ancillary Accommodation is no longer independently occupied in the required manner described in paragraph (i), it is to be used as an extension of the main dwelling and is not to be occupied by any person who is not a member of the family who occupy the main dwelling.
- (d) The sole purpose of Ancillary Accommodation is to provide additional accommodation for family members. Having regard to the occupancy restriction, independent strata subdivision of the main dwelling and the Ancillary Accommodation will not be supported by the City.

6. Floor area restriction

- (a) Acceptable Development clause 7.1.1 A1 of the R-Codes prescribes a 60 sq. metre maximum floor area for Ancillary Accommodation. Where proposed Ancillary Accommodation is contained in a separate building, the City would not be prepared to approve a greater floor area.
- (b) Under Performance Criteria clause 7.1.1 P1 of the R-Codes, a floor area exceeding 60 sq. metres could be approved provided that the Ancillary Accommodation meets the needs of large or extended families without compromising the amenity of adjoining properties. Where an applicant seeks approval for a larger floor area than 60 sq. metres, the City will consider the alternative Performance Criteria to have been met, provided that the Ancillary Accommodation:
 - (i) is contained under the same roof as an integral part of the main dwelling;
 - (ii) is designed to match the main dwelling with respect to design, materials and external colours; and
 - (iii) complies with all other provisions of this Policy together with other relevant provisions of TPS6 and the R-Codes.

7. Design and siting criteria

In addition to complying with the provisions of clause 7.1.1 of the R-Codes relating to Ancillary Accommodation, this Policy requires proposals of this kind to comply with the following:

- (a) The design, materials and external colours of Ancillary Accommodation are to match those of the main dwelling.
- (b) As viewed from the street, Ancillary Accommodation is to be designed such that it does not have the appearance of a second dwelling.
- (c) Ancillary Accommodation shall be single level only. If the Ancillary Accommodation is under the roof of the main dwelling, it is to be located on the ground floor level unless a mechanical means of access is provided to such accommodation located above ground floor level.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes

Other related Policies

- Other Policies within Policy P350 'Residential Design Policy Manual'

Endorsement for community consultation	24 June 2008
Final adoption	25 November 2008
Last Review	Nil
Date of Next Review	2009



Strategic Plan Goal 3
Environmental Management

POLICY P350.11

Aged or Dependent Persons' Dwellings

Relevant Management Practice

Nil

Relevant Delegation

Delegations DC 342 and DM 342

Rationale

In recognition of the diverse housing needs within the community, one of the objectives of Town Planning Scheme No. 6 (TPS6) is to '*... facilitate a diversity of dwelling styles and densities in appropriate locations...*'. Aged or Dependent Persons' Dwellings are one class of 'special purpose dwellings' provided for in TPS6 and the Residential Design Codes (R-Codes). Where such dwellings are a 'D' (discretionary) Use, this Policy provides guidance as to the City's approach to the exercise of its discretion when considering development applications for these special purpose dwellings.

In those zones where Aged or Dependent Persons' Dwellings are a 'P' (permitted) Use, this Policy only has effect in relation to the minimum permissible number of such dwellings.

Policy

1. Status

(a) Relationship to Town Planning Scheme No. 6

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of TPS6. Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

In the Residential zone and certain non-residential zones, Aged or Dependent Persons' Dwellings are not permitted 'as of right', but are a 'D' (discretionary) Use in TPS6 and therefore, may be approved or refused at the Council's discretion. In such cases, this Policy provides guidance as to the circumstances under which the Council would be prepared to support development proposals of this kind.

(b) Relationship to Residential Design Codes

This Policy has been prepared pursuant to clause 5.3 of the R-Codes that expressly permits Local Planning Policies which address requirements relating to the minimum number of Aged or Dependent Persons' Dwellings within any single development (clause 7.1.2 A2 (ii)).

2. Objectives

- (a) To ensure that Aged or Dependent Persons' Dwellings are conveniently located for easy access to public transport, convenience shopping and postal services.
- (b) To provide opportunities for aged or dependent persons to have social contact with one another.
- (c) To facilitate the development of accommodation meeting the special needs of aged or dependent persons.
- (d) To ensure that development proposals relating to Aged or Dependent Persons' Dwellings do not result in over-development of sites.

3. Scope

- (a) All provisions of this Policy apply in any zone where Aged or Dependent Persons' Dwellings is a 'D' (discretionary) Use within TPS6.
- (b) All provisions of this Policy other than clauses 7 and 9 apply in any zone where Aged or Dependent Persons' Dwellings is a 'P' (permitted) Use within TPS6.

4. Definitions**aged person**

As defined in the R-Codes, 'aged person' means *"a person who is aged 55 years or over"*.

Aged or Dependent Persons' Dwelling

As defined in TPS6, 'Aged or Dependent Persons' Dwelling' means *"A dwelling, which, by incorporating appropriate provisions for the special needs of aged or dependent persons or both, is designed, and is used, for the permanent accommodation of a person who:*

- (a) *is aged 55 years or more; or*
 - (b) *has a recognised form of handicap requiring special accommodation;*
- and may also accommodate the spouse of that person and no more than one other person."*

dependent person

As defined in the R-Codes, 'dependent person' means *"a person with a recognised form of disability requiring special accommodation for independent living or special care"*.

5. Composition of developments containing Aged or Dependent Persons' Dwellings

- (a) Subject to compliance with the minimum number of dwellings specified in clause 5(b) of this Policy, Aged or Dependent Persons' Dwellings may be in the form of Single Houses, Grouped Dwellings or Multiple Dwellings. Being one class of special purpose dwellings, Aged or Dependent Persons' Dwellings may comprise:
 - (i) the whole of a proposed development; or
 - (ii) part of a proposed development, in combination with other dwellings which have no occupancy restriction.
- (b) Irrespective of whether Aged or Dependent Persons' Dwellings is nominated as a 'P' (permitted) or a 'D' (discretionary) Use for a particular site, a development including any dwellings of this kind is to contain a minimum of three such dwellings. This Policy provision prevails in place of 'Acceptable Development' clause 7.1.2 A2(ii) of the R-Codes.

6. Occupancy restriction

- (a) The occupancy of an Aged or Dependent Persons' Dwelling is restricted to a person:
 - (i) who is aged 55 years or more; or
 - (ii) who has a recognised form of handicap requiring special accommodation;

and the dwelling may also accommodate the spouse of that person and no more than one other person.

Policy P350.11 'Aged or Dependent Persons' Dwellings' (cont'd)

6. *Occupancy restriction (cont'd)*

Any planning approval granted for Aged or Dependent Persons' Dwellings would be conditional upon the applicant registering on the Certificate of Title for the lot, a notification informing prospective purchasers of the occupancy restriction, and that occupancy by any other persons would be an offence under the *Planning and Development Act 2005*.

- (b) The City will not issue a building licence for proposed Aged or Dependent Persons' Dwellings until such time as the applicants, at their cost, have registered the required notification on the Certificate of Title relating to the occupancy restriction.
- (c) Where any Aged or Dependent Persons' Dwelling is to be located on a strata lot, the registered strata plan is to be appropriately endorsed to restrict the use of the dwelling in the manner set out in clause 6(a). The endorsement on the strata plan is to be executed prior to the occupation of any Aged or Dependent Persons' Dwelling, and is to remain on the strata plan at all times thereafter.

7. **Larger dwellings and 'density bonus'**

Under clause 6.1.3 A3(i) of the R-Codes a reduction in site area per dwelling (density bonus) may be approved for a development proposal involving Aged or Dependent Persons' Dwellings. However, where Aged or Dependent Persons' Dwellings is a 'D' (discretionary) Use under TPS6, the City will have regard to the following provisions in deciding whether or not to approve a particular proposal of this kind:

(a) Density bonus combined with larger dwellings

The City would generally not approve Aged or Dependent Persons' Dwellings where:

- (i) a density bonus is sought; and
- (ii) the plot ratio area of any dwelling exceeds the maximum prescribed by Acceptable Development clause 7.1.2 A2(i) of the R-Codes (100 sq. metres for Single Houses and Grouped Dwellings; and 80 sq. metres for Multiple Dwellings).

(b) Density bonus but not larger dwellings

The City would be prepared to approve Aged or Dependent Persons' Dwellings involving a density bonus, provided that:

- (i) the plot ratio area of any dwelling does not exceed the 100 sq. metre or 80 sq. metre maximum prescribed by clause 7.1.2 A2(i) of the R-Codes; and
- (ii) the proposal complies with all other provisions of this Policy together with other relevant provisions of TPS6 and the R-Codes.

(c) Larger dwellings without density bonus

The City would be prepared to approve Aged or Dependent Persons' Dwellings with the plot ratio area of any dwelling exceeding the 100 sq. metre or 80 sq. metre maximum prescribed by clause 7.1.2 A2(i) of the R-Codes, provided that:

- (i) a density bonus is not sought;
- (ii) the proposal complies with the maximum plot ratio prescribed in Table 1 of the R-Codes; and
- (iii) the proposal complies with all other provisions of this Policy together with other relevant provisions of TPS6 and the R-Codes.

8. Occupiers' car parking**(a) Roof cover to be provided**

Under clause 6.3(6)(d) of TPS6, the City may require some or all of the car parking bays on a development site to be provided with roof cover. Pursuant to that clause, in the case of proposals for Aged or Dependent Persons' Dwellings, one occupier's car bay for each dwelling is to be provided with roof cover. Additional roof cover is to be provided where necessary, to achieve complete weather protection from the occupier's vehicle to an entry to the dwelling.

(b) Width of parking bays without wheelchair access

In the case of proposals for Aged or Dependent Persons' Dwellings, the width of every occupiers' car bay is to be not less than 3.3 metres.

(c) Width of parking bays with wheelchair access

Where a dwelling is designed for the use of a person in a wheelchair, the width of the occupier's car bay is to be not less than 3.8 metres measured clear of the face of any column, pier or other obstruction on the side of the car bay.

9. Determination of applications where a 'D' (discretionary) Use

In any zone where Aged or Dependent Persons' Dwellings is a 'D' (discretionary) Use for a particular site, the City would favourably consider approving that Use subject to compliance with:

- (a) all provisions of 'Acceptable Development' clause 7.1.2 A2 of the R-Codes other than paragraph (ii) of that clause which has been replaced by clause 5(b) of this Policy relating to minimum number of dwellings; and
- (b) other relevant provisions of the R-Codes, TPS6 and City Policies.

10. Proposals submitted under 'Performance Criteria' of the R-Codes

Where a proposal does not comply with all of the provisions of Acceptable Development clause 7.1.2 A2 of the R-Codes, an applicant may submit a proposal under Performance Criteria clause 7.1.2 P2. In addressing the listed criteria, the applicant's written justification is to cite authoritative sources and demonstrate that, by alternative means, the proposed development meets or exceeds the expectations under Acceptable Development clause 7.1.2 A2.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes
- Building Code of Australia

Other related Policies

- Other Policies within Policy P350 'Residential Design Policy Manual'

Other relevant Information

- *Australian Standard AS 1428.1:2001 - Design for Access and Mobility*
- *Australian Standard AS 4299: 1995 - Adaptable Housing*

Endorsement for community consultation**24 June 2008****Final adoption****25 November 2008****Last Review****Nil****Date of Next Review****2009**



Strategic Plan Goal 3
Environmental Management

POLICY P350.12
Single Bedroom Dwellings

Relevant Management Practice
Nil

Relevant Delegation
Delegations DC 342 and DM 342

Rationale

In recognition of the diverse housing needs within the community, one of the objectives of Town Planning Scheme No. 6 (TPS6) is to '*... facilitate a diversity of dwelling styles and densities in appropriate locations...*'. Single Bedroom Dwellings are one class of dwelling which cater for the specific needs of small households comprising only one or two persons. Such households are becoming increasingly common. Therefore, the City supports development proposals relating to Single Bedroom Dwellings provided such proposals do not result in 'over-development' of sites.

In every zone apart from Mixed Use Commercial, Single Bedroom Dwellings are identified as a 'D' (discretionary) Use in TPS6. This Policy provides guidance as to the City's approach to the exercise of its discretion when considering development applications for these special purpose dwellings.

Policy

1. Status

(a) Relationship to Town Planning Scheme No. 6

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of TPS6. Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

In every zone apart from Mixed Use Commercial, Single Bedroom Dwellings are not permitted 'as of right', but are a 'D' (discretionary) Use in TPS6 and therefore, may be approved or refused at the Council's discretion. In such cases, this Policy provides guidance as to the circumstances under which the Council would be prepared to support development proposals of this kind.

(b) Relationship to Residential Design Codes

This Policy has been prepared pursuant to clause 5.3 of the R-Codes that expressly permits Local Planning Policies which address requirements relating to special purpose dwellings.

2. Objectives

- (a) To discourage development comprising Single Bedroom Dwellings where a 'density bonus' is being sought together with larger dwellings than the normal 60 sq. metre maximum prescribed by the R-Codes, in order to preclude the 'over-development' of sites.
- (b) To support appropriately designed Single Bedroom Dwellings with a plot ratio area larger than 60 sq. metres where density bonus is not being sought.

3. Scope

This Policy applies to Single Bedroom Dwellings in any zone where such use is a 'D' (discretionary) Use.

4. Larger dwellings and 'density bonus'

Under clause 6.1.3 A3(i) of the R-Codes a reduction in site area per dwelling (density bonus) may be approved for a development proposal involving Single Bedroom Dwellings. However, where Single Bedroom Dwellings is a 'D' (discretionary) Use under TPS6, the City will have regard to the following provisions in deciding whether or not to approve a particular proposal:

(a) Density bonus combined with larger dwellings

The City would generally not approve Single Bedroom Dwellings where:

- (i) a density bonus is sought; and
- (ii) the plot ratio area of any dwelling exceeds the 60 sq. metre maximum prescribed by clause 7.1.3 A3 of the R-Codes.

(b) Density bonus but not larger dwellings

The City would be prepared to approve Single Bedroom Dwellings involving a density bonus, provided that:

- (i) the plot ratio area of any dwelling does not exceed the 60 sq. metre maximum prescribed by clause 7.1.3 A3 of the R-Codes;
- (ii) the proposal complies with the maximum plot ratio prescribed in Table 1 of the R-Codes; and
- (iii) the proposal complies with all other provisions of this Policy together with other relevant provisions of TPS6 and the R-Codes.

(c) Larger dwellings without density bonus

The City would be prepared to approve Single Bedroom Dwellings with the plot ratio area of any dwelling exceeding the 60 sq. metre maximum prescribed by Acceptable Development clause 7.1.3 A3 of the R-Codes, provided that:

- (i) a density bonus is not sought;
- (ii) the dwellings are not suitable for accommodating more than two persons in accordance with R-Codes Performance Criterion 7.1.3 P3;
- (iii) the proposal complies with the maximum plot ratio prescribed in Table 1 of the R-Codes; and
- (iv) the proposal complies with all other provisions of this Policy together with other relevant provisions of TPS6 and the R-Codes.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes

Other related Policies

- Other Policies within Policy P350 'Residential Design Policy Manual'

Endorsement for community consultation**24 June 2008****Final adoption****25 November 2008****Last Review****Nil****Date of Next Review****2009**



Strategic Plan Goal 3
Environmental Management

POLICY P350.13

Strata Titling of Dwellings Constructed prior to
Town Planning Scheme No. 6

Relevant Management Practice

Nil

Relevant Delegation

Delegations DC 342 and DM 342

Rationale

The City of South Perth contains many 'old' buildings comprising Grouped and Multiple Dwellings which are currently held under single ownership. From time to time, the owners of such buildings lodge applications for strata subdivision to facilitate the sale of individual dwellings. Those owners are required to obtain a certificate from the City under section 23 of the *Strata Titles Act 1985* before strata titles are issued. Among other requirements, the Act states that, before issuing the section 23 certificate, the City must be of the opinion that the building is of a 'sufficient standard' to be divided into strata lots. In relation to Grouped and Multiple Dwellings approved prior to Town Planning Scheme No. 6 (TPS6) coming into operation, this Policy identifies the extent of required works to raise such buildings to a sufficient standard to allow a 'Planning' clearance to be issued towards strata title certification.

Policy

1. Status

(a) Relationship to Town Planning Scheme No. 6

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of TPS6. Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

(b) Relationship to Residential Design Codes

This Policy has also been prepared pursuant to clause 5.3 of the Residential Design Codes (R-Codes) that expressly permits Local Planning Policies which augment the R-Codes by providing additional Performance Criteria and Acceptable Development provisions for any aspect of residential development not provided for in the R-Codes.

2. Objective

In respect of any building to which this Policy applies, to identify the extent of upgrading required in order to satisfy the City that the building is of a sufficient standard for strata subdivision.

3. Scope

This policy applies to any Grouped or Multiple Dwelling developments approved prior to TPS6 coming into operation on 29 April 2003, where those developments are proposed to be strata titled.

4. Definition

essential right-of-way

A right-of-way which is required to be retained because it provides:

- (a) primary vehicular access to any site adjoining the right-of-way;
- (b) vehicular access to any site adjoining the right-of-way where Canning Highway provides the only alternative means of vehicular access to that site; or
- (c) service vehicle access to commercial premises.

5. Planning clearance towards strata title certification

- (a) Subject to sub-clause (b), where an existing Grouped Dwelling or Multiple Dwelling development approved prior to TPS6 coming into operation on 29 April 2003, does not comply with TPS6, R-Codes or provisions of another Council Policy, including those relating to dwelling density, plot ratio, building height and setbacks, among others, such non-compliance would not preclude the issuing of a 'Planning' clearance towards strata title certification.
- (b) Where:
 - (a) an existing building contains Grouped or Multiple Dwellings approved prior to TPS6 coming into operation on 29 April 2003; and
 - (b) pursuant section 23 of the Strata Titles Act, an application for a strata title certificate is lodged for such building;a 'Planning' clearance towards strata title certification will not be issued until the building has been brought into compliance with all of the provisions of this Policy.

6. Provision of required facilities

(a) Open space and landscaping

- (i) In the case of Grouped Dwelling and Multiple Dwelling developments:
 - (A) where the existing area of open space meets or exceeds the minimum required by the R-Codes, the area of open space is not to be reduced below the prescribed minimum; or
 - (B) where the existing area of open space is less than the minimum required by the R-Codes, the existing area of open space is not to be reduced.
- (ii) In the case of any Grouped Dwelling:
 - (A) where the existing Outdoor Living Area meets or exceeds the minimum area required by the R-Codes, the Outdoor Living Area is not to be reduced below the prescribed minimum; or
 - (B) where the existing Outdoor Living Area is less than the minimum area required by the R-Codes, the existing Outdoor Living Area is not to be reduced.
- (iii) Wherever possible, proposed additions or alterations to an existing building, including any car parking modifications, are to be designed in a manner that will preserve existing trees.

(b) Car parking, vehicular and pedestrian access

- (i) Where the existing number of occupiers' car parking bays is less than the number required by the R-Codes, at least one bay per dwelling is to be provided.
- (ii) Where the existing number of occupiers' car bays meets or exceeds the number required by the R-Codes, the existing number of bays is not to be reduced.

6(b) Car parking, vehicular and pedestrian access (cont'd)

- (iii) Visitors' car bays are to be provided to the number specified in the R-Codes where:
 - (A) the number of occupiers' car bays meets or exceeds the prescribed minimum and the surplus bays are able to be converted to visitors' use; or
 - (B) sufficient space is available on the site to construct new visitors' car bays.
 - (iv) Where visitor car bays are required, the location of those bays is to comply with the provisions of Policy **P350.3** 'Car Parking Access, Siting and Design'.
 - (v) If car bays are to be re-configured, or new bays are proposed, the dimensions are to comply with the provisions of TPS6 or a related Council Policy.
 - (vi) Any new parking bays located within the street setback area are to be screened by a landscaping strip at least 1.5 metre wide, in order to comply with the requirements of clause 4.3(1)(j) of TPS6.
 - (vii) Where, pursuant to clause 6.6(2)(b) of TPS6 or clause 6.5.4 A4.4 of the R-Codes, vehicular access is to be designed to facilitate entry onto a public street in forward gear, the applicant is to provide a drawing as required by Policy **P350.3** 'Car Parking Access, Siting and Design', demonstrating functional vehicular turning movements.
 - (viii) The siting and design of any proposed garage or carport, is to comply with the provisions of Policy **P350.3** 'Car Parking Access, Siting and Design'.
 - (ix) Arrangements for vehicular and pedestrian access are to be in accordance with the provisions clauses 6.5.4 and 6.5.5 of the R-Codes.
- (c) **Storerooms**
Each Grouped or Multiple Dwelling is to be provided with a store room in accordance with the provisions of the R-Codes.
- (d) **Laundry facilities**
- (i) Each dwelling is to be provided with its own laundry facilities including a minimum of a wash trough, space for a washing machine and space for an electric clothes dryer.
 - (ii) External clothes drying facilities are to be provided for ground floor dwellings or an electric clothes dryer is to be provided within each ground floor dwelling **where external clothes drying facilities cannot be provided in private courtyards for each of those dwellings**. Each other dwelling is to be provided with an electric clothes dryer.
 - (iii) External clothes drying facilities shall be screened from view in accordance with clause 6.4.5 A5 (ix) of the R-Codes.
- (e) **Bin storage areas**
Each Multiple Dwelling development comprising more than 10 dwellings is to be provided with a bin storage area towards the front of the site.

7. Upgrading of buildings, other facilities and street verge

(a) Upgrading of buildings

The external appearance of the building is to be upgraded. The extent of any required upgrading works will depend upon the condition of the existing building, and may include the following, among other works:

- (i) Replacement of any portion of, or all of, the roofing material with new material, where the existing material has become faded or discoloured.
- (ii) Recoating of existing roof tiles by a professional roof coater who provides a minimum 15 year guarantee against discolouration.
- (iii) Restoration of existing external face brickwork and repair of mortar joints, for any external wall including boundary walls.
- (iv) Bagging and painting, or rendering and painting, of all external walls, including boundary walls, inclusive of any balustrades of any communal pedestrian accessway, private balcony, or stairwell.
- (v) Repairing and painting, or replacement and painting, of gutters, downpipes, fascias, eaves linings, rafters, bargeboards, windows and doors.
- (vi) Concealment of plumbing fittings and cables by chasing them into walls of buildings, or by other means.
- (vii) Demolition of external laundries and other redundant structures.
- (viii) Replacement of all asbestos roof sheeting with an alternative material.

(b) Upgrading involving site works

The portion of the site surrounding any building is to be upgraded. The extent of any required upgrading works will depend upon the condition of the existing improvements, and may include the following, among other works:

(i) Car parking and accessways

- (A) Resurfacing and kerbing of existing car parks.
- (B) Clear delineation of all car bays by line marking.
- (C) Identification of visitors' bays on site for visitors' exclusive use at all times.
- (D) Resurfacing of existing pedestrian paths.
- (E) Where space permits, provision of pedestrian pathways from the street to the entry of each unit, separate from any car bay or formed driveway.
- (F) Lighting of any pedestrian pathway which is separate from any car bay or formed driveway.
- (G) Where insufficient space is available to provide pedestrian pathways which are separate from any car bay or formed driveway, lighting in accordance with clause 6.5.5 A5.2 of the R-Codes.

(ii) Sewerage and drainage

- (A) Connection to the Water Corporation sewer for disposal of sewage and waste water, as required by clause 6.8(1) of TPS6.
- (B) Grading and drainage of car bays and formed driveways into soak wells to prevent water flowing onto adjoining land, into garages or carports on the site, or onto a public street, as required by clause 6.3(10)(b) of TPS6.

7(b)(ii) Sewerage and drainage

- (C) Disposal of storm water from the site generally into soak wells to prevent water flowing onto adjoining land or onto a public street, as required by clause 6.8(2) of TPS6.

(iii) Communal open space

Upgrading of landscaping and provision of amenities within areas of common property and communal open space.

(iv) Fencing and retaining walls

Repair or replacement of boundary fences and retaining walls and compliance with requirements relating to fence heights adjacent to formed driveways, in accordance with Policy **P350.7** 'Fencing and Retaining Walls'.

(c) Upgrading of street verge and crossovers

- (i) The street verge adjoining the development site is to be reticulated and upgraded.
- (ii) Where an existing crossover is of an unsatisfactory standard, it is to be either reconstructed or repaired and any damaged footpaths are to be repaired.

(d) Upgrading of adjoining essential right-of-way

Where access to car bays is gained via an essential right-of-way of unsatisfactory standard:

- (i) the portion of the right-of-way abutting the development site is to be either reconstructed or repaired. The works in this respect are to include forming, grading, finishing with hard standing bitumen surface and kerbing, sufficient to sustain the loadings of heavy service vehicles and drainage for disposal of surface water from the right-of-way; and
- (ii) the portion of the right-of-way referred to in clause 6(d)(i) is to be maintained at all times in a satisfactory condition. If and when by reason of wear and tear it may become necessary to do so, that portion of the right-of-way is to be re-surfaced and re-formed with materials equivalent to those originally used.

8. Building and Environmental Health requirements

In addition to compliance with the provisions of this Policy, applicants are to comply with the requirements of:

- (a) the City's Building Services Department in relation to:
 - (i) the need for the building to be constructed in accordance with the approved drawings, specifications and Building Licence conditions;
 - (ii) any necessary upgrading to a structurally sound condition where structural defects are identified;
 - (iii) conformity with all current-day fire safety requirements of the Building Code of Australia.
- (b) the City's Environmental Health Services Department in relation to:
 - (i) laundries, kitchens, bathrooms, and toilets;
 - (ii) lighting and ventilation;
 - (iii) bin storage areas; and
 - (iv) disposal of asbestos sheeting.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes
- Building Code of Australia
- *City of South Perth Health Local Laws 2002*
- *Health Act (Laundries and Bathrooms) Regulations*
- *Sewerage Lighting Ventilation and Construction Regulations 1971*

Other related Policies

- Policy **P350.3** 'Car Parking Access, Siting and Design'
- Policy **P350.7** 'Fencing and Retaining Walls'
- Policy **P350.14** 'Use or Closure of Rights-of-Way'
- Other Policies within Policy P350 'Residential Design Policy Manual'

Endorsement for community consultation	24 June 2008
Final adoption	25 November 2008
Last Review	Nil
Date of Next Review	2009



Strategic Plan Goal 3
Environmental Management

POLICY P350.14

Use or Closure of Rights-of-Way

Relevant Management Practice

Nil

Relevant Delegation

Delegations DC 342 and DM 342

Rationale

Historically, the City of South Perth contained a large number of rights-of-way which had been created to facilitate the servicing of backyard toilets and garbage collection. They also provided vehicular access to the rear of adjoining properties for the delivery of solid fuels and the provision of other essential services. In later years, some rights-of-way were used for vehicular access to approved car parking facilities on residential sites, while many others were no longer in use. In December 1991, in response to continuing requests from property owners, the Council resolved to close as many rights-of-way as possible throughout the district. The Council recognised that many of the rights-of-way were not being used for their intended purposes and that unauthorised rubbish dumping had become commonplace. Such rights-of-way were potential fire hazards and were also perceived to pose a security risk to the abutting properties. Since 1991, a dedicated closure program has been progressively implemented by the City in relation to rights-of-way not providing essential vehicular access to adjoining properties. As a result of this ongoing program, most of the 'obsolete' rights-of-way within the City have been closed.

In the interests of fostering design flexibility for new residential development projects, the City promotes the retention of rights-of-way for vehicular access to any lots where the right-of-way already provides 'essential' vehicular access to one or more lots. This Policy explains the Council's expectations where a proposed residential development relies on an 'essential' right-of-way for vehicular access.

A small number of rights-of-way do not provide 'essential' vehicular access to any adjoining properties and are therefore considered to be 'obsolete'. These rights-of-way are generally not paved and drained and they frequently accumulate rubbish and become fire hazards. They also provide a haven for persons involved in anti-social behaviour. This Policy explains the circumstances under which the Council may support the closure of an 'obsolete' right-of-way.

Policy

1. Status

(a) Relationship to Town Planning Scheme No. 6

This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of Town Planning Scheme No. 6 (TPS6). Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.

(b) Relationship to Residential Design Codes

This Policy has been prepared pursuant to clause 5.3 of the R-Codes that expressly permits Local Planning Policies which:

- (i) address streetscape or building design;
- (ii) augment the R-Codes by providing additional Performance Criteria and Acceptable Development provisions for any aspect of residential development not provided for in the R-Codes.

2. Objectives

- (a) To ensure that 'essential' rights-of-way which are unpaved at the time of a development application, are upgraded to a sufficient standard in conjunction with the proposed development.
- (b) To minimise the number of vehicle crossovers to a public street where development sites have alternative access via a right-of-way.
- (c) To prevent vehicular access from 'obsolete' rights-of-way to adjoining properties so as to preserve the option of closure, recognising that such rights-of-way present fire, health and security hazards.
- (d) To clarify the circumstances under which the Council may be prepared to support the closure of an 'obsolete' right-of-way.

3. Scope

This Policy applies to any privately-owned right-of-way (private road) in the City and to any proposed residential development on land adjoining a right-of-way. The Policy does not apply to any right-of-way held in freehold by the Crown or the State of Western Australia.

4. Definitions

essential right-of-way

A right-of-way which is required to be retained because it provides:

- (a) primary vehicular access to any site adjoining the right-of-way;
- (b) vehicular access to any site adjoining the right-of-way where Canning Highway provides the only alternative means of vehicular access to that site; or
- (c) service vehicle access to commercial premises.

obsolete right-of-way

A right-of-way which is not required to be retained because it does not provide:

- (a) primary vehicular access to any site adjoining the right-of-way;
- (b) vehicular access to any site adjoining the right-of-way where Canning Highway provides the only alternative means of vehicular access to that site; or
- (c) service vehicle access to commercial premises.

partial closure

The closure of the full width of a right-of-way over part of its length, while retaining the remaining length of the right-of-way.

primary vehicular access

The only vehicular access to any required and City-approved garage, carport or unroofed car parking bay on a site adjoining a right-of-way.

4. Definitions (cont'd)**right-of-way**

For the purpose of this Policy, 'right-of-way' has the same meaning as the term 'private road' in the *Land Administration Act 1997*. That Act defines 'private road' as:

"an alley, court, lane, road, street, thoroughfare or yard on alienated land, or a right of way created under section 167A(1) of the Transfer of Land Act 1893, which -

- (a) is not dedicated, whether under a written law or at common law, to use as such by the public; and*
- (b) is shown on a plan or diagram deposited or in an instrument lodged with the Registrar, and which -*
- (c) forms a common access to land, or premises, separately occupied;*
- (d) once formed or was part of a common access to land, or premises, separately occupied, but no longer does so;*
- (e) is accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that is dedicated, whether under a written law or at common law, to use as such by the public; or*
- (f) once was, but is no longer, accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that was dedicated, whether under a written law or at common law, to use as such by the public."*

The term 'right-of-way' does not mean a 'communal street' as defined in the R-Codes.

secondary vehicular access

Vehicular access to a residential site which is not primary vehicular access, but a means of access for parking not required by the R-Codes, or for any other purpose. Secondary vehicular access can be eliminated without denying access to approved parking facilities.

5. Vehicular access via rights-of-way**(a) Primary or secondary vehicular access via essential rights-of-way is permitted**

Subject to clauses 6(a) and 6(b) of this Policy, an essential right-of-way may be used to provide vehicular access to a garage, carport or unroofed car parking bay serving a proposed dwelling on a site adjoining the right-of-way.

(b) Primary vehicular access via obsolete rights-of-way is not permitted

Due to the Council's intention to close obsolete rights-of-way, primary vehicular access via an obsolete right-of-way is not permitted.

(c) Temporary secondary vehicular access via obsolete rights-of-way is permitted

An obsolete right-of-way may be used for secondary vehicular access on a temporary basis only, due to the Council's intention to close obsolete rights-of-way. Approval will not be granted for any garage or carport relying upon an obsolete right-of-way for vehicular access.

6. Upgrading and maintenance of essential rights-of-way**(a) Upgrading and maintenance required for primary vehicular access**

Where primary vehicular access to the site of proposed residential development is via an essential right-of-way which is not paved at the time of submission of the development application:

6(a) Upgrading and maintenance required for primary vehicular access

- (i) the portion of the right-of-way which adjoins the development site is to be paved, drained, kerbed and maintained by the property owners to a standard sufficient to sustain the loadings of heavy service vehicles and to the specifications of the City's Engineering Infrastructure Department;
- (ii) the property owners are to meet the full cost of all design, construction and maintenance associated with the upgrading works.

(b) Upgrading not required for secondary vehicular access

Where secondary vehicular access to a residential site is gained via a right-of-way, the property owner is not required to pave any portion of the right-of-way.

7. Design guidelines for developments adjoining essential rights-of-way

- (a) Any proposed parking bays accessed from an essential right-of-way are to be set back:
 - (i) from the right-of-way boundary a sufficient distance to achieve a 6.5 metre reversing depth, but in any case not less than 1.5 metres; and
 - (ii) at least 1.5 metres from any side boundary of the development site where that boundary is fenced to a height exceeding 0.75 metres in order to achieve adequate sight lines for motorists.
- (b) Each dwelling which has vehicular access from a right-of-way is to be provided with a pedestrian accessway leading from a public street, to the front entry of the dwelling. To provide a visually attractive accessway with sufficient space for deliveries and rubbish disposal, the width is to be 1.5 metres unless the available width is constrained by an existing dwelling. The width of any pedestrian accessway is to be not less than 1.0 metre at any point.

8. Minimising vehicular access from a public street

Acceptable Development clause 6.5.4 A4.1 of the R-Codes requires vehicular access to a development site to be provided solely from a right-of-way where available. Alternatively, under Performance Criteria clause 6.5.4 P4, vehicular access may be provided from a public street, subject to the number of crossovers being minimised, and the vehicular access being safe in use and not detracting from the streetscape. Having regard to clause 6.5.4 P4, where the development site adjoins an essential right-of-way, the City would be prepared to approve residential development relying on primary vehicular access from a public street to one or more of the required car bays, subject to:

- (a) there being only one crossover from the public street; and
- (b) in the case of a site 12.0 metres wide or less, the crossover being not wider than 4.0 metres.

9. Partial closure of a right-of-way not supported

The partial closure of a right-of-way may cause vehicular access difficulties for visitors to dwellings adjoining the right-of-way, due to the absence of a turning circle at the closed end of the right-of-way. In addition, a partial closure would create a 'dead end' without opportunities for surveillance, thus providing the potential for entrapment. Therefore, the Council would not be prepared to initiate a partial closure.

10. Possible support for closure of obsolete rights-of-way and applicants' responsibilities

- (a) The statutory procedure for closure of a right-of-way is prescribed in the *Land Administration Act*. In addition, the State Land Services of the Department for Planning and Infrastructure has produced the *Crown Land Administration and Registration Practice Manual 2003* which contains detailed information relating to implementation of the closure process. Before the Council would consider action towards possible closure:
- (i) the right-of-way under consideration would need to constitute an obsolete right-of-way; and
 - (ii) the City would need to receive a petition requesting closure, supported by 75% or more of the owners of the properties adjoining the right-of-way, accompanied by a plan showing a proposed equitable division of the right-of-way land among the adjoining properties.
- (b) If the Council decides to initiate the right-of-way closure procedure, the owners who requested the closure would be required to engage a consultant at their cost to implement all of the subsequent administrative, investigative and reporting procedures.

11. Vehicular access to commercial premises

In conjunction with proposed commercial development, an essential right-of-way may be used to provide the only vehicular access or secondary vehicular access to the development site.

Other in Force Documents

- City of South Perth Town Planning Scheme No. 6
- Residential Design Codes
- City of South Perth Standing Orders Local Law No. 2 of 2002 (re petitions: Clause 3.9(a), (i) to (vi))
- *Land Administration Act 1997*
- *Land Administration Regulations 1998*
- *Transfer of Land Act 1893*

Other related Policies

- Policy P350.3 'Car Parking Access, Siting and Design'
- Policy P406 'Right-of-Way Maintenance and Development'
- Other Policies within Policy P350 'Residential Design Policy Manual'

Other related information

- City of South Perth Information Sheet 'Requesting closure of a Right-of-Way'
- City of South Perth Information Statement (re petition pro forma: Schedule 5)
- Western Australian Planning Commission Policy No. DC 1.7 'General Road Planning'
- Western Australian Planning Commission Policy No. DC 2.2 'Residential Subdivision'
- Western Australian Planning Commission Policy No. DC 2.6 'Residential Road Planning'
- Western Australian Planning Commission Planning Bulletin No. 33 'Rights-of-Way or Laneways in Established Areas - Guidelines'
- *Crown Land Administration and Registration Practice Manual 2003*. State Land Services, Department for Planning and Infrastructure. (www.dpi.wa.gov.au/crownland/1789.asp)

Adoption for community consultation**24 June 2008****Final adoption****25 November 2008****Last Review****Nil****Date of Next Review****2009**

Policy P351

Precinct-Based Policies

(To be presented at a later date)

House Rules

In order to maintain harmony with our neighbours and other guests, please be aware that we are situated in a quiet residential area and the following House Rules apply:

- Guest vehicles to be parked in the carbays provided within the property and not on the street
- When returning to the property late in the evening or leaving early in the morning, please be considerate of other guests and neighbours who may be sleeping by not talking loudly, slamming car doors or making excessive vehicle noise
- Please keep noise to a minimum in the courtyard areas particularly after 9pm and before 8am
- Guests in residence may have visitors but the numbers and length/time of visits may be limited to ensure the quiet enjoyment of other guests and neighbouring properties
- No parties or get-togethers are permitted in guest suites but small gatherings such as business breakfasts, cocktail parties may be permitted in the guest lounge/dining area by prior arrangement with the owner

Contravention of any of the above House Rules may result in the termination of your stay.

ID No. 11.2008.274.1
File Ref: HA6/22
Processing Officer Ms Pam Holland

TOWN PLANNING SCHEME NO. 6
Schedule 8

Refer to Clause 7.9

Notice of Determination of Application for Planning Approval

Owner:	Mr C A Woolard
Applicant:	Australian Renovation Group
Address for correspondence:	161B Burswood Road BURSWOOD WA 6100
Planning application for proposed:	Additions / Alterations to Single House
Property address:	Lot 3 (No. 22) Hazel Street COMO
Date of application for planning approval:	19 June 2008
Date of determination of application:	17 September 2008

Pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, Planning Approval, in accordance with the application for Planning Approval, and attached plans, is **REFUSED**, for the following reason(s):

- (1) The location of the proposed carport conflicts with Policy P370_T "General Design Guidelines for Residential Development", specifically in relation to Clause 11(d) which requires the siting of carports behind the front setback line, where existing dwellings do have this space behind the front setback line to accommodate car parking.
- (2) Having regard to the matter identified above, the proposed development conflicts with subclause (2)(f) of Clause 1.6 "Scheme Objectives" of the Town Planning Scheme No. 6 (TPS6).
- (3) Having regard to the matter above, the proposed development conflicts with the matters (c), (d) and (n) of Clause 7.5 "Matters to be Considered by Council" of TPS6.

IMPORTANT NOTE:

- (a) The above decision has been made by a duly assigned officer under delegated authority conferred by the Council in order to expedite the decision-making process. If you are aggrieved by aspects of the decision where discretion has been exercised, you may either:
 - (i) request that the matter be reviewed at a Council meeting, following the submission of another Schedule 6 - Form of Application for Planning Approval; or
 - (ii) lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.

There are no rights of appeal in relation to aspects of the decision where the Council cannot exercise discretion.

SIGNED: _____ DETERMINATION DATED: 17 September 2008
RAJIV KAPUR
MANAGER, DEVELOPMENT SERVICES
for and on behalf of the City of South Perth

SCANNED



CITY OF SOUTH PERTH		
22 AUG 2008		
DocID No:	549101	
File No:	HAG122	
Original To:	BS	
Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/>	File <input type="checkbox"/>

Ms Pam Holland
Planning Officer
City of South Perth
Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Dear Pam

**RE: ADDITIONS/ALTERATIONS TO SINGLE HOUSE – 22 HAZEL STREET,
COMO**

We have been appointed by the owners of the above property to prepare a submission in support of the proposed development and address the issues under the Residential Design Codes and City of South Perth Policies P 370 and draft Policy P 350.

Proposal

The proposal is for construction of 2 new bedrooms, store and new portico to the northern side of the existing house and a new carport in front of the house and demolish the existing garage and carport.

The setback to the new bedrooms is 1.007-1.607m. The portico is proposed to be setback 6.070m from the front boundary and the proposed carport is 1.397m from the northern side boundary and 1.5m from the front boundary.

Outstanding Issues

It is understood there are issues concerning the car parking within the front setback, conveyed via City of South Perth letter dated 22 July 2008. These issues are addressed below.

SJB
TOWN PLANNING & URBAN DESIGN
*
UNIT 12, 0 & J FOWLER BUILDING
33 PARENHAM STREET, FREMANTLE, W.A. 6160
*
PH / FAX 0433 1130 MOB 0410 018 882
EMAIL SIMONBAI@ICENET.COM.AU
ABN 64 080 754 623

Policy P 370

Policy P 370 states at clause 11:

"(d) In the case of existing dwellings which do have space behind the front setback line to accommodate car parking, the siting of carports within the front setback area will not be permitted unless:

(i) such siting is consistent with the established streetscape character attributable to the existence of other carports within the front setback area, in the section of street in which the new carport is proposed to be located; and

(ii) the design and construction materials of the proposed carports are compatible with the existing dwelling".

There is already a carport/ pergola located in front of the 6m front setback and the proposal is to replace this structure. As shown on the existing site plan there is a brick garage located on the northern side of the house and there is a carport and pergola structure in front of the garage and house. This structure is 6.6m wide and has a setback of 2.8m.

Attached are photographs of the existing carport and pergola structure. As can be seen from the photographs the existing carport and pergola structure is imposing on the streetscape and it is considered that the proposed carport will improve the streetscape, due to:

- The existing structure being 6.6m wide;
- The carport being open in design;
- The carport being only 3.8m wide; and
- The carport being designed to be an integral part of the house with the use of similar materials and colours.

Not only does the proposed development improve the streetscape, examination of the street block between Comer and Gardiner Streets shows:

- There are 10 properties in this section of Hazel Street, including the subject site;
 - Apart from the subject site there are 6 properties (66.6%) that have high front or side walls on the front boundary which enclose the streetscape;
-

- Apart from the subject site there are 6 properties (66%) with structures in the front setback or reduced setbacks/side setbacks.

This section of Hazel Street is clearly not "open" in nature and not worthy of enforcing a strict compliance with Council Policy. The proposed development will be consistent with the pattern of development in the street.

Draft Policy P.350

The draft Policy states at clause 8 (b):

"(iii) Where a carport is proposed to be sited within the front setback area of an existing dwelling and two existing roof covered parking bays complying with the minimum dimensions prescribed in TPS6 are already located behind a 4.5 metre street setback, or there is a practical location to provide such bays behind the 4.5 metre street setback:

(a) neither of those existing parking bays is permitted to be converted to another use;

(b) a setback of less than 4.5 metres will not be permitted for the proposed carport, unless the focus area is characterised by at least one-third of the lots already having carports in the front setback area".

This Policy is only draft and is not posted on the City of South Perth website as an adopted Policy. Nevertheless, the Policy provisions do not apply as there is already a carport in front of the 4.5m street setback. The existing carport and pergola structure has a setback of 2.8m.

Residential Design Codes

Under Table 1 the street setback for R15/25 is 6m. Clause 3.2.1A1 enables the averaging of street setbacks, as per Figure 1. Using this method of calculation the average setback for the dwelling is 7.0m, greater than the required setback under the Residential Design Codes. The proposed car parking needs to be considered in light of the street setback for the dwelling being greater than is required.

Clause 6.2.3 A3.4 of the Residential Design Codes enables:

"Carports within the street setback area, provided that the width of carport does not exceed 50 percent of the frontage at the building line and the construction

allows an unobstructed view between the dwelling and street, right of way or equivalent.

The proposed car parking complies with the above requirements. The carport is only 3.8m wide on a 15.69m wide lot. This represents 24 per cent of the frontage. In addition the design also complies with the requirements under clause 6.2.3 A3.3, in that the design of the carport enables unobstructed views between the dwelling and the street.

Clause 6.2.3P3 sets out the Performance Criteria and it is this criteria that is required to be satisfied no matter whether the development complies with the Acceptable Development standards or what extra provisions/variations Council Policies impose. The Criteria states:

“The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa”.

The above criteria are achieved by the proposed development:

- The carport does not detract from the streetscape and will improve the streetscape as there is already a carport and pergola structure in the front setback that is wider than the proposed carport and due to the design is more imposing on the streetscape;
- The removal of the existing carport and pergola structure will open the view to the house from the street and vice versa. The replacement carport is simple and open in design so that the views will remain unobstructed; and
- The new carport is designed to match the design of the house. It matches the roof pitch and utilises similar materials with the use of tiles to match that on the house and rendered piers.

Furthermore it is pointed out that:

- The existing carport has a front setback of only 2.8m. The proposed carport is only 1.3m closer;
 - The existing carport/pergola structure is 6.6m wide. The proposed carport is only 3.8m wide; and
 - The area of structures in front of the front setback line is actually reduced.
-

Conclusion

As can be seen from the above, the proposed development complies with the Acceptable Development standards and Performance Criteria of the Residential Design Codes.

Clause 6.2.3P3 of the Residential Design Codes sets out the criteria for carports and garages. As demonstrated above, this criteria is satisfied by the proposed development.

The provisions of draft Policy P 350 do not apply and in terms of Policy P 370 it is noted that there are particular circumstances that warrant consideration of the proposed carport.

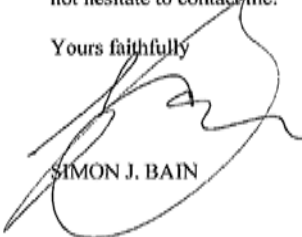
As outlined above, there is currently a carport and pergola structure in the front setback and the proposed carport will see the removal of this structure, which is imposing on the streetscape, thus will significantly improve the streetscape. The average front setback will also be increased by the proposed development.

Moreover, this section of Hazel Street is clearly not "open" in nature and not worthy of enforcing a strict compliance with Council Policy. The proposed development will be consistent with the pattern of development in the street.

I trust this addresses the issues raised in the letter of July 22, 2008 and that the proposed development can now be approved.

If there are any other outstanding issues or the proposal will not be approved please do not hesitate to contact me.

Yours faithfully



SIMON J. BAIN



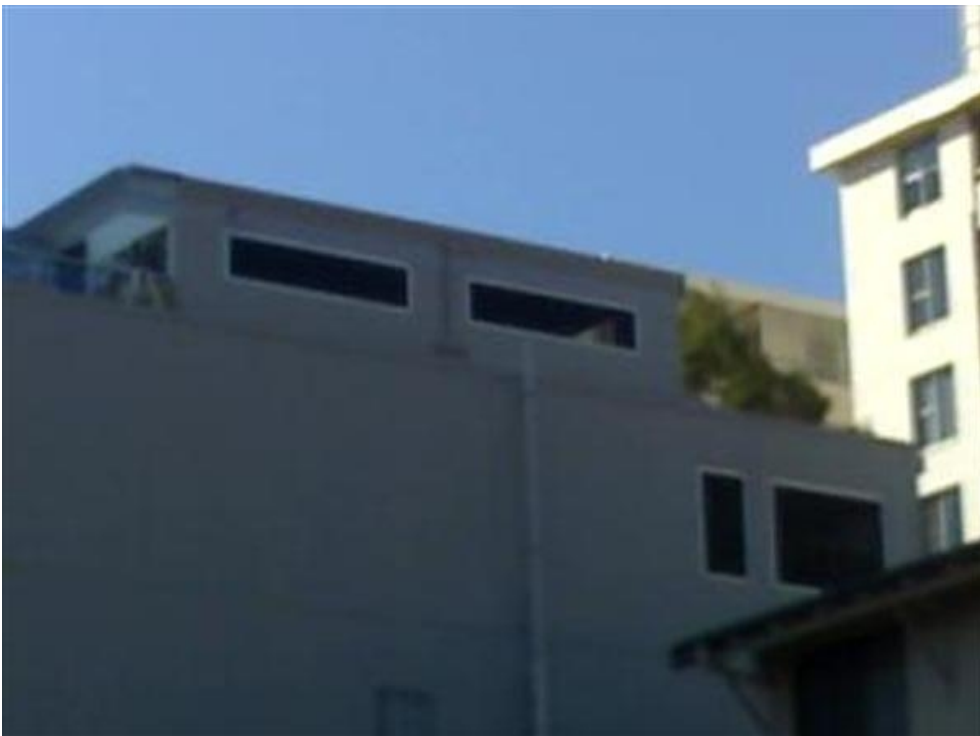
Lot 10 (No. 6) Parker Street, South Perth - Perspective (North)



Lot 10 (No. 6) Parker Street, South Perth - Perspective (South)



Lot 10 (No. 6) Parker Street, South Perth - Upper Floor



Lot 10 (No. 6) Parker Street, South Perth - Upper 'Balconies'

ANNED

CITY OF SOUTH PERTH		
23 SEP 2008		
Doc ID No:	553157	
File No:	PA216	
Original To:	PS	
Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/>	File <input type="checkbox"/>

R. Auguste
 14 Preston St Como 6152
 9474 3000
 19 September 2008

City of South Perth
 Development Services

Att M Stuart

Dear Sir
 Your corr : 9 Sept 2008

Balconies 6 Parker St South Perth

Item 6 . Balconies and exceeding PR

You have asked us to display that there are two sides open to each balcony.

I request that reference is made to a site visit in 2007 by Rajiv Kapur and Christian Buttle in which the issue of open sides had been dealt with to the satisfaction of Council.

The openings have been built in accordance with the as constructed plans as submitted herewith and as agreed and inspected by Council.

We have hatched the floor areas of the balconies which do not have openings to two sides and which are to be included in the plot ratio.

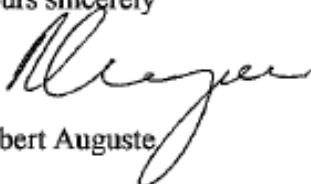
	Plot ratio areas	
Level 4 balcony	6.1 sq mt	
Level 5 balcony	3.6 sq mt	
All other Habitable Rooms L2-L5 from Surveyor's plans as constructed	382.0sq mt	
Total	391.7 sq mt	
Permissible PR 572x 0.7	404.4 sq mt	

I do not agree that all the floor area of the balconies should be included in the plot ratio.

Items 7 & 8 appear not to be applicable if the balconies are compliant balconies, which is what I am stating.

Please substitute the front elevation plans lodged 19th Sept with the elevations herewith

Yours sincerely


 Robert Auguste

Lot 10 (No. 6) Parker Street, South Perth - Applicant's Supporting Letter

SCANNED

CITY OF SOUTH PERTH		
22 SEP 2008		
Doc ID No:	552790	
File No:	PA216	
Original To:	PS	
Action <input checked="" type="checkbox"/>	Info <input type="checkbox"/>	File <input type="checkbox"/>

R. Auguste
14 Preston St Como 6152
9474 3000
19 September 2008

City of South Perth
Development Services
Att M Stuart

Dear Sir
Your corr : 9 Sept 2008,
Retrospective additions Parker St South Perth

- Item 1. Payment of \$120 paid 19 Sept 2008
- Item 2. you advised not necessary
- Item 3 .

This is relevant to Building Height.

Overshadow diagram as prepared by Scanlan Architects.

The original calculation was

113m sq mt over 243 sq mt , that is 46% of the shadow cover which has increased by 3.1 sq mt to 116 sq mt which is 47.3 % shadow cover .
50% is permissible. therefore the overshadowing is within the limits .

Item 4

Amended copies of elevations with building envelope as requested

Item 5

Compliance.

The City of South Perth Planning Officer has verbally stated that the barge board and fascia board and gutter are to be considered as part of the wall because they visually increase the height of the building .

By construction definition the barge board and fascia board and gutter are part of the roof not of the wall, if they are not structural. I quote from :

The City of South Perth TPS 6 section 6.2 , see illustration page 22 part V1 states :

A . External walls permitted to project above the Building Height Limit within a notional hip roof shape situated immediately above the exterior walls of the building etc

B. A notional 25 degrees hip roof shape , the lower edges of which meets the plane referred to in part (A) (I) etc

This is interpreted as permitting the roof to sit ON the wall .

This means that although the building is not constructed in accordance with the plans , the roof sitting ON the wall is within the building envelope .

The "over height" building is still within 'bulk' acceptable limits of impact on the adjoining building as shown by the overshadow diagram. The overshadowing is still with the permitted 50% cover

Explanation for construction not in accordance with plans

The building was constructed by Pyramid Constructions. Acting in association with Scanlan Architects the contract was terminated due to the high level of unacceptable finishes.

At that time we did not realize that the building had not been constructed in accordance with the plans with regard to the roof.

The original DA approved plans showed the roof as being constructed within the N/E side wall and S/W side wall of Level 5.

The Builder constructed the roof sitting on the wall. This resulted in the wall visually increasing in height by 352 mm. + 100mm gutter = 452 mm this represents an increase of 4.6 % .

The visual impact of the 4.6% increase in bulk of the building is considered indiscernible and not affecting the amenity of the neighbours.

As the owner of the Building I seek Council's discretion in permitting the building to remain as it is. It would be a very costly and time consuming exercise to remove the roof. I have suffered terribly by the builder's mistakes and to change all this would break the project .and me financially .

Item 6 . Balconies and exceeding PR

I have been at pains to extract exactly what the requires here because the building has been built in accordance with the plans and the 'enclosure' has been dealt with previously.

The Planning officer has said :

"Robert,

Ask your Planner to demonstrate that there are 2-sides that are open for the two balconies.

MS."

I request that reference is made to a site visit in 2007 by Rajiv Kapur and Christian Buttle in which the issue of open sides had been dealt with to the satisfaction of Council.

The openings have been built in accordance with the plans and although Planner Simon Bain has requested advice on this, we have heard nothing from SPCC.

Items 7 & 8 appear not to be applicable if the balconies are compliant balconies, which is what I am stating.

Yours sincerely



Robert Auguste



4 Aug. 08

To Whom It May Concern:

RE: Tenancy 2/262 Canning Hwy Como

I represent Empire Pizzeria. We currently have a store at shop 17a/4 Jon Sanders Drive, Glendalough. The Glendalough store has been trading since August 2005. You can visit our website at www.empirepizzeria.com.au

We propose to set up a takeaway pizza shop at the location of 2/262 Canning Hwy Como. We would propose to have limited seating for dining-in of approximately 20 seats.

Our trading hours will be 4:30pm to 10:00pm and 4:30pm to 11:00pm on Friday and Saturday.

If you require further information please do not hesitate to contact me on 0402213785.

Best regards,

Brandon Phan

EMPIRE ABN - 80 847 723 802

empire pizzeria pty ltd

PO Box 720 Victoria Park 6979 Western Australia



**IGA X-Press 262 Canning
Highway, Como
Traffic Statement**



EXECUTIVE SUMMARY

This traffic statement has been prepared to assist a building licence approval for the proposed fit-out of an IGA X-Press store at 262 Canning Highway, Como. The pertinent issues raised in this statement are:

- The existing and proposed land uses are both retail land uses and from a traffic generation perspective, will have the same traffic attraction. It is considered that the proposed store will have no significant impact to local traffic flows.
- Existing car parking approved for the site does not accord to current City of South Perth TPS requirements and therefore results in the existing development having a parking deficiency to TPS requirements. It is noted that the site cannot achieve on-site car parking in accordance with the TPS parking requirements.
- The local shops would require a total of 40 bays under the TPS parking requirements for Highway Commercial. It is considered that the subject site provides a local shopping facility and the application of Highway Commercial parking rates (normally considered to be developments such as Harvey Norman etc) is a little excessive. Application of the local centre parking requirements would result in a requirement of 32 bays.
- Assessment of the car parking demand indicates that, based on the TPS requirements of 40 bays, only 30 would actually be required to satisfy the peak demands. It is concluded that existing car parking provision will cater for the peak demands. Car parking on the residential part of Birdwood Avenue would not be required by the local shops.
- Based on the TPS parking requirement for the subject site, 14.6 bays were required for the previous uses and are also required for the proposed use. It is considered that the hairdresser could have utilised up to 12 of the allocated parking bays, leaving just 2 bays to service the Ezi-way store. The re-fit of the two tenancies as a single store is expected to result in a significant increase in available parking.

PURPOSE

This traffic statement has been prepared to consider the expected traffic movements and parking demand associated with the proposed re-fit of two shops at 262 Caning Highway from a grocer store and hairdresser to an IGA X-Press supermarket. Figure 1 shows the location of the subject land.

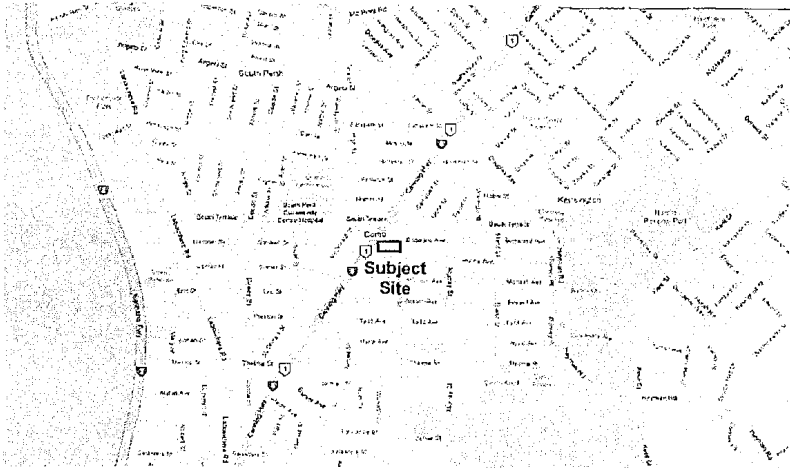


Figure 1 Site Location

Figure 2 shows the store re-fit.

IGA X-Press, 262 Canning Highway, Como

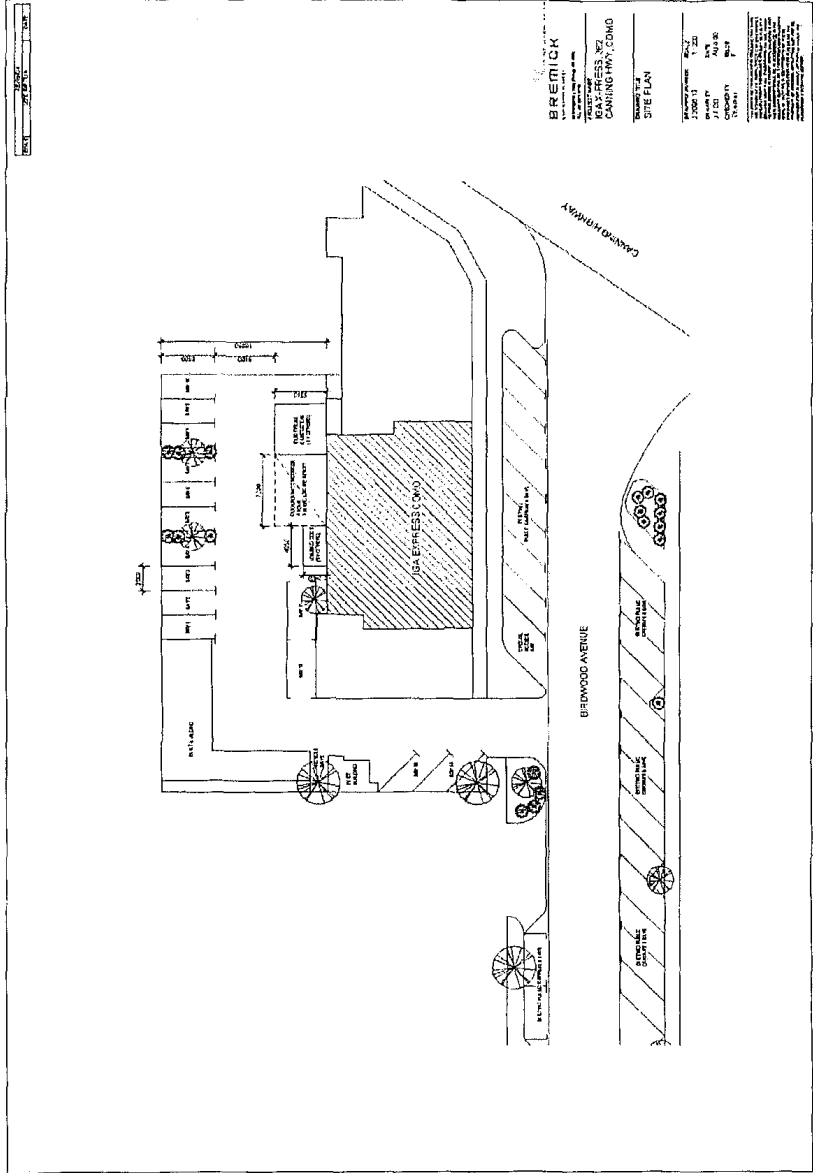


Figure 2 Store Layout

IGA X-Press, 262 Canning Highway, Como

THE SITE AND SURROUNDING ROAD NETWORK

The site is located at 262 Canning Highway, Como and is currently occupied by a grocers store and hairdresser.

Advice from the City of South Perth indicates that 29 parking bays were originally approved for the shops. However, a review of the original plan shows that the approved bays were not compliant with AS 2890.1 and would not therefore conform to the City of South Perth car parking layout requirements. It is considered that only 22 bays may have been considered to conform to AS 2890.1. However, it is more likely that the actual conforming bays would be in the order of 12 bays.

It is pertinent to note that since the original development approval, car parking requirements appear to have changed. It is considered that it is no longer possible to provide on-site car parking in accordance with the City of South Perth's Town Planning Scheme.

Parking to TPS requirements cannot be achieved on the subject site

It is considered that the City of South Perth has recognised this change in car parking requirements of older buildings and has introduced angled parking to Birdwood Avenue in front of the existing shops. Figure 3 shows an aerial view of the subject land and the current parking arrangements.

9 bays are provided to the south of Birdwood Avenue, with an additional 2 bays in front of the adjacent houses. 13 bays are provided to the north side of Birdwood Avenue. In total 24 on-street car parking bays have been provided in close proximity to the existing shops.

24 on-street parking bays are currently provided

IGA X-Press, 262 Canning Highway, Como

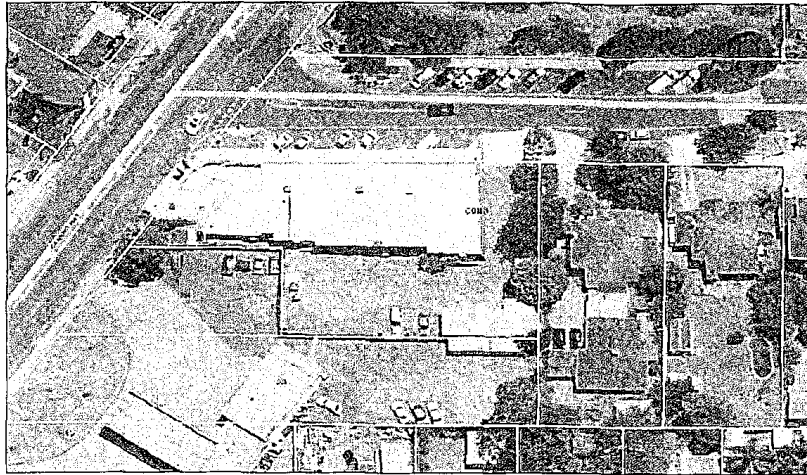


Figure 3 Land Areas (Landgate)

TRAFFIC GENERATION

Existing Land Uses

The existing floor area of Flair Today (hairdresser) is 77.6m² and the Eziway store is 214.4m², in total the two shops have a floor area of 292m².

The existing retail land uses have a floor area of 292m²

Reference to the Director General South Australia – *Land Use Traffic Generation Guidelines* indicates that small retail land uses can be expected to have a daily traffic attraction of 170 trips per 100m². Based on the existing Eziway store area of 214.4m² a traffic generation of (214.4/100 x 170) 364 trips per day would be expected. The hairdresser would also be considered as a retail outlet and would be expected to generate 132 trips per day. In total the existing site would be considered to generate 496 vehicle movements per day.

From a traffic generation perspective, the existing site can be expected to generate 496 trips per day

As a separate land use, the hairdresser at 77.7m² could easily accommodate 6 customer chairs. Based on each chair having a 30 minute turn-over, a total of 96 customers per day

IGA X-Press, 262 Canning Highway, Como

could be expected (8 hour operation). If all customers and staff drive the existing tenancy could generate up to 204 vehicle movements per day. Thus from a traffic generation perspective, the existing hairdresser could generate more traffic than a convenience store.

The only other land use currently operating is Australia Post. Two other tenancies are currently vacant, of which one is understood to be planned for a take-away pizza shop.

The Proposed Development

It is proposed to refit the existing two tenancies to provide an IGA X-Press supermarket. The total floor area of 292m² would be utilised and based on the trip rate previously used, would generate 496 trips per day.

The proposed store is expected to generate 496 trips per day

It can be seen therefore that from a traffic generation perspective, the proposed development can be expected to generate the same level of traffic movements.

TRAFFIC IMPACT

It can be seen that the proposed store can be expected to generate a similar level of traffic to the existing land uses and therefore the proposed store will have no significant impact to the local road network.

The proposed store will have no significant impact to the local road network

VEHICLE ACCESS

Access to the site is retained in its existing location off Birdwood Avenue. There are no changes proposed for the access, which has existed for many years. The access is shown in Figure 3.

PARKING

With regard to car parking, the proposed store will require the same number of car parking bays as current approvals for the site. The existing Ezi-way store and the hairdresser require 14.6 bays under the City of South Perth TPS parking requirement (1 bay per 20m² floor

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area). Combining the floor area of the two shops to provide one store will also require 14.6 bays under the Scheme.

No additional car parking is required for the proposed store

As has been indicated, the hairdresser shop is of a sufficient size to accommodate 6 customers at any time and this suggests that at least 4 staff would be employed. As a small shop there would be no control on staff parking and it would be expected that the 4 staff would park on-site. With regard to customers, it can be expected that they would be in the hairdresser for at least half an hour and that 6 bays could be occupied by customers for the majority of the day. It is likely that more customers will be in the salon than can be seated as they wait for their appointment. It can be expected therefore that the hairdresser could have utilised between 10 and 12 bays throughout the day.

It is considered that of the 14.6 bays indicated to be required for the Ezi-way store and the hairdresser, the Ezi-way store would have had access to just 2 bays during the day. The re-fit of the two stores can be seen to allow the full 14.6 bays to be available to IGA X-press customers.

A significant increase in parking opportunity will be gained through the removal of the hairdresser

When considering local car parking requirements, all Town Planning Schemes consider land uses in isolation. However, it is obvious that peak time of attraction could be different and cross-visitation and reciprocal parking will occur.

Peak Times of Use

Appendix A shows the typical traffic profiles of the different land uses occupying the subject site. A table is also included in Appendix A that shows the peak periods of operation based on the traffic profiles.

Based on the information attached as Appendix A, Table 1 indicates the expected parking demands based on the peak periods of attraction.

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Table 1 Expected Peak Parking Demands

Land Use	Area	TPS*	Morning	Lunch	Afternoon	Evening	Night
Gift Shop	150	7.5	4.5	7.5	4.5	0	0
Australia Post	113	5.6	4.48	5.6	4.48	0	0
Vacant	197	9.8	5.88	9.8	5.88	0	0
Take Away	51	2.5	0	1.25	0.75	2.5	2.5
IGA X-Press	292	14.6	10.22	8.76	14.6	14.6	0
		40	25	33	30	17	3

*TPS parking requirement @ 1 bay per 20m²

Table 1 shows that throughout the day the peak attraction of the local land uses will be different and a maximum of 33 bays would be expected to be required at lunchtime, rather than 40 bays as indicated by the TPS. It can be seen that by reviewing the peak attraction a reduction of 17.5% of the TPS parking requirement can be supported.

Data in the ITE (USA) Trip Generation manual suggests that up to 24% cross-visitation can be expected between complimentary land uses and this is very relevant for a convenience store and a post office. On this basis 24% of the convenience store customers could be expected to use Australia Post, resulting in a parking reduction of (14.6 x 424%) 3 bays.

Based on the demands shown in Table 1, the peak demand of 33 bays would reduce to 30 bays.

Peak demand of the local centre based on the TPS requirements is expected to require 30 parking bays

Parking Provision

As discussed there are currently 24 on-street car parking bays provided on Birdwood Avenue. The rear car park has been shown to provide 14 bays (refer Figure 2) but it is anticipated that an additional 2 bays could be provided once the electrical sub-station is complete. In total 38 bays can be sourced in close proximity to the subject site, which is slightly less than the TPS parking requirement for highway commercial¹. It can be seen that at peak times of attraction only 30 bays would be required and thus surplus car parking can be expected in the locality.

It is considered that sufficient car parking is provided to support the local shops.

¹ As previously stated it is considered that the IGA X-press store will provide local shopping

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Based on the assessment of the parking demand it is not expected that vehicles associated with the local shops will be required to park on-street adjacent to residential properties, other than in the two already constructed parking embayments.

It is considered that the parking associated with the local shops will be contained to the existing constructed parking embayments on Birdwood Avenue.

PROVISION FOR SERVICE VEHICLES

A loading bay is currently provided to the rear of the existing Ezi-way store and will be relocated to make access easier. As an existing grocer store, delivery vehicles would currently access the rear car park and the size and frequency is unlikely to change. There are no significant issues associated with the use of the loading bay, although it is understood that the relocation will provide far easier access.

HOURS OF OPERATION

It can be expected that the store will be open during current permitted retail trading hours, as the existing grocer store.

TRAFFIC MANAGEMENT ON FRONTAGE STREETS

Existing car parking has been introduced by the City of South Perth to Birdwood Avenue. 9 bays are provided to the south side and 13 bays to the north side. There is currently no development to the north side of Birdwood Avenue.

The proposed fit-out of the existing tenancies will not affect current car parking arrangements on Birdwood Avenue.

PUBLIC TRANSPORT ACCESS

The site is currently well served by public transport as indicated by Figure 4.

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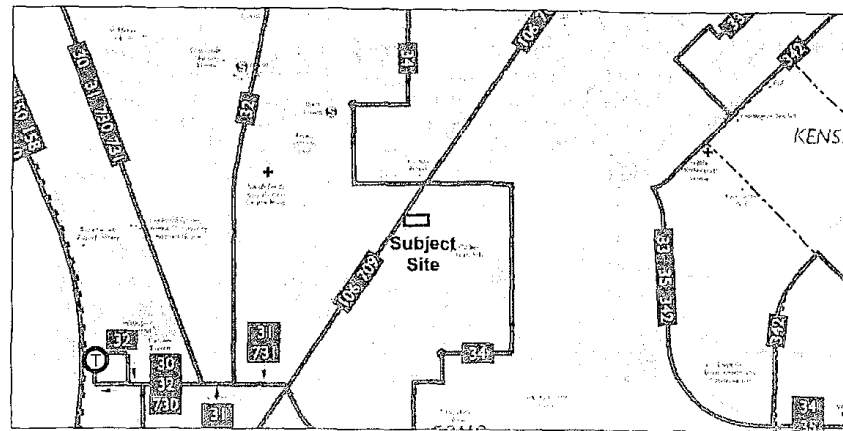


Figure 4 Public Transport Access

PEDESTRIAN AND CYCLE ACCESS

The store fronts Birdwood Avenue and is conveniently located within a medium density residential area. Easy walking access is provided for residents living east of the Canning Highway. Residents west of Canning Highway are within an easy walking distance, but there is a lack of safe pedestrian crossing facilities to Canning Highway. This is an existing situation that falls to the local government to address².

The City of South Perth has suggested that a door to the rear of the store should be provided to make access to the car park easier. This is not supported due to the loading bay situated to the rear of the store. It is considered dangerous to combine pedestrians with reversing delivery vehicles within the vicinity of a loading dock. Further the height difference between the car park and the loading dock will require the provision of stairs, introducing a trip hazard for customers.

It is considered that pedestrians walking to Birdwood Avenue to access the store will increase pedestrian activity to the street and generally result in a safer environment. It can be expected that customers will favour the angled parking provided on Birdwood Avenue and the car park would only be used during busy periods. This situation is considered to be safer for the community.

² In consultation with Main Roads

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SITE SPECIFIC ISSUES

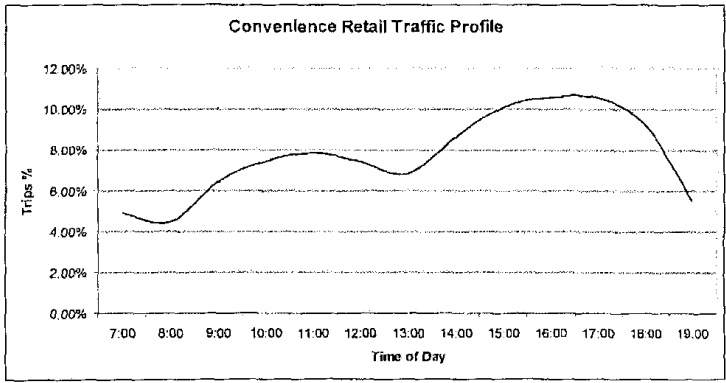
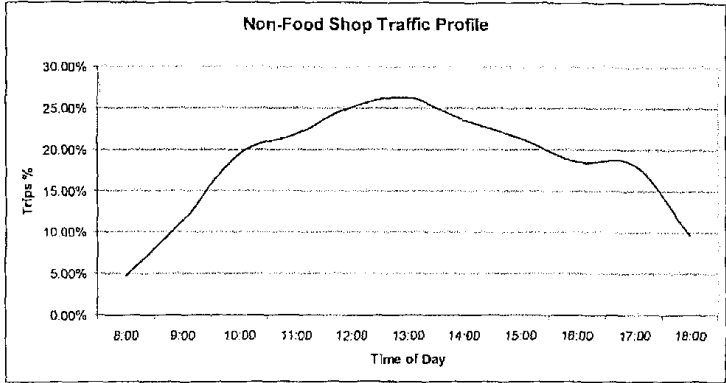
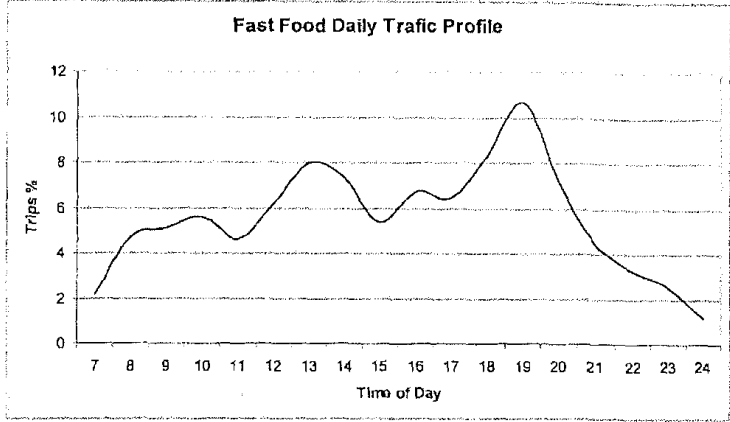
There are no site specific issues as the proposal seeks to re-fit two existing shops.

SAFETY ISSUES

There are no safety issues that arise as a result of the proposed fit-out of the existing stores.

Local pedestrian safety is compromised due to the lack of safe pedestrian crossing facilities to Canning Highway in the locality. This is a matter that the City of South Perth should raise with Main Roads.

**APPENDIX A
Typical Traffic Profiles**



IGA X-Press, 262 Canning Highway, Como

Expected Parking Demands

Land Use	Area	TPS*	Morning	Lunch	Afternoon	Evening	Night
Gift Shop	150	7.5	60%	100%	60%	0%	0%
Australia Post	113	5.6	80%	100%	80%	0%	0%
Vacant	197	9.8	60%	100%	60%	0%	0%
Take Away	51	2.5	0	50%	30%	100%	100%
IGA X-Press	292	14.6	70%	60%	100%	100%	0%

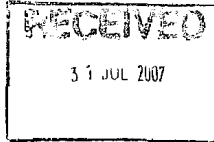
*Based on Highway Commercial zoning

Our Ref: 5438

GREG ROWE & ASSOCIATES

27 July 2007

Mr Jim Tsagalis
Lease Equity
Level 12, 207 Murray Street
PERTH WA 6000



Dear Mr Tsagalis

**RE: PRELIMINARY INVESTIGATION
LOT 7 (NO. 262) CANNING HIGHWAY, COMO**

We refer to your request for Greg Rowe and Associates to investigate the development potential of Lot 7 (No. 262) Canning Highway, Como. More specifically, we understand it is your desire to possibly expand the existing retail floor area at Lot 7 and that you wish to understand the specifics of this process. We are pleased to assist in this regard and provide below a brief summary of our findings.

SITE OVERVIEW

Lot Particulars

Lot 7 (No. 262) Canning Highway, Como (herein referred to as the "subject site") is located within the City of South Perth, approximately 4km south from the Perth Central Area.

The subject site is described as Lot 7 on Plan 28686, held on Certificate of Title Volume 1665 Folio 863. The subject site has a total area of approximately 1738m² with frontages of approximately 19m to Canning Highway and approximately 55m to Birdwood Avenue.

Existing Development

Review of the site plans supplied by Lyons Architects and a site visit undertaken by this Office reveals the subject site contains six (6) separate tenancies within one building, fronting Canning Highway and Birdwood Avenue. The building has a total floor area of approximately 734.56m².

Storage sheds and toilets are located in the eastern corner of the site, as separate structures to the main building (area approximately 119.88m²). The total Gross Floor Areas (GFA) on site is therefore 854.44m².

Eighteen (18) car parking bays and two (2) delivery bays are "marked out" on site for all tenancies, at the rear of the site, and are accessed from Birdwood Avenue. Some of these bays, however, appear to be "under-sized". Street car parking is also provided on Birdwood Avenue. Discussion with Council's Technical Officers confirmed that this parking was provided historically by the City and not as part of previous development application for the site.

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TOWN PLANNING CONSIDERATIONS

There are a number of Local (City) and State planning tools, which guide development of the subject site and its surrounds. The following provides an outline of the relevant planning considerations applicable to the development of the subject site, with specific reference made to the possible expansion of retail floor area.

Metropolitan Region Scheme

Under the provisions of the Metropolitan Region Scheme (MRS) the subject site is primarily zoned "Urban" with the portion of the site fronting Canning Highway reserved for "Primary Regional Roads". Please find attached a copy of a "Clause 42" Certificate which confirms the MRS reservation on the site.

As part of the subject landholding is "reserved" under the MRS, any Planning Application, and determination of such an application, must be referred to the Western Australian Planning Commission (WAPC) as well as obtaining planning approval from the City of South Perth. The Metropolitan Region Scheme Act is quite clear in this regard. Development on land (which for any part of an individual Title holding is reserved under the MRS) must also must be granted Development Approval by the State Planning Agency (WAPC).

City of South Perth Town Planning Scheme No. 6

Under the provisions of the City of South Perth Town Planning Scheme No. 6 (TPS 6) the subject site is zoned "Highway Commercial" with a residential density code allocation of "R80". There are no Objectives set out under the provisions of TPS 6 specific to the "Highway Commercial" zone, however there are broad Scheme objectives provided, some of which relate to commercial land uses. In this regard, please find below the relevant Scheme objectives provided under Clause 1.6 of TPS 6:

"(2) The general objectives of the Scheme are to:

- (i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) In all commercial centres, promote an appropriate range of land uses consistent with:

 - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
 - (ii) the preservation of the amenity of the locality;"**

Under the provisions of TPS 6 there are a number of development standards relevant to the "Highway Commercial" zone and the subject site. The following provides a summary of the relevant development standards.

Development Standards

In appreciation of the permitted land uses at the subject site and the broad Scheme objectives for commercial land set out above, TPS 6 outlines a number of development standards relating to building height, plot ratio, setbacks, landscaping, car parking and bicycle parking that must be considered when seeking any development approval. The relevant development requirements are outlined in the table below:

Maximum Building Height	Maximum Plot Ratio	Minimum Landscaping	Minimum Setbacks		
			Front (m)	Side (m)	Rear (m)
10.5m	0.50:1	15%	19 & 25	Nil	4.5

We note, in the case of irregularly shaped lots or lots with two or more street boundaries (the subject site) the Council will determine which are the primary street, side and rear boundaries, under the provisions of Clause 6.5 of TPS 6.

In regard to the minimum front setback requirements, two distances are provided, one for non-residential land uses and one for residential land uses. The 19m setback is provided for non-residential, which provides for future road widening (MRS reserve) whilst retaining a 1.5m setback to development. The 25m setback is provided for residential land, which also provides for future road widening whilst retaining a 7.5m setback to development.

If the minimum rear setback can not be achieved with a proposed expansion of an existing building, Clause 5.1(4)(b) of TPS 6 outlines provisions for a possible reduction in the minimum rear setback requirement. In this regard, Clause 5.1(4)(b) states:

"(4) Notwithstanding the minimum setbacks prescribed in Table 3:

- (b) in the District Centre Commercial zone, the Mends Street Centre Commercial zone and the Highway Commercial zone, the rear setback may be reduced, subject to provision being made to the satisfaction of the Council for loading and off-loading of delivery vehicles and the removal of rubbish from the site without the need for vehicles to reverse from or to a street;"*

If the minimum landscaping requirements can not be accomplished with a proposed expansion of an existing building, Clause 5.1(5) of TPS 6 allows for a possible reduction, as outlined below:

"(5) Notwithstanding the minimum landscaped area prescribed in Tables 3 and 4, the Council may permit a lesser landscaped area, if the developer provides outstanding landscaping in accordance with the provisions of clause 6.14(1), together with landscaping within the street reserve adjacent to the development site to a standard considered by the Council to be exceptional."

The car parking and bicycle parking requirements for the "Highway Commercial" zone are outlined within Table 6 under the provisions of TPS 6. We provide below the car parking and bicycle parking requirements for land uses we believe would be considered for future development/expansion or as a change of use at the subject site (Please find Table 6 of TPS 6 attached for a list of the car parking and bicycle parking requirements for all land uses). If a land use is not listed within Table 6, it is at the discretion of Council to determine what is an appropriate car parking provision).

Land Uses	Minimum Required Parking Bays	
	Cars	Bicycles
Office within Highway Commercial Centre	1 per 20m ² gross floor area	1 per 20m ² gross floor area for staff and / or visitors
Shop within Highway	1 per 20m ² gross floor area	1 per 20m ² gross floor area for

Commercial Centre		staff and / or visitors
Café/Restaurant	1 per 5m ² of dining area	1 per 40m ² of dining are for visitors
Consulting Rooms	1 for every 19m ² of gross floor area within a minimum of 6; plus 1 for every person employed on the premises	1 per praclitioner
Local Shop	1 per 25m ² of gross floor area	1 per 25m ² of gross floor area for visitors

A review of the site plans provided by Lyons Architects and a site visit undertaken by this Office indicate all of the existing land uses at the subject site would be classified as "Shop" under the provisions of TPS 6. Further dialogue with the City of South Perth is required to confirm the site's current approved land uses. Under the provisions of TPS 6 the uses on this site with approximately 854.44m² Gross Floor Area requires 42.722 (43) car parking bays at a rate of 1 bay/20m² GFA. As mentioned above the subject site contains 18 car parking bays, so therefore does not comply with the provisions of TPS 6.

In light of the above, we note that any significant change in the land use, or expansion of the existing gross floor area at the subject site, may raise issues with on-site car parking provisions, ultimately preventing possible expansion. Notwithstanding, under the provisions of Clause 6.3(4)(a) and (c) Council may approve development with a lesser number of car parking bays than outlined under TPS 6. In this regard, Clause 6.3(4)(a) and (c) states:

"(4) Subject to paragraph (d), in the case of non-residential Uses, the Council may grant planning approval for a development having a lesser number of car parking bays than the number prescribed in Table 6, provided that the following requirements are met:

- (a) The Council is satisfied that the proposed number of bays is sufficient, having regard to the peak parking demand for different uses on the development site.*
- (c) In the Highway Commercial and the Local Commercial zones, in the case of additions which do not increase the existing floor area by more than 10%, or 50 square metres, whichever is the greater, the Council is satisfied that sufficient public parking bays are available in the vicinity of the development site to cater for the proposed development."*
(our underlining).

It is our opinion that sufficient public car parking bays are available in the vicinity of the subject site and would therefore comply with the provisions of Clause 6.3(4)(a) and (c). Before any application is submitted to expand the retail floor space at the subject site under the provisions of Clause 6.3(4)(a) and (c), we recommend further dialogue with the City to gauge its view on the availability of off site car parking.

If it is your desire to increase the gross floor area greater than 10% or 50m² of the existing floor area, then the subject site will not be able to provide the required number of car parking bays, under the provisions of TPS 6. If the required minimum number of car parking bays referred to above is not provided on the site, Council may accept a cash payment in lieu of the provision of some or all of those bays subject to Clause 6.3(5)(b). In this regard, Clause 6.3(5)(b) states:

- "(b) When considering an application for planning approval relating to non-residential Uses, where the required minimum number of car parking bays referred to in paragraph (a) is not provided on the development site, the Council may accept a cash payment in lieu of the provision of some or all of those bays, subject to the following requirements:
- (i) The Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site, with the intention of implementing such proposals within five years from the date of granting planning approval. Such proposals may include one or more of the following:
- (A) the provision of additional public parking bays in the vicinity of the development site;
- (B) the acquisition of land for the purpose of providing such additional bays;
- (C) the construction or installation of facilities which will regulate the permissible duration of stay of a vehicle occupying an existing bay; and
- (D) the implementation of measures designed to encourage the full capacity use of existing public parking bays in the vicinity of the development site.
- (ii) The cash payment shall be:
- (A) not less than the amount the Council estimates to be the cost to the owner of providing and constructing a car park containing the deficit bays, in addition to the value, as estimated by the Valuer-General, of the land which would have been occupied by those deficit bays; and
- (B) paid into a special fund to be used for any of the purposes referred to in sub-paragraph (i)."

City of South Perth Local Commercial Strategy

The City of South Perth Local Commercial Strategy (LCS) was prepared by PlanWest (WA) Pty Ltd and Belingwe Pty Ltd in review of the City of South Perth 1996 draft Local Commercial Strategy. The LCS was adopted by Council in March 2004 but has not been endorsed by the Western Australian Planning Commission (WAPC).

In review of existing commercial land within the City of South Perth, the LCS outlines six categories of commercial areas. The subject site falls within a Category 4 – Highway Commercial area. The LCS makes the following broad recommendations with respect to Category 4 – Highway Commercial areas:

- * *The Council should use the expansion potential at the various points along Canning Highway to promote redevelopment and refurbishment.*
- * *In the case of additions to an existing building, notwithstanding the maximum plot ratio prescribed in TPS6, where proposed additions involve an increase in floor area of more than 10%, such development should only be approved if the existing building is significantly upgraded.*

- *Development should not be supported by the Council unless vehicular access to and from lots which abut Canning Highway or Manning Road are:*
 - (i) *confined to the minimum necessary in the opinion of the Council for orderly traffic movement; and*
 - (ii) *designed in such a manner as to facilitate entry onto the road in a forward gear.*
- *In any new development within the zone, retailing floorspace should be incidental to the predominant use of the site or is of a nature reliant on passing trade for predominant patronage.*
- *Development should not occur on land affected by road widening.* (our underlining).
- *The Council should be satisfied that the physical appearance, amenity and service offered by any new development is compatible with the objectives for this type of centre.*
- *To promote the upgrading and improvements to the physical appearance of the commercial development as viewed from Canning Highway and Manning Road, the Council should consider relaxing parking requirements, or allowing the use of streets for parking where adjoining land uses are non-residential;* (our underlining).
 - (i) *where such parking cannot be provided on-site or where it would be visually intrusive to do so; and*
 - (ii) *by so doing, better landscaping and / or refurbishment of existing development can occur on the site.*
- *The Council should discourage excessive signage other than what may be reasonably required to advertise highway businesses and should support variations to signage policy where consolidation of, or improvement to, existing advertising is proposed.*
- *The Council should encourage integrated development between adjoining commercial properties, and could require cross access and reciprocal parking arrangements and / or lot amalgamation as part of development proposals.*
- *Given the over-supply of Local and Neighbourhood floorspace throughout the City, and the resistance by the Commission to ad hoc highway commercial development, no additional areas are recommended for Highway Commercial zoning other than those already identified in TPS6."*

Within the Category 4 – Highway Commercial classification are a number of centres that exist along Canning Highway and Manning Road. The subject site is located within the Canning Highway/ Monash Street Centre, which consists of the "Highway Commercial" zoned land fronting Canning Highway, bound by Monash Street to the south and Birdwood Avenue to the north. In terms of floor space potential at the Canning Highway/ Monash Street Centre, the LCS indicates the following:

- 2002 – 1,055m² (Existing)
- 2006 – 1,040m² (Modelled)
- 2011 – 1,057m² (Modelled)
- 2021 – 1,135m² (Modelled)

Please note the modelled potential floor space outlined above, refers to the potential floor space for the entire Canning Highway/Monash Street Centre, not just the subject site.

We note we have not been able to ascertain at this juncture if any expansion of the floor space at the Canning Highway/Monash Street Centre has occurred since 2002.

As is evident for the above, the potential floor space for this centre reduces between 2002 and 2006 before increasing to 2011 and 2021. Correspondence from PlanWest (WA) Pty Ltd representative Mr. Tim Auret indicates the modelled floor space provisions from 2006 to 2021 are based on the timing of population and income growth and assumptions about the timing of new competition. Competition can have the effect of lowering trade potential at centres until spending potential increases, which is evident in the Canning Highway/Monash Street Centre (hypothetical) model.

Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region

The Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region (SPP 9) was established to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the Perth Metropolitan Region (PMR). In doing this, SPP 9 establishes a hierarchy of commercial centres throughout the PMR outlining floor space guidelines for Strategic, Regional, District and Neighbourhood centres. The floor space guidelines are applicable only to shop floor space, being those activities listed in Planning Land Use Category 5 (PLUC 5) of the Western Australian Standard Land Use Classification (WASLUC). A list of WASLUC PLUC 5 land uses is attached.

Under the provisions of SPP 9 the subject site and its surrounding retail and commercial land uses (Canning Highway/Hobbs Street Centre) are classified as a Neighbourhood and Local Centre. The Shopping Floorspace Guide contained in SPP 9 recommends that Neighbourhood and Local Centres have a floor area of up to 4,500m² Net Lettable Area ('NLA'). NLA is defined in SPP 9 as:

"Net Lettable Area (nla) means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas:

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms, and plant rooms, and other service areas;*
- (b) lobbies between lifts facing other lifts serving the same floor;*
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of the occupiers of the floor or building; and*
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use occupiers of the floor or building."*

SPP 9 requires Local Governments to prepare and adopt a Local Commercial Strategy to guide the distribution of shop floor space within their respective municipalities. Once a Local Commercial Strategy is adopted by the Local Government and endorsed by the WAPC, the floor space recommendations of the Local Commercial Strategy prevail over the Shopping Floorspace Guide contained in SPP 9.

As mentioned above, the City of South Perth Local Commercial Strategy has been adopted by the City but not endorsed by the WAPC, meaning development applications proposing up to 4,500m² NLA PLUC 5 floor space (for the entire Canning Highway/Monash Street Centre), consistent with the SPP 9, may be determined by the City. Once the LCS is endorsed by the WAPC, development applications for up to 1,135m² NLA PLUC 5 floor space (in accordance with the LCS) may be determined by the City. If a

development application does not satisfy either of these scenarios, approval will be required from both the City and the WAPC.

Although the LCS has not been endorsed by the WAPC, it has been adopted by the City and is therefore likely to be considered as a seriously entertained proposal that Council should take into consideration. Therefore it may be more difficult (although statutorily plausible) to obtain approval for 4,500m² NLA PLUC 5 floor space within the Canning Highway/Monash Street Centre, whilst adhering to the development standards of TPS 6. In this regard, we would recommend further dialogue with the City to gauge its views on the provisions of the LCS and SPP 9 with regard to the possible expansion of the gross floor area at the subject site.

DEVELOPMENT AND EXPANSION POTENTIAL

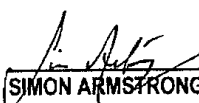
Consideration of the above-mentioned Local and State Government planning documents outlines that there may be the potential to expand the existing retail floor space at the subject site. From our initial investigations there are a number of aspects which should be highlighted and will need to be given further consideration if an expansion of the existing building is considered.

Firstly, car parking provision at the subject site will need to be considered as the existing development at the subject site does not currently comply with the minimum car parking provisions of TPS 6. Secondly, any proposed expansion will need to consider the maximum plot ratio provisions of TPS 6 and the modelled floor space provisions of LCS. Whilst the LCS is not WAPC endorsed, we have not determined (at this stage) how much emphasis the City of South Perth will give the LCS provisions as they apply to this site. In any case, further dialogue with the City is recommended to gauge its views on the car parking provision at the subject site (and its surrounds) and the modelled floor space provisions of the LCS.

As it was your preference to understand the subject site's potential for future expansion, we trust the explanation provided above assists. Greg Rowe and Associates is in a position to provide further assistance with respect to a fee proposal, with associated scope of works, for the preparation and lodgement of a Development Application at the subject site. We would be pleased to meet with you to discuss this preliminary information further and to assess / outline options.

Should you have any queries in regard to the information provided above, please do not hesitate to contact Mr. Greg Rowe of this Office or the undersigned.

Yours faithfully
GREG ROWE AND ASSOCIATES


SIMON ARMSTRONG

Encl

City of South Perth

Attachment 10.5.1

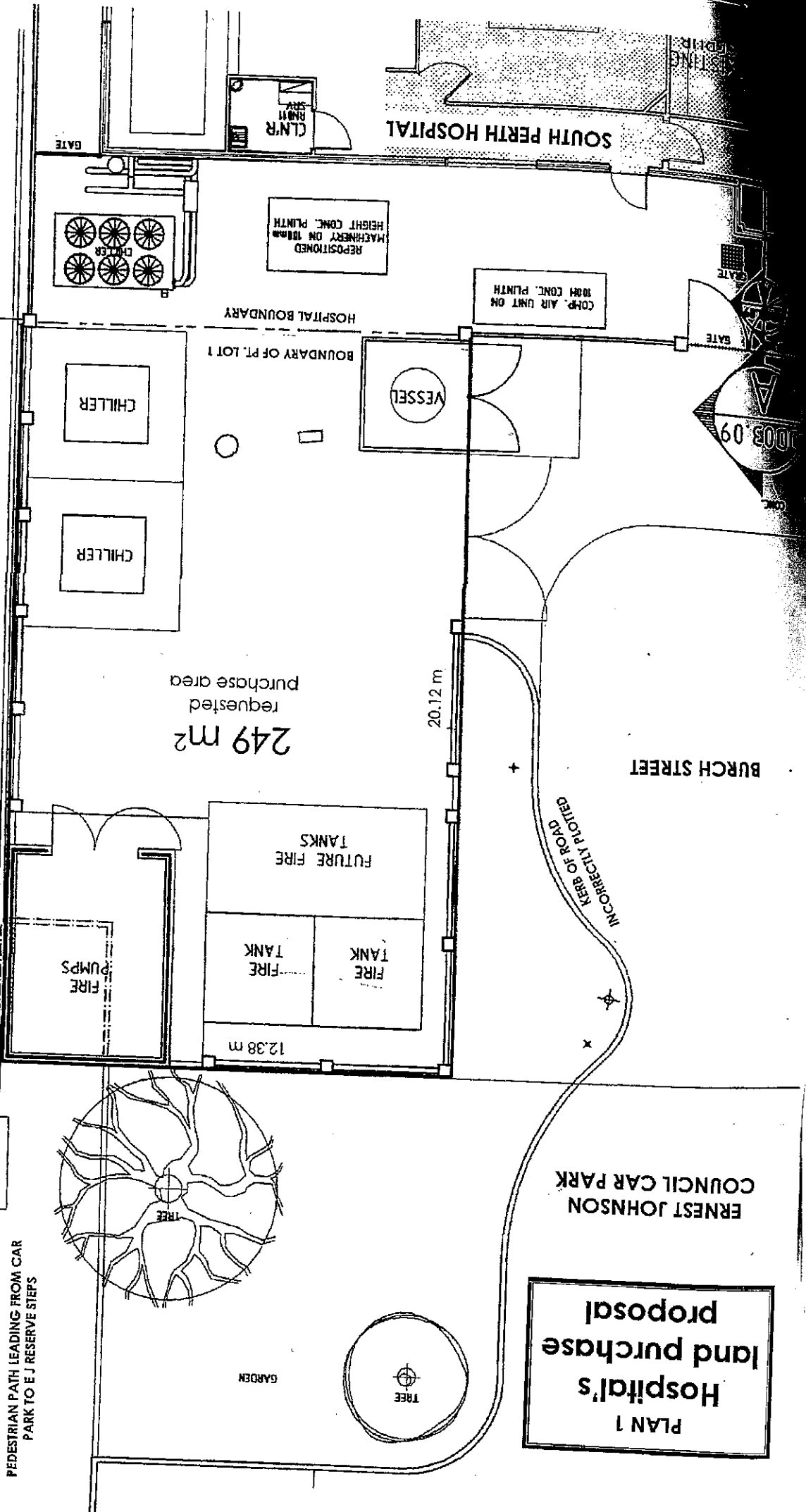
List of Application for Planning Consent Deterimed Under Delegated Authority for the Period 1/10/2008 to 31/10/2008

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2008.0000018.001	CO6/49	30/10/2008	49 Coode ST SOUTH PERTH	Beaumonde Homes	Refused	THREË STOREY SINGLE HOUSE
011.2008.0000019.001	CO6/49	30/10/2008	49 Coode ST SOUTH PERTH	Beaumonde Homes	Refused	THREË STOREY SINGLE HOUSE
011.2008.0000096.001	CL3/33	13/10/2008	33 Cloister AVE MANNING	Mr F Lim	Approved	ADDITIONS TO CHURCH
011.2008.00000115.001	FO4/18	29/10/2008	18 Fourth AVE KENSINGTON	Mr N A Briggs	Approved	Carport Addition to Single House
011.2008.00000168.001	CA6/39	9/10/2008	392 Canning HWY COMO	Mr I W Clark	Approved	ADDITIONS TO MULTIPLE DWELLING
011.2008.00000219.001	TH3/30	13/10/2008	30 Third AVE KENSINGTON	Mr M Dabala	Approved	Additions / Alterations to Single House
011.2008.00000230.001		6/10/2008	32 Saunders ST COMO	Mr A W Fleming	Approved	DIVIDING FENCE EXCEEDING 1.8 METRES
011.2008.00000245.001	CA6/13	13/10/2008	130 Canning HWY SOUTH PERTH	Australian Fast Foods Pty Ltd	Approved	Additions / Alterations to Café / Restau
011.2008.00000266.001	ER1/71	6/10/2008	71 Eric ST COMO	Mr H Nortier	Approved	Additions / Alterations to Single House
011.2008.00000277.001	CR4/9	14/10/2008	Crowley VS SALTER POINT	Peter Stannard Homes Pty Ltd	Approved	TWO STOREY SINGLE HOUSE
011.2008.00000291.001	MC1/67	13/10/2008	67 McDonald ST COMO	RJ Knott, PT Ker & Associates	Approved	THREË GROUPED DWELLINGS
011.2008.00000308.001	MA3/12	6/10/2008	121 Manning RD MANNING	Gemmill Homes Pty Ltd	Approved	Single House
011.2008.00000312.001	CA6/26	24/10/2008	262 Canning HWY COMO	Bremick Pty Ltd	Approved	CHANGE IN LAND USE
011.2008.00000320.001	HO4/42	16/10/2008	42 Hovia TCE KENSINGTON	Mr B N Daily	Approved	Additions / Alterations to Single House
011.2008.00000331.001	BR4/32	9/10/2008	32 Brittain ST COMO	Mr M Power	Approved	ADDITIONS TO GROUPED DWELLING(S)
011.2008.00000343.001	LO3/20	16/10/2008	20 Lowan LP KARAWARA	Great Aussie Patios	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2008.00000352.001	SA4/43	9/10/2008	43 Saunders ST COMO	Mr M G West	Approved	ADDITION TO SINGLE HOUSE- WITHIN MRS
011.2008.00000353.001	CO2/9	2/10/2008	9 Collins ST SOUTH PERTH	LORIMER HOMES PTY LTD	Approved	TWO STOREY SINGLE HOUSE
011.2008.00000355.001	HE3/13	10/10/2008	134 Hensman ST SOUTH PERTH	Mrs K A Dunjey	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2008.00000367.001	DA5/39	10/10/2008	39 David ST KENSINGTON	LMCD Holdings Pty Ltd	Approved	ADDITION TO SINGLE HOUSE- WITHIN MRS
011.2008.00000368.001	K12/92	2/10/2008	92 Kilkenny CIR WATERFORD	Oasis Patios	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2008.00000386.001	BR5/16	6/10/2008	Broad ST KENSINGTON	Gold Style Homes	Approved	TWO STOREY SINGLE HOUSE

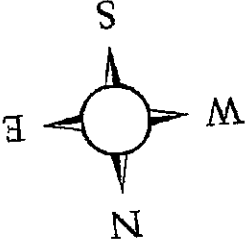
List of Application for Planning Consent Determied Under Delegated Authority for the Period 1/10/2008 to 31/10/2008

Application #	Ext. Ref.	PC Date	Address	Applicant	Status	Description
011.2008.00000388.001	CH2/28	29/10/2008	28 Charles ST SOUTH PERTH	Richmount Enterprises Pty Ltd	Approved	ADDITIONS TO OFFICE DEVELOPMENT
011.2008.00000415.001	LA1/24	15/10/2008	243 Labouchere RD COMO	Tangent Nominees Pty Ltd	Approved	ADDITIONS TO GROUPED DWELLING(S)
011.2008.00000426.001		1/10/2008	31 Waverley ST SOUTH PERTH	One Stop Patio Shop	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2008.00000428.001		1/10/2008	31 Edgecumbe ST COMO	Glenbarrie Enterprises Pty Ltd	Approved	ALTERATIONS TO GROUPED DWELLING(S)
011.2008.00000429.001		1/10/2008	12B Pepler AVE SALTER POINT	Mr S Wilcox	Approved	Additions / Alterations to Office
011.2008.00000434.001		6/10/2008	31B Henning CRES MANNING	Mundaring Roofing & Patios	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2008.00000435.001		13/10/2008	63A George ST KENSINGTON	APG Homes	Approved	TWO STOREY SINGLE HOUSE
011.2008.00000436.001	RO5/9	2/10/2008	9 Roseberry AVE SOUTH PERTH	Mr N Nguyen	Approved	Additions / Alterations to Single House
011.2008.00000439.001	HE3/11	21/10/2008	114 Hensman ST SOUTH PERTH	Mr Thatch	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2008.00000442.001		6/10/2008	31 Jackson RD KARAWARA	JOSHUA BROOK PTY LTD	Approved	PATIO ADDITION TO SINGLE HOUSE
011.2008.00000444.001	ED5/14	8/10/2008	14 Ednah ST COMO	JOSHUA BROOK PTY LTD	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2008.00000453.001	SE2/16	17/10/2008	16 Seventh AVE KENSINGTON	Dale Alcock Home Improvement	Approved	Additions / Alterations to Single House
011.2008.00000456.001	KI1/14	17/10/2008	14 Kilbride CL WATERFORD	Simcom Construction	Approved	Additions / Alterations to Single House
011.2008.00000458.001		15/10/2008	58 Mt Henry RD SALTER POINT	Parry & Rosenthal Architects	Approved	ADDITIONS TO EDUCATIONAL ESTABLISHMENT
011.2008.00000460.001	ANB1/5	21/10/2008	53 Angelo ST SOUTH PERTH	Mr J M Fyfe	Approved	SIGN
011.2008.00000461.001	CO6/31	16/10/2008	31 Coode ST SOUTH PERTH	A-Z Patios Pty Ltd	Approved	PATIO ADDITION TO GROUPED DWELLING
011.2008.00000466.001	WA6/66	16/10/2008	66 Waterford AVE WATERFORD	NH Enterprises Pty Ltd	Approved	Additions / Alterations to
011.2008.00000467.001	MO1/56	16/10/2008	56 Monash AVE COMO	Outdoor World	Approved	Additions / Alterations to
011.2008.00000470.001	LA6/45	17/10/2008	45 Lawler ST SOUTH PERTH	Carport Constructions	Approved	Additions / Alterations to
011.2008.00000472.001	HO5/7	21/10/2008	7 Howard PDE SALTER POINT	Dale Alcock Home Improvement	Approved	Additions / Alterations to Single House
011.2008.00000486.001	HA1/43	17/10/2008	43 Hampden ST SOUTH PERTH	Greg Davies Architect	Approved	Additions / Alterations to
011.2008.00000487.001	MA8/89	17/10/2008	89 Mary ST COMO	Thorn Roofing Contractors	Approved	PATIO ADDITION TO GROUPED DWELLING

PLAN 1
Hospital's
land purchase
proposal



Scale 1:100
 (Dimensions shown need verification)



ERNEST JOHNSON
 RESERVE

EXISTING
 STEPS TO BE
 RELOCATED

PROPOSED
 STEPS

PEDESTRIAN PATH LEADING FROM CAR
 PARK TO E.J. RESERVE STEPS

GARDEN

TREE

249 m²
 requested
 purchase area

CHILLER

CHILLER

VESSEL

REPOSITIONED
 MAINTENANCE ON PLINTH
 HEIGHT CONC. PLINTH

CORP. AIR UNIT ON
 1800 CONC. PLINTH

HOSPITAL BOUNDARY

BOUNDARY OF PL. LOT 1

12.38 m

20.12 m

BURCH STREET

INCORRECTLY PLOTTED

ERNEST JOHNSON
 COUNCIL CAR PARK

SOUTH PERTH HOSPITAL

CLINICAL ROOM

EXISTING
 PLINTH

GATE

GATE

GATE

GATE

Landgate

SCANNED

Our Ref: Road Closure - South Perth - Burch Street (job 93727 March 07) SA:RS
Enquiries: Shohreh Adviehchi ph: (08) 9429 8710 e-mail: shohreh.adviehchi@landgate.wa.gov.au

Russell Johnson
Rates Officer
City of South Perth
Civic Centre
Corner Sandgate Street & South Terrace,
SOUTH PERTH WA 6151

CITY OF SOUTH PERTH		
2 APR 2007		
Doc ID No:	R1101	
File No:	R0	
Original To:		
Action <input type="checkbox"/>	Info <input checked="" type="checkbox"/>	File <input type="checkbox"/>

FOR THE ATTENTION OF MR RUSSELL JOHNSON

PROPOSAL TO INCLUDE PORTION OF LOT 1 BURCH STREET INTO ADJOINING LOT 145 SOUTH TERRACE STREET, SOUTH PERTH (SOUTH PERTH COMMUNITY HOSPITAL)

In response to your request, I have completed my investigation to determine the added value to Lot 145 Burch Street, South Perth following the amalgamation with portion of Lot 1 Burch Street, South Perth.

Thank you for your instruction in this matter. My report is attached.

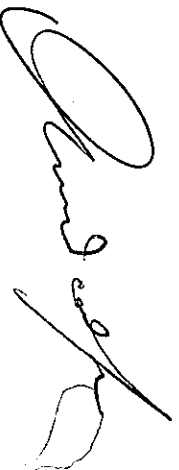
This report has been prepared for the private and confidential use of the client to whom it is addressed and should not be reproduced, either wholly or in part, or relied upon by third parties for any use, without the express authority of the Valuer General.

Thank you for your inquiry and, if you have any other queries, please do not hesitate to contact me.

Yours sincerely



**SHOHREH ADVIEHCHI
GRADUATE VALUER**



**GEORGE METCALFE AAPI
CERTIFIED PRACTISING VALUER
VALUER LICENCE NO. 395**

28 March 2007



Western Australian Land Information Authority ABN 86 574 793 858
18 Mount Street, Perth, Western Australia 6000
Postal Address: PO Box 7201, Cloisters Square, Western Australia 6850
Telephone (08) 9429 8400 Facsimile (08) 9429 8500 Email: vs@landgate.wa.gov.au
Website www.landgate.wa.gov.au ABN 86 574 793 858



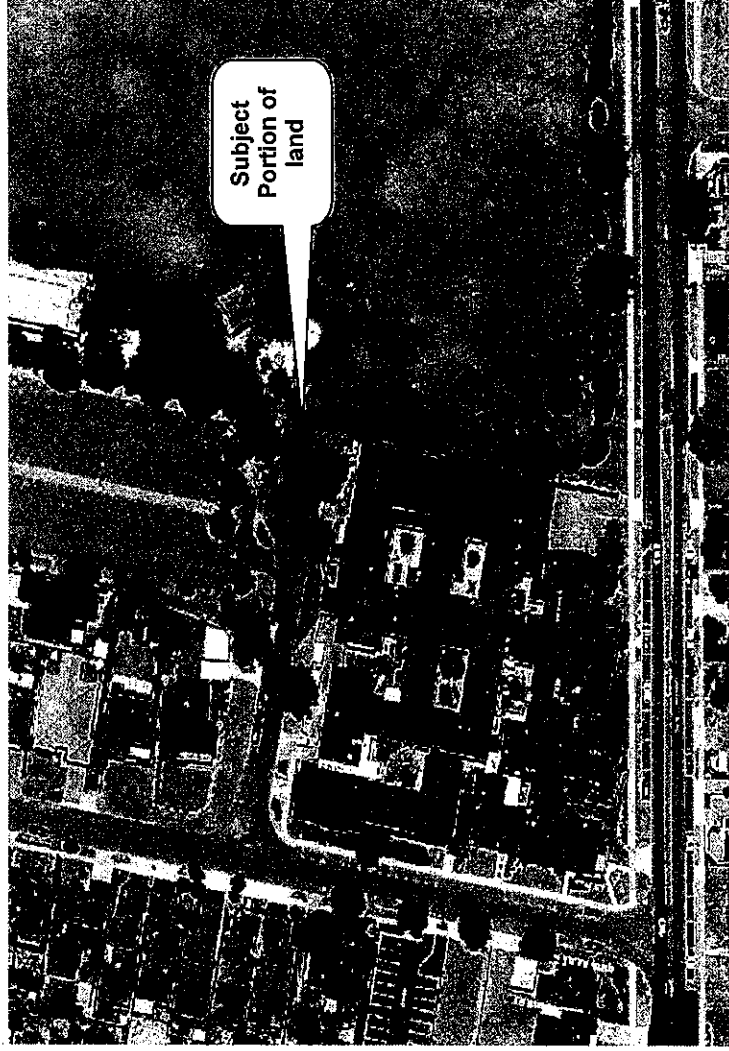
Landgate

AMALGAMATION OF

PORTION OF

LOT 1 BURCH STREET, INTO ADJOINING LOT

SOUTH PERTH



Prepared by
Shohreh Adviehchi
Graduate Valuer

Prepared for
Russell Johnson
Rate Officer
City of South Perth
Civic Centre
Corner Sandgate Street & South Terrace,
SOUTH PERTH WA 6151



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VALUATION REPORT

1 VALUATION INSTRUCTIONS

Instructions have been received from Mr. Russell Johnson from the City of South Perth requesting a valuation of a portion of Lot 1 Burch Street, South Perth on the basis that it be amalgamated into the adjoining lot in the following configuration.

Amalgamation to	Existing Land Area	Portion of Lot 1 Amalgamated	Land Area After Amalgamation
Lot 145 (Plan 41389)	8,330m ²	249.08m ²	8,579m ²

2 CLIENT

The client is the City of South Perth..

3 DATE OF VALUATION

The date of valuation is 20 March 2007, also being the date of inspection.

4 PROPERTY ADDRESS

4.1 SUBJECT PROPERTY (PORTION OF LOT 1)

20 Burch Street, South Perth. This property is a portion of the Ernest Johnson Oval and formally part of the parking area associated with the oval.

4.2 ADJOINING PROPERTY SUBJECT OF PROPOSED AMALGAMATION

Lot 145 South Terrace, South Perth. This property is occupied by South Perth Community Hospital.

Both lands are within the local government boundaries of the City of South Perth.

5 BASIS OF VALUATION

The subject land is not to be created and developed as an individual lot as advised by the City of South Perth Planning Department. A condition of sale is that it be amalgamated with the adjoining land.

The basis of valuation has therefore been determined as the added value the land ascribes to the adjoining property, being the difference in value of the adjoining property before and after the amalgamation of the subject land.

Both the 'Before and After' values of the adjoining property have been based on the highest and best use in each instance.

6 LEGAL DESCRIPTION

6.1 PORTION OF LOT 1 BURCH STREET, SOUTH PERTH

Is legally described as Lot 1 on Plan 14563 and being the whole of the land contained within Certificate of Title Volume 2063 Folio 417.

6.1.1 REGISTERED PROPRIETORS

City of South Perth of Sandgate Street, South Perth. (A G066478) Registered 28 December 1995.

6.1.2 ENCUMBRANCES

1. Save and except the rights to mines of coal or other minerals.
2. The land the subject of this certificate of title excludes all portions of the lot described above except that portion shown in the sketch of the superseded paper version of this title. Vol 2063 Fol 417.
3. F685144 Caveat by Water Authority of Western Australia. Lodged 27.9.1994.

6.2 LOT 145 SOUTH TERRACE, SOUTH PERTH

Is legally described as Lot 145 on Deposited Plan 41389 and being the whole of the land contained within Certificate of Title Volume 2592 Folio 389.

6.2.1 REGISTERED PROPRIETORS

South Perth Community Hospital Inc of South Terrace, Como. (AF J287937) Registered 17 May 2005.

6.2.2 ENCUMBRANCES

1. The right to mines of coal or other minerals being excluded from portion of the said land.

7 TOWN PLANNING

The subject property and the adjoining land are both zoned "Urban" under the Metropolitan Regional Scheme.

7.1 LOT 145 (ADJOINING PROPERTY)

My discussion with a town planner from the City of South Perth has confirmed that the adjoining property, Lot 145, is currently zoned "Private Institution" under the City of South Perth's Town Planning Scheme No. 6. This zoning generally allows for facilities such as local shops, public utilities, aged or dependent persons dwelling, child minding centres, clubs, consulting rooms, offices, high level residential aged care facilities, hospitals and single house residential uses.



Landgate

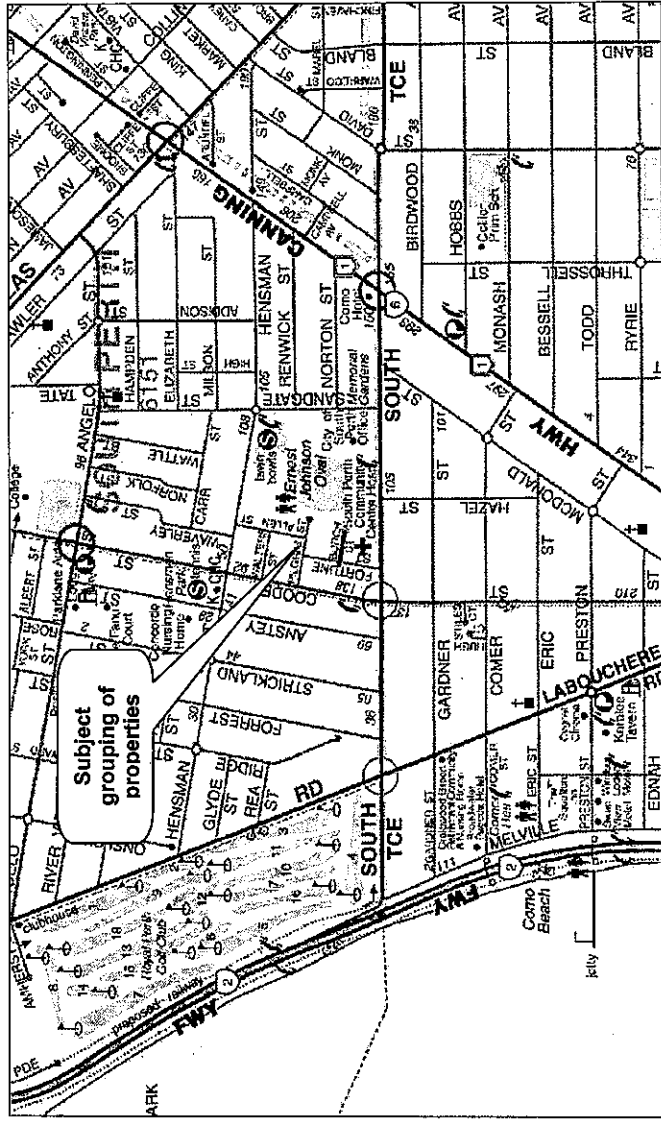
Closure of Portion of Lot 1 Burch Street, South Perth

Further investigations have confirmed that this property has an underlying zoning of 'R15' under the Town Planning Scheme No.6, Precinct 3. This means that upon any change of land use (if hospital is no longer required) the preferred use for lot 145 is to align with the requirements of R15 zoning.

7.2 PORTION OF LOT 1 (SUBJECT OF AMALGAMATION)

The town planner also stated that the subject land (portion of Lot 1) is zoned "Public Purpose" under Town Planning Scheme No.6. However we consider the highest and best alternate use to be "Private institution" zoning which is inline with the current zoning of adjoining lot, Lot 145.

8 LOCATION



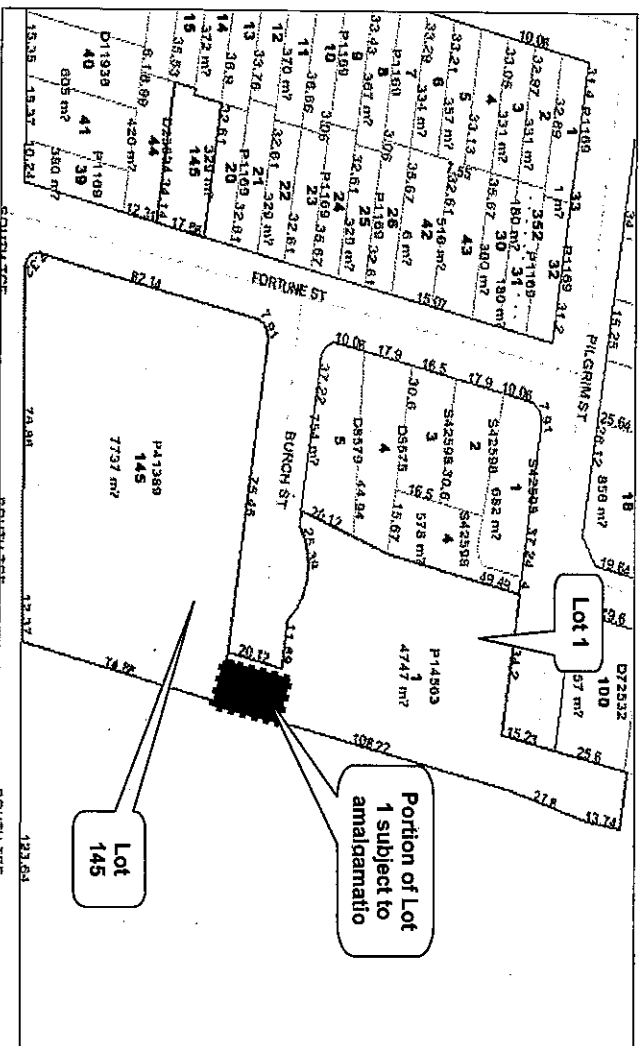
The subject properties are located in the residential suburb of South Perth, approximately 1 kilometre south of the Perth Central Business District.

More particularly the subject land is situated at the end of Burch Street, bounded by the "South Perth Community Centre Hospital", Ernest Johnson Oval and Ernest Johnson Car Park.

South Perth is a well established residential suburb which features a significant number of high value properties. The balance of the locality consists of a broad cross section of residential development ranging from original housing and modern single dwellings to group housing and multi storey units. This suburb also provides a wide range of services and amenities as well as recreational, community and educational facilities.

A good major road network services the locality and includes Mill Point Road, Douglas Avenue and Canning Highway.

9 SITE DETAILS



9.1 PORTION LOT1 (SUBJECT PROPERTY)

The subject portion of Lot 1 the subject of this amalgamation, has a frontage of 12.38 metres to adjoining Lot 145 and a frontage of 20.12 metre to Burch Street. This portion of Lot 1 has a total approximate area of 149 square metres.

A current survey has not been sighted. The accuracy of the areas should be investigated by a current survey report and/or advice from a Registered Surveyor. If any variances are noted in a survey report, any effect on the value stated in this report will need to be reassessed.

The site is basically flat and level, covered with grass. Two large trees and a street lighting pole are also erected on this portion of Lot 1.

SUBSOIL, GRADIENT, SERVICES AND MERGED IMPROVEMENTS

All the public facilities for urban areas such as sewerage, scheme water, telephone, and electricity are connected or available for connection to subject grouping of properties.

9.2 ADJOINING PROPERTY (LOT 145)

The dimension of the adjoining lot prior to amalgamation is described in the table below:

Dimensions	Lot 145 South Terrace, South Perth
Frontages	<ul style="list-style-type: none"> Frontage of 82.14 metres to Fortune Street, 87.83 metres to Burch Street and 89.23 metres to South Terrace.
Area	<ul style="list-style-type: none"> Rectangular shaped lot with a total area 8330 m²



A current survey has not been sighted. The valuation is made on the basis that there are no encroachments by or upon the property and this should be confirmed by a current survey report and/or advice from a Registered Surveyor.

If any encroachments are noted in a survey report, any effect on the value stated will need to be reassessed.

10 IMPROVEMENTS

10.1 PORTION OF LOT 1

The subject property was unimproved at the date of inspection.

10.2 LOT 145

The adjoining Lot 145 was developed with a single story private hospital.

11 HERITAGE AND NATIVE TITLE ISSUES

The valuation has been undertaken based on an unencumbered fee simple title and any allowance for possible heritage restrictions on the existing structures or the land itself and native title claim over the land has not been considered.

12 ENVIRONMENTAL AND CONTAMINATION ISSUES

The department of environment and conservation now maintains a contaminated sites register under the Contaminated Sites Act 2003.

A search of the contaminated sites database, which holds information only on known contaminated sites, shows that the subject property is not recorded on the register. This only confirms the subject property is currently not classified as 'contaminated - restricted use', 'contaminated - remediation required' or 'remediation for restricted use'. Furthermore at the date of inspection, there was no visible evidence of site contamination. It should be noted that survey tests have not been undertaken for the purposes of this valuation, and a suitably qualified expert should undertake any such survey.

13 GENERAL COMMENTS

As mentioned previously under the town planning section the alternative use for Lot 145 is residential 'R15'. The current improvement are adequate for the current use and the hospital is not proposed to undergo any change in a foreseeable future. It is therefore appropriate to assess the value of the added land on the current commercial use.

Landgate

Closure of Portion of Lot 1 Burch Street, South Perth

14 VALUATION RATIONALE AND APPROACH

The subject land is not to be created and developed as an individual lot according to our instructions. A condition of sale is that it be amalgamated with the adjoining land.

Both the before value and after value of the adjoining property has been based on its highest and best use in each instance which is defined as follows:

‘The most probable use of an asset which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the asset valued.’

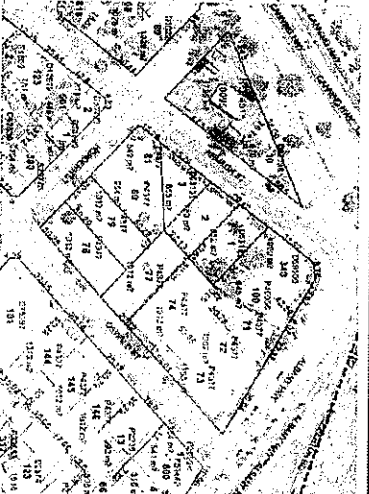
14.1 LOT 145

The extra land increases the development potential of the adjoining property Lot 145. The extra land will enable the owner to utilise that space for extra car parking or extending the existing improvements. In general the extra land allows the adjoining owner to utilise this parcel for the betterment of its property's overall market value.

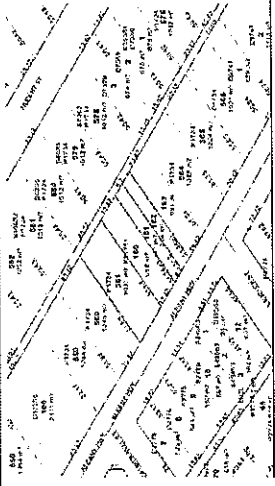
Lot 145 has been fairly intensively developed as private hospital. Generally these types of facilities (Hospitals) are established on commercial land; hence we consider the underlying commercial value to be the most appropriate approach.

Sales of commercial land in the area were analysed to estimate the added values. Some of the sales deemed pertinent to this valuation are listed below.

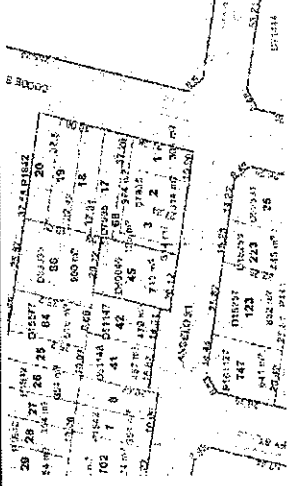
A	Lots 1 to 3 Armagh Street & Lots 12, 14 and 17 Oswald Street, Victoria Park
Improvements	Vacant Land
Zoning	Commercial
Land Area	Total area of 12,548 m ²
Sale Price	\$12,500,000 (\$996/sqm)
Sale Date	July 2006
Comment	Multit sale, group of 6 separate lots currently used as a car park. Comparable location (close to main road), dated sale, overall slightly inferior.



B	950, 960, 958, & 956 Albany Hwy, East Victoria Park	
Improvements	Vacant Land	
Zoning	Residential/Commercial	
Land Area	Total area of 2,414 m ²	
Sale Price	\$2,200,000 (\$911/sqm)	
Sale Date	October 2006	
Comment	Multi sale, smaller sized block, located adjacent to a busy road, has a development application approved for 16 multi story dwellings and several shops, dated sale, overall slightly inferior.	



D	80 (45D60046) Angelo Street, South Perth	
Improvements	1990 two storey, 352 m ² office.	
Zoning	Neighbourhood Centre Commercial R50	
Land Area	903 m ²	
Sale Price	\$2,576,000	
Sale Date	Under offer	
Comment	Far smaller block. Located in a far superior locality. Depreciated value of improvements is in the order of \$500,000, which suggests a land value for the 905 square metre block of land at about \$2,076,000. Discloses a land value of approximately \$2,300 per square metre. Considered far superior.	



General commercial sales in the vicinity illustrate a rate per square metre of between \$911 and \$2300 depending on the size, shape and the location of the land.

I have adopted a rate of \$1000/sqm for the adjoining Lot 145 South Terrace, South Perth.

14.1.1 ADDED VALUE TO LOT 50

BEFORE VALUE OF UNIMPROVED LAND

8,330 m² x \$ 1,000 m²

Adopt \$8,330,000

Landgate

Closure of Portion of Lot 1 Burch Street, South Perth

AFTER VALUE OF UNIMPROVED LAND

8,579 m² x \$ 1,000 m²

Adopt \$8,579,000

ADDED VALUE

After Value @ \$8,579,000 less Before Value @ \$8,330,000 = \$ 249,000

Adopt

\$250,000

15 VALUATION

As at the date of valuation being 20 March 2007, I am of the opinion that the current added value of the unencumbered fee simple interest of portion Lot 1 Burch Street, South Perth to be amalgamated with 145 South Terrace, South Perth subject to the content of this report, is **\$250,000 (Two Hundred and Fifty Thousand Dollars)**.

15.1 CONDITIONS

The above values supplied do not take into account the costs of relocating or removing any services or amenities, which may be necessary as a result of the amalgamation.

16 PRIVACY

In accordance with the Federal Privacy Act, information supplied is now regarded as private information. Under the Act, information collected for one purpose may only be used for a secondary purpose if that purpose is related and could be reasonably expected. In this context, this Office is not able to give permission for the information to be published by a third party. All data and analyses produced by this Office are provided on the condition that it is the responsibility of the receiver of such information to conform to privacy legislation.

17 LIMITATION

In conclusion, this report has been prepared for the private and confidential use of the client to whom it is addressed and should not be reproduced, either wholly or in part, or relied upon by third parties for any use, without the express authority of the Valuer General.



SHOHREH ADVIEHCHI
GRADUATE VALUER



GEORGE METCALFE AAPI
CERTIFIED PRACTISING VALUER
VALUER LICENCE NO. 395

28 March 2007



Landgate

Closure of Portion of Lot 1 Burch Street, South Perth

Your Ref: 50241-2007 (Job No. 070779)
 Our Ref: Reserve 37889 – Canning vale Review (file 95789 job 104095 June 07)
 Enquiries: Shohreh Adviehchi ph: 9429 8710 e-mail: shohreh.adviehchi@landgate.wa.gov.au

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Sean McLaughlin
 City of South Perth
 Civic Centre
 Corner Sandgate Street & South Perth
 South Perth WA 6151

FOR THE ATTENTION OF MR SEAN MCLAUGHHLIN

REVIEW - PROPOSED CLOSURE & AMALGAMATION OF PORTION OF LOT 1 BURCH STREET INTO ADJOINING LOT 145 SOUTH TERRACE, SOUTH PERTH (SOUTH PERTH COMMUNITY HOSPITAL)

In response to your request dated 26 September 2008, I have completed my investigations, pertaining to a review of the original assessment for the current added value of the above mentioned portion of road reserve if sold and amalgamated to the adjoining Lot 145 South Terrace, South Perth.

This assessment should be read in conjunction with our original valuation report dated 28 March 2007. All the relevant information stated in the original report remains unchanged. Therefore the increase in the added value as outlined below reflects the increase in the appropriate land value in this locality since our previous valuation advice.

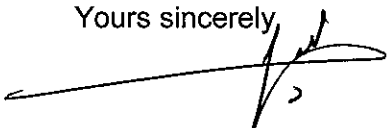
As mentioned, current sales levels for englobo commercial land in this locality and investigation with agents active in the area revealed, that South Perth has experienced a slight growth over the past 12 to 18 months. I have adopted a value of \$1,200 per square metre based on evidence of similar sized lots in surrounding localities.

The added value to Lot 145 South Terrace, South Perth has been amended as per the following table.

Property Address	Total Area Before Amalgamation	Portion of Reserve	Total Area After Amalgamation	Added Value
Lot-145 South Terrace, South Perth	8,330 m ²	249m ²	8,579 m ²	\$300,000

I trust this advice meets your requirements. However should you require any further details, please do not hesitate to contact me on 9429 8710.

Yours sincerely,



**SHOHREH ADVIEHCHI
 GRADUATE VALUER
 VALUATION SERVICES**



**VIN LUMBUS (AAPI)
 CERTIFIED PRACTISING VALUER
 MANAGER - MARKET VALUES**

20 October 2008

