



MINUTES OF GENERAL MEETING

Held Wednesday, 11 February 2009, City of South Perth

CoB	City of Belmont	FoG	Friends of Groups
CoSP	City of South Perth	GPFG	Garvey Park Friends Group
CoC	City of Canning	LGA	Local Government Authority
COSPEA	City of South Perth Environmental Association	NRM	Natural Resource Management
CPCMP	Canning Plain Catchment Management Plan	SCC	Swan Catchment Council
CRRPV	Canning River Regional Park Volunteers	SERCUL	South East Regional Centre for Urban Landcare
DEC	Department of Environment & Conservation (was DE/CALM)	SoK	Shire of Kalamunda
DoW	Department of Water	SRT	Swan River Trust
EHO	Environmental Health Officer	ToVP	Town of Victoria Park
EO	Environmental Officer	TRCG	Two Rivers Catchment Group
EWP	Environmental Water Provision	WWAG	Wilson Wetland Action Group

Present

<i>Chair</i>	Vicky Hartill	<i>Community</i>	Russell Gorton	WWAG	
<i>Vice Chair</i>	Vacant	<i>Community</i>	Julie Robert	SERCUL	
<i>Treasurer</i>	Anne Pettit	<i>Community</i>	Sandy Wainwright	SERCUL	
<i>Secretary</i>	Carla Tassone	<i>Community</i>	Tom Atkinson	SERCUL	
<i>LGA</i>	Cr Alan Mihala	CoC	<i>LGA</i>	Melissa Gaikhorst	ToVP
<i>LGA</i>	Cr Les Ozsdolay	CoSP	<i>LGA</i>	Tamara Wilkes	CoSP
<i>LGA</i>	Cr R Skinner	ToVP	<i>LGA</i>	Nicole Davey	CoB
<i>LGA</i>	Cr G Godfrey	CoB			

Apologies

<i>LGA</i>	Jenny Andrews	CoC
------------	---------------	-----

Meeting opened 7.10 pm

1.0 Welcome and Apologies

The Chair welcomed all attending members and welcomed Tamara to her first TRCG meeting.

2.0 Acceptance of Minutes Previous Meeting

The minutes of previous meeting held Wednesday, 8 October 2008 were read and accepted.

Moved: Anne Pettit

Seconded: Sandy Wainwright

3.0 Correspondence

- Refer to attached correspondence list
- No new members (97 are currently listed on the database)
- SALP breakfast – Nicole Davey and Vicky Hartill will attend and accept grant
- SERCUL Annual Report
- Canning member – letter re: calendar of events
- Swan River Trust update report

4.0 Treasurers Report

- The Treasurer presented the report. The group noted the interest rate decrease affecting the balance of the group's Bendigo transaction account.

5.0 General Business

- 5.1 **Calendar of Events.** Events are listed on the SERCUL website. The 2009 list is still in progress, and all suggestions are welcome. It was suggested this draft be attached to minutes for reference:
- Conservation Week - EcoEducation Centre (Tanya) is running events, if TRCG are interested in hosting an event between 30 March to 5 April.
 - Usual events to be re-included: Grab-a-Gladi, Autumn River Festival, Weedbuster Week (October), National Tree Day, SALP planting days at Garvey Park (floodplain).
 - Anne suggested we continue with a community education related focus eg waste. Cr Skinner suggested an annual theme as a focus to be promoted at each event eg compost as suggested by Cr Godfrey, incorporating waste management. Anne and Cr Godfrey will report back at next meeting regarding further investigation into products available to catchment residents.
 - A TRCG Constitution annual review was suggested to revisit and reconsider objectives. SERCUL will also link to their website also to be circulated to committee.
- ACTION:** Chair to finalise Calendar of events, and consider an annual theme

- ACTION: Chair to circulate TRCG Constitution for annual review of objectives.
- 5.2 **Meeting Dates and Venues** Were amended/confirmed and will be recirculated to the committee.
 8 April – Town of Victoria Park – rescheduled for 15 April as 8th is Vicky's Birthday
 10 June – City of Canning
 12 August – City of Belmont
 14 October – City of Canning – rescheduled for 28 October to accommodate AGM as well
- 5.3 **SERCUL Community Needs Survey** As addressed in earlier meetings and emails from Chair, feedback is still required for Vicky to compile a response on behalf of TRCG. It was noted the survey is specific to and pertinent to City of Canning groups, due to Melinda Snowball, coordinating the survey, being funded by City of Canning). Responses from members required by 18 February.
- 5.4 **Caring for our Country funding grant**
- Julie Robert presented on the above Australian Government grant process which replaces the Natural Heritage Trust. Project grants need to achieve specific targets in specific geographic locations, can be small (\$20,000 to \$100,000, medium (up to \$3M) or large (\$20M-30M).
 - In keeping within the criteria for a grant, there is potential for TRCG to gain funding, but the only link is via the Wilson Wetlands. The wetlands tie in with the Canning River Regional Park (DEC managed), and contains species listed within the Biodiversity Protection Act and the National Priority List. The grant will fund an officer to coordinate the role to add support to the process to that region of the park to provide onground coordination of weed eradication and education, habitat repair and restoration.
 - Hydrocotyl is a Weed of National Significance, of major concern on the Canning and herbicide is no longer effective and requires manual removal. Russell (WWAG) sits on the Hydrocotyl Working Group and the WWAG volunteer 1400 hrs per annum on ground. Will involve habitat repair and restoration. Julie will send out a Hydrocotyl brief on this weed to enable circulation to committee.
 - The Chair /committee supports TRCG linking in with WWAG, and DEC are already actively working on the grant proposal.
- ACTION: Julie Robert to send Chair the hydrocotyl brief to circulate to members.

6.0 Status of Actions Arising

- 6.1 Media release – Chair will organize a media release to promote TRCG, Julie suggested mentioning a newly discovered weed “*Sagittaria sp*” Arrowhead.
- 6.2 LGA letter of thanks – Councillors and Council representatives were verbally thanked for their support over the last year. They suggested a formal letter wasn't necessary.
- 6.3 Nest boxes/bat boxes – reconsider workshop. Russell suggested we received feedback from Piney Lakes on the success, pros and cons of their installed batboxes. This is still considered an important community education measure.

7.0 Next Meeting 15 April 2009, Town of Victoria Park

Meeting closed 8.17pm

Signed _____

Accepted as a true and accurate record of meeting.

Dated _____

Item	Actions from 11 February 2009	Duty	Status
6.1	Prepare media release for article in community paper - promote TRCG and newly discovered Arrowhead weed.	Chair	Pending
6.2	Draft letter of thanks to local government – Councillors were verbally thanked.	Chair	Pending
6.3	Investigate nest boxes/bat boxes and run a workshop for the community next year. Contact Piney Lakes for feedback on their bat boxes.	Chair	Pending



TWO RIVERS
CATCHMENT GROUP

Events 2009

DATE	ACTIVITY	CONTACT
30 March - 4 April	Conservation Week - Canning Eco Education Centre	Tanya 9461 7160
5 April	City of Belmont Autumn River Festival: Garvey Park, Fauntleroy Ave, Ascot 12-4pm	Vicky 0409 113 027
15 April	TRCG Meeting: Town of Vic Park 7.30pm	Vicky 0409 113 027
5 June	Arbor Day Tree Planting: Garvey Park 9-11am (light lunch provided)	Nicole 9477 7295
10 June	TRCG Meeting: City of Canning - Canning Eco Education Centre	Vicky 0409 113 027
21 June	Wilson Wetlands Group Work Day: Site TBA 9-11am	Russell 9258 7301
12 July	Wilson Wetlands Group Work Day: Site TBA 9-11am	Russell 9258 7301
2 August	National Tree Day: Site TBA 9-12noon (BBQ lunch provided)	Vicky 0409 113 027
12 August	TRCG Meeting: City of Belmont	Vicky 0409 113 027
September / October	Kensington Bushland Wildflower Walk	TBA
October	'Grab A Gladi Series'	Vicky 0409 113 027
TBA	Moreton Bay Fig Festival	TBA
28 October	TRCG AGM and General Meeting: City of Canning - Canning Eco Education Centre	Vicky 0409113 027

City of South Perth
Town Planning Scheme No. 6

Report on the Submission
Amendment No. 11

Proposed minor variations from
prescribed minimum car bay width



Civic Centre

Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday: 8.30am to 5.00pm
Enquiries: Gina Fraser
Senior Strategic Planning Officer
Telephone: 9474 0778
Facsimile: 9474 2425
Email: ginaf@southperth.wa.gov.au
Web: www.southperth.wa.gov.au

PLANNING AND DEVELOPMENT ACT 2005

**CITY OF SOUTH PERTH
TOWN PLANNING SCHEME NO. 6
AMENDMENT NO. 11****REPORT ON THE SUBMISSION****1. AMENDMENT PROPOSAL**

The purpose of the proposed Amendment No. 11 to Town Planning Scheme No. 6 (TPS6) is to introduce minor variations from the prescribed car bay width, in a manner similar to that depicted in Figure 5.2 of Australian Standard AS 2890.1.2004. The Amendment will bring TPS6 into closer conformity with the Residential Design Codes and Australian Standard 2890.1 2004. Amendment No. 11 will have the effect of modifying clause 6.3(8) and Schedule 5 of the TPS6 Scheme Text. Schedule 5 will be expanded to include a descriptive diagram indicating the acceptable minimum car bay size and shape. As this diagram is modelled on Figure 5.2 of Australian Standard AS 2890.1.2004, written consent has been obtained from the 'copyright owner' of the Australian Standards, SAI Global, for reproduction of this diagram. This consent also extends to the use of the diagram in the City's Policy P350.3 relating to car parking and publication of these documents in a paper form and on the City's web site for access to members of the public.

2. STATUTORY POSITION TO DATE

At its March 2008 meeting, the Council resolved to initiate Amendment No. 11 for the purpose described above. At the same meeting, the Council endorsed the draft Amendment documents for advertising purposes.

On 27 October 2008, Notice of the proposed Amendment No. 11, together with a report describing the Amendment, was forwarded to the Environmental Protection Authority (EPA) for environmental assessment. The EPA responded on 17 November to the effect that the proposal should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

On 27 October 2008, Notice of the proposed Amendment No. 11, together with a report describing the Amendment, was also forwarded to the Western Australian Planning Commission for information. This report fully describes the background to, and the reasons for, the Amendment, and should be read in conjunction with this Report on Submissions.

3. CONSULTATION PROCESS AND SUBMISSION ON AMENDMENT NO. 11**(a) Consultation in relation to Amendment No. 11**

In its March 2008 resolution endorsing the draft Amendment No. 11 for the purposes of advertising for community comment, the Council resolved on details relating to the advertising of the Amendment. Accordingly, in compliance with the Council's instructions, *Town Planning Regulations 1967* and Council Policy P104 relating to consultation in Town Planning processes, the draft Amendment proposals were advertised as follows:

Method:

- Mail - Notice of the Amendment was sent to the EPA and WAPC.
- On receipt of clearance from the EPA, Notices were published in two issues of the *Southern Gazette* newspaper, on 10 February and 24 February 2009.
- Notices and documents were displayed in the Civic Centre, City Libraries, and on the City's web site on the 'Out for Comment' page, for the whole of the consultation period and longer.

Extent:

- Environmental Protection Authority.
- Entire community.

Time period:

- 10 February to 27 March 2008, a period of 46 days - in this instance, the minimum 42 day period was exceeded by four days.
- In line with the Council's Policy P104, the advertising process was timed to avoid the holiday season between mid-December and mid-January in recognition of the special nature of this period, to ensure the fullest possible response.

During the advertising period, one submission was received. This submission supported the Amendment proposals.

(b) Assessment of submission by the Council

The submitter's comments, together with the Council's response and recommendation, is contained in the following Schedule forming part of this report.

**CITY OF SOUTH PERTH
TOWN PLANNING SCHEME NO. 6
AMENDMENT NO. 11**

SCHEDULE

SUBMISSION NO.	SUBMITTERS' SUPPORTING COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
1.	It seems a very logical approach as vehicles are becoming smaller, the density is getting greater and with some inner city living, car bays may be not required at all. Speaking as a person who resides in a unit complex I'm sure we could have fitted in possibly a few more bays for everybody's convenience.	The comment is UPHELD .	

4. CONCLUSION

Amendment No. 11 will have little impact on the community generally, and is consistent with current practice under the Residential Design Codes and the relevant Australian Standard. The purpose of the Amendment is mainly to bring the City's TPS6 into closer alignment with these documents. Provisions having the same operative effect as those in Amendment No. 11 are already contained within a Council Planning Policy. The comments in the submission are UPHELD and the Council recommends that the Amendment should be approved without modification.

5. DETERMINATION OF SUBMISSION

Having regard to the preceding comments, the Council recommends that:

- (a) Submission 1 supporting the proposed Amendment No. 11, be **UPHELD**;
and
- (b) Amendment No. 11 **proceed without modification**.

6. CONCLUDING ACTION

IT IS RECOMMENDED that Amendment No. 11 to the City of South Perth Town Planning Scheme No. 6 **be adopted without modification**.

ROD BERCOV
STRATEGIC URBAN PLANNING ADVISER

City of South Perth
Town Planning Scheme No. 6

Amendment No. 11

**Proposed minor variations from
prescribed minimum car bay width**



Civic Centre

Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday: 8.30am to 5.00pm
Enquiries: Rod Bercov, Strategic Urban Planning Adviser
Telephone: 9474 0770
Facsimile: 9474 2425
Email: rodb@southperth.wa.gov.au
Web: www.southperth.wa.gov.au

MINISTER FOR PLANNING
AND INFRASTRUCTURE

FILE:
PART OF AGENDA:



Proposal to Amend a Town Planning Scheme

- | | |
|---|---|
| 1. Local Authority: | City of South Perth |
| 2. Description of Town Planning Scheme: | Town Planning Scheme No. 6 |
| 3. Type of Scheme: | District Zoning Scheme |
| 4. Serial No. of Amendment: | Amendment No. 11 |
| 5. Proposal: | To amend clause 6.3(8) and Schedule 5 of the Scheme Text to permit minor variations from the prescribed car bay width |

PLANNING AND DEVELOPMENT ACT 2005



**Resolution Deciding to Amend
City of South Perth
Town Planning Scheme No. 6
Amendment No. 11**

RESOLVED THAT the Council of the City of South Perth, Council in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 in relation to the required minimum width of a car bay with side obstructions, to allow variations from the standard rectangular shape, based upon Figure 5.2 in Australian Standard AS2890.1.2004, while not allowing the width to be reduced below the currently prescribed 2.5 metres minimum other than for the forward-most 1.2 metres length of the bay, and while also maintaining the currently prescribed 5.5 metres minimum length.

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Council Meeting dated: 18 December 2007



Report on Amendment No. 11 to Town Planning Scheme No. 6

1. INTRODUCTION

The City of South Perth Town Planning Scheme No. 6 (TPS6) became operative on 29 April 2003.

At a meeting held on 18 December 2007, the Council resolved to amend the Scheme in the manner described in this Report. At a subsequent meeting held on 25 March 2008, the Council endorsed the draft Amendment for advertising purposes. A copy of the Council resolution to amend the Scheme and the text of the draft Amendment are included as part of these Amendment documents. The proposal is to amend clause 6.3(8) and Schedule 5 of the Scheme Text to permit minor variations from the prescribed minimum car bay width.

2. PURPOSE OF AMENDMENT NO. 11

The purpose of the proposed Amendment No. 11 to Town Planning Scheme No. 6 (TPS6) is to permit minor variations from the prescribed minimum car bay width. These variations correspond with the car bay 'envelope' depicted in Figure 2 of Schedule 5 to TPS6.

3. BACKGROUND TO PROPOSED AMENDMENT

(a) Historical requirements for car bay dimensions

The Council's former district Town Planning Scheme (TPS5) became operational in September 1986 and prescribed minimum car bay dimensions of 5.5 metres length and 2.8 metres width where there was an obstruction on one side of the bay. The TPS5 minimum car bay dimensions are identical to those in the currently operative TPS6. Clause 87 of the former TPS5 provided general discretionary power for the Council to approve variations from prescriptive site requirements, including car bay dimensions.

Australian Standard 2890 was originally prepared and became operational in 1993. From that time onward, over a period of some 14 years, by way of clause 87 of TPS5 (and later under clause 7.8 of TPS6), the City has exercised discretionary power where appropriate, to allow

minor variations from the prescribed car bay dimensions, generally to the extent of maintaining compliance with AS 2890.

The Council's TPS5 minimum car bay dimensions, as later carried forward in TPS6, are slightly larger than those of the R-Codes. However, the City has been prepared to offer a minor concession to the extent of approving the intricately shaped car bay 'envelope' derived from AS 2890. The application of the Australian Standard has been long-standing practice by the City.

The R-Codes (2002) incorporate the provisions of AS 2890 by way of direct reference in clause 3.5.3 A3.2. The R-Codes represent 'industry standard' as they apply universally throughout Western Australia. While the R-Codes accept these national Australian Standards, currently the City's TPS6 does not.

(b) Current requirements: TPS6 v R-Codes and Australian Standard

Based solely on clause 6.3(8) and Schedule 5 of TPS6, the required minimum car bay has a perfectly rectangular shape measuring 5.5 metres long x 2.8 metres wide where there is an obstruction on one side of the bay. However, under clause 7.8, Council has discretionary power to approve variations from the prescribed car bay dimensions. The minimum length and width prescribed in TPS6 are 100 mm greater than the dimensions prescribed by the R-Codes and also greater than the minimum under AS 2890. The R-Codes prescribe a minimum bay length of 5.4 metres and a minimum bay width of 2.7 metres where there is an obstruction on one side of the bay.

4. EXPLANATION OF AMENDMENT TO SCHEME TEXT

Based on functional operation, AS 2890 depicts an intricately shaped car bay 'envelope', with greater width where required for ease of manoeuvre and door opening, and lesser width for the balance of the bay. The 2002 R-Codes require compliance with this Australian Standard, meaning that the 'width variations' of AS 2890 are permitted under the R-Codes. In terms of the shape of the car bay 'envelope', the proposed Scheme Amendment will bring TPS6 into conformity with the Australian Standard and the R-Codes, although the slightly greater length and width of TPS6 will continue to apply.

Clause 4.3 (1)(i) of the currently operative TPS6 Scheme Text already provides for variations from the R-Codes with respect to the dimensions of car parking bays. That clause states that the dimensions of car parking bays are to be as prescribed in Schedule 5 to TPS6. The proposed Scheme Amendment will introduce the further variation in respect of the car bay 'envelope'. To accommodate this, Clause 6.3 (8) will be expanded to include reference to a new Figure 2 in Schedule 5, being the car bay 'envelope'. The text of the Amendment attached to this report introduces these changes.

5. CONCLUSION

Having regard to the circumstances described above, the Council now requests that the Western Australian Planning Commission and the Minister for Planning and Infrastructure support the Amendment No. 11 proposal.

ROD BERCOV
STRATEGIC URBAN PLANNING ADVISER

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Dated: 25 March 2008



Town Planning Scheme No. 6 Amendment No. 11

The Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above local planning scheme as follows:

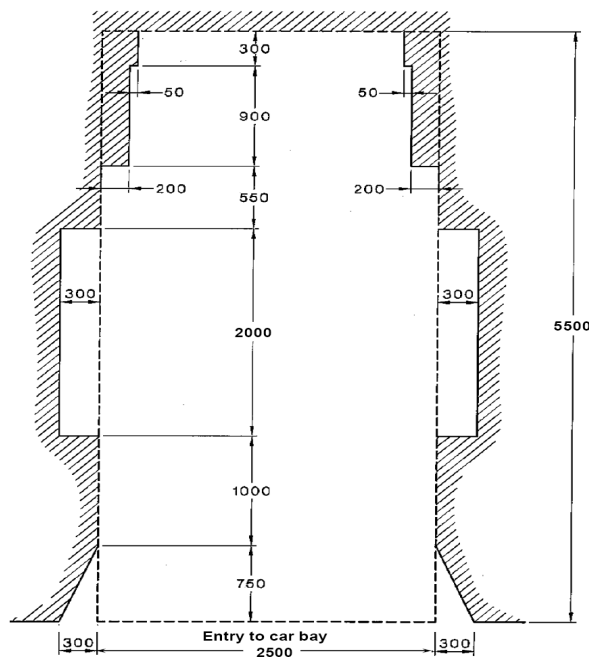
1. Clause 6.3 (8) is amended to read as follows:

- “(8) Car parking bays and associated accessways shall not be of lesser dimensions than those prescribed in Figure 1 of Schedule 5 measured clear of the face of any column or pier and, where a wall, column, pier or fence abuts a side of a car parking bay, the width shall be:
- (a) increased by 0.3 metres; or
 - (b) adjusted to conform to the car bay diagram comprising Figure 2 of Schedule 5.

2. Schedule 5 is amended by:

- (a) adding the following “Figure 2 Design envelope for car bay with side obstructions” immediately after the explanatory diagram appearing beneath the table:

Figure 2 Design envelope for car bay with side obstructions



NOTES:

1. Not to scale.
2. All measurements are in millimetres.
3. Figure 2 is based on Figure 5.2 of Australian Standard AS 2890.1.2004.
4. Broken line denotes a car bay of 2500mm width and 5500mm length as prescribed in Town Planning Scheme No. 6.

- (b) Indexing the existing Table and explanatory diagram in Schedule 5 as “Figure 1 Dimensions According to Angle of Bays”.

Adoption

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Council Meeting held on 25 March 2008.

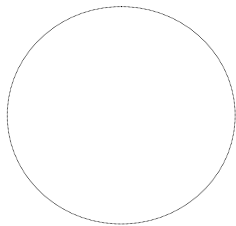
JAMES BEST
MAYOR

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Final Approval

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Meeting of the Council held on 28 April 2009 and the Seal of the City was hereunto affixed by the authority of a resolution of the Council in the presence of:

CITY OF SOUTH PERTH
SEAL



JAMES BEST
MAYOR

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL:

Delegated under S.16 of the PD Act 2005

Dated _____ 200

FINAL APPROVAL GRANTED

JOHN DAY
MINISTER FOR PLANNING

Dated _____ 200

City of South Perth
Town Planning Scheme No. 6

Report on the Submission
Amendment No. 16
Definitions of 'pergola' and 'patio'



Civic Centre
Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday: 8.30am to 5.00pm
Enquiries: Gina Fraser
Senior Strategic Planning Officer
Telephone: 9474 0778
Facsimile: 9474 2425
Email: ginaf@southperth.wa.gov.au
Web: www.southperth.wa.gov.au

PLANNING AND DEVELOPMENT ACT 2005

**CITY OF SOUTH PERTH
TOWN PLANNING SCHEME NO. 6
AMENDMENT NO. 16****REPORT ON THE SUBMISSION****1. AMENDMENT PROPOSAL**

The purpose of the proposed Amendment No. 16 to Town Planning Scheme No. 6 (TPS6) is to clarify the difference between structures identified as 'pergolas' and 'patios'. The existing TPS6 definition of 'pergola' differs from the R-Codes definition of this term. The R-Codes also contain a definition of 'patio'. In combination, the differing definitions of 'pergola' and 'patio' have caused some confusion regarding correct interpretation. The R-Codes do not address certain kinds of roof covering for structures deemed to be patios, notably "vergolas" (adjustable louvres used for roofing) and "shade sails". The Scheme Amendment will rectify various anomalies and omissions regarding patios and pergolas.

The Scheme Amendment will also insert in Clause 7.1 a list of minor garden structures which do not constitute "development" and therefore do not require development approval. Among other structures, the list of exempt structures includes all pergolas as well as cubby houses and dog kennels situated behind the front setback line. The amendment will formalise long-standing practice and interpretation regarding the kinds of minor garden structures which do not require development approval.

2. STATUTORY POSITION TO DATE

At its October 2008 meeting, the Council resolved to initiate Amendment No. 16 for the purpose described above. At the same meeting, the Council endorsed the draft Amendment documents for advertising purposes.

On 29 October 2008, Notice of the proposed Amendment No. 16, together with a report describing the Amendment, was forwarded to the Environmental Protection Authority (EPA) for environmental assessment. The EPA responded on 24 November to the effect that the proposal should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

On 29 October 2008, Notice of the proposed Amendment No. 16, together with a report describing the Amendment, was also forwarded to the Western Australian Planning Commission for information. This report fully describes the background to, and the reasons for, the Amendment, and should be read in conjunction with this Report on Submissions.

3. CONSULTATION PROCESS AND SUBMISSION ON AMENDMENT NO. 16**(a) Consultation in relation to Amendment No. 16**

In its October 2008 resolution endorsing the draft Amendment No. 16 for the purposes of advertising for community comment, the Council resolved on details relating to the advertising of the Amendment. Accordingly, in compliance with the Council's instructions, *Town Planning Regulations 1967* and Council Policy P104 and the replacement Policy P355, both relating to consultation in Town Planning processes, the draft Amendment proposals were advertised as follows:

- A community consultation period of not less than 42 days, to begin after mid-January 2009.
- Southern Gazette newspaper notice in two issues: 'City Update' column.
- Notices in Civic Centre customer foyer and on the notice-board.
- Notices in City's Libraries and Heritage House.
- City's web site: Notice on the 'Out for Comment' page.

During the advertising period, one submission was received. This submission suggested minor improvements to the Amendment proposals.

(b) Assessment of submission by the Council

The submitter's comments, together with the Council's response and recommendation, is contained in the following Schedule forming part of this report.

**CITY OF SOUTH PERTH
TOWN PLANNING SCHEME NO. 6
AMENDMENT NO. 16**

SCHEDULE

SUBMISSION NO.	SUBMITTERS' SUPPORTING COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
1.	<p>Currently there exists a problem in the City of South Perth where massive 'pergolas' can be built without the need for planning approval. For example, in 2004 in Salter Point, a 'pergola' of some 150 sq.m area and 7m high was erected. This structure was allowed under TPS6, despite its major impact on neighbouring properties. Clause 6.2 (3) states, <i>"The Council may impose a restriction on roof height where in Council's opinion, the proposed height of a roof would have an adverse impact on, or be out of character with development within a focus area"</i>. This clause was not brought to bear.</p> <p>The proposed Amendment No. 16 removes the ability to roof a 'pergola' with <i>"sheeting of a transparent or translucent nature"</i>, but does not limit the size and height of 'pergolas'. Amendment No. 16 would still permit a structure of 10m height, covered with a water permeable membrane such as shade cloth, to be built without the need for planning approval!</p> <p>Recommendation:</p> <p>To comprehensively control the building of structures claimed to be 'pergolas', Amendment No. 16 should be drafted as follows:</p>	<p>The submitter has identified a potential 'loophole' and has suggested a means of rectification, by way of prescribing a maximum height and area for pergolas. The prescription of the pergola size does not mean that larger structures are prohibited, but that there will be an opportunity for the City to properly assess them through the normal planning approval process. The height and area suggested by the submitter are appropriate. The comment is UPHELD.</p>	

SUBMISSION NO.	SUMMARY OF SERVICE AUTHORITIES' COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
	<p>Items 1. to 4. are acceptable and should remain as proposed.</p> <p>Item 5. Deleting paragraph (f)(i) of clause 7.1 (2) and inserting the following in its place:</p> <p><i>“(i) a pergola less than 2.5 metres in height and having an area of less than 30 square metres; ”</i></p> <p>Items (ii) to (vii) to remain as proposed.</p> <p>I trust this modification will enhance the objectives of the Amendment which are to better define the list of minor structures exempted from the need for planning approval.</p>		

4. CONCLUSION

Having regard to the discussion in this report and in the Amendment No. 16 document, and the absence of any substantive objection to the principle of the Amendment, there is no reason why the proposed Amendment No. 16 should not proceed, incorporating the submitter's valid comments. The comments in the submission are UPHELD and the City is of the opinion that the Amendment should be approved **with modification**.

5. DETERMINATION OF SUBMISSION

Having regard to the preceding comments, the Council recommends that:

- (a) Submission 1 conditionally supporting the proposed Amendment No. 16, be **UPHELD**; and
- (b) Amendment No. 16 **proceed with modification**.

6. CONCLUDING ACTION

IT IS RECOMMENDED that:

- (a) Amendment No. 16 to the City of South Perth Town Planning Scheme No. 6 **be adopted with modification**.
- (b) The Council resolves as follows with respect to Amendment No. 16:

"The City of South Perth under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above Town Planning Scheme as follows:

- (i) Deleting the definition of 'pergola' from Schedule 1 – Definitions.
- (ii) Inserting the following definition of 'patio' immediately after the definition of 'owner' in Schedule 1 – Definitions:

“ **'patio'** : means a water-impermeable roofed open-sided area which may or may not be attached to a dwelling, and 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.”

- (iii) Inserting the following definition of 'shade sail' immediately after the definition of 'Service Station' in Schedule 1 – Definitions:

“ **‘shade sail’** : means 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.”

(iv) Adding the following new paragraph (l) to clause 4.3(1):

“(l) The definition of ‘patio’ shall be as set out in Schedule 1 – Definitions.”

(v) Deleting paragraph (f) of clause 7.1 (2) and inserting the following in its place:

“(f) The construction of:

- (i) a pergola less than 2.5 metres in height and having an area of less than 30 square metres;
- (ii) a swimming pool where no part of the pool is more than 600mm above the surrounding ground level;
- (iii) a cubby house not more than 2.0 metres to the highest point of the roof and situated behind the front setback line;
- (iv) a dog kennel situated behind the front setback line;
- (v) a barbeque situated behind the front setback line;
- (vi) play fixtures; or
- (vii) a shade sail less than 3.5 metres in height and having a sail area of less than 20 square metres, provided that, in the case of a shade sail appurtenant to a Single House or Grouped Dwelling, not more than two-thirds of the outdoor living area of that dwelling is roofed.”

ROD BERCOV
STRATEGIC URBAN PLANNING ADVISER

City of South Perth
Town Planning Scheme No. 6

MODIFIED
Amendment No. 16
Definitions of 'pergola' and 'patio'



Civic Centre
Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday: 8.30am to 5.00pm
Enquiries: Rod Bercov, Strategic Urban Planning Adviser
Telephone: 9474 0770
Facsimile: 9474 2425
Email: rodb@southperth.wa.gov.au
Web: www.southperth.wa.gov.au

MINISTER FOR PLANNING
AND INFRASTRUCTURE

FILE:
PART OF AGENDA:



Proposal to Amend a Town Planning Scheme

- 1. Local Authority:** City of South Perth
- 2. Description of Town Planning Scheme:** Town Planning Scheme No. 6
- 3. Type of Scheme:** District Zoning Scheme
- 4. Serial No. of Amendment:** Amendment No. 16
- 5. Proposal:** To delete the definition of 'pergola', introduce a new definition of 'patio' and 'shade sail', modify clause 4.3 and add to the list of minor structures referred to in clause 7.1 which are exempted from the need for planning approval.

PLANNING AND DEVELOPMENT ACT 2005



**Resolution Deciding to Amend
City of South Perth
Town Planning Scheme No. 6
Amendment No. 16**

RESOLVED THAT the Council of the City of South Perth, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 for the purposes of:

1. Deleting the definition of 'pergola' from Schedule 1 of the Scheme Text.
2. Adding definitions for 'patio' and 'shade sail' to Schedule 1 of the Scheme Text.
3. Adding a new paragraph (l) to clause 4.3(1) of the Scheme Text stating that the Residential Design Codes definition of "patio" is varied by the Scheme.
4. Replacing paragraph (f) of clause 7.1(2) of the Scheme Text expanding the list of minor structures exempted from the need for planning approval.

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Council Meeting dated: 28 October 2008.



Report on Amendment No. 16 to Town Planning Scheme No. 6

1. Introduction

The City of South Perth Town Planning Scheme No. 6 (TPS6) became operative on 29 April 2003.

At a meeting held on 28 October 2008, the Council resolved to amend the Scheme in the manner described in this Report. At the same meeting, the Council endorsed the draft Amendment for advertising purposes. A copy of the Council resolution to amend the Scheme and the text of the draft Amendment are included as part of these Amendment documents. The proposal is to delete the definition of 'pergola', introduce a new definition of 'patio' and 'shade sail', modify clause 4.3 and add to the list of minor structures referred to in clause 7.1 which are exempted from the need for planning approval.

2. Purpose of Amendment No. 16

The purpose of this Scheme Amendment is to rationalise the way structures commonly referred to as 'pergolas' and 'patios' are dealt with under TPS6. In relation to pergolas, the amendment brings the Scheme into line with the Residential Design Codes (R-Codes). In relation to patios, the Amendment introduces appropriate additional controls for certain design features in common use which are not dealt with by the R-Codes. Amendment No. 16 also clarifies the kinds of minor structures which do not require planning approval.

3. Historical Context

In 1986, the City's previous TPS5 introduced a definition of 'pergola', being a structure "*comprising only columns and an open roof*". In the case of Grouped Dwellings, the R-Codes permitted relatively small outdoor living areas while prohibiting roof cover over such areas except for pergolas. This had the effect of denying the occupiers of Grouped Dwellings the opportunity for weather protection within those outdoor areas. The Council sought to overcome this dilemma by expanding the definition of 'pergola' to permit transparent or translucent roofing. A definition to this effect was included when TPS6 was gazetted in 2003. This was seen as remaining within the intent of the R-Codes definition of pergola as a light-weight open garden structure.

The 2002 and 2008 R-Codes allow one-third of the required outdoor living area for each dwelling to be provided with roof cover. Further, in accordance with the 2002 R-Codes definition of 'open space', areas beneath patios are now classified as open space up to an area of 50 square metres or 10% of the site area. Due to these changes to R-Codes provisions relating to open space, the previous dilemma referred to above has been resolved. Therefore, the current TPS6 'concession' regarding the placement of impervious roof cover over pergolas is no longer required.

The current definition of 'pergola' within TPS6 differs from the definition of that term in the 2008 R-Codes in that the TPS6 definition permits transparent or translucent roof sheeting, which is sometimes confused with the term 'patio' as defined in the R-Codes. The distinction between a pergola as defined by TPS6 and a patio as defined by the R-Codes has become even more confused with the advent of improved construction materials and design solutions for semi-outdoor garden structures, such as opaque 'plastic' roof sheeting, 'vergolas' (adjustable louvres used for roofing) and shade sails. Amendment No. 16 will eliminate this confusion.

4. Amendment Provisions

The Amendment proposes to delete the existing TPS6 definition of the term 'pergola'. Upon finalisation of Amendment No. 16, the determination of what is or is not a pergola in the City of South Perth will be in accordance with the R-Codes definition of 'pergola'.

The R-Codes definition of 'patio' is proposed to be expanded in TPS6 to include areas covered by shade sails where that area is 20 square metres or more and any part of the structure is 3.5 metres or more in height. Under the TPS6 definition, a patio may also incorporate structures with fixed or adjustable louvres used as a roofing material and retractable awnings or retractable blinds attached to the sides of the structure.

Because of the reference to 'shade sails', a structure not elsewhere defined in the R-Codes or the Model Scheme Text, a definition of this term is proposed to be included in Schedule 1 of TPS6.

Clause 4.3(1) of TPS6 is proposed to be amended to refer to the variation from the definition of 'patio' contained in the R-Codes.

Paragraph (f) of clause 7.1(2) of TPS6 is proposed to be replaced with an expanded list of minor structures exempted from the need for a planning approval.

5. Environmental impact

Amendment No. 16 is a minor text-based amendment having no environmental impact and therefore not requiring an environmental assessment by the Environmental Protection Authority.

6. Conclusion

Having regard to the circumstances described above, the Council now requests that the Western Australian Planning Commission and the Minister for Planning and Infrastructure support the Amendment No. 16 proposal.

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Report prepared by: MGA Planning Consultants
and City of South Perth

Dated: 28 October 2008

PLANNING AND DEVELOPMENT ACT 2005



SUPERSEDED

**City of South Perth
Town Planning Scheme No. 6
Amendment No. 16**

The City of South Perth under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act, 2005 hereby amends the Scheme Text of the above Town Planning Scheme by:

1. Deleting the definition of 'pergola' from Schedule 1 – Definitions.
2. Inserting the following definition of 'patio' immediately after the definition of 'owner' in Schedule 1 – Definitions:

“ **'patio'** : means a water-impermeable roofed open-sided area which may or may not be attached to a dwelling, and 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.”
3. Inserting the following definition of 'shade sail' immediately after the definition of 'Service Station' in Schedule 1 – Definitions:

“ **'shade sail'** : means 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.”
4. Adding the following new paragraph (l) to clause 4.3(1):

“(l) The definition of 'patio' shall be as set out in Schedule 1 – Definitions.”
5. Deleting paragraph (f) of clause 7.1 (2) and inserting the following in its place:

“(f) The construction of:
(i) a pergola;

Attachment 10.0.2(b)

- (ii) a swimming pool where no part of the pool is more than 600mm above the surrounding ground level;
- (iii) a cubby house not more than 2.0 metres to the highest point of the roof and situated behind the front setback line;
- (iv) a dog kennel situated behind the front setback line;
- (v) a barbeque situated behind the front setback line;
- (vi) play fixtures; or
- (vii) a shade sail less than 3.5 metres in height and having a sail area of less than 20 square metres, provided that, in the case of a shade sail appurtenant to a Single House or Grouped Dwelling, not more than two-thirds of the outdoor living area of that dwelling is roofed".

PLANNING AND DEVELOPMENT ACT 2005



MODIFIED

**City of South Perth
Town Planning Scheme No. 6
Amendment No. 16**

The City of South Perth under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act, 2005 hereby amends the Scheme Text of the above Town Planning Scheme by:

1. Deleting the definition of 'pergola' from Schedule 1 – Definitions.
2. Inserting the following definition of 'patio' immediately after the definition of 'owner' in Schedule 1 – Definitions:

“ **‘patio’** : means a water-impermeable roofed open-sided area which may or may not be attached to a dwelling, and 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.”
3. Inserting the following definition of 'shade sail' immediately after the definition of 'Service Station' in Schedule 1 – Definitions:

“ **‘shade sail’** : means 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.”
4. Adding the following new paragraph (l) to clause 4.3(1):

“(l) The definition of 'patio' shall be as set out in Schedule 1 – Definitions.”

Attachment 10.0.2(b)

5. Deleting paragraph (f) of clause 7.1 (2) and inserting the following in its place:

- “(f) The construction of:
- (i) a pergola less than 2.5 metres in height and having an area of less than 30 square metres;
 - (ii) a swimming pool where no part of the pool is more than 600mm above the surrounding ground level;
 - (iii) a cubby house not more than 2.0 metres to the highest point of the roof and situated behind the front setback line;
 - (iv) a dog kennel situated behind the front setback line;
 - (v) a barbeque situated behind the front setback line;
 - (vi) play fixtures; or
 - (vii) a shade sail less than 3.5 metres in height and having a sail area of less than 20 square metres, provided that, in the case of a shade sail appurtenant to a Single House or Grouped Dwelling, not more than two-thirds of the outdoor living area of that dwelling is roofed”.

Adoption

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Council Meeting held on 28 October 2008.

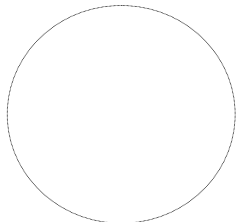
JAMES BEST
MAYOR

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

Final Approval

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Meeting of the Council held on 28 April 2009 and the Seal of the City was hereunto affixed by the authority of a resolution of the Council in the presence of:

CITY OF SOUTH PERTH
SEAL



JAMES BEST
MAYOR

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL:

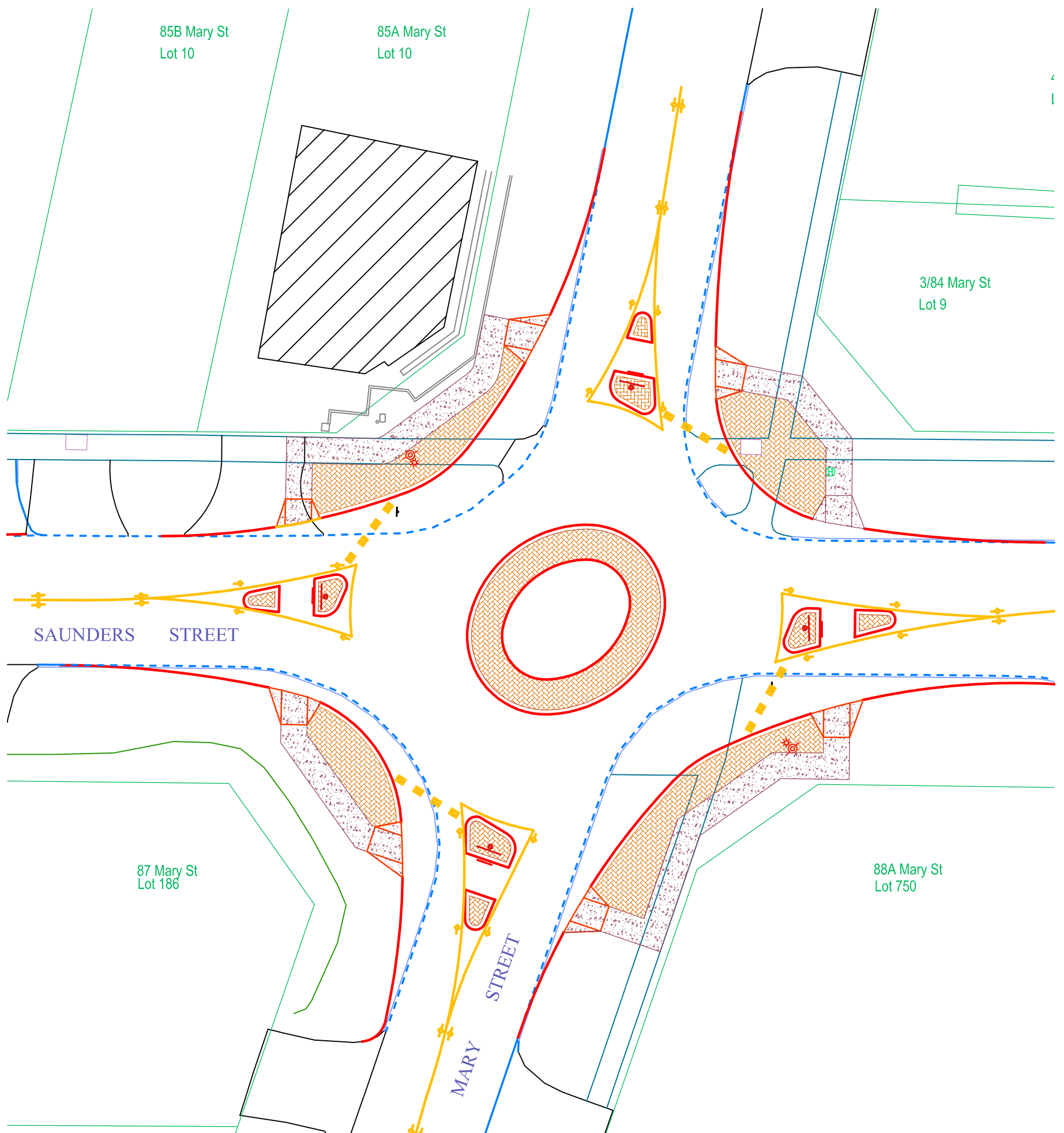
Delegated under S.16 of the PD Act 2005

Dated _____ 200

FINAL APPROVAL GRANTED

JOHN DAY
MINISTER FOR PLANNING

Dated _____ 200



ERROR: syntaxerror
OFFENDING COMMAND: --nostringval--

STACK:

/Title
()
/Subject
(D:20090416141357+08'00')
/ModDate
()
/Keywords
(PDFCreator Version 0.9.5)
/Creator
(D:20090416141357+08'00')
/CreationDate
(mathewc)
/Author
-mark-



LGE 028

CITY OF SOUTH PERTH
15 DEC 2008

Doc ID No:

File No: GO/406

Original To: CEO

.....

Action:

WESTERN AUSTRALIAN Electoral Commission

Level 2 111 St George's Tce
 Perth Western Australia 6000
 GPO Box F316 Perth
 Western Australia 6841
 PHONE (08) 9214 0400
 EMAIL waec@waec.wa.gov.au
 WEBSITE www.waec.wa.gov.au
 FAX (08) 9226 0577

Mr C Frewing
 Chief Executive Officer
 City of South Perth
 Cnr Sandgate St & South Tce
 SOUTH PERTH WA 6151

Dear Mr Frewing

Local Government Ordinary Election: 2009

The next ordinary elections are being held on 17 October 2009. While this is still some distance in the future I am aware that councils may be shortly preparing their 2009/2010 budget. I have therefore, enclosed an estimate for your next ordinary election to assist in your budget preparations.

The estimated cost for the 2009 election is \$78,000 inc GST, which has been based on the following assumptions:

- 25,700 electors;
- response rate of approximately 35%;
- 6 vacancies; and
- count to be conducted at the offices of the City of South Perth.

Costs not incorporated in this estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- one local government staff member to work in the polling place on election day.



The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election you will be advised as early as possible.

The current procedure required by the *Local Government Act 1995* is that my written agreement has to be obtained before the vote is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2009 for the City of South Perth in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. My agreement is subject to the proviso that the City of South Perth also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

In order to achieve this, your council will now need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2009 ordinary elections together with any other elections or polls which may also be required; and
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

I look forward to conducting this election for the City of South Perth.

Yours sincerely


Warwick Gateley AM
ELECTORAL COMMISSIONER

11 December 2008