

Attachments for the Ordinary Council Meeting

24 March 2015

**Part I of 3
Items 8.5.1 – 10.3.1**

ATTACHMENTS TO AGENDA ITEMS

Ordinary Council Meeting - 24 March 2015

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DELEGATES' REPORT

Rivers Regional Council Ordinary General Meeting

The Rivers Regional Council (RRC) meeting was held at the Shire of Serpentine Jarrahdale on Thursday, 19 February 2015, commencing at 6.46pm. The meeting concluded at 7.45pm.

The Agenda (refer to attached Table of Contents) contained a number of routine items. For ease, the main items discussed by the Council are outlined in the table below:

Item 14.1	Payments for the Period 1 December 2014 to 31 January 2015
Item 14.2	Financial Report for the Period 1 December 2014 to 31 January 2015
Item 14.3	Regional Waste Education Coordinator - Progress Report
Item 14.4	CEO - Activity Update
Item 14.5	Review of the Waste Avoidance and Resource Recovery Act 2007
Item 14.6	Compliance Return – 1 January 2014 to 31 December 2014
Item 14.7	Proposed Incorporation of FORC into the WALGA/MWAC Structure
Item 14.8	Employee Superannuation Contribution Policy
Item 15.1	Audit Committee
Item 18.1	Letter from Mr Ian Curley, CEO Shire of Waroona

The Council adopted all of the recommendations for Items 14.1 to 15.1 inclusive and Item 18.1.

The Minutes of the meeting are available to be read in full on iCouncil.

Delegates: Cr Trent (Deputy Chairman) and Cr Hawkins-Zeeb (Deputy Member).

27 February 2015

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DELEGATES' REPORT

WALGA South East Metropolitan Zone

The attached Table of Contents (attachment 1) was considered by the South East Metropolitan Zone at its meeting held on Wednesday 25 February 2015 at the City of Canning. The recommendations of the Zone were considered by the State Council at its meeting on Wednesday 4 February 2015 at WALGA, 170 Railway Parade West Leederville.

Council's delegates to the WALGA South East Metropolitan Zone are Councillor Fiona Reid and Councillor Hawkins-Zeeb. Manager, Governance and Administration, Phil McQue also attended on behalf of CEO, Cliff Frewing.

Councillor Reid represents the SEMZ on the WA State Council.

ZONE AGENDA

DEPUTATIONS

- Item 1.1 Presentation on the Dampier to Bunbury Natural Gas Pipeline**
Mr Augustine Okom Acting Project Leader Department of Lands

STATE COUNCIL AGENDA

MATTERS FOR DECISION

Item 5.1 Metropolitan Local Government Reform

WALGA Recommendation

That State Council:

1. Endorse the withdrawal of the Association's support for the Metropolitan Local Government Reform process; and
2. Call on the State Government to reverse the Governor's Orders relating to boundary adjustments in metropolitan Perth.

WALGA Comment

This item recommends that State Council endorse the withdrawal of the Association's support for the State Government's Metropolitan Local Government Reform process on the basis that: A vision for metropolitan Perth and Local Government's role within that vision has not been articulated, and will not be realised by the current process:

1. The State Government has failed to fully fund the reform process; and
2. The remaining boundary changes will lead to a more fractured metropolitan Local Government Sector.

Throughout the Metropolitan Local Government Reform process the State Government has failed to define and articulate a vision for metropolitan Perth and Local Government's role in metropolitan governance. WALGA's vision for Local Government in metropolitan Perth, as enunciated above, is for there to be 15-20 Local Governments, established with regard to sustainability principles, Directions 2031 and existing Local Government boundaries. Following the defeat of three amalgamation proposals by polls of the community (City of Fremantle, City of Jervoise Bay and City of South Park), the remaining boundary changes are unlikely to deliver on this vision.

WALGA has consistently argued that implementation of Metropolitan Local Government Reform will cost in the order of \$95m. The State Government has thus far allocated only \$15m to fund implementation of this process. WALGA's support for metropolitan reform is conditional on the State Government fully funding the process and this funding has not eventuated.

There is significant concern in the sector that the remaining boundary change proposals will lead to a more fractured Local Government sector in metropolitan Perth. Any benefits of the metropolitan reform process are less likely to be realised if reform is only partially implemented. Further, there are a number of issues and significant uncertainty regarding orphan suburbs, the proposed City of Perth Act, and issues associated with some Local Governments potentially reducing in size.

In line with the arguments above, this item also recommends that WALGA call on the State Government to reverse the Governor's Orders made on 24 December 2014 in relation to a number of boundary adjustments in metropolitan Perth. Section 9.65(2) of the Local Government Act 1995 empowers the Governor to revoke or cancel previous Orders.

Officer Comment

Since the preparation of the Report and Agenda, the government has withdrawn from the Local Government Reform process. The second recommendation could be adjusted to reflect the position that WALGA supports the Government's decision to Reverse Governors Orders (if necessary).

Officer Recommendation

That the recommendation be supported but add a new point 3 as follows:

3. calls on the State Government to fully fund all legitimate expenditure incurred by Local Governments up to its budget allocation of \$15 million.

Item 5.2 Interim Submission – Planning and Development (Development Assessment Panels) Regulation 2011

WALGA Recommendation

That the interim submission to the Parliamentary Committee on Uniform Legislation and Statutes' Inquiry on the Planning and Development Act (Development Assessment Panels) Regulations 2011 be endorsed.

WALGA Comment

The Association has utilised all of the information collected to prepare a comprehensive submission, including a number of recommendations for improvement, as requested by the Parliamentary Committee on Uniform Legislation and Statutes.

The attached submission recommends the following changes to the DAP system:

1. That a full and comprehensive cost-benefit analysis of the DAP system be conducted by an independent organisation as a matter of priority.
2. That the minimum monetary threshold for an application to be eligible for consideration by a DAP be increased to at least \$30 million.
3. That the DAP system be amended to be an opt-in only process, so that when an application does meet the minimum monetary threshold, the proponent still has to elect to have the application determined by a DAP. This will identify individual Local Governments that are unable to adequately satisfy applicant expectations and allow the industry to determine the relevance of DAPs.
4. That a procedure similar to that in NSW be introduced to 'call in' a development application where it has state or regional significance and should be determined by a DAP, even if it is below the monetary threshold.



5. That DAPs be permitted to process development applications that are below the new minimum monetary threshold, providing the application has been 'called in' as having either state or regional significance or referred by a Local Government.
6. That a system be introduced to temporarily remove the planning powers of a Council due to ongoing poor performance and DAPs be utilised to process development applications that cannot be dealt with under delegated authority during the suspension period.
7. That the Parliamentary Committee investigate specific examples of DAP decisions provided by Local Government members, in order to consider the transparency of the meeting process.
8. That the Department of Planning's proposed changes to the regulations as a result of their internal review of DAPs in 2013, be put on hold until a cost-benefit analysis of DAPs has been undertaken and the outcomes of this Parliamentary review are finalised.

Officer Comment

The City concurs with this submission and agrees with many of the point raised in the report. A couple in particular:

- Senior officers at the City spend a great deal of time dealing with DAP applications, from beginning to end. We believe that more time is spent, as opposed to a delegated or Council determination.
- The Council's DAP members have expressed frustration at the manner in which the DAP system is known to exercise discretionary clauses in the scheme, even when they assessment does not warrant it. Other Councils have scheme where discretion can be exercised even if the proposal does not meet the scheme requirements. This is to encourage innovation, however the manner in which it is being exercised may lead to Council's amending their schemes to remove discretion, thereby resulting in a more ridged approach.

Officer Recommendation

That the recommendation be supported.

Item 5.3 Interim submission – Planning and Development (Local Planning Schemes) Regulations 2014 (Local Planning Schemes Regulations)

WALGA Recommendation

That State Council:

1. Endorse the interim submission to the WA Planning Commission on the Planning and Development (Local Planning Schemes) Regulations 2014 (Local Planning Schemes Regulations).
2. Continue to advocate to the Ministers for Planning and Commerce that the 'Instant Start' proposal is not supported, as it effectively expands the private certification role of the Building Permit process into planning legislation without a clear framework for this to occur.
3. Further advocate to the Ministers for Planning and Commerce and the development industry that the 'Application for Compliance' proposal is a better alternative to the proposed 'Instant Start' initiative, as it encompasses Planning, Health and Engineering approvals rather than just the R-Codes Verification process.

WALGA Comment

During the public consultation period, the Association sought feedback from members to inform a representative submission to the Minister for Planning and the WA Planning Commission. Feedback was received from the Shires of Denmark, Nannup, Boddington, Plantagenet, West Arthur and Carnarvon, the Town of Cambridge and the Cities of Great Geraldton, Joondalup, Armadale, Cockburn, Mandurah and Stirling, as well as WALGA's Governance, Environment and Waste teams.



The interim submission prescribes a series of comments and recommendations that will help the WA Planning Commission finalise the proposed regulations. Generally the proposed Regulations are supported, as they provide a range of improvements to the existing Model Scheme Text provisions. The interim submission highlights outstanding concerns or points of clarification, particularly relating to implementation of the new regulations and their effect on current schemes, with the following main comments provided: -

- An enactment date of 1 July 2015 will not allow for the review of the significant number of comprehensive submissions received and appropriate amendments being undertaken to the proposed regulations;
- Unclear how the deemed provisions will be referenced or used as part of the local planning scheme;
- The proposed 5 year scheme review process will result in 85% of existing schemes automatically required to undertake the review process before 31 December 2015, which is a major resource imposition for local government and ultimately the WAPC in receiving the reviews;
- Disappointed with the lack of timeframes on the WAPC to consider and determine different planning mechanisms and there are no timeframes for other referral agencies;
- Query the wording of the structure planning and development contribution plan provisions and effect of these deemed provisions on the operation of existing structure plans and development contribution plans;
- Concerns about the inclusion of single house and minor development exemptions as deemed provisions; and
- Suggestions for improvements to terminology and additional clarity on the terms used.

Officer Comment

Submission re draft Planning and Development Regulations closely aligns to the submission we have prepared for the February Council meeting. The submission concentrates on gaining a greater understanding of the impact/operation of the deemed provisions, particularly in relation to development exemptions, operations of structure plans and heritage provisions. The submission also suggests the inclusion of timeframes for the WAPC to complete tasks and number of modifications to terms used, and general wording to make the document more user friendly.

Officer Recommendation

That the recommendation be supported.

Item 5.4 WALGA Guide for Local Government Planning Delegations

WALGA Recommendation

1. That State Council endorses the Guide for Planning Delegations – Development Applications and recommends use of the resource by Local Governments when reviewing and preparing planning delegation arrangements.
2. That the Guide and details of the project findings be forwarded to the Minister for Planning, the WAPC, the Department of Planning and the Department of Local Government and Communities.
3. The Guide be endorsed by the State Government as fulfilling the action in the Blueprint for Planning Reform Phase 2 Action Plan, related to development of a model schedule of planning delegations.

WALGA Comment

The Guide for Planning Delegations (the Guide) aims to provide a best practice toolkit for local government in the preparation of its individual planning delegation arrangements for development applications. The Guide is split into two parts. Part I includes the process for preparing a delegation



system and processes to reflect a local governments specific needs, Part 2 provides the background and supporting information, explaining what delegation aims to achieve, where the power to delegate comes from and provides a summary of the sample delegation arrangements.

The original intent of the Association, i.e. to prepare a Best Practice model for Delegation arrangements, was adjusted during the preparation of the resource, as it became clear to the consultants that a 'one size fits all' model was unachievable, as each local government has different local planning scheme provisions, land use permissibility and specific circumstances for delegating the decision making to the CEO or planning officers.

The Guide, therefore, provides a process to guide the development of delegations policy and procedure, with the following steps suggested; -

- Step One - Audit – understanding the current system and how it supports decision making
- Step Two – Council Delegation Policy – a statement on how delegation will be decided and how it will work. This is not mandatory, but provides a clear indication of the circumstances where Council determination of a development application may occur.
- Step Three – Statement of Delegation – identifying the power of duty to be delegated, in accordance with the Local Government Operational Guidelines (DLGC). Also suggests five different streams of track based assessment that could be considered
- Step Four – Using the Delegation – outlines how the suggested model fits within the development approvals process;
- Step Five – Record, Notify and Monitor – as required by the Local Government Act
- Step Six – Review and Firm up the Framework - as required by the Local Government Act

The Guide for Planning Delegations effectively provides the State with the achievement of this planning reform initiative.

Officer Comment

The proposed method of preparing/reviewing a planning delegation document is based on sound principles and should assist local governments in completing this task. Rather than proposing a one size fits all approach, WALGA has provided a guide to assist local governments to develop systems which suit their needs and are consistent with best practice principles. The guide recommends ensuring the strategic and policy framework are up to date which will help with certainty and consistency in development control.

Officer Recommendation

That the recommendation be supported.

Item 5.5 Interim submission – Reforms to the Strata Titles Act 1985

WALGA Recommendation

That State Council endorse the interim submission to Landgate on the discussion paper proposing reforms to the Strata Title Act 1985.

WALGA Comment

During the public consultation period, the Association sought feedback from the Local Government Sector to inform a representative submission to Landgate

The interim submission prescribes a series of comments and recommendation that should assist Landgate in finalising the proposed reforms and drafting of the new Strata Titles Act. Landgate intends to introduce a reform Bill to the spring session of Parliament in 2015.

Officer Comment



Support the comments of WALGA and support the review of the Strata Titles Act, which is really important.

Officer Recommendation

That the recommendation be supported.

Item 5.6 State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport

WALGA Recommendation

That the interim submission to the WA Planning Commission on State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport be endorsed.

WALGA Comment

During the public consultation period, the Association sought feedback from members to inform a representative submission to WA Planning Commission. The Association reviewed the revised State Planning Policy and prepared an interim submission on the State Planning Policy prescribing a series of recommendations to assist the WA Planning Commission in finalising the Policy, as follows:

1. That the WA Planning Commission introduce a mechanism that will inform affected Local Governments in the eastern metropolitan region when an updated version of the ANEF is uploaded onto the Perth Airport website by:
 - a) Providing a statement on the WA Planning Commission website on the page where SPP 5.1 can be downloaded that identifies when the most recent version of the ANEF was uploaded to the Perth Airport website and updating this statement accordingly.
 - b) When updating the above mentioned statement the WA Planning Commission to communicate the change to affected Local Governments via an 'email alert' and/or by sending notification of the change by mail.
2. Insert the following words or similar into section 2.5 Australian Noise exposure Forecast 'The policy automatically and concurrently refers to the most up to date version of the ANEF published on the Perth Airport website, and users of the policy will be notified by the WA Planning Commission when the ANEF is updated from time to time.'
3. Update the contents page so that section 2.4 Australian Noise Exposure Forecast is listed as being on page 2 instead of page 1.

Officer Comment

No comment – the Australian Noise Exposure Forecast contours do not affect the City of South Perth

Officer Recommendation

That the recommendation be supported.

Item 5.7 Interim Submission - State Planning Policy 5.2 – Telecommunications Infrastructure

WALGA Recommendation

That State Council endorse the interim submission to the WA Planning Commission on State Planning Policy 5.2 – Telecommunications Infrastructure.

WALGA Comment

During the public consultation period, the Association sought feedback from the Local Government sector to inform a representative submission to WA Planning Commission.



The Association conducted a brief study of current national practice on telecommunications infrastructure. This revealed a number of key differences between WA and other states that could lead to more efficient implementation of mobile telecommunications infrastructure.

The interim submission prescribes a series of comments and recommendations that should assist the WA Planning Commission in finalising the State Planning Policy, primarily relating to the following issues: -

- It is not clear why a number of separate infrastructure related State Planning Policy documents are required in WA and suggests that the existing State Planning Policy could be included into one policy, along with other existing policies to create a single policy called Infrastructure Corridors. Such a policy would be a more efficient and effective way for Local Government to administer broad advice on the processing and advertising of infrastructure projects and specific advice on certain types of infrastructure, such as mobile telecommunications.
- It is not clear why a 200m radius to issue notice was selected for this policy and it is identified that a range of 200m may not be suitable in all situations. For example, the topography of a site could result in greater prominence for proposed infrastructure, but this policy would limit Local Government to consulting to within a 200m radius. Furthermore, the term 'exceptional circumstances' in relation to broader consultation on telecommunications infrastructure is not defined. This term should be clarified and the circumstances in which the Local Government may exercise discretion should be clearly outlined in the policy.
- The use of a clause that gives priority to State Planning Policy 5.2 over any Local Government policies may prevent Local Governments from adopting a policy position to suit to the unique characteristics of different Local Government areas. The Association recommends the clause be amended to instead acknowledge and give prevalence to local policies as they have been adapted to suit local contextual characteristics and community preferences.
- The policy structure in other States is seen to better facilitate the intentions of the policy, to facilitate the provision of telecommunications infrastructure. The Association recommends the introduction of a new section to describe proposals that are exempt from requiring planning approval beyond those exceptions detailed in the Telecommunications Act of 1997. This is the current practice in Victoria and New South Wales. The new section should clearly identify specific design and locational circumstances in which an installation may be exempt from requiring planning approval with reference to the principles outlined in the amended policy.

Officer Comment

The City has a policy – P310 Telecommunications Infrastructure and also a consultation policy that covers consultation in regard to Telecommunications DAs . We have the same concerns as those raised in the WALGA submission regarding our policy and consultation if the State Planning Policy goes ahead as drafted and we support WALGA submission. For information, we have to consult in a 500m radius and the State Planning Policy is specifying no more than 200 m.

Officer Recommendation

That the recommendation be supported.

Item 5.8 Introduction of the Public Health Bill 2014

WALGA Recommendation

That WALGA:

1. advise the Minister for Health that Local Government supports the Public Health Bill 2014, as introduced to Parliament in November; and
2. to ensure the smooth implementation of the new legislation, seeks the following:
 - a) Development of a clear implementation plan and timelines for the staged implementation of the Act and subsidiary legislation;



- b) Establishment of a joint advisory group(s) and engagement of Local Government in the development of any supporting regulations;
- c) Provision of funding to support smaller rural and regional councils with the development of local Public Health Plans; and
- d) Development of tools and resources to support the introduction of requirements for Public Health Plans.

WALGA Comment

The Public Health Bill 2014 recently tabled in Parliament is consistent with positions previously adopted by State Council. Outstanding questions and considerations for the sector relate to:

- The development by the State Government of a clear implementation plan for the staged introduction of the new legislation.
- Development of regulations and policies.
- Financial assistance for regional and rural Local Governments for the development of new Public Health Plans.
- Ensuring DoH provides resources and tools to assist the sector in the provision of Public Health Plans.

It is recommended that the passage of the Bill be supported and that WALGA advocacy focuses on the implementation aspects of the Public Health Bill 2014.

The Department of Health will be delivering the first information sessions on the Bill on March 11th and 19th 2015 and details regarding this were placed in LG News.

Officer Comment

No comment.

Officer Recommendation

That the recommendation be supported.

Item 5.9 Bus Stop Infrastructure Partnership Agreement

WALGA Recommendation

That State Council endorse the attached Bus Stop Infrastructure Partnership Agreement.

WALGA Comment

The purpose of the Agreement is to improve consultation and communication between the PTA and Local Governments in providing and maintaining bus stop infrastructure by clarifying the roles and responsibilities of each party. This Agreement will assist in ensuring that investments by the PTA and Local Government in bus stop infrastructure deliver benefit to the community. The Agreement will operate from the date of signature of both of the parties until June 2018. The Agreement will be formally reviewed before this date.

The Agreement was developed in consultation with a working group of metropolitan Local Government officers. In the future it is expected that the Agreement will be expanded to include regional Local Governments in the future.

Officer Comment

No comment.

Officer Recommendation

That the recommendation be supported.



Item 5.10 Interim submission to the ERA Draft Decision on the ATCO Gas Access Arrangement

WALGA Recommendation

That:

1. The Association's interim submission in response to the ERA's Draft Decision on the Mid-West and South-West Gas Distribution System Access Arrangement be endorsed; and
2. The Association continue advocating to the State Government for the removal of tax recovery charges on Local Government capital contributions to providers of utility infrastructure.

WALGA Comment

Because the ERA required submissions in response to the Draft Decision to be made by 12 January 2015, the Association prepared an interim submission, subject to State Council approval. The State Council Infrastructure co-chairs and the WALGA President were given the opportunity to provide input. Support for the interim submission was obtained.

The submission makes three arguments against the Draft Decision's position on capital contributions:

- Recovering tax costs from contributors rather than the entire customer base is likely to be inefficient since it will disproportionately impact those making capital contributions.
- The ERA's approach to capital contributions is not consistent with what occurs in other jurisdictions.
- Application of such policies to utility infrastructure will have a detrimental effect on the WA community, because a number of Local Government projects with significant public benefits will not proceed due to the inclusion of tax recovery costs.

The ERA's Draft Decision on ATCO Gas and the earlier decision on Western Power are informed by its interpretation of the relevant regulatory instruments. However, ultimately the State Government can decide on how new and replacement utility infrastructure is to be funded. This is particularly the case for Western Power, since the State Government owns this corporation. Indeed, the exemption of residential subdivisions from the tax recovery charges shows the Government is able to direct Western Power to act outside the recommendations of the ERA.

Additionally, the use of tax recovery charges (or at least passing these tax costs onto customers) could be considered somewhat nonsensical for State Government owned monopolies such as Western Power and Horizon Power. The tax recovery charges are intended to reflect the costs of Federal company tax. But State Government owned corporations do not pay this tax to the Commonwealth – instead, under competitive neutrality policy, they pay tax equivalent amounts to the State Government. Therefore, the State Government's finances are not impacted by company tax and as such, these costs should not be passed onto customers.

Officer Comment

The City has no direct knowledge of the mental health issues associated with FIFO workers. The WALGA recommendation should be supported as WALGA has conducted appropriate research and consultation before the report was finalised.

Officer Recommendation

That the recommendation be supported.

CLIFF FREWING
CEO



PRESENT AT ZONE MEETING

Cr Sharron Hawkins-Zeeb
Cr Fiona Reid
Phil McQue

ATTACHMENTS

- I. Table of Contents - South East Metropolitan Zone



ATTACHMENT I
WALGA SOUTH EAST METROPOLITAN ZONE
STATE COUNCIL – AGENDA



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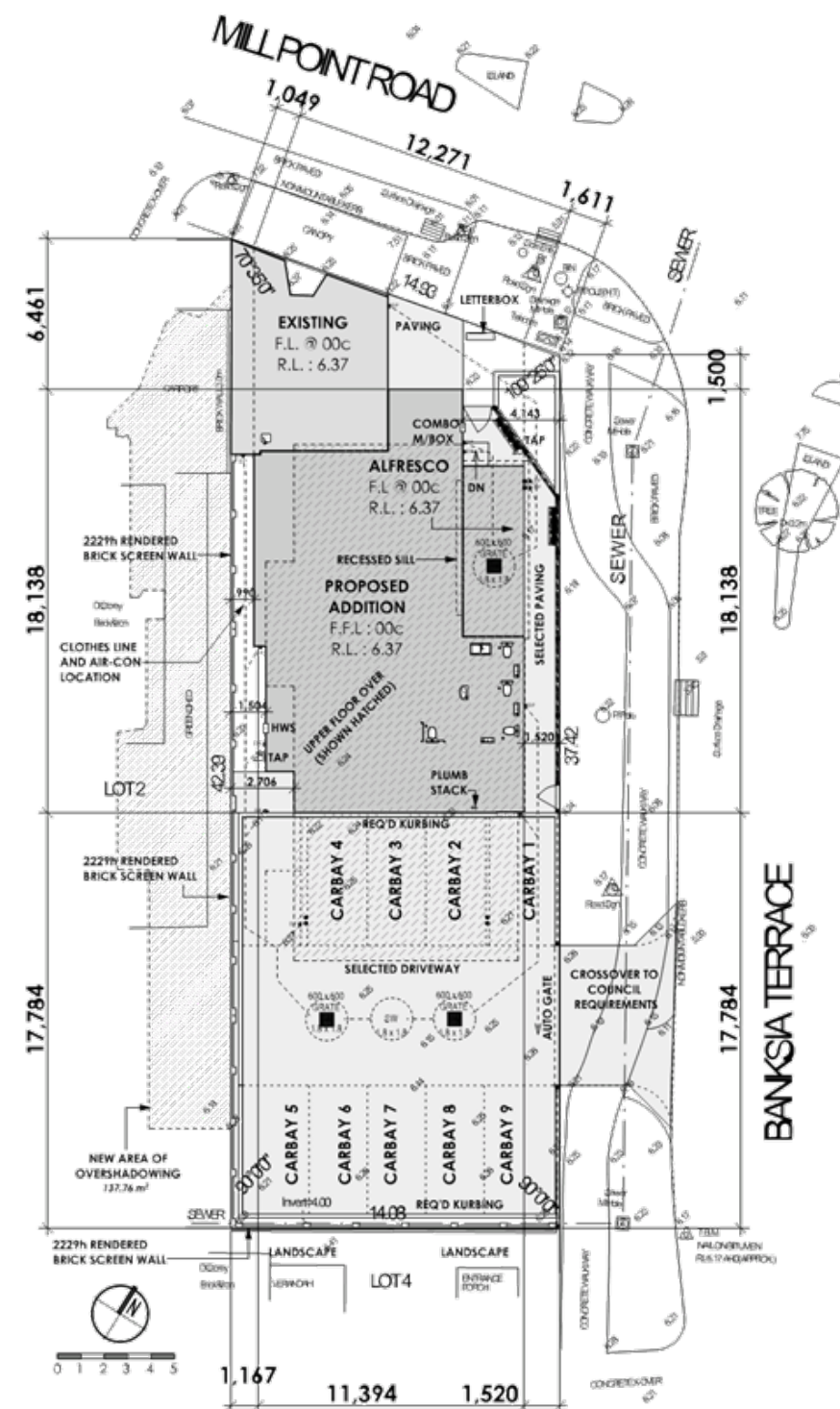
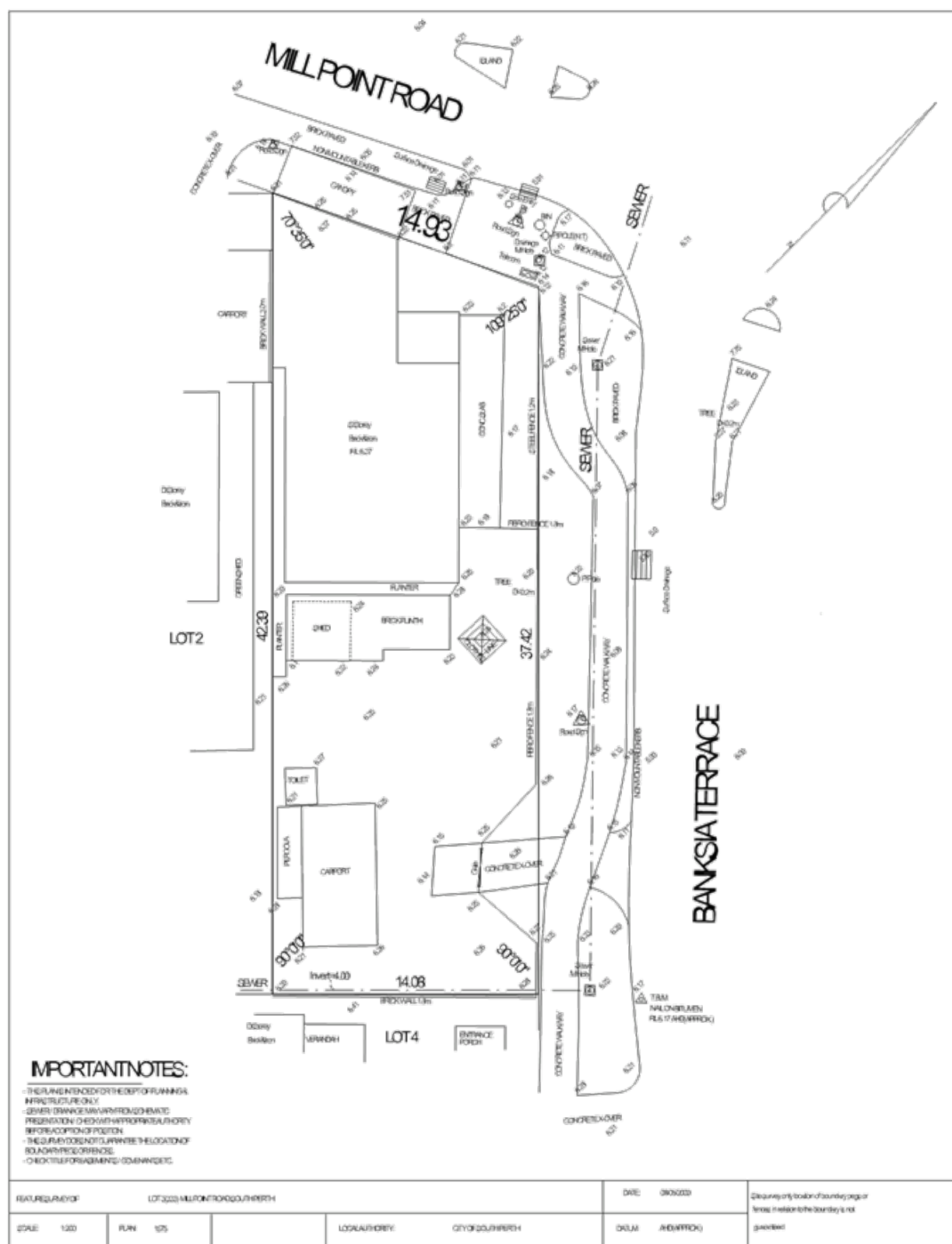
WORKING DRAWINGS

GAY


LOT 3 (Hse #333) MILL POINT ROAD
SOUTH PERTH

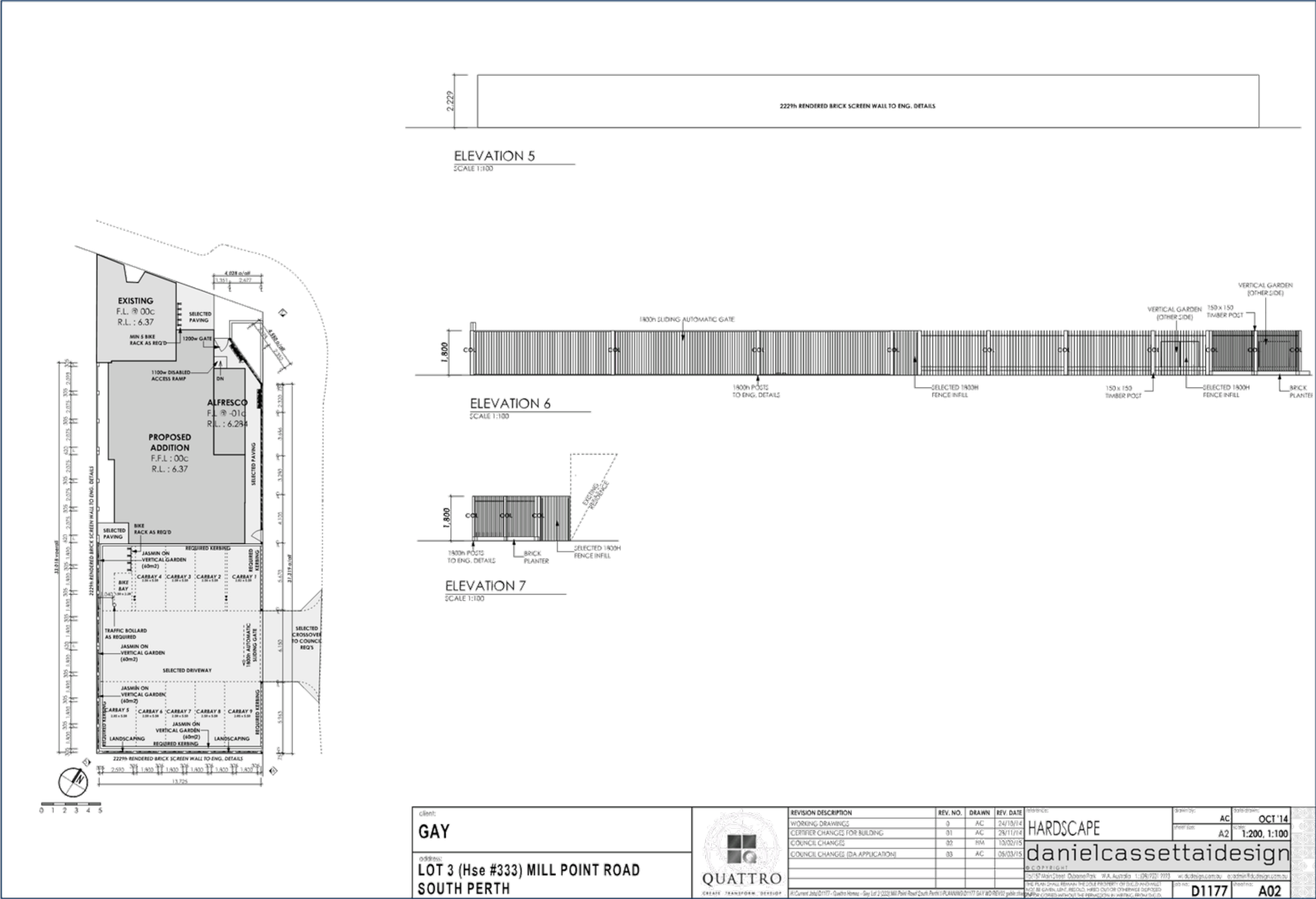


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GENERAL NOTES																									
ALL DIMENSIONS AND AREAS TO BE CHECKED AND ANY DISCREPANCIES TO BE REPORTED TO BUILDER OR DANIEL CASSETTA DESIGNS BEFORE COMMENCEMENT OF WORKS.																									
ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DRAWINGS																									
ALL WORK TO BE CARRIED OUT TO THE APPROPRIATE AUSTRALIAN STANDARDS & BCA REQUIREMENTS																									
- TIMBER ROOF FRAMING : AS 1694																									
- TILING TO WET AREAS : BCA 3.8.1.2 - 3.8.1.2.2																									
- VENTILATION : AS 1694																									
- GAS RAYONETS, WALL AND CEILING VENTS : AS5601 & AG601																									
- SMOKE ALARMS : AS3784																									
- BE CONNECTED TO THE CONSUMER POWER MAIN																									
- TO HAVE A STAND-BY POWER SUPPLY																									
- LOCATION OF SMOKE ALARM DEVICES SHALL BE AS SHOWN ON PLAN.																									
DWELLING AREAS																									
PROPOSED FLOOR AREAS																									
ALFRESCO:	19.31																								
BALCONY:	21.35																								
LOFT:	49.73																								
EXISTING:	51.07																								
PROPOSED ADD'S:	161.14																								
UPPER FLOOR:	201.06																								
	503.66 m ²																								
SOAKWELL LEGEND																									
<table><tr><td>Soak Well Type</td><td>No.</td><td>Area</td></tr><tr><td>21W 1800X800</td><td>4</td><td>19.3 m²</td></tr><tr><td>Total Capacity</td><td></td><td>19.3 m³</td></tr><tr><td>Roof Area GP</td><td></td><td>379.0 m²</td></tr><tr><td>Paved Area</td><td></td><td>259.0 m²</td></tr><tr><td>Total Area</td><td></td><td>638.0 m²</td></tr><tr><td>Capacity Required (Area x 0.0125)</td><td></td><td>7.98 m³</td></tr><tr><td>Extra Capacity Provided</td><td></td><td>19.6 m³</td></tr></table>		Soak Well Type	No.	Area	21W 1800X800	4	19.3 m ²	Total Capacity		19.3 m ³	Roof Area GP		379.0 m ²	Paved Area		259.0 m ²	Total Area		638.0 m ²	Capacity Required (Area x 0.0125)		7.98 m ³	Extra Capacity Provided		19.6 m ³
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<div>NOTE: ALL DOWNPIPES CONNECTED TO SOAKWELLS WITH PVC STORMWATER PIPE</div>																									
OVERSHADOWING CALCS																									
NEIGHBOURS LOT AREA:	632m ²																								
OVERSHADOW AREA:	137.76m ²																								
PERCENTAGE COVERED:	21.8%																								
PLOT RATIO CALC'S.																									
SITE AREA:	562m ²																								
TOTAL AREA:	235.58m ²																								
(UPPER FLOOR, DINING & FOYER)																									
TOTAL PLOT RATIO:	0.41																								

client:		 QUATTRO <small>CREATE TRANSFORM DEVELOP</small>	<table><tr><th>REVISION DESCRIPTION</th><th>REV. NO.</th><th>DRAWN</th><th>REV. DATE</th></tr><tr><td>WORKING DRAWINGS</td><td>0</td><td>AC</td><td>24/10/14</td></tr><tr><td>CERTIFIER CHANGES FOR BUILDING</td><td>01</td><td>AC</td><td>28/11/14</td></tr><tr><td>COUNCIL CHANGES</td><td>02</td><td>RM</td><td>10/02/15</td></tr><tr><td>COUNCIL CHANGES (DA APPLICATION)</td><td>03</td><td>AC</td><td>05/03/15</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></table>	REVISION DESCRIPTION	REV. NO.	DRAWN	REV. DATE	WORKING DRAWINGS	0	AC	24/10/14	CERTIFIER CHANGES FOR BUILDING	01	AC	28/11/14	COUNCIL CHANGES	02	RM	10/02/15	COUNCIL CHANGES (DA APPLICATION)	03	AC	05/03/15													reference: SURVEY/SITE PLAN	<table><tr><td>drawing:</td><td>AC</td><td>OCT'14</td></tr><tr><td>sheet size:</td><td>A2</td><td>1:200, 1:1</td></tr></table>	drawing:	AC	OCT'14	sheet size:	A2	1:200, 1:1
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drawing:	AC	OCT'14																																									
sheet size:	A2	1:200, 1:1																																									
address: LOT 3 (Hse #333) MILL POINT ROAD SOUTH PERTH				danielcassettaidesign © COPYRIGHT 10/157 Main Street Osborne Park W.A. Australia 1: (08) 9231 7993 w: dcsdesign.com.au e: admin@dcsgroup.com.au THE PLAN SHALL REMAIN THE SOLE PROPERTY OF DCS AND SHALL NOT BE GIVEN, LENT, REPRODUCED, HIRED OUT OR OTHERWISE DISPOSED OF WITHOUT THE WRITTEN PERMISSION OF DCS DESIGN GROUP	do not: D1177	sheet no: A01																																					



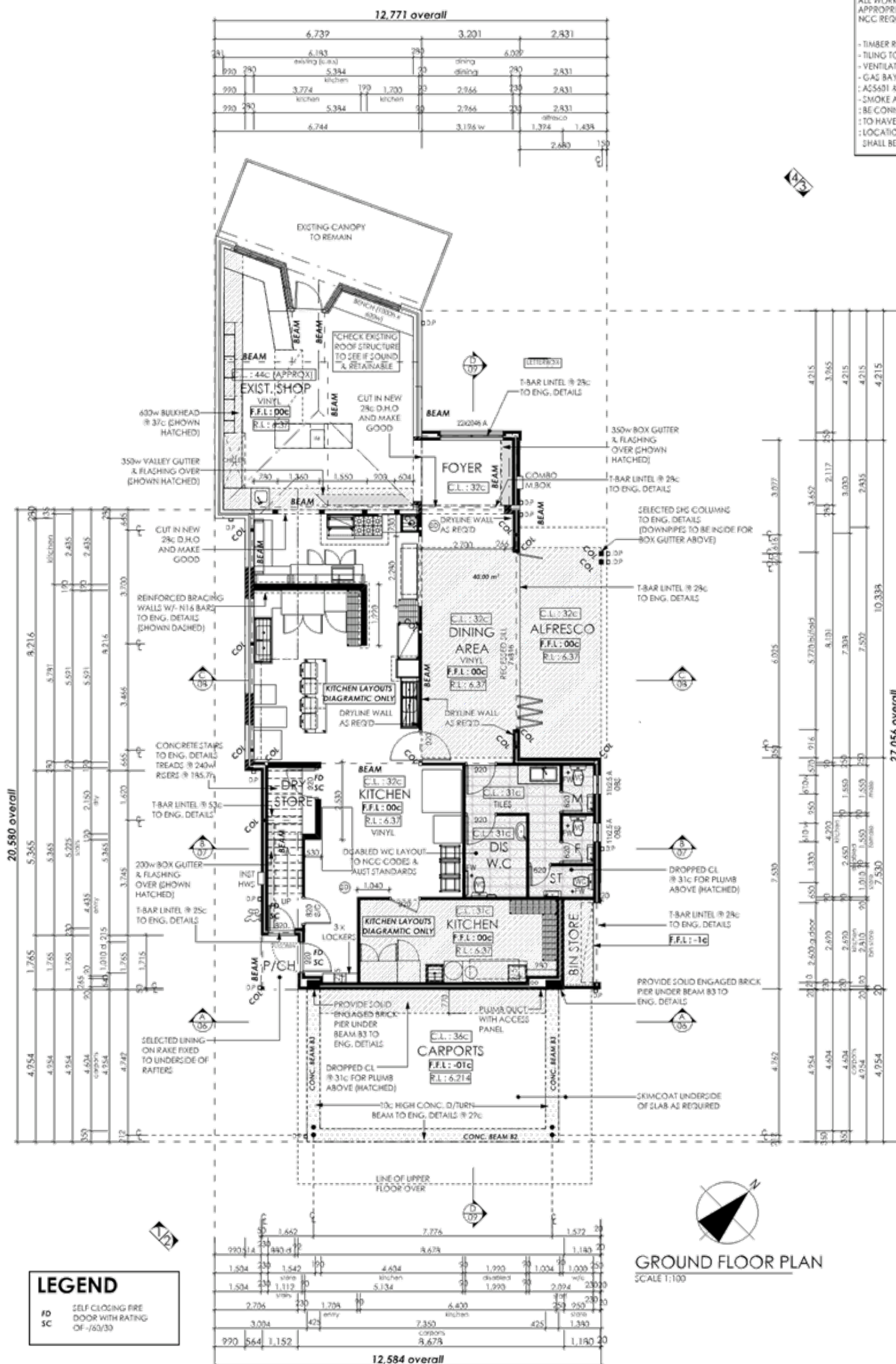
GENERAL NOTES

ALL DIMENSIONS AND AREAS TO BE CHECKED AND ANY DISCREPANCIES TO BE REPORTED TO BUILDER OR DANIEL CASSETTA DESIGN BEFORE COMMENCEMENT OF WORKS.

ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DRAWINGS

ALL WORK TO BE CARRIED OUT TO THE APPROPRIATE AUSTRALIAN STANDARDS & NCC REQUIREMENTS

- TIMBER ROOF FRAMING : A.S. 1684
- TILING TO WET AREAS : NCC 3.8.1.7 - 3.8.1.22
- VENTILATION : AS1684
- GAS BAYONETS, WALL AND CEILING VENTS : AS5601 & AG601
- SMOKE ALARMS : AS3785
- BE CONNECTED TO THE CONSUMER POWER MAIN
- TO HAVE A STAND-BY POWER SUPPLY
- LOCATION OF SMOKE ALARM DEVICES SHALL BE AS SHOWN ON PLAN.



<p>Client: GAY</p> <p>Address: LOT 3 (Hse #333) MILL POINT ROAD SOUTH PERTH</p>	<p>QUATTRO</p>	<table> <tr> <th>REVISION DESCRIPTION</th><th>REV. NO.</th><th>DRAWN</th><th>REV. DATE</th></tr> <tr> <td>WORKING DRAWINGS</td><td>01</td><td>AC</td><td>24/10/14</td></tr> <tr> <td>CERTIFIER CHANGES FOR BUILDING</td><td>01</td><td>AC</td><td>25/11/14</td></tr> <tr> <td>COUNCIL CHANGES</td><td>02</td><td>HM</td><td>10/02/15</td></tr> <tr> <td>COUNCIL CHANGES (DA APPLICATION)</td><td>03</td><td>AC</td><td>05/03/15</td></tr> </table>	REVISION DESCRIPTION	REV. NO.	DRAWN	REV. DATE	WORKING DRAWINGS	01	AC	24/10/14	CERTIFIER CHANGES FOR BUILDING	01	AC	25/11/14	COUNCIL CHANGES	02	HM	10/02/15	COUNCIL CHANGES (DA APPLICATION)	03	AC	05/03/15	<p>Project: GROUND FLOOR</p> <p>Drawn By: AC</p> <p>Scale: 1:100</p> <p>Project Name: danielcassetaidesign</p> <p>Copyright: © 2014 Daniel Cassetta Design Pty. Ltd. All Rights Reserved.</p> <p>Project No: D1177</p> <p>Sheet No: A03</p>
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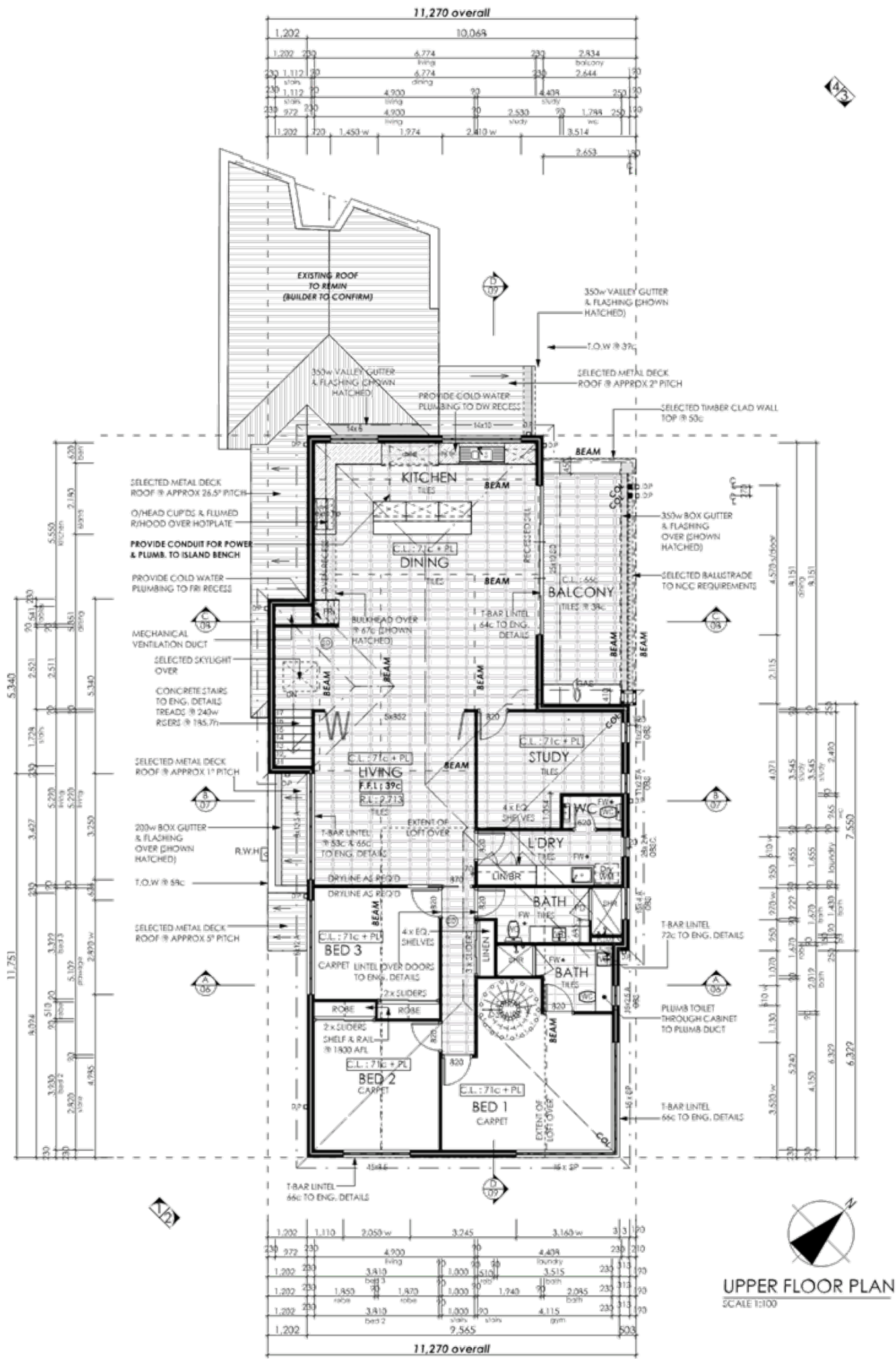
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ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER'S DRAWINGS

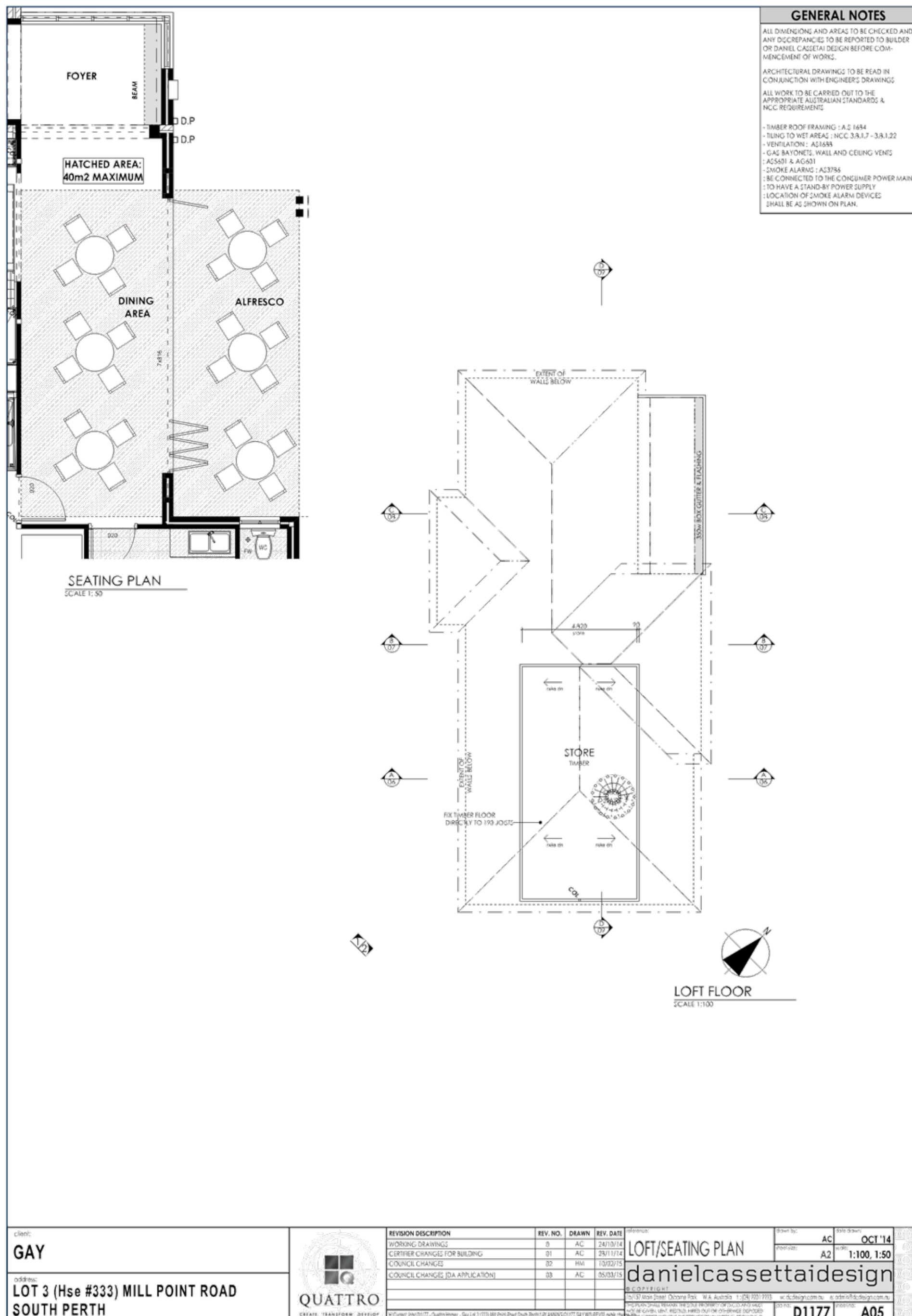
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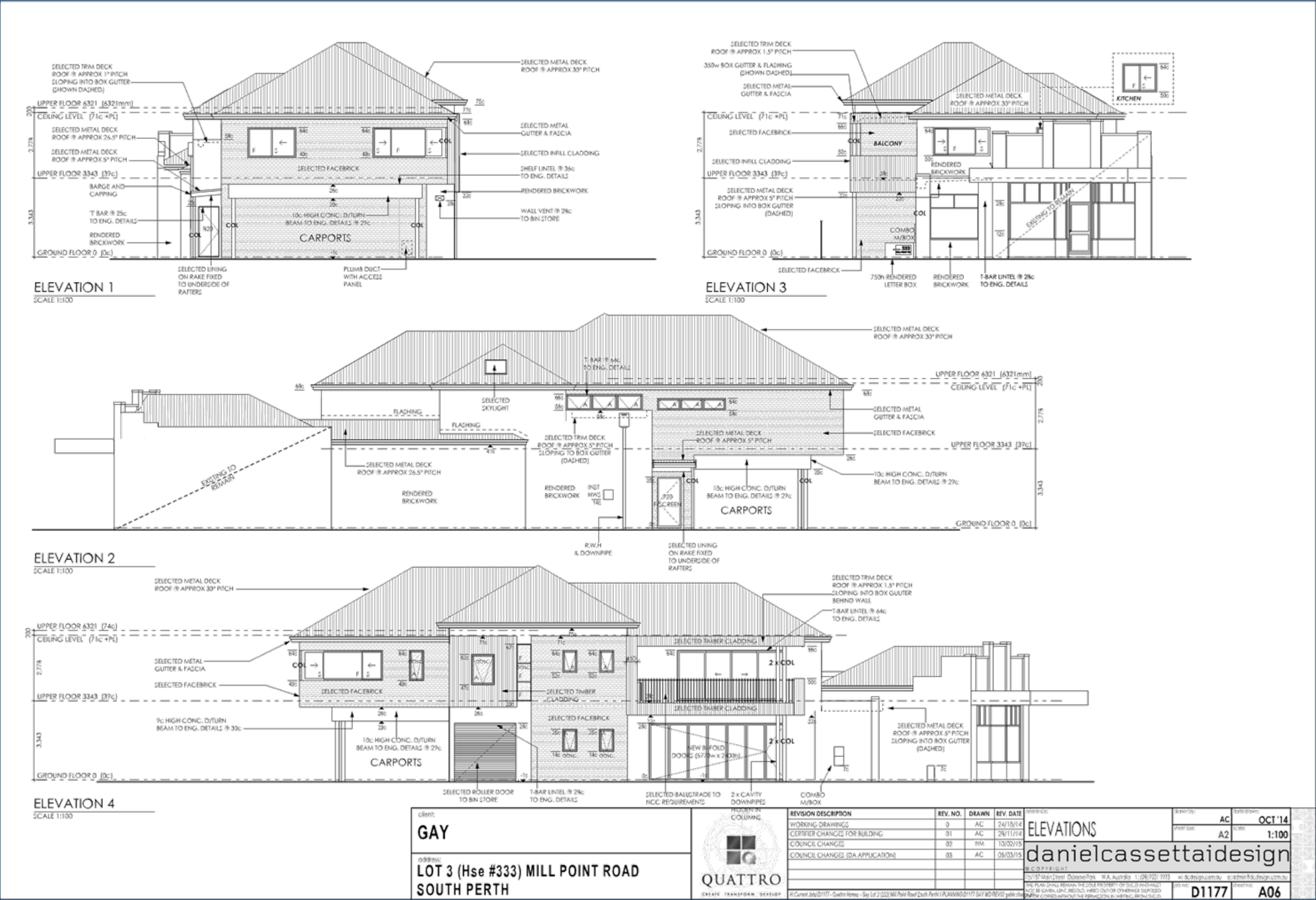
- TIMBER ROOF FRAMING : A.S. 1684
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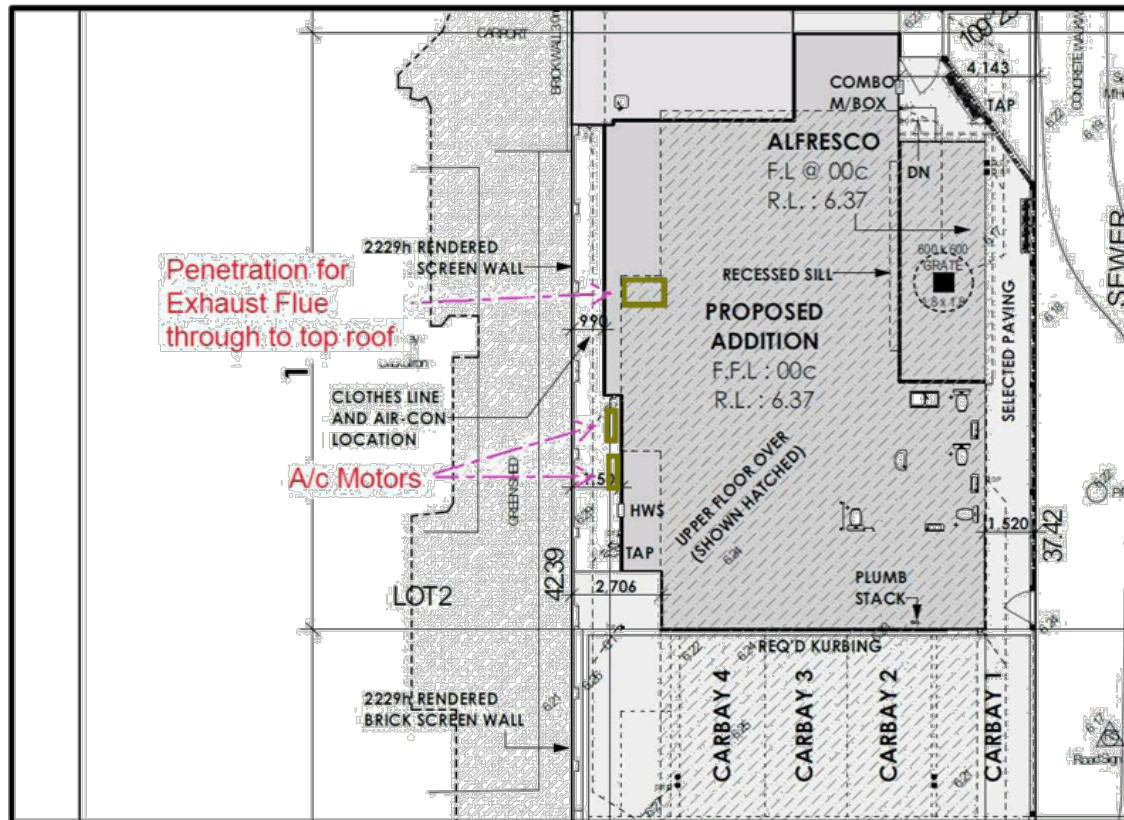
UPPER FLOOR PLAN
SCALE 1:100

client: GAY		<table><tr><th>REVISION DESCRIPTION</th><th>REV. NO.</th><th>DRAWN</th><th>REV. DATE</th></tr><tr><td>WORKING DRAWINGS</td><td>01</td><td>AC</td><td>24/10/14</td></tr><tr><td>CERTIFIER CHANGES FOR BUILDING</td><td>02</td><td>AC</td><td>25/11/14</td></tr><tr><td>COUNCIL CHANGES</td><td>03</td><td>HM</td><td>10/02/15</td></tr><tr><td>COUNCIL CHANGES (DA APPLICATION)</td><td>04</td><td>AC</td><td>05/03/15</td></tr></table>	REVISION DESCRIPTION	REV. NO.	DRAWN	REV. DATE	WORKING DRAWINGS	01	AC	24/10/14	CERTIFIER CHANGES FOR BUILDING	02	AC	25/11/14	COUNCIL CHANGES	03	HM	10/02/15	COUNCIL CHANGES (DA APPLICATION)	04	AC	05/03/15	<table><tr><td>Drawn By:</td><td>AC</td><td>Date Drawn:</td><td>OCT '14</td></tr><tr><td>Project No:</td><td>A2</td><td>Scale:</td><td>1:100</td></tr></table>	Drawn By:	AC	Date Drawn:	OCT '14	Project No:	A2	Scale:	1:100								
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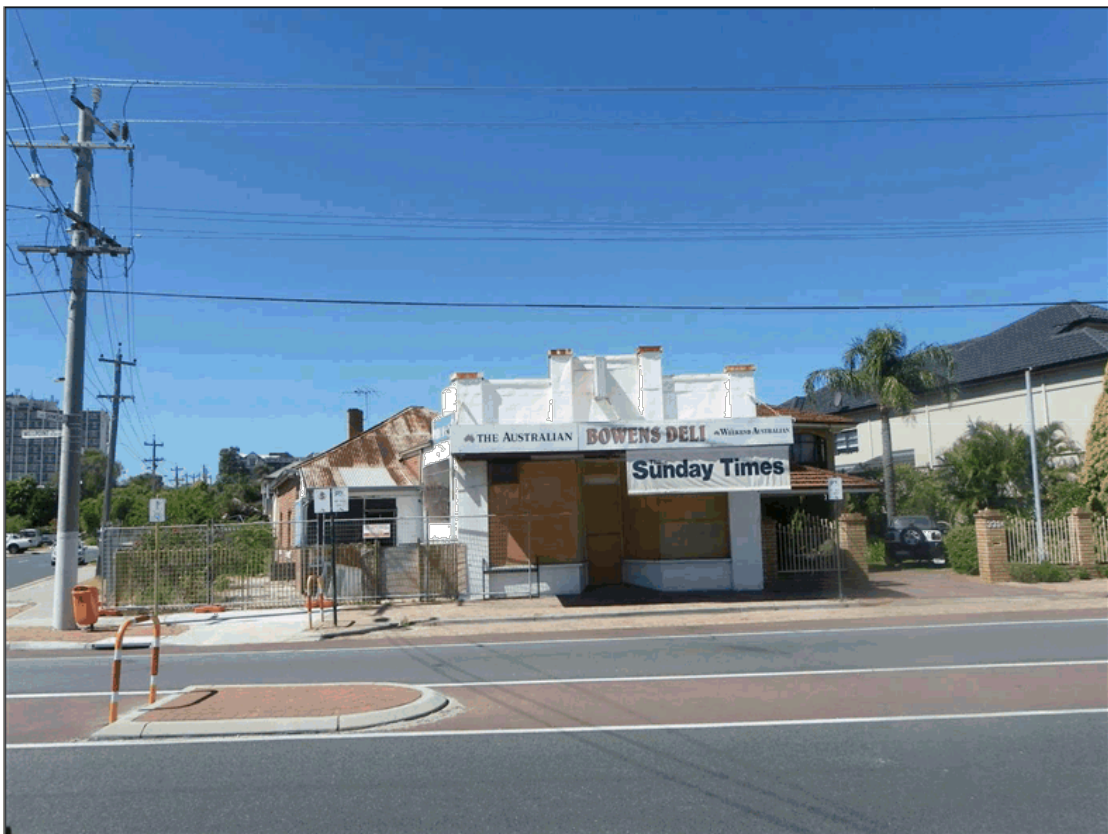
Subject: RE: Request for Additional Information (Council Agenda Briefing) - 333 Mill Point Road, South Perth



Site Photographs – Lot 3 (No. 333) Mill Point Road, South Perth – 11.2014.633.1



Aerial photograph (November 2014)



View from Mill Point Road facing south east (March 2015)



- View from Mill Point Road facing south (March 2015)



- View from Mill Point Road facing east (March 2015)



- View from Banksia Terrace facing west (March 2015)



- View from Banksia Terrace facing south west (March 2015)



- View from Banksia Terrace facing north west (March 2015)

Applicant's Supporting Reports – Lot 3 (No. 333) Mill Point Road, South Perth – 11.2014.633.1

From: Michael Lamattina [Managing Director, Quattro Homes Pty Ltd]
Sent: Thursday, 5 March 2015 3:19 PM
Subject: GAY: 333 Mill Point Road South Perth

Applicant's responses to officer planning assessment advice dated 28 February 2015.

Dear Michael,

Proposed Three-Storey Mixed Development. Lot 3 (No. 333) Mill Point Road, South Perth.
Application No. 11.2014.633.1. Owner: Ms A Gay.

The following is a summary of the discretionary matters have that been identified by the planning assessment:

- | | | |
|----|---|---|
| a. | Land uses (TPS6 Table 1) – | Mixed Development, Shop, Café/Restaurant, Dwelling. |
| b. | Plot ratio (TPS6 Table 3) – | 314m ² / 0.56 proposed, 281m ² / 0.50 permitted. (RESPONSE: 47m ² of Loft area is not to be included given that the minimum ceiling height requirement of 2400 for an area to be considered as part of plot ratio is not achieved here.) |
| c. | Building height limit (TPS6 cl. 6.1A) – | Maximum height = 13.25m AHD, the gable (excluding the upper two-thirds) exceeds this height and is outside the 25 degree hip roof shape. No discretion available. RESPONSE: Alternative design to remove the gable and install circular stair entry into the Attic will achieve a building height within the maximum height limit of 13.25m AHD |
| d. | Lot boundary setbacks (TPS6 cl. 5.1(4) / R-Codes Tables 2a/b) – | Kitchen south west. 1.0m proposed, 1.6m required. |
| e. | Dwelling entry point visible from the street (R-Codes 6.2.1) – | Visible from the car park. |
| f. | Height of dividing fences (TPS6 cl. 6.7) – | Greater than 1.8m. |
| g. | Building design (TPS6 cl. 7.5(n) – | Subjective assessment. |
| h. | Landscaping (TPS6 Table 3) – | 14m ² / 2% proposed, 56m ² / 10% required. RESPONSE: Vertical Landscaping to be installed in the fencing within the carpark area which is approximately 60m ² of vertical landscaping |
| i. | Car parking bays, numbers (TPS6 Table 6 / Policy P315) – | Compliant subject to Council's acceptance of application of Policy P315. |
| j. | Car parking bays, dimensions (TPS6 cl. 6.3(8), Schedule 5), Bay 1 – | 2.69m width proposed, 2.8m required (adjacent to fence). RESPONSE: Alteration of the FRC Columns to twin CHS Columns will in increase the width of the parking bays to the minimum 2.8m |
| k. | Solar access (TPS6 cl. 5.1(4) / R-Codes 6.4.2) – | 161m ² / 25.5% proposed, 158m ² / 25% permitted. |
| l. | Signage (TPS6 cl. 6.12) – | As no signage is proposed, no signage will be approved as part of this application (condition). |
| m. | Banksia Terrace gate – | Opens onto the street, rather than into the site. RESPONSE: This has been changed to open into the site |

Each of these, as well as any other relevant matters will be discussed in the Council report.

If you wish to discuss further, please call from Tuesday next week. If you have any comments you wish to be included in the applicant's report attached, please send these comments in writing (email or letter).

From: Michael Lamattina [Managing Director, Quattro Homes Pty Ltd]
Sent: Friday, 13 February 2015 4:05 PM
Subject: GAY: 333 Mill Point Road South Perth

Applicant's responses to planning referrals advice dated 6 February 2015.

10/2/15
City of South Perth
Planning Department
Att: Cameron

Proposed Three-Storey Mixed Development. Lot 3 (No. 333) Mill Point Road, South Perth.
Application No. 11.2014.633.1.

Item	Advisory Consultants' Comments	Response
	The Design Advisory Consultants observed that the proposed built form with the pitched roof did not blend with the roof form over the existing shop. Additionally, the junction of these two roofs needs to be tied in.	The original approved design had a pitched roof over the addition. We have amended slightly the lower roof over the Foyer to the Dining to better tie in the fascia detail between old and new. An updated 3D perspective from the ground path view may better reflect the streetscape impact.
	More thought needs to go into designing the proposed elevations, and layout & size of windows in order to achieve consistency.	In an effort to achieve greater consistency in the design, we have altered the windows to the ground floor foyer to the dining area to match the front windows. We have also altered to the dimension of the study window to better match the other windows on the banksia tree elevation.
	The design of the portion of building at the street corner and landscaping of this area require greater attention. These corner elements will contribute considerably to the existing streetscape.	Perhaps the continuation of the fascia profile from the front of building could be continued over the Foyer to Dining. The landscaping plan will provide additional detail to the corner element so an amended 3D will demonstrate this.
	The proposed kitchen is observed to be significantly large for the level of operation that is proposed, and the question was raised that its purpose be clarified. Additionally, the kitchen layout is observed to be inefficient;	The kitchen is specifically designed by specialist consultants for the operation intended. The Owner will be the operator who is experienced in the workflow requirements for the intended operations. There are 3 separate cooking environments required for the operation due to the different types of cooking styles employed being Bakery, Patisserie and Café cooking.

	Entrance to the residence through the car parking area was observed to be inappropriate.	As there is only one residence to this property we feel that there is a clear entrance point through the carpark with a clear path to the door way for the main carpark aisle.
	The space proposed within the roof space along with walk-in-robos was observed to be clearly a bedroom. This space, having been identified on the drawings as a store, was observed to be inappropriate.	This space as in the proposed design is the only substantial storage available to the owner who also operates the business on the ground floor. The Space will cater for general storage of personal and non-food items which overtime will build up.
	The design of the proposed street boundary fencing needs to be integrated;	On reviewing the updated 3D perspective we can demonstrate that the fence is well integrated offering high visual permeability hence improved passive street surveillance.
	The location of rubbish bins, its visibility from the street and its insufficient size need to be addressed.	Bins are located behind a roller door and their collection is serviced through the introduction of a gate immediately opposite the Bin Store. The Store sufficiently accommodates 2 x 660l bins on wheels which is viewed as been adequate for this property. We will provide a waste management plan to support this as part of our building permit submission.

Item	Engineering Comments	Infrastructure	Response
1	Property levels are set by the existing footpath levels and are not to be altered without permission		Noted
2	A Hydraulic plan is to be submitted with the certified statement by an appropriately qualified person stating that the stormwater design meets with the design requirements and conditions associated with the installation		Completed and Noted
3	The plan as submitted does not detail dimensions for the bay widths and lengths and the aisle widths.		Completed and Noted
4	Crossing is to be constructed in concrete and comply with the Management Practice(Policy P353 and Management Practice M353)		Noted

Item	Neighbour Submissions	Response
1	<p>Use is supported as a cafe would be great to have nearby</p> <p>Concerned about overflow parking as Banksia Tce has very limited street parking below the street parking area at the top of the hill near the Metro hotel. There are slow point chicanes that significantly reduce the area available for on-street parking. These bays are nearly always full and sought after by residents and visitors</p> <p>Would it be possible to require an increase in on-site parking and seek the use of a car parking stacker to achieve this? At least for the residential component. See attached photo of stackers in Subiaco just behind Rokeby Rd on a shop-top development.</p> <p>Sheet A02 shows fencing at 1800mm high - whilst this height is suitable for the rear portion, a much lower height should be applied around the street corner frontage and back as far as the car park on Banksia frontage. A low fencing height would be more in keeping with the residential character of the streetscape and would be more inviting than a barrier fence, especially to the alfresco area</p> <p>Ground floor Bin Storage faces the street with a negative streetscape impact. Rearrange so that access is from within the parking area.</p> <p>Ground floor layout has male toilet window opening directly onto the very small alfresco area. Not a pleasant setting for diners! Remove toilet window. Please raise this with the designer and owner as it is an amenity issue that can be simply resolved at this stage. I do not want to hear toilet sounds whilst having a coffee.</p> <p>Note that no Bed 1 is marked on the plans.</p> <p>Elevation to Banksia Terrace has ground floor window that is obviously to a toilet. Request that you seek an alternative window proportion and size (at the least to match that of the upper floor bathroom window) to make the toilet window to the street less blatant. It would also improve</p>	<p>Due to the limitation of trading hours, the impact of this operation on the availability of on-street parking would be minimised.</p> <p>The current proposal for the fence as demonstrated in the 3D provide a high level of visual permeability.</p> <p>The location is in the optimal location which supports the reduction in impact to adjoining neighbours and to effectively implement the intent waste management plan. The bins are stored behind a roller door.</p> <p>This element has been changed</p> <p>This element has been changed</p>

	<p>the proportions if a more vertical emphasis was used for the windows to match the traditional vertical pattern of windows in the area.</p> <p>Bare concrete beam proposed as support to upper floor above car port undercroft. At the very least this beam should be rendered and painted to match other external wall finishes that are visible to the street.</p> <p>Parking area has no shade trees or planting of any scale to soften the rear of the development. I request that you relax the car bay width for 1 or 2 bays (use Australian Standards small bay size as default) to enable 2 shade trees with a substantial canopy to be planted between the bays near the rear fence. This will also help reduce the heat island effect from the large paved area.</p> <p>Paving to parking area should be selected to reduce heat island effect (material/colour) and be permeable to assist water infiltration.</p>	<p>A decision is likely to be made to apply rollon texture to the underside of the carpark cover</p> <p>We are open to the installation of permeable paving</p>
2	<p>An application for this property has been dealt with by the City of South Perth in May 2010 and again in December 2011. At both of these meeting there were specific conditions which were imposed by the council. The said property was purchased with these specific conditions in place and I believe they are still required to be in place for this application.</p> <p>Considerable effort was put in by councils, neighbours, myself and the owners to come to these specific conditions to be drawn up and need to be carried across to this application.</p> <p>I can see some of those specific conditions in the planning but others I cannot.</p>	<p>This comment is unfortunately vague and as such we are unable to provide sufficient comment apart from the fact that we have worked vigorously towards achieving the requirement as detailed in the previous DA approval which lapsed at the time of our Building permit submission.</p>

3	<p>I became the owner and occupier of the residence adjoining the subject property late in 2013 and was attracted to the City of South Perth because of the residential character of the municipality and particularly this precinct. While I was aware that the adjoining property was zoned Local Commercial, I was comfortable with the potential for re-development of this property in accordance with the permitted uses allowed under that zoning category.</p> <p>The current proposal and plans will see significant departure from the intended land use to the extent that Council discretion is required to approve the application. It is the use of this discretion to allow the development of a Shop, Café/Restaurant that I object to and the following details the basis of my concerns</p> <p>Parking</p> <p>Parking around the premises is constrained with 2 bays of short term parking available on Mill Point Road. A further 4-5 bays of street parking is all that is available for most of Banksia Terrace residents, reduced to this low level due to previous traffic calming initiatives. This would appear to reduce further with the expanded access crossover outlined in the proposal.</p> <p>The 9 bays of proposed constrained parking indicated within the development will detrimentally impact already limited street parking. The proposed on premise parking sees bays located within 2 metres of a bedroom on my adjoining property having a detrimental impact on my property.</p> <p>While current parking might be adequate for intended Land Use the proposal for a Café/Restaurant/Shop/Residence will by nature see patrons occupying parking for extended periods of time, staff and residents all competing for limited spaces. The staff and occupier of the intended residence alone will greatly impact on premise parking bays.</p> <p>Traffic movements within the street will also increase significantly and with limited turning points, the driveways of nearby residents will see increased activity from</p>	<p>Trading hours limits will mitigate largely the impact of this operation on street parking</p> <p>The 2.2m high brick wall was previously required to address concerns of noise but the limitation in trading hours is unlikely to provide any adverse impact to someone sleeping.</p> <p>We anticipate that a substantial number of patrons will be on foot or on bikes and to this extent we have provided for additional bike racks.</p> <p>We disagree as this precinct has various places of business within the vicinity of this property.</p>
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<p>turning and reversing vehicles creating an increased risk for pedestrians and bike riders that frequent this route to the river.</p> <p>Setbacks The proposal may constitute a redevelopment and avoid set-back requirements that would be applied to a new development but exploits the intent of these requirements. In addition it does not adequately address landscaping requirements that would otherwise ensure the development is sympathetic to the precinct character.</p> <p>Hours of operation A café/restaurant /retail/bakery business has the potential to operate from early morning for breakfast trade to late at night to cater for dinner patrons. Preparation, clean-up and delivery activities outside these trading will mean activities on the site from early morning and late at night. These activities will detrimentally impact the general ambience that can be reasonably expected in this residential precinct.</p> <p>Environmental The working drawings indicate a significant sized kitchen with deep-fryers, ovens etc. which will by their nature create a heightened level of exhaust vented odour over extended periods impacting adjoining residents. The odour and noise associated with the kitchen waste, exhaust systems and grease trap servicing will have a detrimental impact on nearby residents.</p> <p>The noise from the coming and going of patrons on foot and in their vehicles, delivery trucks, in the early morning and late at night will negatively impact on the level of noise in a residential precinct. The planned open alfresco area by its nature creates an amplification of noise to adjoining residents in what would otherwise be a quiet residential street.</p> <p>Precinct Character and Business Activity A review of the working drawings indicates a substantial kitchen and bakery area which seems excessive for the proposed level of dining and alfresco area indicating</p>	<p>We will adequately address the landscape requirements as part of our application to the council for an approval to a landscaping plan.</p> <p>We anticipate that the hours of operation will be limited between 7:00am and 9:00pm as detailed in the previous Development Approval</p> <p>We have engaged hydraulic and mechanical consultants to design a compliant outcome for the installation of equipment and mechanical ventilation.</p> <p>Acoustic performance has been addressed in the consultant's reports above.</p>
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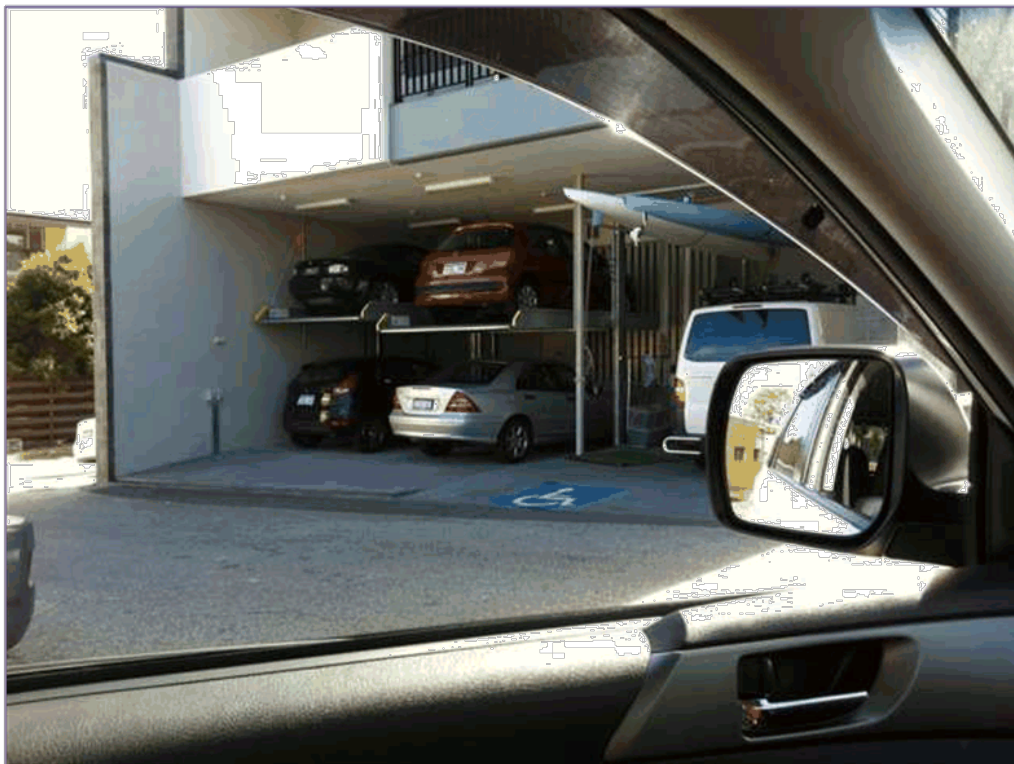
<p>the potential for wholesaling of products from the premises. Bakeries generally engage in significant sales from non-dining patrons and wholesaling. I request the council confirms this is a prohibited activity.</p> <p>The culmination of activities around retail sales, restaurant and cafe have a detrimental accumulative effect which go far beyond what can be reasonably expected in a residential precinct or a local commercial zoning.</p> <p>The development contravenes the City of South Perth Town Planning Scheme key objective which is to maintain the City's predominantly residential character and amenity. The accumulative impacts of the activities proposed for this site are clearly outside a land use that the Council should apply their discretionary powers to approve.</p> <p>Finally, I note that consultation is a requirement for the intended land use. Having worked in the area of community consultation for many years, I do not consider a letter from an approving authority as consultation, it is advice. Your letters of notice of the 4th and 11th December 2014 were the first form of communication I have had in regard to this development. There has been no consultation with the developer on a development that significantly impacts my property.</p> <p>I have provided my general objections in regard to the development of this adjoining property by separate letter. In addition to my concerns expressed in that correspondence I would like to raise an objection to the proposal to increase the height of our adjoining fence to 2.229 metres.</p> <p>This proposal is likely to have detrimental impact on the rooms that have openings along the common boundary in terms of access to natural light and airflow. Given the lack of consultation on this proposal I am poorly placed to assess wider implications around construction of this structure and address matters such as visual impacts and reinstatement on my property.</p>	<p>Due to the nature of the business operation requiring 3 separate cooking environments, it would appear that the size of the kitchen is disproportionate to the dining facilities but in reality the individual sizes for these are not large in isolation.</p> <p>We are open to reducing the height of the boundary wall if the council sees fit to requesting this alteration to our proposal</p>
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4	<p>Thank you for your notification and the opportunity to comment on the above café and residence proposal, we offer the following comments.</p> <p>1) We note that the site, 333 Mill Pt Rd, is zoned as Local Commercial. Whilst we are unaware of the definitive entitlements of that zoning we believe a reasonable understanding of the zoning is that development should primarily service the local community and that any development on the site should be of an appropriate local community scale and function so as not to detrimentally disrupt the existing neighbourhood.</p> <p>2) Having reviewed the plans, which show kitchens that are larger than what is required for a café of the size proposed, we are concerned that the oversized kitchen areas will be used for more substantial commercial kitchen purposes which could be inappropriate for a Local Commercial use and could be disruptive to the existing neighbourhood, particularly in terms of parking.</p> <p>3) We recommend that a traffic management plan be required of the applicant to demonstrate that the surrounding neighbourhood carparking will not be detrimentally affected. We are concerned that there is insufficient carparking on the site and are conscious that Banksia Tce has minimal street parking due to the chicanes. We believe it would be inappropriate to have café /bakery carparking overflowing onto the street.</p> <p>4) We recommend that a waste management plan be required of the applicant to demonstrate that waste removal will be adequately managed. The current bin enclosure seems too small to service the kitchens as shown.</p> <p>In conclusion we thank the City for the opportunity to comment on the proposal. We are supportive of the cafe proposal in general terms but are conscious of the need for a suitably scaled and articulated development on the site.</p>	<p>Due to the nature of the business operation requiring 3 separate cooking environments, it would appear that the size of the kitchen is disproportionate to the dining facilities but in reality the individual sizes for these are not large in isolation.</p> <p>Due to the limited trading hours there will be limited impact to street parking if any.</p> <p>We will be preparing and presenting a waste management plan as part of our building permit submission.</p>
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Neighbour Submissions: Planning Application 11.2014.633.1- 333 Mill Point Road, South Perth

Submission 1

- 1 Use is supported as a cafe would be great to have nearby.
- 2 Concerned about overflow parking as Banksia Tce has very limited street parking below the street parking area at the top of the hill near the Metro hotel. There are slow point chicanes that significantly reduce the area available for on-street parking. These bays are nearly always full and sought after by residents and visitors.
- 3 Would it be possible to require an increase in on-site parking and seek the use of a car parking stacker to achieve this? At least for the residential component. See attached photo of stackers in Subiaco just behind Rokeby Rd on a shop-top development.



- 4 Sheet A02 shows fencing at 1800mm high - whilst this height is suitable for the rear portion, a much lower height should be applied around the street corner frontage and back as far as the car park on Banksia frontage. A low fencing height would be more in keeping with the residential character of the streetscape and would be more inviting than a barrier fence, especially to the alfresco area.
- 5 Ground floor Bin Storage faces the street with a negative streetscape impact. Rearrange so that access is from within the parking area.

Submission 1 (continued)

6 Ground floor layout has male toilet window opening directly onto the very small alfresco area. Not a pleasant setting for diners! Remove toilet window. Please raise this with the designer and owner as it is an amenity issue that can be simply resolved at this stage. I do not want to hear toilet sounds whilst having a coffee.

7 Note that no Bed 1 is marked on the plans.

8 Elevation to Banksia Terrace has ground floor window that is obviously to a toilet. Request that you seek an alternative window proportion and size (at the least to match that of the upper floor bathroom window) to make the toilet window to the street less blatant. It would also improve the proportions if a more vertical emphasis was used for the windows to match the traditional vertical pattern of windows in the area.

9 Bare concrete beam proposed as support to upper floor above car port undercroft. At the very least this beam should be rendered and painted to match other external wall finishes that are visible to the street.

10 Parking area has no shade trees or planting of any scale to soften the rear of the development. I request that you relax the car bay width for 1 or 2 bays (use Australian Standards small bay size as default) to enable 2 shade trees with a substantial canopy to be planted between the bays near the rear fence. This will also help reduce the heat island effect from the large paved area.

11 Paving to parking area should be selected to reduce heat island effect (material/colour) and be permeable to assist water infiltration.

Submission 2

I oppose this application for the following reasons.

Specific conditions

An application for this property has been dealt with by the City of South Perth in May 2010 and again in December 2011. At both of these meetings there were specific conditions which were imposed by the council. The said property was purchased with these specific conditions in place and I believe they are still required to be in place for this application.

Considerable effort was put in by councils, neighbours, myself and the owners to come to these specific conditions to be drawn up and need to be carried across to this application.

I can see some of those specific conditions in the planning but others I cannot.

I believe all of the specific conditions are still relevant.

Submission 3

I became the owner and occupier of the residence adjoining the subject property late in 2013 and was attracted to the City of South Perth because of the residential character of the municipality and particularly this precinct. While I was aware that the adjoining property was zoned Local Commercial, I was comfortable with the potential for re-development of this property in accordance with the permitted uses allowed under that zoning category.

The current proposal and plans will see significant departure from the intended land use to the extent that Council discretion is required to approve the application. It is the use of this discretion to allow the development of a Shop, Café/Restaurant that I object to and the following details the basis of my concerns

Parking

Parking around the premises is constrained with 2 bays of short term parking available on Mill Point Road. A further 4-5 bays of street parking is all that is available for most of Banksia Terrace residents, reduced to this low level due to previous traffic calming initiatives. This would appear to reduce further with the expanded access crossover outlined in the proposal.

The 9 bays of proposed constrained parking indicated within the development will detrimentally impact already limited street parking. The proposed on premise parking sees bays located within 2 metres of a bedroom on my adjoining property having a detrimental impact on my property.

While current parking might be adequate for intended Land Use the proposal for a Café/Restaurant/Shop/Residence will by nature see patrons occupying parking for extended periods of time, staff and residents all competing for limited spaces. The staff and occupier of the intended residence alone will greatly impact on premise parking bays.

Traffic movements within the street will also increase significantly and with limited turning points, the driveways of nearby residents will see increased activity from turning and reversing vehicles creating an increased risk for pedestrians and bike riders that frequent this route to the river.

Setbacks

The proposal may constitute a redevelopment and avoid set-back requirements that would be applied to a new development but exploits the intent of these requirements. In addition it does not adequately address landscaping requirements that would otherwise ensure the development is sympathetic to the precinct character.

Hours of operation

A café/restaurant /retail/bakery business has the potential to operate from early morning for breakfast trade to late at night to cater for dinner patrons. Preparation, clean-up and delivery activities outside these trading will mean activities on the site from early morning and late at night. These activities will detrimentally impact the general ambience that can be reasonably expected in this residential precinct.

Submission 3 (continued)

Environmental

The working drawings indicate a significant sized kitchen with deep-fryers, ovens etc. which will by their nature create a heightened level of exhaust vented odour over extended periods impacting adjoining residents. The odour and noise associated with the kitchen waste, exhaust systems and grease trap servicing will have a detrimental impact on nearby residents.

The noise from the coming and going of patrons on foot and in their vehicles, delivery trucks, in the early morning and late at night will negatively impact on the level of noise in a residential precinct. The planned open alfresco area by its nature creates an amplification of noise to adjoining residents in what would otherwise be a quiet residential street.

Precinct Character and Business Activity

A review of the working drawings indicates a substantial kitchen and bakery area which seems excessive for the proposed level of dining and alfresco area indicating the potential for wholesaling of products from the premises. Bakeries generally engage in significant sales from non-dining patrons and wholesaling. I request the council confirms this is a prohibited activity.

The culmination of activities around retail sales, restaurant and cafe have a detrimental accumulative effect which go far beyond what can be reasonably expected in a residential precinct or a local commercial zoning.

The development contravenes the City of South Perth Town Planning Scheme key objective which is to maintain the City's predominantly residential character and amenity. The accumulative impacts of the activities proposed for this site are clearly outside a land use that the Council should apply their discretionary powers to approve.

Finally, I note that consultation is a requirement for the intended land use. Having worked in the area of community consultation for many years, I do not consider a letter from an approving authority as consultation, it is advice. Your letters of notice of the 4th and 11th December 2014 were the first form of communication I have had in regard to this development. There has been no consultation with the developer on a development that significantly impacts my property.

I have provided my general objections in regard to the development of this adjoining property by separate letter. In addition to my concerns expressed in that correspondence I would like to raise an objection to the proposal to increase the height of our adjoining fence to 2.229 metres.

This proposal is likely to have detrimental impact on the rooms that have openings along the common boundary in terms of access to natural light and airflow. Given the lack of consultation on this proposal I am poorly placed to assess wider implications around construction of this structure and address matters such as visual impacts and reinstatement on my property.

Submission 4

Thank you for your notification and the opportunity to comment on the above café and residence proposal, we offer the following comments.

1) We note that the site, 333 Mill Pt Rd, is zoned as Local Commercial. Whilst we are unaware of the definitive entitlements of that zoning we believe a reasonable understanding of the zoning is that development should primarily service the local community and that any development on the site should be of an appropriate local community scale and function so as not to detrimentally disrupt the existing neighbourhood.

2) Having reviewed the plans, which show kitchens that are larger than what is required for a café of the size proposed, we are concerned that the oversized kitchen areas will be used for more substantial commercial kitchen purposes which could be inappropriate for a Local Commercial use and could be disruptive to the existing neighbourhood, particularly in terms of parking.

3) We recommend that a traffic management plan be required of the applicant to demonstrate that the surrounding neighbourhood carparking will not be detrimentally affected. We are concerned that there is insufficient carparking on the site and are conscious that Banksia Tce has minimal street parking due to the chicanes. We believe it would be inappropriate to have café /bakery carparking overflowing onto the street.

4) We recommend that a waste management plan be required of the applicant to demonstrate that waste removal will be adequately managed. The current bin enclosure seems too small to service the kitchens as shown.

In conclusion we thank the City for the opportunity to comment on the proposal. We are supportive of the cafe proposal in general terms but are conscious of the need for a suitably scaled and articulated development on the site.