

ATTACHMENT

Attachments for the Ordinary Council Meeting

26 May 2015

Items 10.3.1 - 10.3.5

ATTACHMENTS TO AGENDA ITEMS

Ordinary Council Meeting - 26 May 2015

Contents

10.3.1 PROPOSED SINGLE HOUSE (THREE-STOREYS) – LOT 254 (NO. 10) RIVER WAY, SALTER POINT.

Attachment (a):	Plans of Proposal	2
Attachment (b):	Engineering Comments	22

10.3.2 PROPOSED TWO STOREY SINGLE HOUSE. LOT 239 NO. 11 UNWIN CRESCENT, SALTER POINT.

Attachment (a):	Site photographs	24
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10.3.3 PROPOSED ADDITIONS/ALTERATIONS TO SINGLE HOUSE ON LOT 16 (NO. 33) RIVER WAY, SALTER POINT

Attachment (a):	Attachment B - Site Photographs	27
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10.3.4 GUIDELINE FOR ALCOHOL OUTLETS

Attachment (a):	Alcohol Profile Master Template	30
Attachment (b):	Planning Policy P317 'Licensed Premises'	35

10.3.5 AMENDMENT NO. 47 TO TPS NO. 6 - REPORT FOR FINAL ADOPTION

Attachment (a):	Amendment 47 report - recommended modifications after submissions	39
Attachment (b):	Report on submissions - Amendment 47 structure plans	86
Attachment (c):	Schedule of submissions - Amendment No. 47 to TPS No. 6	94

Folder No. 11-2014-647.1

23 MAR 2015

S ☐ CE ☐ EH ☐ CCR ☐ GBLC
S ☐ CC ☐ GA ☐ CEO ☐ MAYOR
S ☐ EI ☐ HR ☐ RAN ☐

City of South Perth Corporate Recordkeeping Procedure Manual
Section 1.0 Mail Management
Appendix A



DOCUMENTS / PLANS RECEIVED WITHOUT A COVERING LETTER

Name: Birch Group
(Please print clearly)

Address: 10 River Way

Subject: Amended Plans

Referred To: Mina Thomas
(Officer and/or Department)

20/3/15
Date

[Signature]
Signature



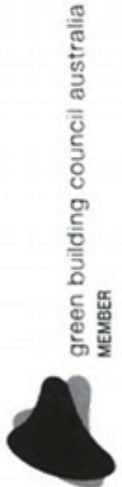
Project Name:	Bristow Residence	Date:	20/03/15
Project No/File Ref:	13-009.10.01		
Project Coordinator:	Josh Mangan	Client	I & P Bristow
Project Stage:	Design Development	Address:	183 The Esplanade, Mount Pleasant

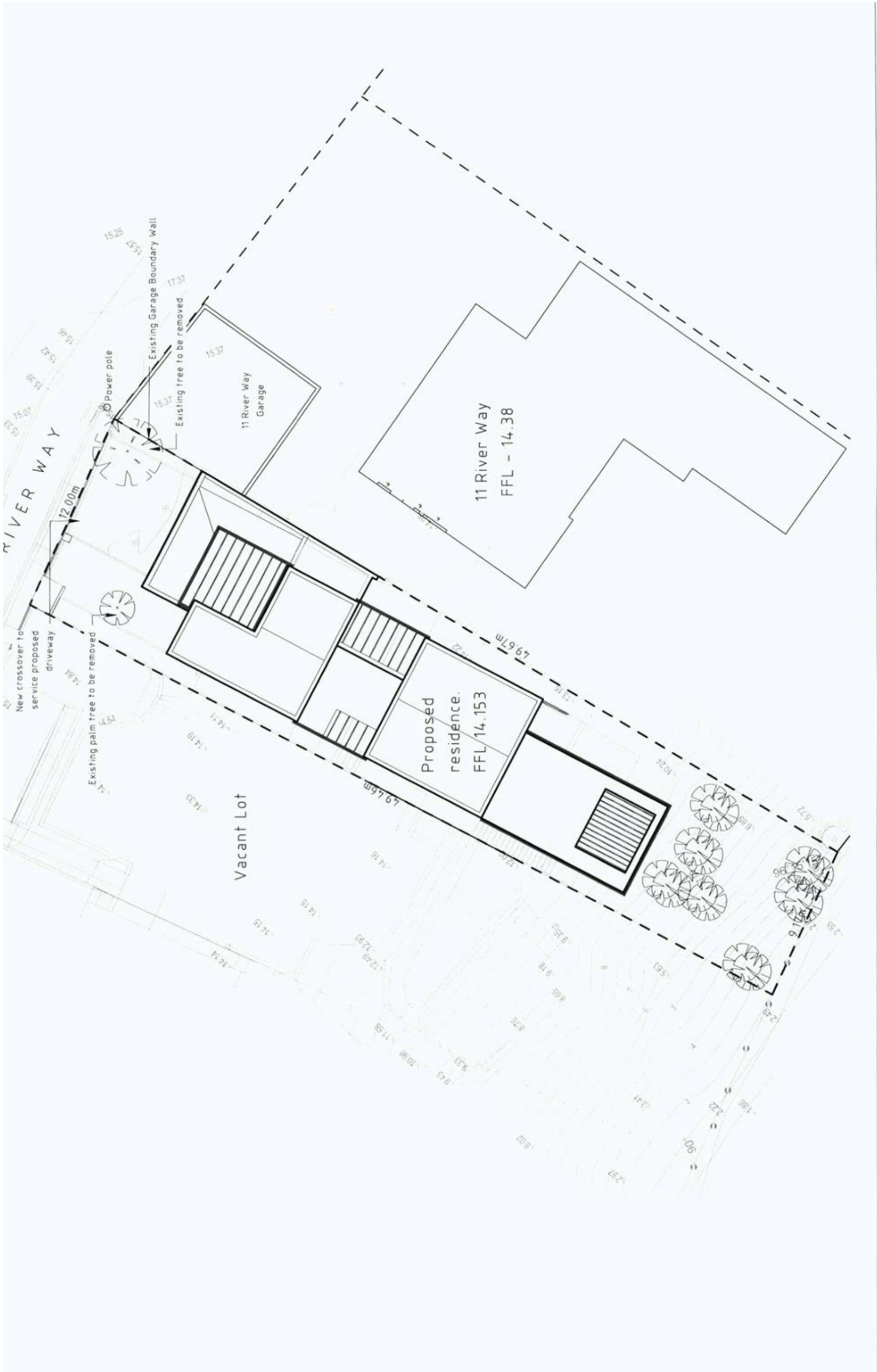
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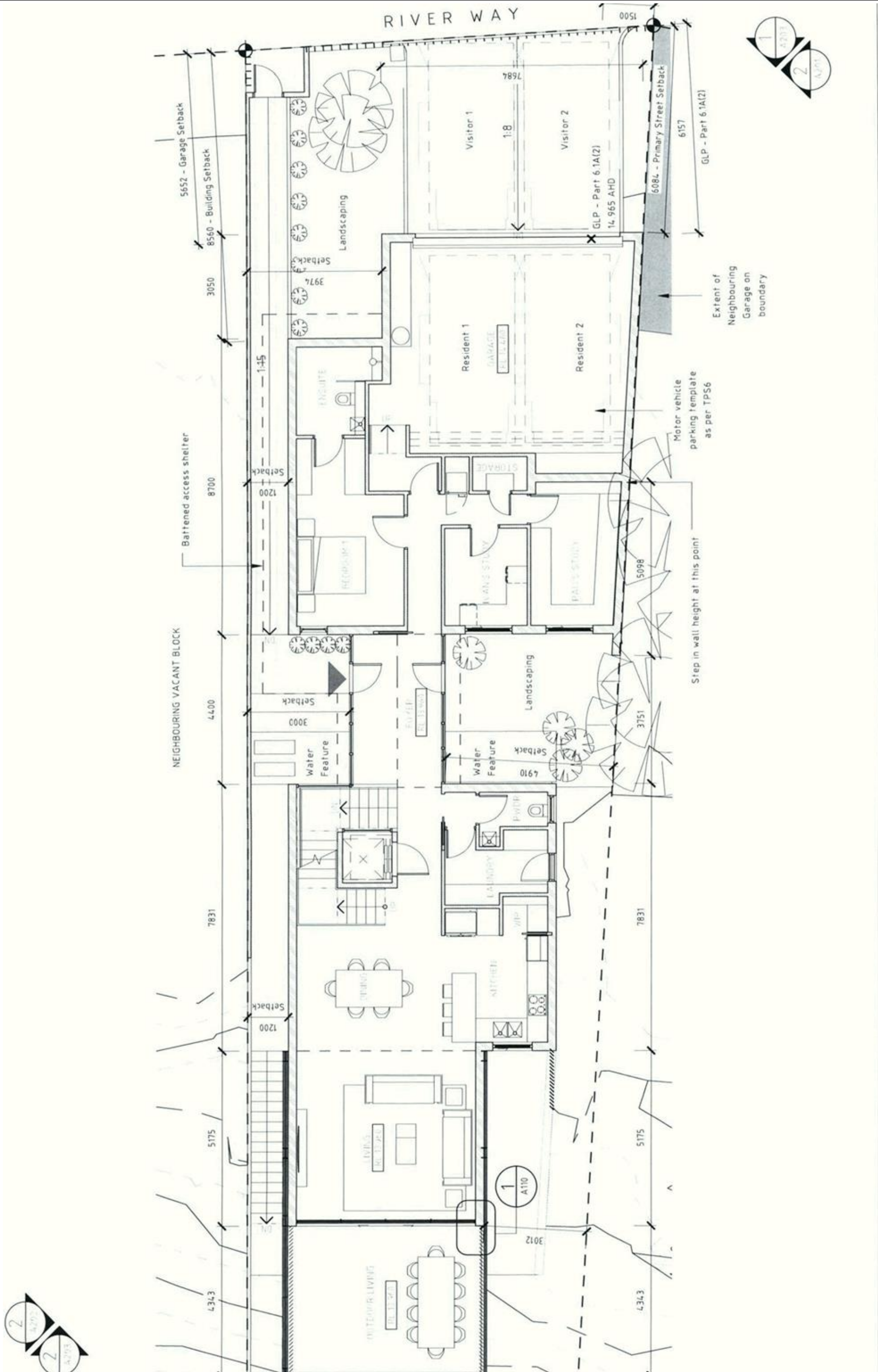
DRAWING LIST		
SHEET No.		SHEET NAME
138708_APS01		SITE SURVEY
A100		SITE PLAN
A101		GROUND FLOOR PLAN
A102		FIRST FLOOR PLAN
A103		LOWER FLOOR PLAN
A104		ROOF PLAN
A105		SHADOW DIAGRAM
A106		OPEN SPACE & OUTDOOR LIVING SPACE DIAGRAMS
A107		RETAINING WALL DETAILS
A108		GROUND FLOOR - VISUAL PRIVACY DIAGRAM
A109		FIRST FLOOR - VISUAL PRIVACY DIAGRAM
A110		SCREENING DETAILS
A201		EAST ELEVATION
A202		WEST ELEVATION
A203		NORTH / SOUTH ELEVATIONS
A204		WESTERN SETBACKS
A205		EASTERN SETBACKS
A301		SECTION 1

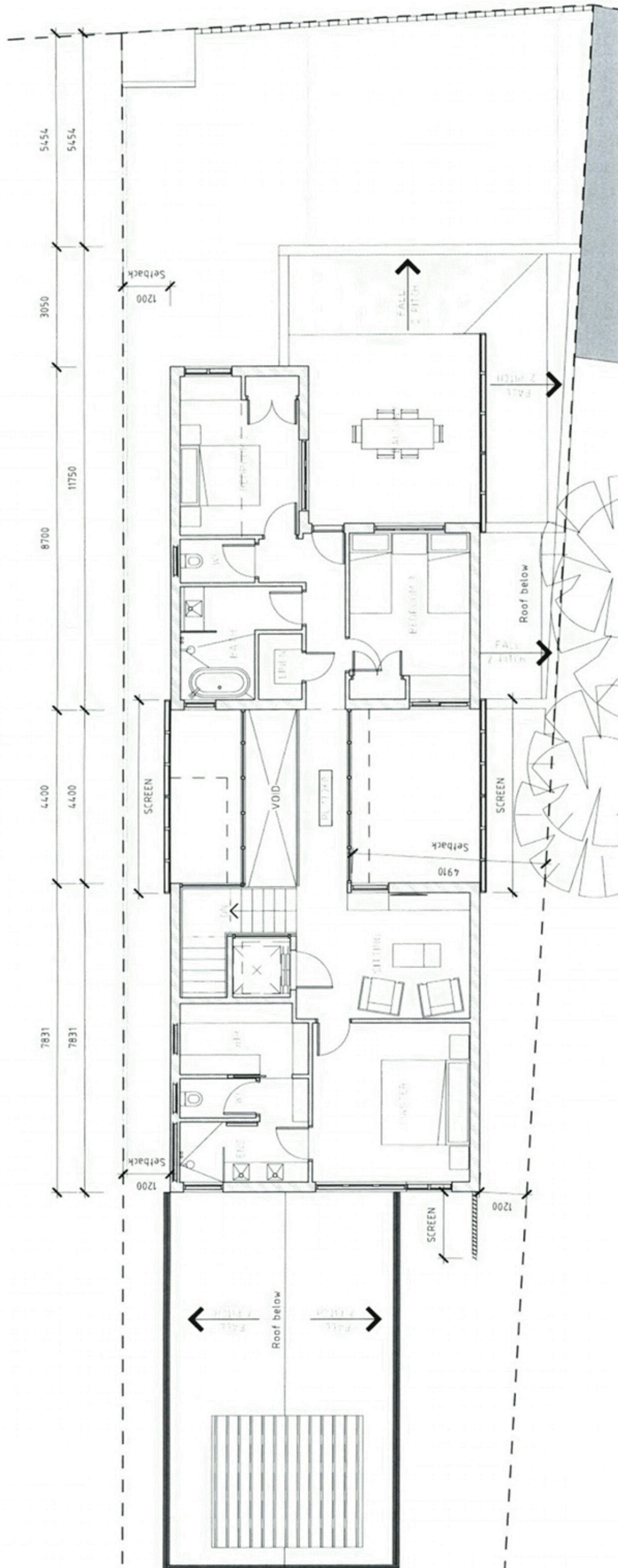
13-009.70102
BRISTOW RESIDENCE
PLANNING APPROVAL DOCUMENTATION Rev. L
20/03/2014

281 The Esplanade
Mount Pleasant 6153
+61 (0)431 095 097
www.birchgroup.com.au









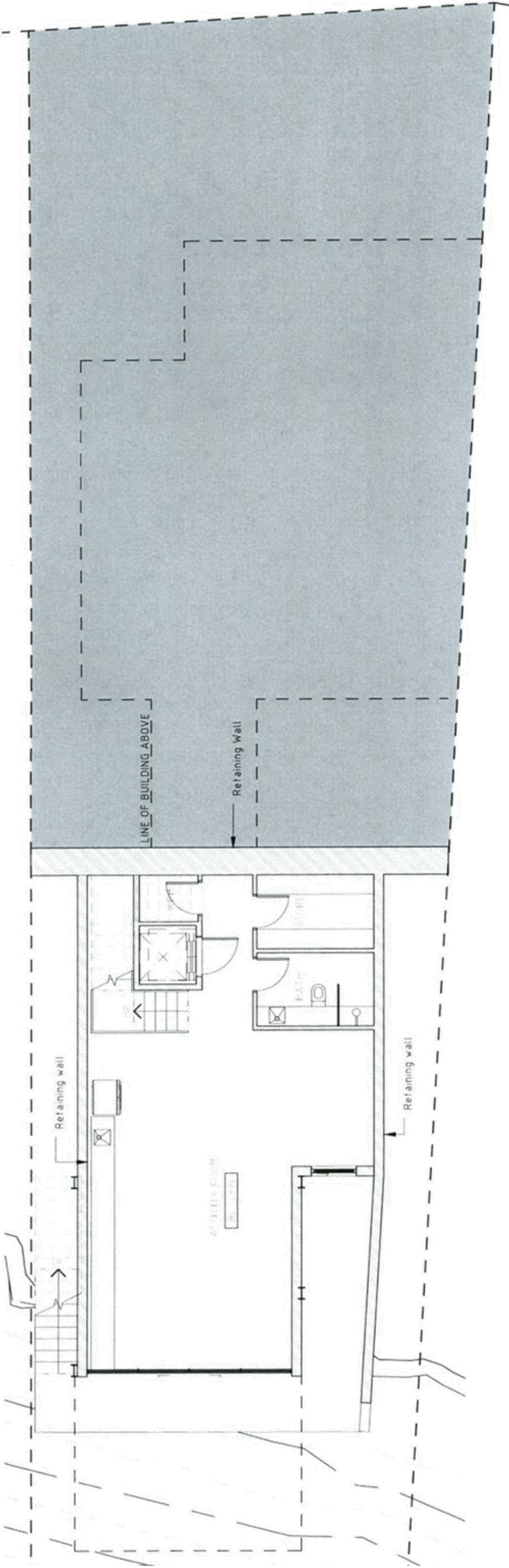
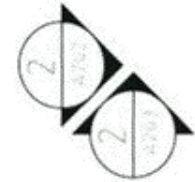
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FIRST FLOOR PLAN



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Planning Approval Documentation





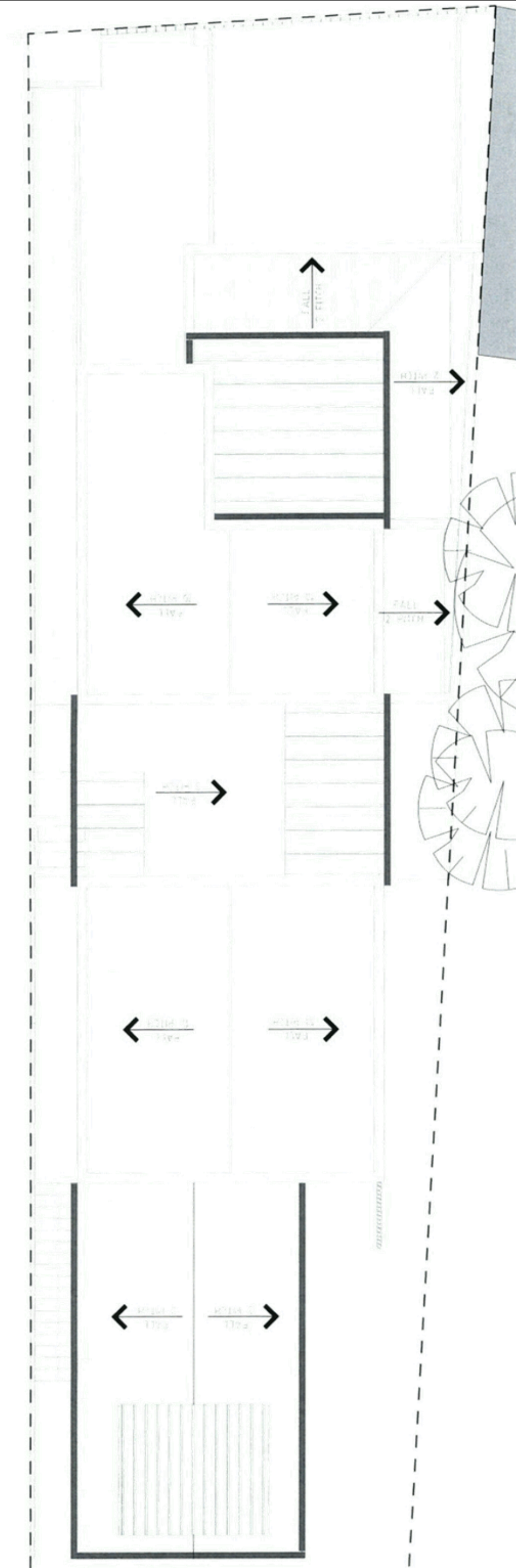
LOWER FLOOR PLAN

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Planning Approval Documentation



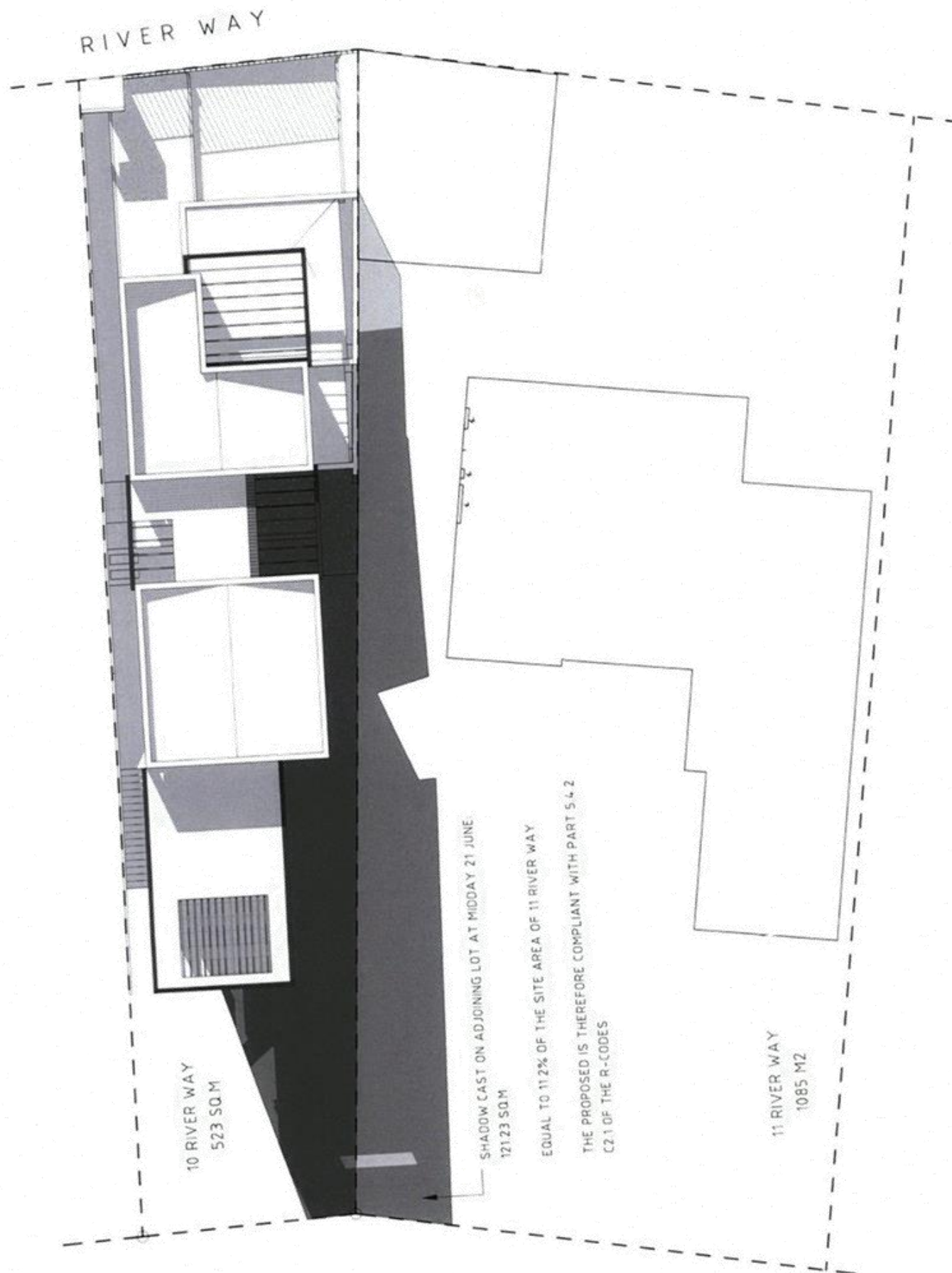


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ROOF PLAN



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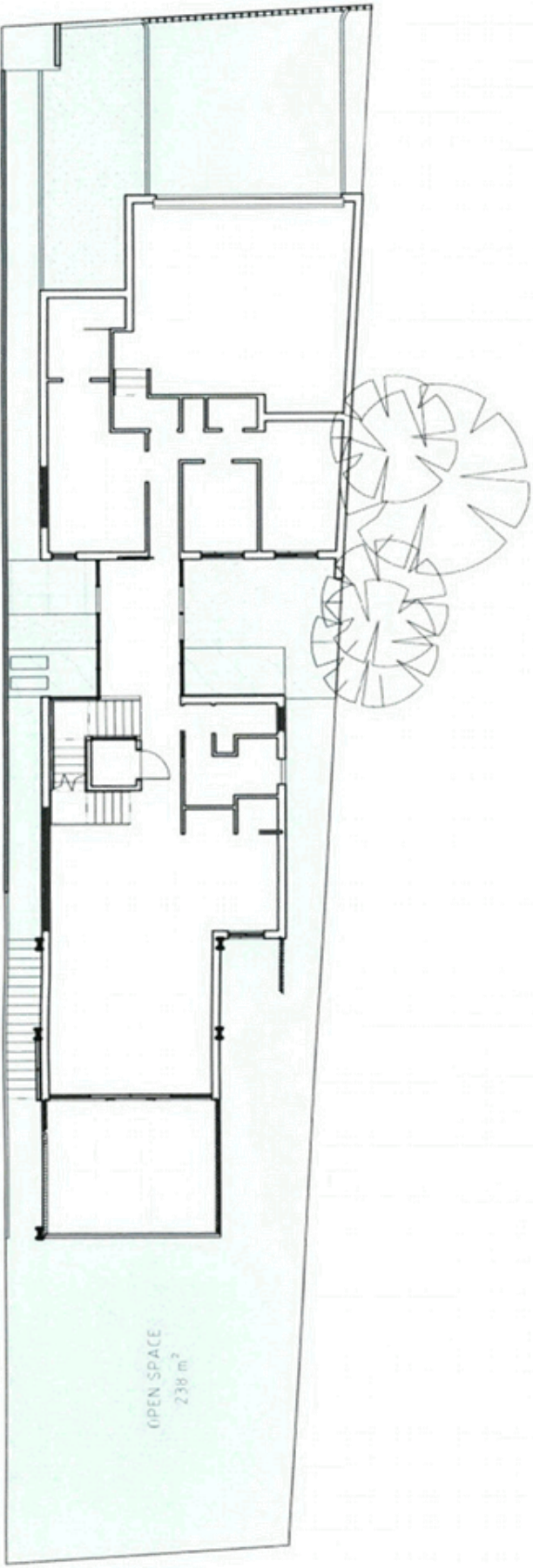


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SHADOW DIAGRAM

bc BRISTOW RESIDENCE
13-009.70102 Planning Approval Documentation
20/03/2014

Copyright Birchgroup

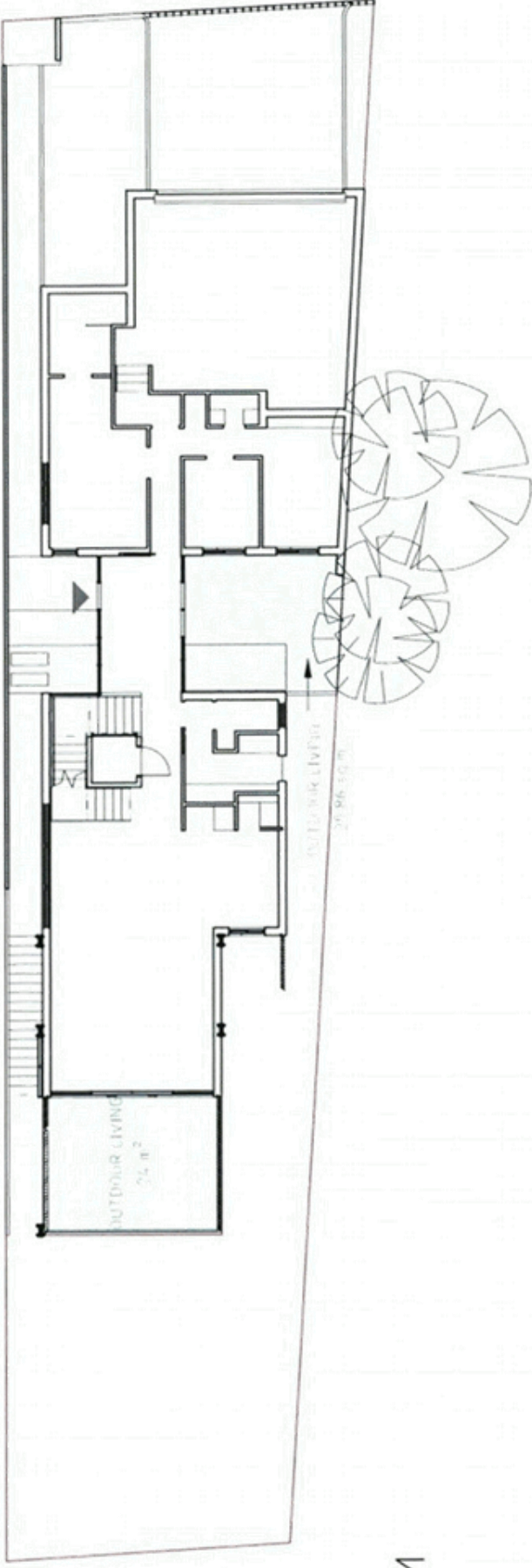


TOTAL OPEN SPACE HIGHLIGHTED 281 SQ.M

THE PROPOSED IS THEREFORE COMPLIANT WITH TABLE 1 OF THE R-CODES. SEE DETAILED PLANNING ASSESSMENT.

OPEN SPACE DIAGRAM

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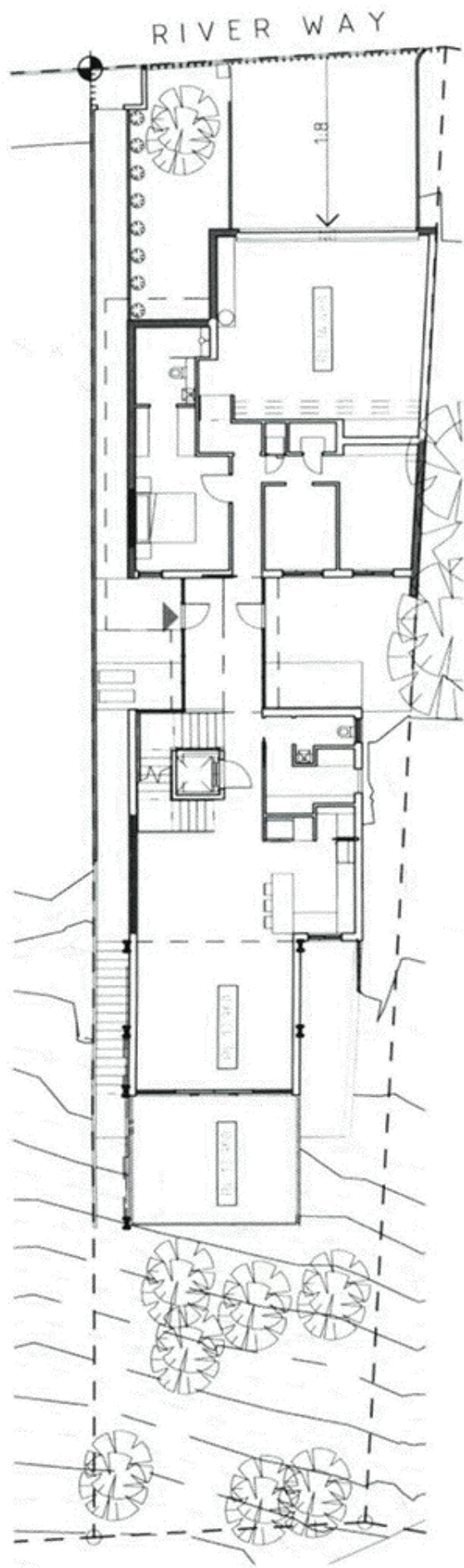


TOTAL OUTDOOR LIVING SPACE HIGHLIGHTED 44.86 SQ.M

THE PROPOSED IS THEREFORE COMPLIANT WITH TABLE 1 OF THE R-CODES. SEE DETAILED PLANNING ASSESSMENT.

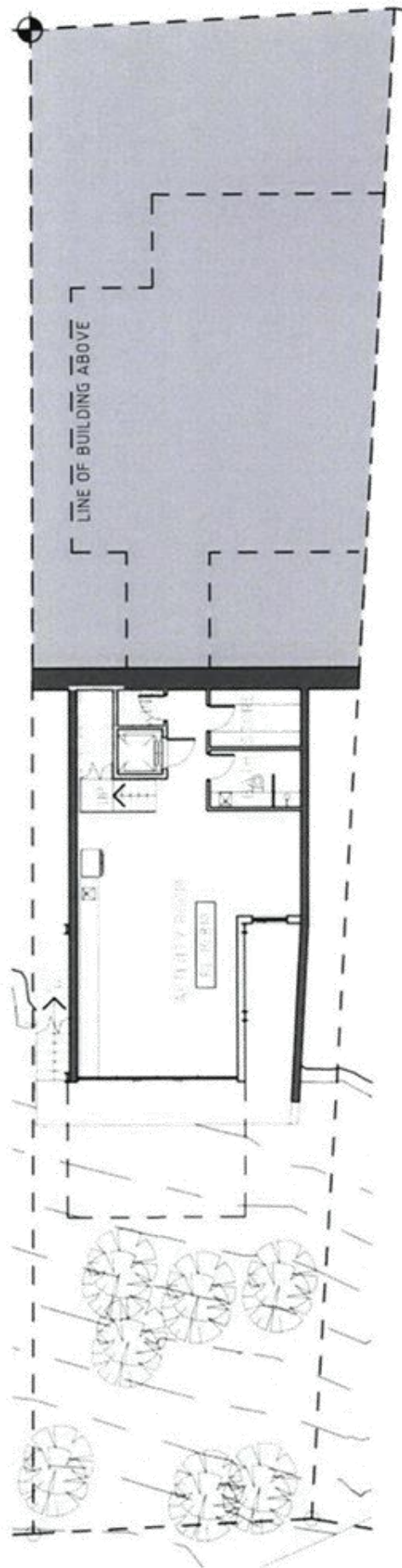
OUTDOOR LIVING SPACE DIAGRAM

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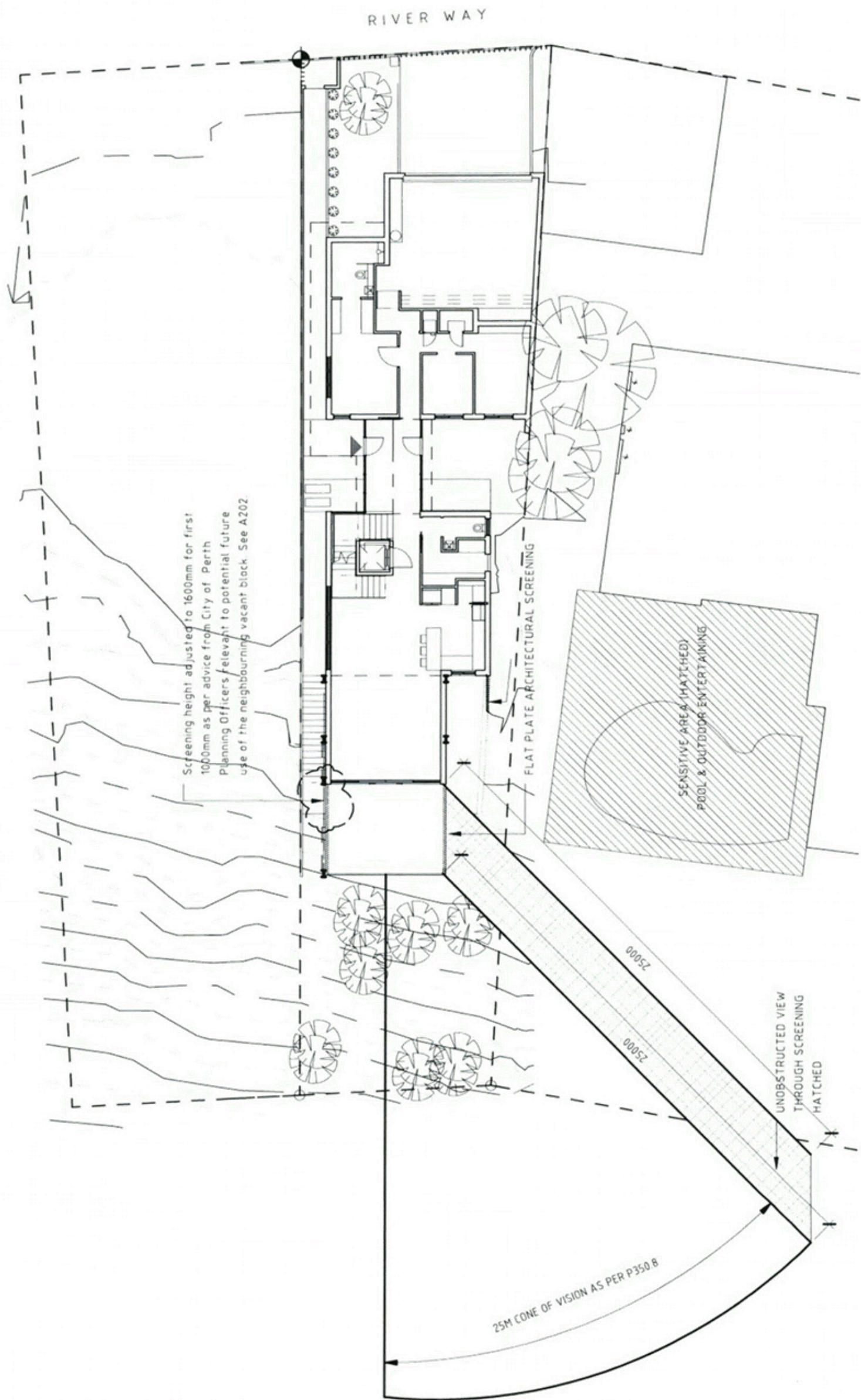
RETAINING WALLS - GROUND FLOOR

SCALE 1 : 200



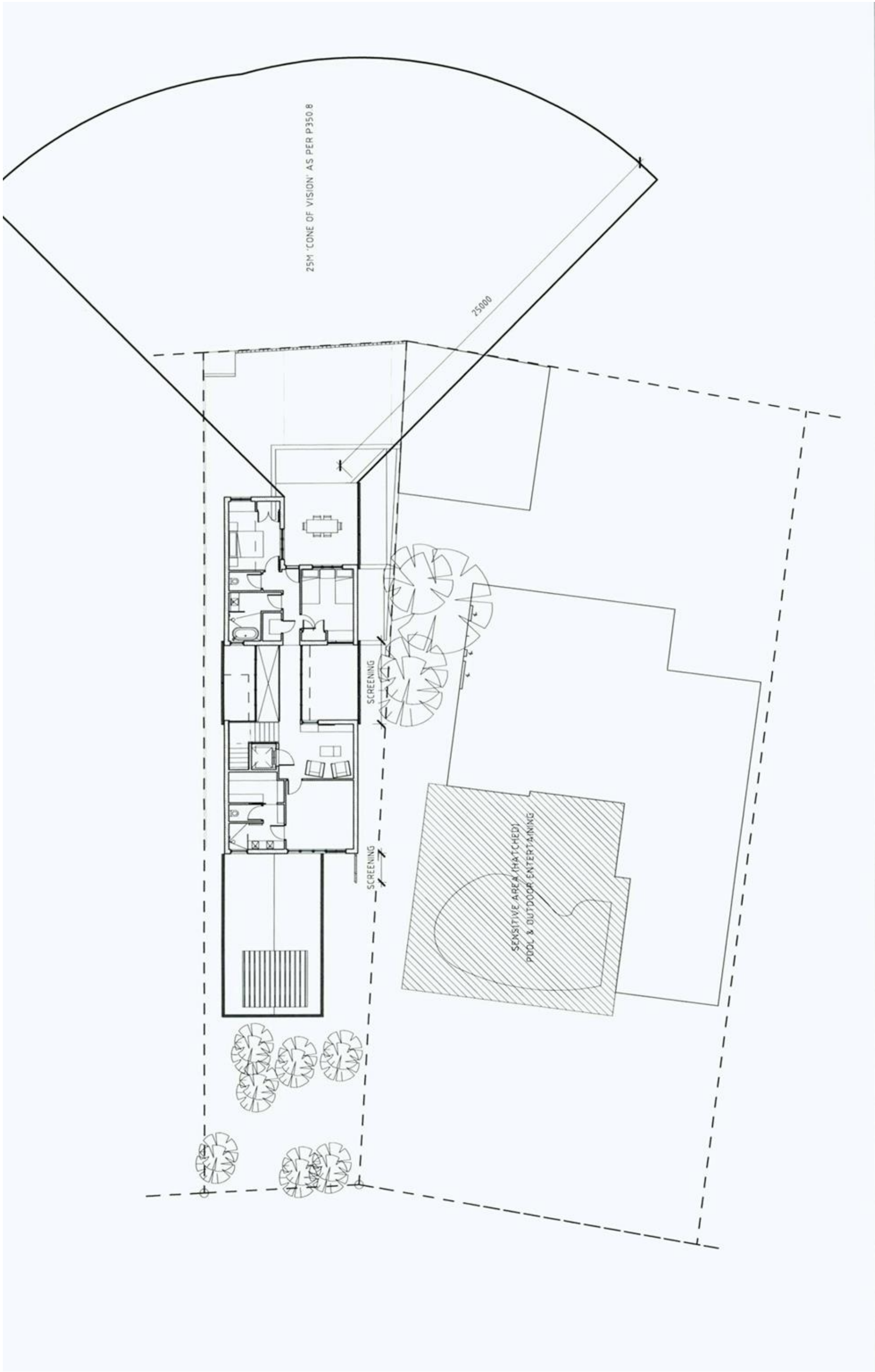
RETAINING WALLS - LOWER

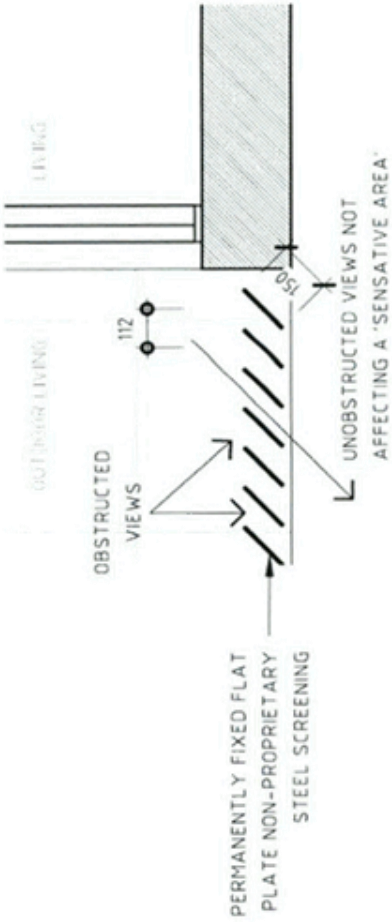
SCALE 1 : 200



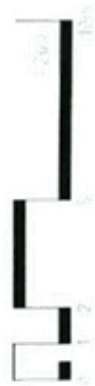
GROUND FLOOR - VISUAL
PRIVACY DIAGRAM

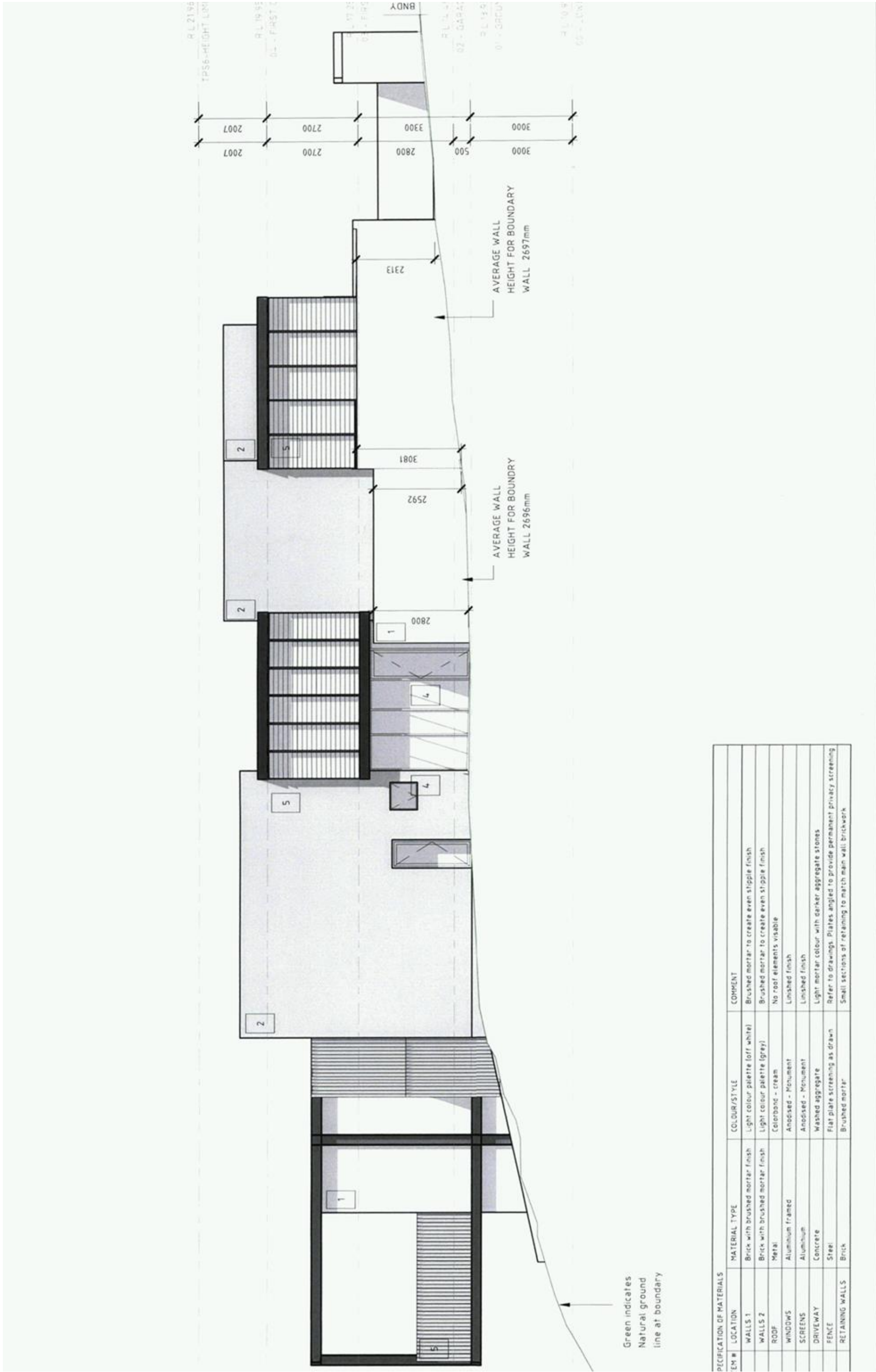
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1 DETAIL PLAN
A101 SCALE 1 : 20 BALCONY SCREENING DETAILS





SPECIFICATION OF MATERIALS				
ITEM #	LOCATION	MATERIAL TYPE	COLOR/STYLE	COMMENT
1	WALLS 1	Brick with brushed mortar finish	Light colour palette (off white)	Brushed mortar to create even stipple finish
2	WALLS 2	Brick with brushed mortar finish	Light colour palette (grey)	Brushed mortar to create even stipple finish
3	ROOF	Metal	Colorbond - cream	No roof elements visible
4	WINDOWS	Aluminium framed	Anodised - Monument	Unished finish
5	SCREENS	Aluminium	Anodised - Monument	Unished finish
6	DRIVEWAY	Concrete	Washed aggregate	Light mortar colour with darker aggregate stones
7	FENCE	Steel	Flat plate screening as drawn	Refer to drawings. Plates angled to provide permanent privacy screening
8	RETAINING WALLS	Brick	Brushed mortar	Small sections of retaining to match main wall brickwork



BRISTOW RESIDENCE

13-009.70102

Planning Approval Documentation

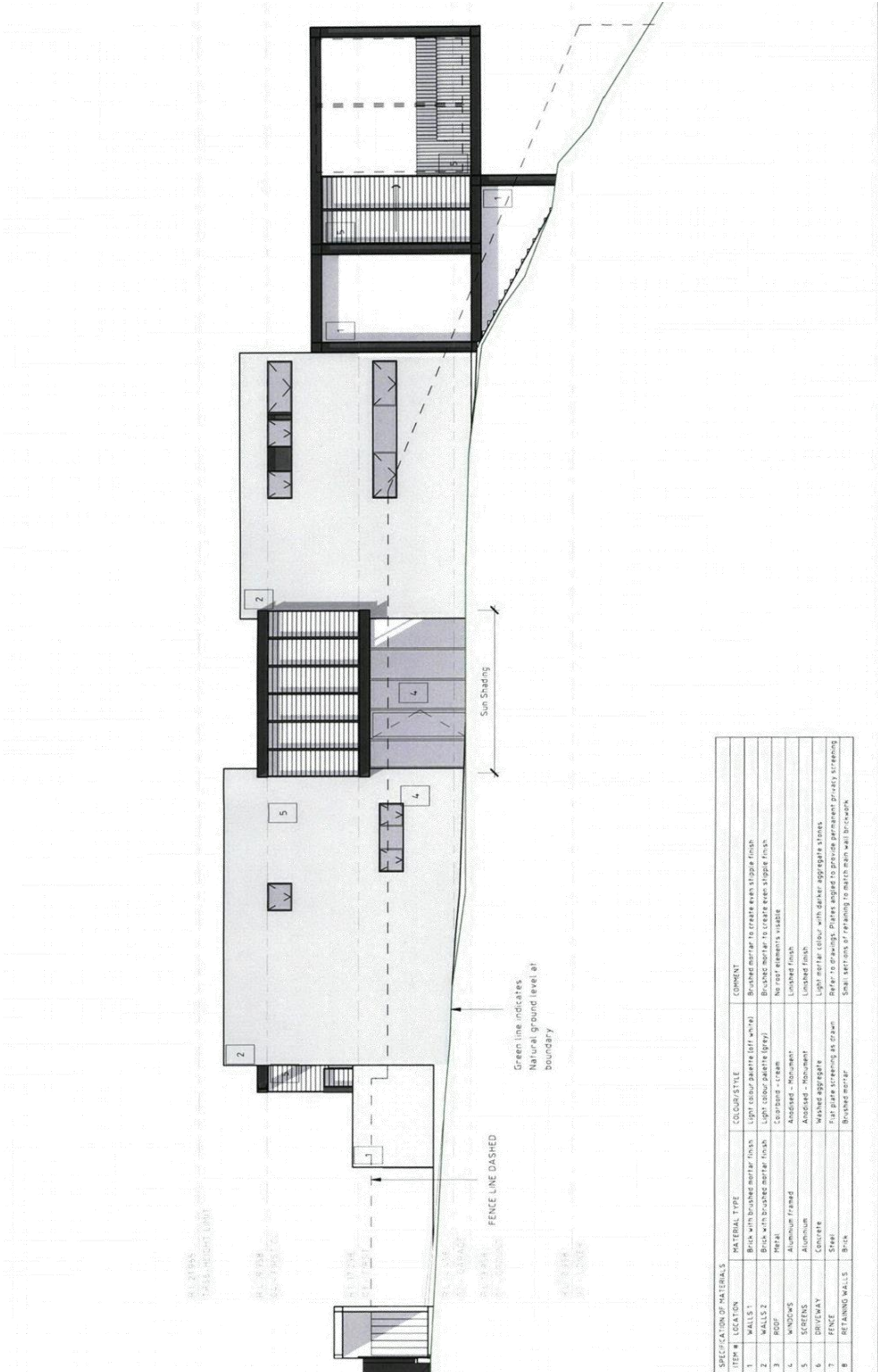
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EAST ELEVATION

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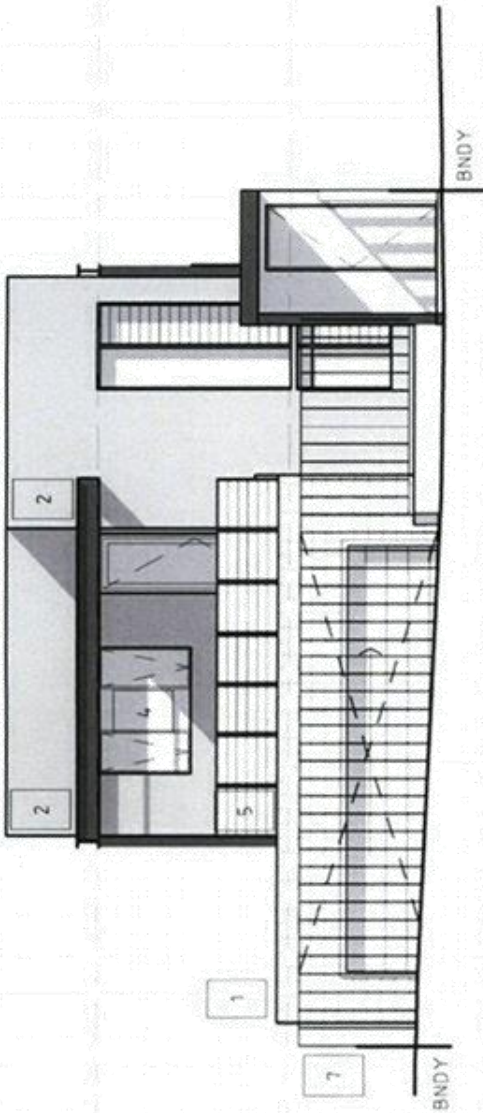
WEST ELEVATION

BRISTOW RESIDENCE
13-009.70102
20/03/2014

Planning Approval Documentation



2
A101
ELEVATION 2
SCALE 1:100 SOUTH ELEVATION




1
A101
ELEVATION 1
SCALE 1:100 NORTH ELEVATION

SPECIFICATION OF MATERIALS			
ITEM #	LOCATION	MATERIAL TYPE	COLOUR/STYLE
1	WALLS 1	Brick with brushed mortar finish	Light colour palette (off white)
2	WALLS 2	Brick with brushed mortar finish	Light colour palette (grey)
3	ROOF	Metall	Celestino - cream
4	WINDCWS	Aluminium framed	Anodised - Monument
5	SCREENS	Aluminium	Anodised - Monument
6	DRIVEWAY	Concrete	Washed aggregate
7	FENCE	Steel	Flat plate screening as drawn
8	RETAINING WALLS	Brick	Brushed mortar

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NORTH / SOUTH ELEVATIONS

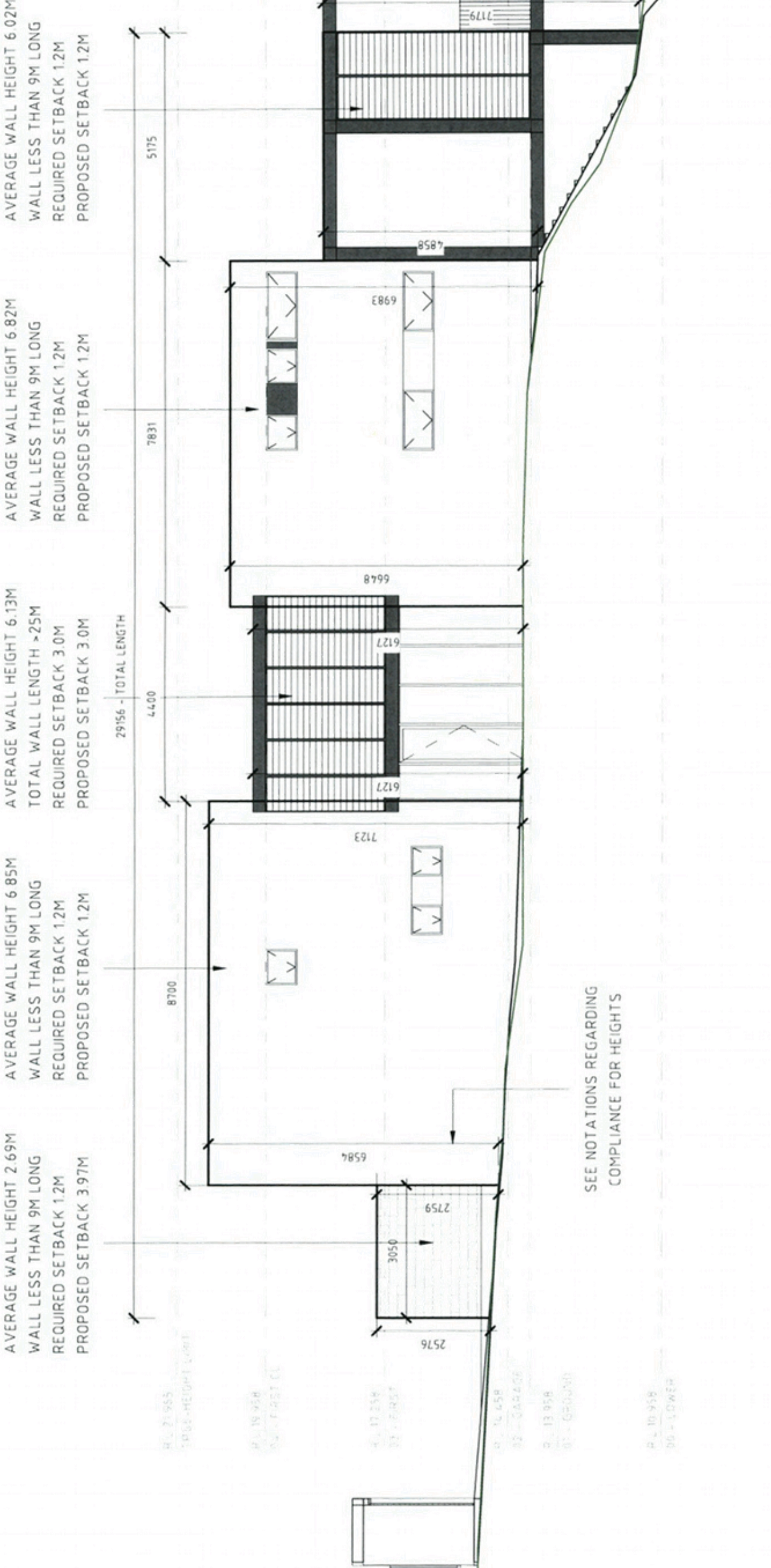


BRISTOW RESIDENCE

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Planning Approval Documentation

20/03/2014

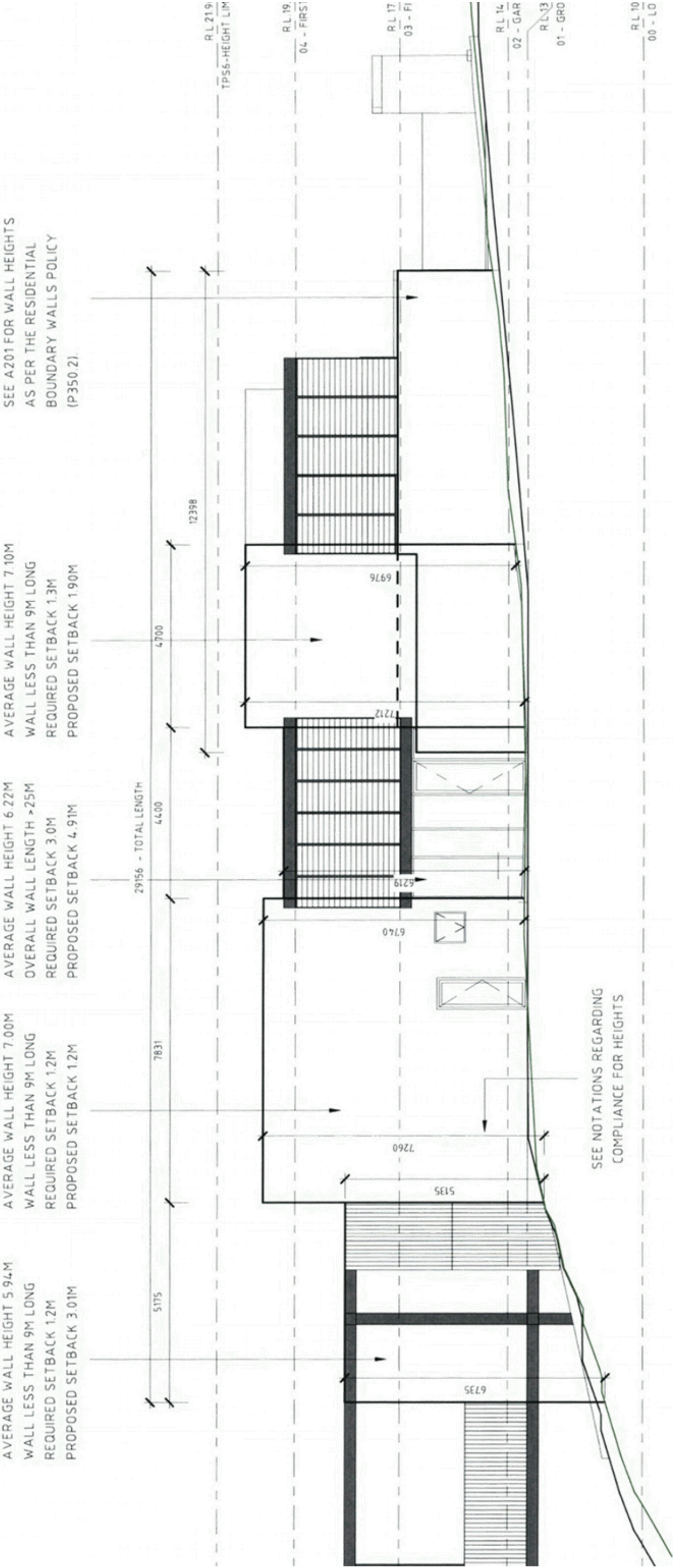


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WESTERN SETBACKS



BRISTOW RESIDENCE
13-009.70102
20/03/2014
Planning Approval Documentation





MEMORANDUM

To:	Mina Thomas, Planning Officer – Development Services
From:	Marinko Knezovic, Engineering Technical Officer
Date:	11 March 2015
File ref:	11.2014.647.1
Subject:	Application for Planning Approval – Proposed Single House (Three-Storeys) – Lot 254 (#10) River Way, Salter Point

Stormwater Drainage

The proposed development is a Type 1 Residential Building located within the Manning Drainage Precinct, as defined in *Policy P354 (Stormwater Drainage Requirements for Proposed Buildings)* and *Management Practice M354*.

The development will need to satisfy the requirements for soakwells as defined in this Drainage Precinct and detailed in the Management Practice.

The Management Practice states that *unless otherwise demonstrated (by design) the Soakwell Volume Required (m^3) for Type 1 Residential Buildings would be not less than 0.02 times the Impervious Area Served (m^2).*

A separate 'Stormwater Drainage for Proposed Buildings' application is required from the developer to detail all conditions relating to the design and installation of stormwater apparatus.

At the time of writing the developer has not provided a 'Stormwater Drainage for Proposed Buildings' application.

General Light Pole

I provide the following extract from the Management Practice M353 'Crossing Construction'.

'A crossing cannot be constructed within 1.0 metre of pre-existing poles or stays'.

The proposed crossing is inside the 1.0 metre clear zone.

Property Line Levels

The existing property line levels are set and not to be altered without prior permission from Engineering Infrastructure. The property line level is generally determined by the concrete footpath in River Way that is more or less the line of

best fit across the frontage of the lot that reflects accurately the longitudinal profile of the street. No part of the footpath is to be altered in any way to accommodate the development and in particular the gradient of the internal driveway.

Property Access

In the absence of any levels to the contrary the property line level at the proposed crossing is anticipated to be RL 15.30 west side and RL 15.45 east side. The FFL of the garage is RL 14.460. At worst the internal driveway gradient is anticipated to be 1:6.5, well in excess of AS 2890. TPS 6 requires that internal gradients be no greater than 1:12 for the first 3.6 metres and 1:8 thereafter, although gradients steeper than the prescribed may be supported with certification from an engineer experienced in the design of vehicle access ways and an acknowledgement from the owner absolving the City of any issues that may arise through the out of standard gradients.

Crossing Design

In regards to your requested comments on the proposed driveway, I provide the following extract from the Management Practice M353 'Crossing Construction'.

'A Standard crossing is 3.0 metres wide. A residential or commercial crossing can extend to 6.0 metres wide subject to the following provision. A crossing shall not have an average width greater than 40% of the property frontage'.

The proposed crossing has a width of approx. 6.4 metres, to comply with the Management Practice M353 'Crossing Construction' the crossing shall be no wider than 4.8m.

The Designer is to ensure that the existing footway is not altered and crossing levels match footway levels.

As with the stormwater approvals a crossing application must be submitted and approved by the City prior to construction. The crossing will be checked for compliance during and post construction. The crossing must be constructed in-line with the City's crossing requirements, which are provided in the Management Practice M353 'Crossing Construction'.

Please see the link below to reference the above mentioned management practices:

<http://icosp/SitePages/Governance-Management-Practices.aspx>

Regards

MARINKO KNEZOVIC
ENGINEERING TECHNICAL OFFICER







Attachment B – Site Photographs



Subject site along River Way – showing existing single storey building

Attachment B – Site Photographs

Photo taken from existing balcony of subject site showing the existing outdoor pool area and Canning River at the background.



Attachment B – Site Photographs



Existing upper floor habitable rooms to be modified for proposed balcony/ alfresco extension.

Alcohol Profile Master Template

City of South Perth Local Government Area			
	Data		Source
Area (km2)	Approx. 20		Strategic Plan
Population	Approx. 44,000 Age range is similar for Perth Metropolitan Area (PMA). Less children aged 0 – 17 %17.9 compared with %23.2 for PMA. More young adults 18 – 34 %30.3 compared with %24.9 for PMA.		Strategic Plan
Number and name of suburbs	7 – South Perth, Como, Manning, Salter Point, Kensington, Karawara, Waterford		Our Vision Ahead
Average income	23% of the population earned more than \$1500 a week compared to the greater PMA average of 17.1%. The average individual income in the City of South Perth is \$579 per week compared to the national average of \$466 per week.		Id profile
Socio-Economic Indexes for Areas (SEIFA)	The City has a low level of socio economic disadvantage when compared with the greater PMA average. The socio-economic indicators suggest there are moderate to high levels of advantage in the City, compared with the region and the State with the exception of Karawara. The unemployment figure is 4.6% compared to the national average of 5.6%		Id profile
At risk groups	Observational evidence indicates that alcohol and related problems impact on people at all levels of the income spectrum and all ages. Factors which impact on alcohol consumption include the family environment, genetics, social and cultural factors and mental health.		
Per capita consumption	City of South Perth located in the South East Metropolitan Region – Per capita consumption is estimated at between 9-12 litres of pure alcohol per year. This compares to a national average of 10.3 litres of pure alcohol per year. These numbers equate to approximately 2 – 3 standard drinks per day.		National Alcohol Sales Data Project http://ndri.curtin.edu.au/research/nasdp.cfm
Alcohol availability			
Number of liquor licences	Licence type	Number	Department of Racing, Gaming and Liquor.
	Club	6	
Maps of the existing licensed premises in the City of South Perth are provided on pages 4	Club - Restricted	13	Refer corporate
	Hotel	1	
	Hotel – Restricted	1	

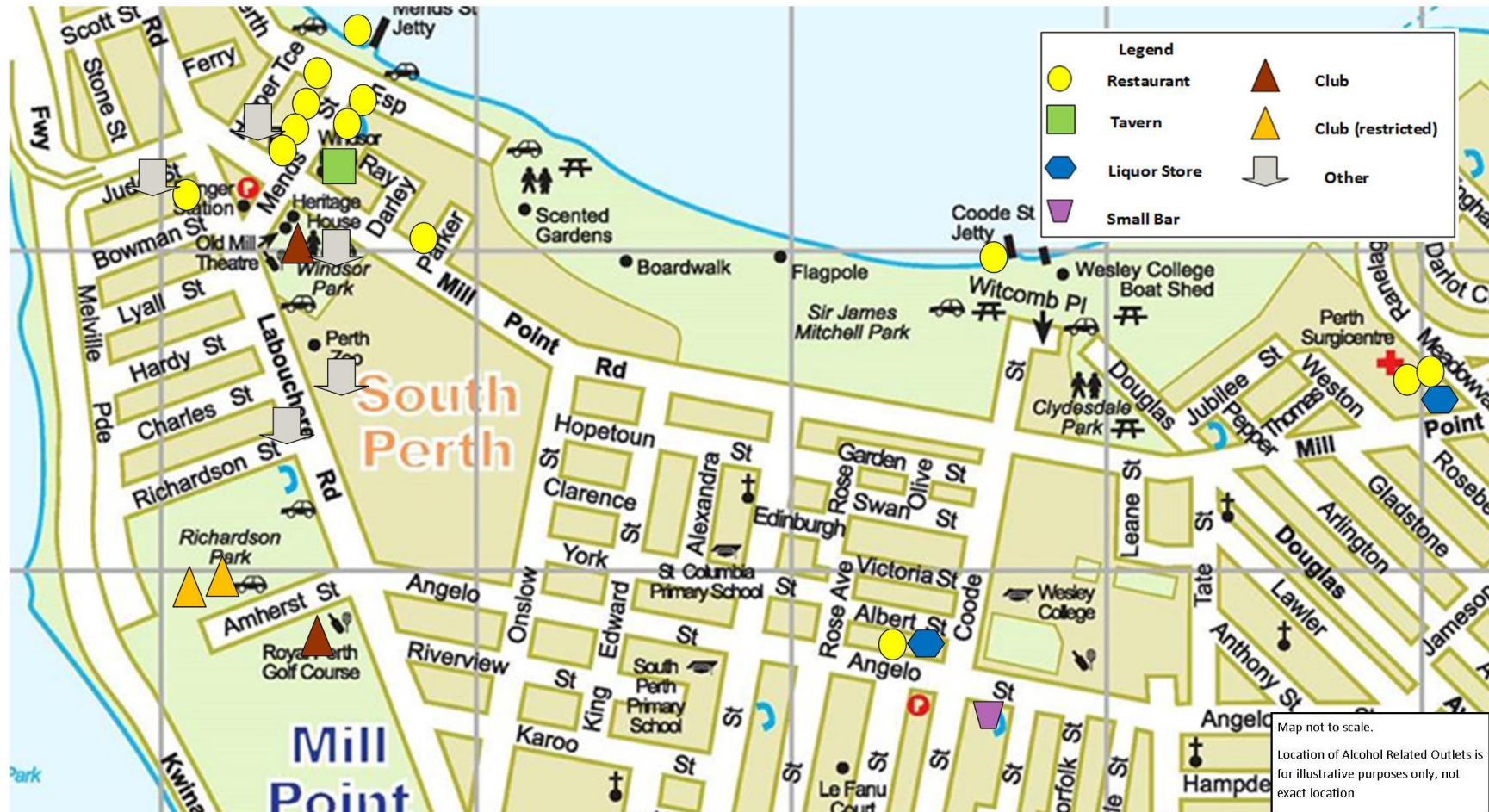
and 5 of this document	Liquor Store	7	document TRIM Ref: D-15-26264
	Restaurant	18	
	Small Bar	1	
	Special Facility Licence	5	
	Tavern	4	
	Wholesaler	6	
	Total	62	
Existing permits	Permit Type	Number	Department of Racing, Gaming and Liquor. Refer corporate document TRIM Ref: D-15-29971
	Liquor without a meal	8	
	Extended trading – ongoing late night	1	
	Extended trading (other)	3	
Health			
Alcohol related hospitalisations	<p>Overall the total alcohol related hospitalisations, and total alcohol related conditions in the South Metro Health region were lower than for the State of Western Australia.</p> <p>Chronic alcohol related conditions such as alcoholism, stroke and other related diseases were significantly lower in the South Metro Health region than the state rate.</p> <p>Acute conditions such as road injuries, falls, suicides and assaults are also lower in the South Metro Health region than the state rate.</p> <p>While detailed statistics were not available at the local government level it is noted, the rate of alcohol-related hospitalisations in South Perth for the period 2007-2011 was significantly lower for males (0.90 times) than the corresponding State rate. The total rate and the female rate were similar to the corresponding State rates.</p>		<p>Drug and Alcohol Office (research based on 2007 – 2011 statistics)</p> <p>Refer corporate document TRIM Ref: D-15-29978</p>
Alcohol related deaths	<p>Data is not available at the South Perth Statistical Level for alcohol related deaths.</p> <p>Alcohol related deaths in the South Metro Health region is similar to the corresponding state rate.</p>		<p>Drug and Alcohol Office (research based on 2007 – 2011 statistics)</p> <p>Refer corporate document TRIM Ref: D-15-29978</p>
Police			
Assaults	<p>Highest number of assaults in Como (57), South Perth (37) and Karawara (36) lower numbers in Salter Point (4) and Waterford (11). Police data does not detail which of these assaults could be attributed to alcohol.</p>		<p>Statistics from WA Police website Period April 2014 – April 2015</p> <p>Refer corporate document TRIM Ref: D-15-27745</p>
Crime statistics	<p>Highest number of Burglary in Como (231) and South Perth (176). Lower numbers in Salter Point (8) and Waterford (29). Incidents to motor vehicle theft are</p>		<p>Statistics from WA Police website Period April 2014 –</p>

	<p>also higher in Como and South Perth when compared with the remaining suburbs</p> <p>Police statistics indicate incidents of graffiti are relatively low across the City of South Perth.</p> <p>Police data does not detail which of these crimes could be attributed to alcohol.</p>	<p>April 2015</p> <p>Refer corporate document TRIM Ref: D-15-27745</p>
Local Government		
Alcohol related noise complaints	Very few complaints recorded with regard to licenced premises in the past few years, Noise / anti-social behaviour complaints received about parties – no record kept if these are alcohol related.	Environmental health
Alcohol related litter	No data recorded	
Clean up costs with events and licenced premises	No data recorded	
Complaints from businesses or residents where alcohol was a factor	No data recorded, ranger services refer complainants to police.	
Graffiti, property damage including bus stops	<p>Statistics from WA Police indicate incidents of graffiti are relatively infrequent. A review of the closed cases on the City's Lagan system also reveals incidents of graffiti are relatively infrequent.</p> <p>No evidence to demonstrate the percentage of this damage relates to alcohol.</p> <p>Other contributing factors include drugs, boredom, mental health issues, age etc.</p>	Police statistics and closed Lagan cases.
Community attitudes and concerns	<p>One of the City's strategic priorities is to facilitate and foster a safe environment for our community. The 2014 Catalyse survey indicates 80% of residents are satisfied with the work the City is doing in this regard with 35% delighted.</p> <p>The City has prepared a community safety and crime prevention plan. This will be presented to the May Council meeting.</p> <p>In order to address the primary objectives of the plan are:</p> <ul style="list-style-type: none"> • Increase activity in public areas • Work with the Police to maintain community awareness of current issues • Work with the Department of Housing and the Police on combatting anti-social behaviour • Continue to upgrade City of South Perth buildings and facilities to CPTED standards • Enhance neighbourhood connections and social capital 	Strategic Plan

Figure 1 - Existing Alcohol Related Local Business



Figure 2 - Existing Alcohol Related Local Businesses in the northern portion of the City of South Perth.



Strategic Direction No. 3

Housing and Land Use

Policy P 317 'Licensed Premises'

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services
Affected Business Unit/s	Development Services

POLICY OBJECTIVES

1. To accommodate appropriately designed licensed premises in the non-residential zones.
2. To ensure that the type and scale of licensed premises is appropriate for the location, taking into account the relevant zone, the existing and desired streetscape character, and the surrounding land uses.
3. To minimise the impact of the licensed premises on the amenity of surrounding residential and non-residential properties.
4. To provide applicants with a comprehensive list of the information required to accompany an application for licensed premises.
5. To provide clear guidance for assessing officers and the determining body to ensure consistent decision making.

POLICY SCOPE

This Policy applies to all development applications and Section 40 certificates, relating to new and existing licensed premises.

POLICY BACKGROUND

This policy is made pursuant to Clause 9.6 of the City of South Perth Town Planning Scheme No. 6 (TPS6).

Under the provisions of Clause 7.1 of TPS6, planning approval is required for new licensed premises and for alterations and additions to existing licensed premises, including but not limited to 'Hotel', Tavern', Café/Restaurant and 'Shop'.

A 'liquor store' currently falls within the definition of a 'Shop' under the provisions of TPS6. A 'small bar', is a type of liquor licence introduced in 2007 by the *Liquor Control Act 1988* (the Act). This type of liquor licence is available to venues with an operating capacity of less than 120 people. TPS6 does not recognise 'small bar' as a discreet land use. As 'liquor store' and 'small bar' are not land uses recognised in TPS6, proposals of these kinds are to be considered under this Policy.

In recognition of the potential impact of these land uses on the adjoining land uses, for the purpose of this Policy, they are to be treated as 'D' (discretionary), 'DC' (discretionary with consultation) or 'X' (prohibited) uses in the respective zones indicated in the table below.

For any all licensed premises, in addition to obtaining development approval under of TPS6, applicants are required to obtain a liquor licence from the Department of Racing, Gaming and Liquor prior to commencing operations. The sale, supply and consumption of alcohol is regulated by the Act. Under the provisions of the Act, Section 39 and 40 certificates are required to be obtained from the City. The Section 40 certificate confirms that the proposed use will comply with all relevant requirements of TPS6.

POLICY STATEMENT

Assessment criteria

1. Land use and permissibility

Applications for a Liquor Store or Small Bar will be assessed having regard to the following land use definitions and land use table below. All other applications for licensed premises including Hotel, Tavern Café/Restaurant will be assessed having regard to the relevant definitions and land use permissibility contained in TPS6.

Definitions

'Liquor Store (Large) – means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable licensed area of more than 300sq. metres.'

'Liquor Store (Small) - means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable licensed area of not more than 300 sq. metres.'

'Small Bar – means premises the subject of a small bar licence granted under the Liquor Control Act 1988.'

Land Use permissibility table for Liquor Store and Small Bar

ZONES	Residential	District Centre Commercial	Mends Street Centre Commercial	Neighbourhood Centre Commercial	Highway Commercial	Mixed Use Commercial	Local Commercial	Public Assembly	Private Institution	Technology Park
Liquor Store – Small	X	D	D	DC	DC	DC	DC	X	X	X
Liquor Store – Large	X	DC	X	X	X	X	X	X	X	X
Small Bar	X	D	D	DC	DC	DC	DC	X	DC	DC

D = Discretionary Use DC = Discretionary Use with Consultation X = Prohibited Use

2. Location and design

In addition to any relevant requirements in TPS6 the following matters will be taken into consideration:

- Whether the venue contributes positively to the character of the locality in terms of existing and desired streetscape character. The design of the venue shall contribute to an active street frontage and take into account the relevant provisions of WAPC Planning Bulletin 79 - Designing Out Crime Planning Guidelines.
- Whether the scale and nature of the venue is appropriate for the locality.
- The existing land use mix and the cumulative impact of licensed premises.
- The proximity of the venue to residential land uses and the impact on the amenity of surrounding area.
- The location of public transport facilities (including taxi services) and adequacy of on-site parking facilities.
- The location of any proposed outdoor licensed areas and the impact of these on surrounding residential areas.

3. Development Application Process

An applicant seeking approval for development within the scope of this Policy is required to submit the following information.

3.1 New Licensed Premises

A Management Plan that addresses and includes information relating to the following;

- a) Number of patrons;
- b) Proposed hours of operation;
- c) A full set of drawings including site plan, existing and proposed floor plans and elevations;
- d) An area plan providing details of the distribution and mix of land uses within 100m of the premises; including other licensed premises and residential properties;
- e) An Impact Assessment Report under clause 7.6 of TPS6, including an assessment of the proposal on the amenity of the surrounding area. This Impact Assessment Report should include a cumulative impact assessment where; there are three (3) or more licensed premises within a 100m radius or 15 or more licensed premises within a 500m radius. For guidance in the preparation of a cumulative impact assessment applicants are encouraged to refer to Western Australian Local Government Association *Local Government Town Planning Guidelines for Alcohol Outlets*;
- f) An operational management plan, detailing measures to minimise the impact of the licensed premises on the adjoining properties. Matters to be addressed, include noise management, rubbish disposal and collection, deliveries, security, complaint management and reporting procedures and patron control;
- g) A public interest assessment prepared as per the requirements of the Department of Racing Gaming and Liquor; and
- h) Any other plan or information the City may reasonably require to enable the application to be determined, including but not limited, a Traffic Impact Assessment and Noise Impact Assessment prepared by an appropriately qualified professional.

3.2 Alteration of existing Licensed Premises

- a) Where an application involves minor/temporary changes to existing licensed premises, the details required in Clause 3.1 (a), (b) and (c) shall be provided; and
- b) For additions and alterations, including an ongoing extension to trading hours, to licensed premises located adjacent to residential development or located within a cluster all information required in Clause 3.1 shall be provided. For the purposes of this policy a licensed premises is located in a cluster if there are three (3) or more licensed premises within a 100 metre radius or 15 or more licensed premises within a 500 metre radius.

3.3 Festivals and temporary events

- a) Development approval under TPS6 is not required for a festival or 'one off' event, such as extended trading times, additional patrons and extended boundaries. However, before proceeding with such events, the owner of the premises must obtain written approval from the Chief Executive Officer and ensure all relevant approvals are obtained from the City's Building, Environmental Health and Infrastructure Services departments.

4. Car and Bicycle Parking Requirements

Car and bicycle parking for Liquor Store - 'Large', Liquor Store - 'Small' and Small Bar shall be provided as per the following table.

Uses	Minimum Required Parking Bays	
	Cars	Bicycles
Liquor Store - 'Large'	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Liquor Store - 'Small'	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Small Bar	1 per 5m ² of seating area 1 per 3m ² of bar area	1 per 40m ² of public floor space.

Car parking for all other licensed premises including Hotel, Tavern and Café/Restaurant shall be provided as per Table 6 of TPS6. Clauses 6.3 and 6.4 of TPS6 and policy P315 Car Parking Reductions for Non-Residential Development continue to apply.

5. Conditions of approval / recommended conditions on Section 40 Certificate

Pursuant to clause 7.5 of TPS6, the City may impose conditions of development approval addressing any aspect of the Management Plan. The City may also request such conditions be incorporated into any liquor licence issued by the Department of Racing Gaming and Liquor by way of the Section 40 Certificate.

LEGISLATION/ LOCAL LAW REQUIREMENTS

City of South Perth Town Planning Scheme No. 6
Liquor Control Act 1988

OTHER RELEVANT POLICIES/ KEY DOCUMENTS

City of South Perth Planning Policies
Local Government Town Planning Guideline for Alcohol Outlets (Western Australian Local Government Association)

MODIFIED IN RESPONSE TO SUBMISSIONS

City of South Perth Town Planning Scheme No. 6

Amendment No. 47

Introduction of a 'development' zone, creating a
'Development Area' for the area within the Canning Bridge
Structure Plan; and introduce 'structure plan' provisions



Civic Centre

Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday: 8.30am to 5.00pm

Enquiries:

Telephone: 9474 0777

Facsimile: 9474 2425

MINISTER FOR PLANNING

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. 47 |
| 5. Proposal: | To amend the Scheme for the purpose of introduction of a 'development' zone, creating a 'Development Area' for the area within the Canning Bridge Structure Plan; and introduce 'structure plan' provisions |



RESOLUTION DECIDING TO AMEND CITY OF SOUTH PERTH TOWN PLANNING SCHEME NO. 6

PLANNING AND DEVELOPMENT ACT 2005



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

Amendment No. 47**

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 purpose of introduction of a 'development' zone, creating a 'Development Area' for the area within the Canning Bridge Structure Plan; and introduce 'structure plan' provisions

A C FREWING
CHIEF EXECUTIVE OFFICER

Minutes of Council Meeting dated: 25 November 2014



AMENDMENT REPORT



Report on Amendment No. 47 to Town Planning Scheme No. 6

INTRODUCTION

The City of South Perth Town Planning Scheme No. 6 (TPS6) became operative on 29 April 2003. At a meeting held on 25 November 2014, the Council resolved to amend the Scheme in the manner described in this Report, and 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 amend the Scheme for the purpose of introduction of a 'development' zone, creating a 'Development Area' for the area within the Canning Bridge Structure Plan; and introduce 'structure plan' provisions.

BACKGROUND TO AMENDMENT NO. 47

At the September Ordinary Council meeting, it was resolved to begin the formal advertising for the Canning Bridge District Structure Plan (CBSP). This advertising process began in late October and is expected to run until mid-December. In the documentation which supports the CBSP the consultants noted that amendments to the City of South Perth and City of Melville Town Planning Schemes will be required prior to this document being operative.

The purpose of Amendment No. 47 is to introduce into Town Planning Scheme No. 6, a 'Development' zone and provisions that will facilitate the creation and operation of 'Structure Plans' for use throughout the district. This is essential to give the CBSP statutory weight and to allow the City to progress with the assessment and determination of development applications in the precinct.

The City is currently advertising one structure plan, and has one future structure plan to prepare as summarised below:

No.	Activity Centre	Current Status
1	Canning Bridge District Centre	Structure plan currently being advertised
2	Bentley Curtin Specialised Activity Centre (BSAC)	Structure plan currently being prepared

Administrative provisions for different types of structure plans are required in the scheme. The proposed text will provide the appropriate statutory provisions to facilitate a range of different structure plans across the City.

Comment

As noted in the supporting text for the CBSP, Canning Bridge is identified as a District Activity Centre in State Planning Policy 4.2 - Activity Centre for Perth and Peel. Objectives for the CBSP include:

1. Support a wide range of retail and commercial landuses;
2. Increased local employment opportunities;
3. Increased density and diversity of housing, to support high frequency public transport, to maximise movement by pedestrians and cyclists;
4. Create a legible street network and quality public spaces.

The preparation, adoption and implementation of a structure plan for the precinct is seen as being the most appropriate method to ensure future development occurs in a coordinated manner, consistent with the objectives for the area. Without the proposed Scheme Amendment, the proposed CBSP will not be able to be formally adopted by the WAPC and as such will not have any statutory weight. In addition, the City will not be able to approve applications which otherwise comply with the CBSP. As a scheme amendment can take up to two years to be finalised it is considered appropriate to undertake formal advertising of the proposal at the earliest opportunity.

The Scheme Amendment text is consistent with the Model Scheme Text for structure plans used by the Department of Planning. City officers have consulted with staff from the DoP in the preparation of the amendment documents. This text outlines the situations when a structure plan is required, how this should be prepared, the need for advertising, its adoption, approval by the WAPC and future operations of the document. It also provides clauses to guide the modification of endorsed structure plans and an owners appeal rights.

AMENDMENT NO. 47 PROPOSALS

The full amendment text is contained in the amending text at the end of this report however it is summarised as follows:

- (1) Insert a 'development' zone to the list of zones contained in Clause 3.1.
- (2) Insert a clause relating to the measurement of Building Height in the CBSP area;
- (3) Insert a new Clause 10.3 'Development Areas' which contains the model scheme text relating to the adoption and operation of structure plans;
- (4) New Schedule 11 to identify development areas and any applicable provisions;
- (5) Changes to Table 1 to provide land use requirements for the Development zone; and
- (6) Minor wording changes necessary to facilitate this amendment.

CONCLUSION

Having regard to all of the matters discussed above, the proposed Amendment No. 47 is consistent with the orderly and proper planning of the City. It retains the original intent of the Scheme, while presenting the text in a manner which is more acceptable and user-friendly.

Amendment No. 47 will improve the Scheme Text by allowing for structure plans to be prepared and adopted in accordance with the Model Scheme Text. Structure Plans are often the most appropriate instrument to ensure future development occurs in a coordinated manner consistent with the objectives for the relevant area.

The Council now requests that the Western Australian Planning Commission and the Minister for Planning favourably consider the proposals contained in Amendment No. 47.

Report prepared by:

Mark Scarfone
Senior Strategic Projects Planner



AMENDING DOCUMENTS

Endorsed by Council for community advertising
Council Meeting : 25 November 2014

PLANNING AND DEVELOPMENT ACT 2005



Town Planning Scheme No. 6 Amendment No. 47 –

Introduction of a 'development' zone, creating a 'Development Area' for the area within the Canning Bridge Structure Plan; and introduce 'structure plan' provisions.

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 3.1 is amended by inserting the following sub-clause:

'(k) Development'

2. Clause 6.1A (2) is amended by inserting a new sub-clause (2) and renumbering the remaining clauses accordingly.
“(2) (a) Building height in Development Area 1 (DA1) – Canning Bridge District Activity Centre shall be measured in accordance with the relevant provisions contained in the approved structure plan.
(b) For development in Development Area 1 (DA1) – Canning Bridge District Activity Centre, Building Height Limits shall be as shown on the relevant Figure contained within the approved structure plan.”
3. Clause 10.1 is amended by inserting the following sub-clause:
(1) (c) Development Areas shown on the Scheme Map as DA with a number and included in Schedule 10.
4. Clause 10.1 is amended by modifying the following sub-clause to make it compliant with the Model Scheme Text:
(2) In respect of a special control area shown on a Scheme Map, the provisions applying to these areas apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.
5. Insert new Clause 10.3 Development Areas

10.3.1 Interpretation

In clause 6.2, unless the context otherwise requires:

'owner' means an owner or owners of land in the Development Area; and

'structure plan' means a structure plan that has come into effect in accordance with clause 10.3.12.1.

10.3.2 Purpose of Development Areas

10.3.2.1 The purposes of Development Areas are to:

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

10.3.2.2 Schedule 10 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

10.3.3 Subdivision and Development in Development Areas

10.3.3.1 The development of land within a Development Area is to comply with Schedule 10.

10.3.3.2 The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to that land.

10.3.4 Structure Plan required

10.3.4.1 The local government is not to:

- (a) consider recommending subdivision; or
- (b) approve development of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.

10.3.4.2 Notwithstanding clause 10.3.4.1, a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.

10.3.5 Preparation of proposed structure plans

10.3.5.1 A proposed structure plan may be prepared by:

- (a) the local government; or
- (b) an owner.

10.3.5.2 A proposed structure plan may be prepared for all, or part of, a Development Area.

10.3.6 Details of proposed structure plan

10.3.6.1 A proposed structure plan is to contain the following details:

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including:
 - (i) landform, topography and land capability;
 - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - (iii) hydrogeological conditions, including approximate depth to water table;
 - (iv) sites and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including:
 - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
 - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
 - (iii) existing and future land use;
- (d) for district structure plans a map showing proposals for:

- (i) the pattern of neighbourhoods around town and neighbourhood centres;
 - (ii) arterial routes and neighbourhood connector streets;
 - (iii) the protection of natural features such as water courses and vegetation;
 - (iv) major open spaces and parklands;
 - (v) major public transport routes and facilities;
 - (vi) the pattern and disposition of land uses; and
 - (vii) schools and community facilities;
- (e) for local structure plans a map showing proposals for:
 - (i) neighbourhoods around proposed neighbourhoods and town centres;
 - (ii) existing and proposed commercial centres;
 - (iii) natural features to be retained;
 - (iv) street block layouts;
 - (v) the street network including street types;
 - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
 - (vii) land uses including residential densities and estimates of population;
 - (viii) schools and community facilities;
 - (ix) public parklands; and
 - (x) urban water management areas;
- (f) a written report to explain the mapping and to address the following:
 - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
 - (ii) the site analysis including reference to the matters listed in clause 6.2.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
 - (iii) the context analysis including reference to the matters listed in clause 6.2.6.1 (c) above;
 - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
 - (v) the design rationale for the proposed pattern of subdivision, land use and development;
 - (vi) traffic management and safety;
 - (vii) parkland provision and management;
 - (viii) urban water management;
 - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
 - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.

10.3.6.2 The maps referred to in clause 10.3.6.1 are to:

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 6.2.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

10.3.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the *Residential Planning Codes*, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or *Residential Planning Codes* when recommending subdivision or approving development of land within a Development Area.

10.3.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

10.3.7 Submission to local government and Commission

10.3.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

10.3.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.

10.3.7.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

10.3.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

10.3.8 Advertising of structure plan

10.3.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 6.2.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to:

- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways:
 - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
- (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to:
 - (i) all owners whose land is included in the proposed structure plan;

- (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
- (iii) such public authorities and other persons as the local government nominates.

10.3.8.2 The advertisement and notice are to:

- (a) explain the scope and purpose of the proposed structure plan;
- (b) specify when and where the proposed structure plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

10.3.9 Adoption of proposed structure plan

10.3.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to:

- (a) adopt the proposed structure plan, with or without modifications; or
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

10.3.9.2 (a) In making a determination under clause 6.2.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

- (b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 10.3.9.1.

10.3.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may:

- (a) readvertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 10.3.8.1 onwards are to apply.

10.3.9.4 If within the period referred to in clause 10.3.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 10.3.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

10.3.10 Endorsement by Commission

10.3.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause

10.3.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

10.3.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

10.3.10.3 The Commission is to notify the local government of its determination under clause 6.2.10.2.

10.3.11 Notification of structure plan

10.3.11.1 As soon as practicable after adopting a proposed structure plan under clause 6.2.9.1 and if clause 6.2.10 applies, as soon as practicable after being notified of the Commission's decision under clause 6.2.10.3, the local government is to forward a copy of the structure plan to:

- (a) any public authority or person that the local government thinks fit; and
- (b) where the structure plan was submitted by an owner, to the owner.

10.3.12 Operation of structure plan

10.3.12.1 A structure plan comes into effect:

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.2.10.2; or
- (b) on the day on which it is adopted by the local government under clause 6.2.9.1 in all other cases.

10.3.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

10.3.13 Inspection of structure plan

10.3.13.1 The structure plan and the Commission's notification under clause 6.2.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

10.3.14 Variation to structure plan

10.3.14.1 The local government may vary a structure plan:

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 10.3.6 onwards.

10.3.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

10.3.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

10.3.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 6.2.14.3, the Commission is to determine whether to endorse the proposed variation.

10.3.14.5 The Commission is to notify the local government of its determination under clause 6.2.14.4.

10.3.14.6 A variation to a structure plan by resolution comes into effect:

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.2.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 6.2.14.1 (a).

10.3.15 Detailed area plan

10.3.15.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by:

- (a) the local government; or
- (b) an owner.

10.3.15.2 A detailed area plan may include details as to:

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, finished site levels and drainage;
- (i) protection of sites of heritage, conservation or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the local government.

10.3.15.3 When a proposed detailed area plan is prepared under clause 10.3.15.1, the local government is to:

- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways:
 - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;

- (ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and
- (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to:
 - (i) all owners whose land is included in the proposed detailed area plan;
 - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;
 - (iii) such public authorities and other persons as the local government nominates.

10.3.15.4 The advertisement and notice are to:

- (a) explain the scope and purpose of the proposed detailed area plan;
- (b) specify when and where the proposed detailed plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

10.3.15.5 The local government is to consider all submissions received and:

- (a) approve the detailed area plan with or without conditions; or
- (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.

10.3.15.6 If within 60 days of receiving a detailed area plan prepared under clause 6.2.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 6.2.15.5, the local government is deemed to have refused to approve the detailed area plan.

10.3.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.

10.3.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 10.3.15 onwards provided such variations do not prejudice the intention of any related structure plan.

10.3.16 Appeal

10.3.16.1 An owner who has submitted a proposed structure plan under clause 10.3.7.1 may appeal, under Part V of the Town Planning Act:

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 10.3.8.1;
- (b) any determination of the local government:

- (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
- (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

10.3.16.2 An owner who has submitted a detailed area plan in accordance with clause 10.3.15 may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by the local government under clause 10.3.15.

6. Insert new Schedule 11 – Development Areas and re-number Schedules accordingly. The following table to be included below the Schedule 11 header.

Development Area	Area	Provisions
DA1	Canning Bridge District Activity Centre	<p>A Structure Plan shall be prepared in accordance with Clause 10.3 to guide subdivision and development.</p> <p>For development in Development Area 1 (DA1) – Canning Bridge District Activity Centre, the provisions of Clause 6.3, sub-clause (1) and (2) do not apply. Car parking ratio for this development shall be as per the relevant provisions of the approved structure plan.</p> <p>For development in Development Area 1 (DA1) – Canning Bridge District Activity Centre, requirements relating to bicycle parking and end of trip facilities are contained within the relevant provisions of the approved structure plan.</p>

7. Insert new row in Schedule 10 – Development Contribution Plans as follows.

DCA2	Canning Bridge District Activity Centre	A development contribution plan for this area is to be prepared in accordance with Clause
------	---	---

		10.2.
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2. Amending the TPS No. 6 Scheme Map **by including reference to a “Development Area” in the Scheme Map Legend and zoning of the Canning Bridge District Activity Centre, as “Development Area” as outlined in Attachment 1.**
3. Amending the TPS No. 6 Scheme map to indicate the border of the Development Contribution Area **as outlined in Attachment 2** and as described in Schedule 10.
4. Amending the Zoning – Land Use Table (Table 1) of Town Planning Scheme No.6 to incorporate a new column to the right of the column labelled Technology Park as follows:

Development
Land use permissibility subject to an adopted and endorsed Structure Plan, unless otherwise agreed by Council.

City of South Perth - Town Planning Scheme No. 6 - Amendment 47

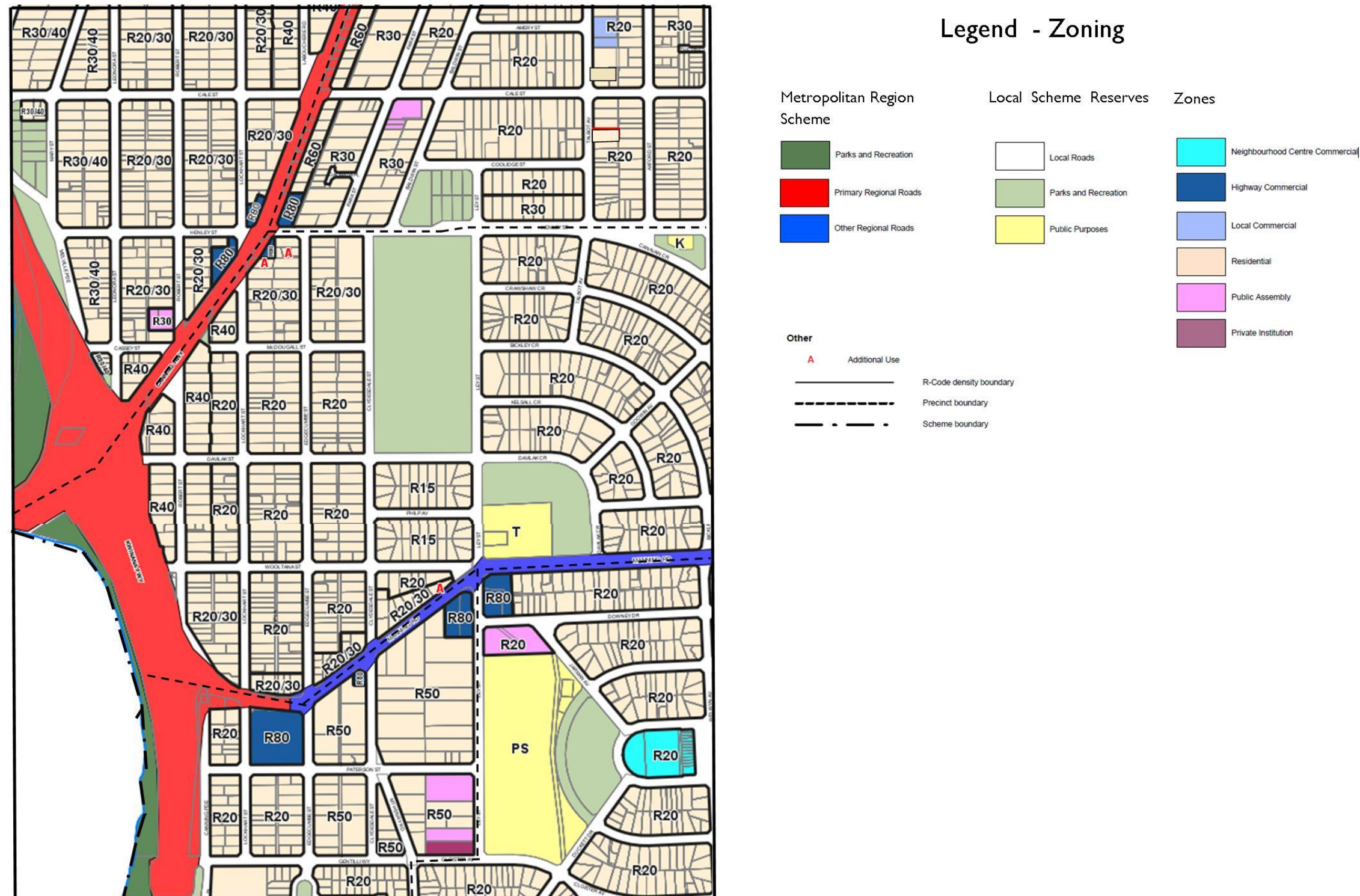


Figure 1 - Existing Zoning

City of South Perth - Town Planning Scheme No. 6 - Amendment 47

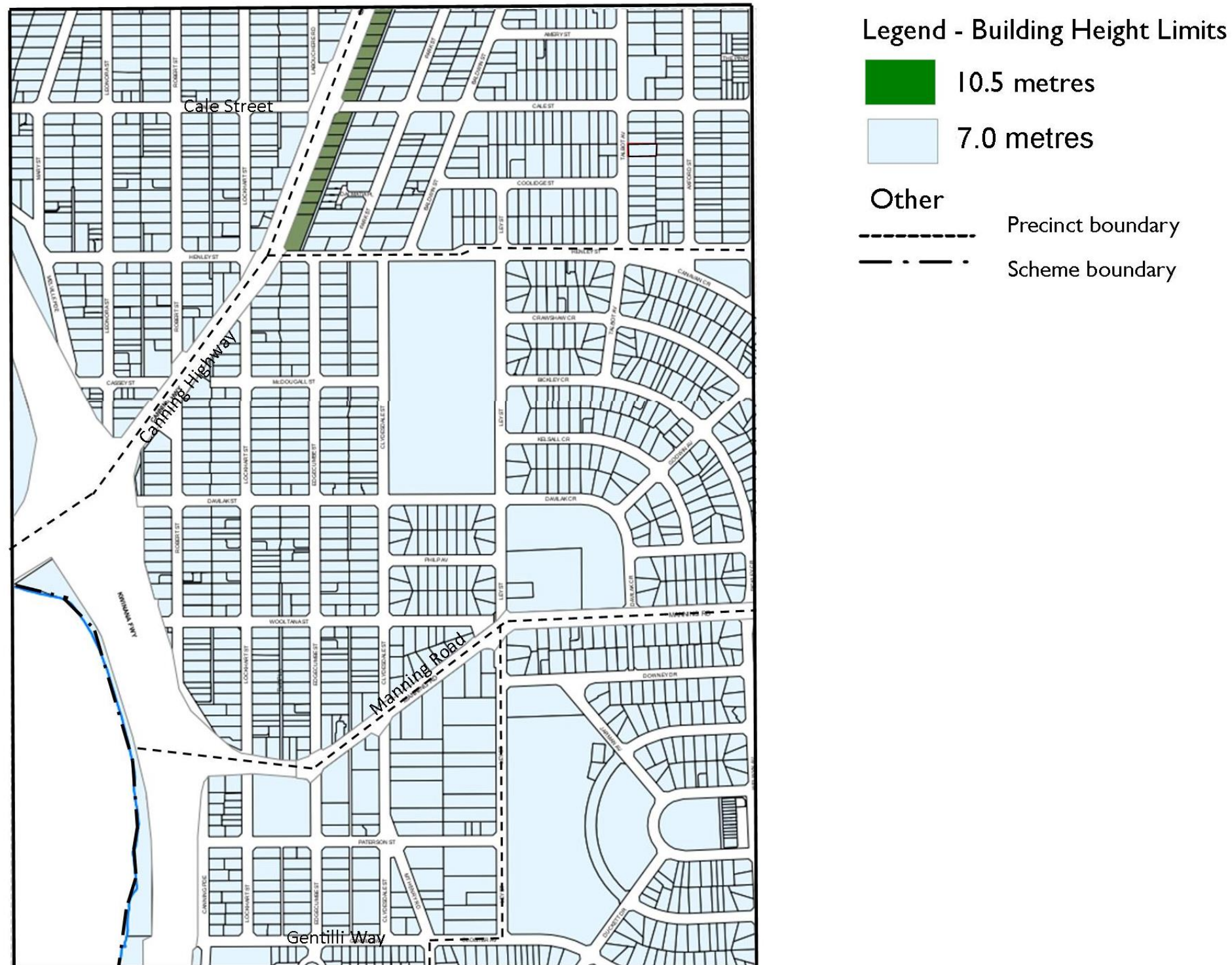


Figure 2 - Existing Building Height Map

City of South Perth - Town Planning Scheme No. 6 - Amendment 47

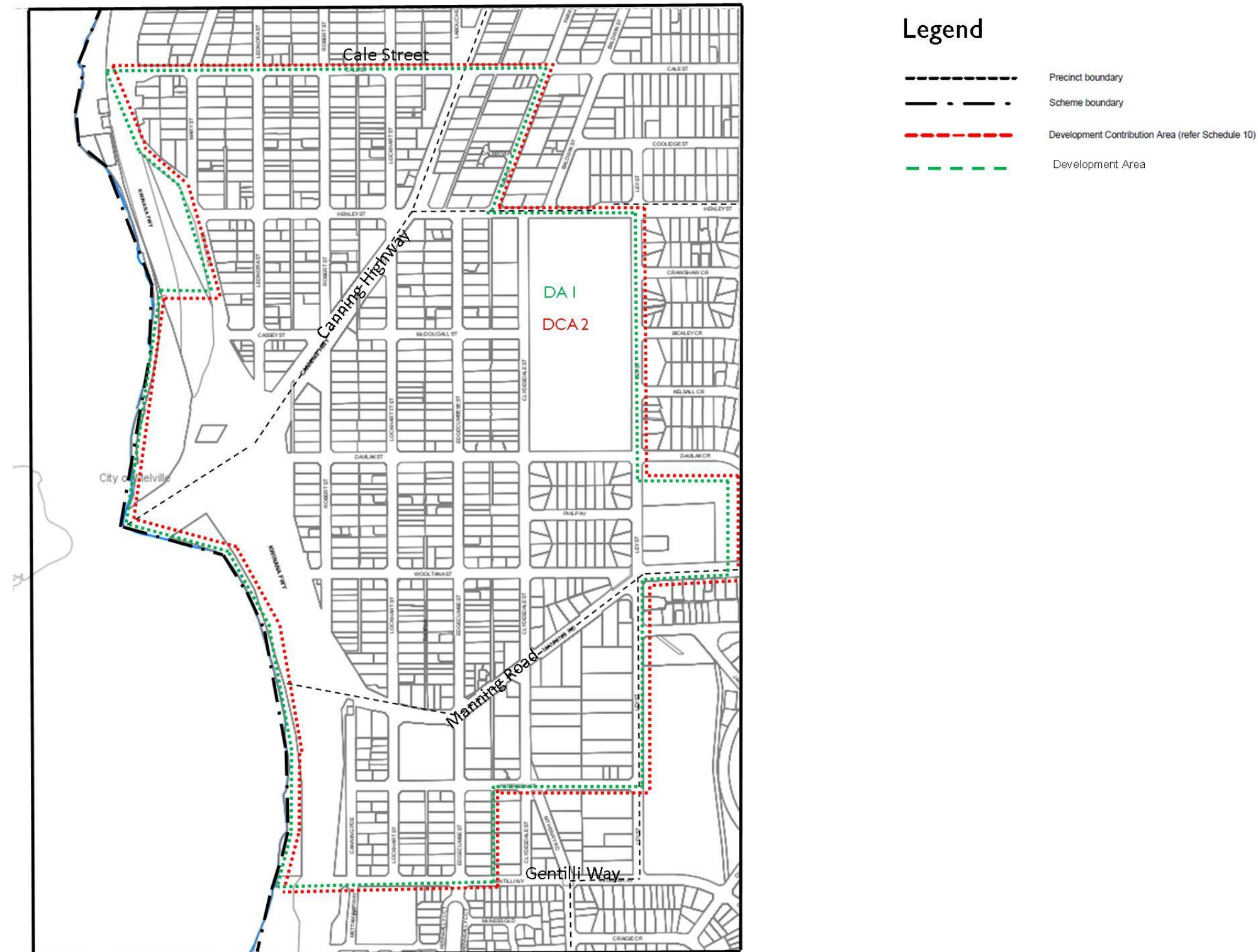


Figure 3 - Proposed Zoning and Development Control Area Map

Legend

- - - - - Precinct boundary
- . - . - Scheme boundary
- - - - - Development Contribution Area (refer Schedule 10)
- - - - - Development Area

Ordinary Council Meeting 26 May 2015



AMENDING DOCUMENTS

<p>Modified Amendment recommended by the Council in response to submissions</p>

PLANNING AND DEVELOPMENT ACT 2005



Town Planning Scheme No. 6 Amendment No. 47 –

Introduction of a 'development' zone, creating a 'Development Area' for the area within the Canning Bridge Structure Plan; and introduce 'structure plan' provisions.

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 3.1 is amended by inserting the following sub-clause:

 '(k) Development'
2. Clause 6.1A (2) is amended by inserting a new sub-clause (2) and renumbering the remaining clauses accordingly.
 - (2) (a) Building height in Development Area 1 (DA1) – Canning Bridge District Activity Centre shall be measured in accordance with the relevant provisions contained in the approved structure plan.
 - (b) For development in Development Area 1 (DA1) – Canning Bridge District Activity Centre, Building Height Limits shall be as shown on the relevant Figure contained within the approved structure plan."
3. Clause 10.1 is amended by inserting the following sub-clause:
 - (1) (c) Development Areas shown on the Scheme Map as DA with a number and included in Schedule 10.
4. Clause 10.1 is amended by modifying the following sub-clause to make it compliant with the Model Scheme Text:

- (2) In respect of a special control area shown on a Scheme Map, the provisions applying to these areas apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5. Insert new Clause 10.3 Development Areas

10.3.1 Interpretation

In clause 10.3, unless the context otherwise requires:

'owner' means an owner or owners of land in the Development Area; and

'structure plan' means a structure plan that has come into effect in accordance with clause 10.3.12.1.

10.3.2 Purpose of Development Areas

10.3.2.1 The purposes of Development Areas are to:

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

10.3.2.2 Schedule 10 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

10.3.3 Subdivision and Development in Development Areas

10.3.3.1 The development of land within a Development Area is to comply with Schedule 10.

10.3.3.2 The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to that land.

10.3.4 Structure Plan required

10.3.4.1 The local government is not to:

- (a) consider recommending subdivision; or
- (b) approve development of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.

10.3.4.2 Notwithstanding clause 10.3.4.1, a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.

10.3.5 Preparation of proposed structure plans

10.3.5.1 A proposed structure plan may be prepared by:

- (a) the local government; or
- (b) an owner.

10.3.5.2 A proposed structure plan may be prepared for all, or part of, a Development Area.

10.3.6 Details of proposed structure plan

10.3.6.1 A proposed structure plan is to contain the following details:

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including:
 - (i) landform, topography and land capability;
 - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - (iii) hydrogeological conditions, including approximate depth to water table;
 - (iv) sites and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including:
 - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
 - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
 - (iii) existing and future land use;
- (d) for district structure plans a map showing proposals for:
 - (i) the pattern of neighbourhoods around town and neighbourhood centres;
 - (ii) arterial routes and neighbourhood connector streets;
 - (iii) the protection of natural features such as water courses and vegetation;
 - (iv) major open spaces and parklands;
 - (v) major public transport routes and facilities;
 - (vi) the pattern and disposition of land uses; and
 - (vii) schools and community facilities;
- (e) for local structure plans a map showing proposals for:
 - (i) neighbourhoods around proposed neighbourhoods and town centres;
 - (ii) existing and proposed commercial centres;
 - (iii) natural features to be retained;
 - (iv) street block layouts;
 - (v) the street network including street types;
 - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
 - (vii) land uses including residential densities and estimates of population;

- (viii) schools and community facilities;
 - (ix) public parklands; and
 - (x) urban water management areas;
- (f) a written report to explain the mapping and to address the following:
 - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
 - (ii) the site analysis including reference to the matters listed in clause 10.3.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
 - (iii) the context analysis including reference to the matters listed in clause 10.3.6.1 (c) above;
 - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
 - (v) the design rationale for the proposed pattern of subdivision, land use and development;
 - (vi) traffic management and safety;
 - (vii) parkland provision and management;
 - (viii) urban water management;
 - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
 - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.

10.3.6.2 The maps referred to in clause 10.3.6.1 are to:

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 10.3.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

10.3.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the *Residential Planning Codes*, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or *Residential Planning Codes* when recommending subdivision or approving development of land within a Development Area.

10.3.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

10.3.7 Submission to local government and Commission

- 10.3.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.
- 10.3.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.
- 10.3.7.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.
- 10.3.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

10.3.8 Advertising of structure plan

- 10.3.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 10.3.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to:
- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways:
 - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
 - (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to:
 - (i) all owners whose land is included in the proposed structure plan;
 - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
 - (iii) such public authorities and other persons as the local government nominates.
- 10.3.8.2 The advertisement and notice are to:
- (a) explain the scope and purpose of the proposed structure plan;
 - (b) specify when and where the proposed structure plan may be inspected; and
 - (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

10.3.9 Adoption of proposed structure plan

10.3.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to:

- (a) adopt the proposed structure plan, with or without modifications; or
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

10.3.9.2 (a) In making a determination under clause 10.3.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

- (b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 10.3.9.1.

10.3.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may:

- (a) readvertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 10.3.8.1 onwards are to apply.

10.3.9.4 If within the period referred to in clause 10.3.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 10.3.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

10.3.10 Endorsement by Commission

10.3.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 10.3.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

10.3.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

10.3.10.3 The Commission is to notify the local government of its determination under clause 6.2.10.2.

10.3.11 Notification of structure plan

10.3.11.1 As soon as practicable after adopting a proposed structure plan under clause 10.3.9.1 and if clause 10.3.10 applies, as soon as practicable after being notified of the Commission's decision

under clause 10.3.10.3, the local government is to forward a copy of the structure plan to:

- (a) any public authority or person that the local government thinks fit; and
- (b) where the structure plan was submitted by an owner, to the owner.

10.3.12 Operation of structure plan

10.3.12.1 A structure plan comes into effect:

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 10.3.10.2; or
- (b) on the day on which it is adopted by the local government under clause 10.3.9.1 in all other cases.

10.3.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

10.3.13 Inspection of structure plan

10.3.13.1 The structure plan and the Commission's notification under clause 10.3.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

10.3.14 Variation to structure plan

10.3.14.1 The local government may vary a structure plan:

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 10.3.6 onwards.

10.3.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

10.3.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

10.3.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 10.3.14.3, the Commission is to determine whether to endorse the proposed variation.

10.3.14.5 The Commission is to notify the local government of its determination under clause 10.3.14.4.

- 10.3.14.6 A variation to a structure plan by resolution comes into effect:
- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 10.3.14.4; or
 - (b) on the day on which the local government resolves to make the variation under clause 10.3.14.1(a).

10.3.15 Detailed area plan

- 10.3.15.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by:

- (a) the local government; or
- (b) an owner.

- 10.3.15.2 A detailed area plan may include details as to:

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, finished site levels and drainage;
- (i) protection of sites of heritage, conservation or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the local government.

- 10.3.15.3 When a proposed detailed area plan is prepared under clause 10.3.15.1, the local government is to:

- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways:
 - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and
- (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to:
 - (i) all owners whose land is included in the proposed detailed area plan;

- (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;
- (iii) such public authorities and other persons as the local government nominates.

10.3.15.4 The advertisement and notice are to:

- (a) explain the scope and purpose of the proposed detailed area plan;
- (b) specify when and where the proposed detailed plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

10.3.15.5 The local government is to consider all submissions received and:

- (a) approve the detailed area plan with or without conditions; or
- (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.

10.3.15.6 If within 60 days of receiving a detailed area plan prepared under clause 10.3.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 10.3.15.5, the local government is deemed to have refused to approve the detailed area plan.

10.3.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.

10.3.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 10.3.15 onwards provided such variations do not prejudice the intention of any related structure plan.

10.3.16 Appeal

10.3.16.1 An owner who has submitted a proposed structure plan under clause 10.3.7.1 may appeal, under Part V of the Town Planning Act:

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 10.3.8.1;
- (b) any determination of the local government:
 - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

10.3.16.2 An owner who has submitted a detailed area plan in accordance with clause 10.3.15 may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by the local government under clause 10.3.15.

6. Insert new Schedule 11 – Development Areas and re-number Schedules accordingly. The following table to be included below the Schedule 11 header.

Development Area	Area	Provisions
DA1	Canning Bridge District Activity Centre	<p>A Structure Plan shall be prepared in accordance with Clause 10.3 to guide subdivision and development.</p> <p>For development in Development Area 1 (DA1) – Canning Bridge District Activity Centre, the provisions of Clause 6.3, sub-clause (1) and (2) do not apply. Car parking ratio for this development shall be as per the relevant provisions of the approved structure plan.</p> <p>For development in Development Area 1 (DA1) – Canning Bridge District Activity Centre, requirements relating to bicycle parking and end of trip facilities are contained within the relevant provisions of the approved structure plan.</p>

7. Insert new row in Schedule 10 – Development Contribution Plans as follows.

DCA2	Canning Bridge District Activity Centre	A development contribution plan for this area is to be prepared in accordance with Clause 10.2.
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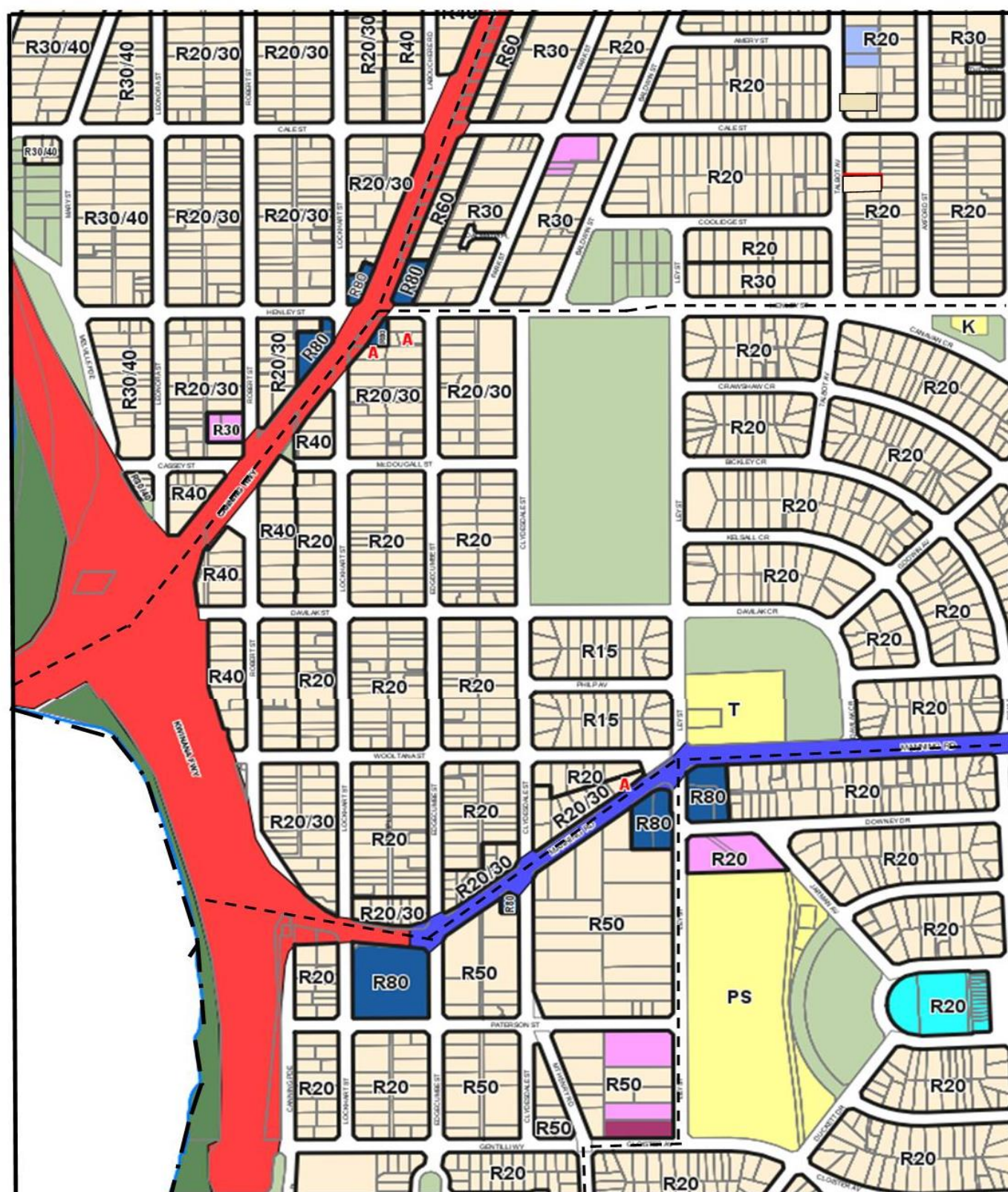
8. Amending the TPS No. 6 Scheme Map **by including reference to a “Development Area” in the Scheme Map Legend and zoning of the**

Canning Bridge District Activity Centre, as “**Development Area**” as outlined in **Attachment 1**.

9. Amending the TPS No. 6 Scheme map to indicate the border of the Development Contribution Area **as outlined in Attachment 2** and as described in Schedule 10.
10. Amending the Zoning – Land Use Table (Table 1) of Town Planning Scheme No.6 to incorporate a new column to the right of the column labelled Technology Park as follows:

Development
Land use permissibility subject to an adopted and endorsed Structure Plan, unless otherwise agreed by Council.

City of South Perth - Town Planning Scheme No. 6 - Amendment 47



Legend - Zoning

Metropolitan Region Scheme

- Parks and Recreation
- Primary Regional Roads
- Other Regional Roads

Other

- Additional Use
- R-Code density boundary
- Precinct boundary
- Scheme boundary

Local Scheme Reserves

- Local Roads
- Parks and Recreation
- Public Purposes

Zones

- Neighbourhood Centre Commercial
- Highway Commercial
- Local Commercial
- Residential
- Public Assembly
- Private Institution

Figure I - Existing Zoning

City of South Perth - Town Planning Scheme No. 6 - Amendment 47

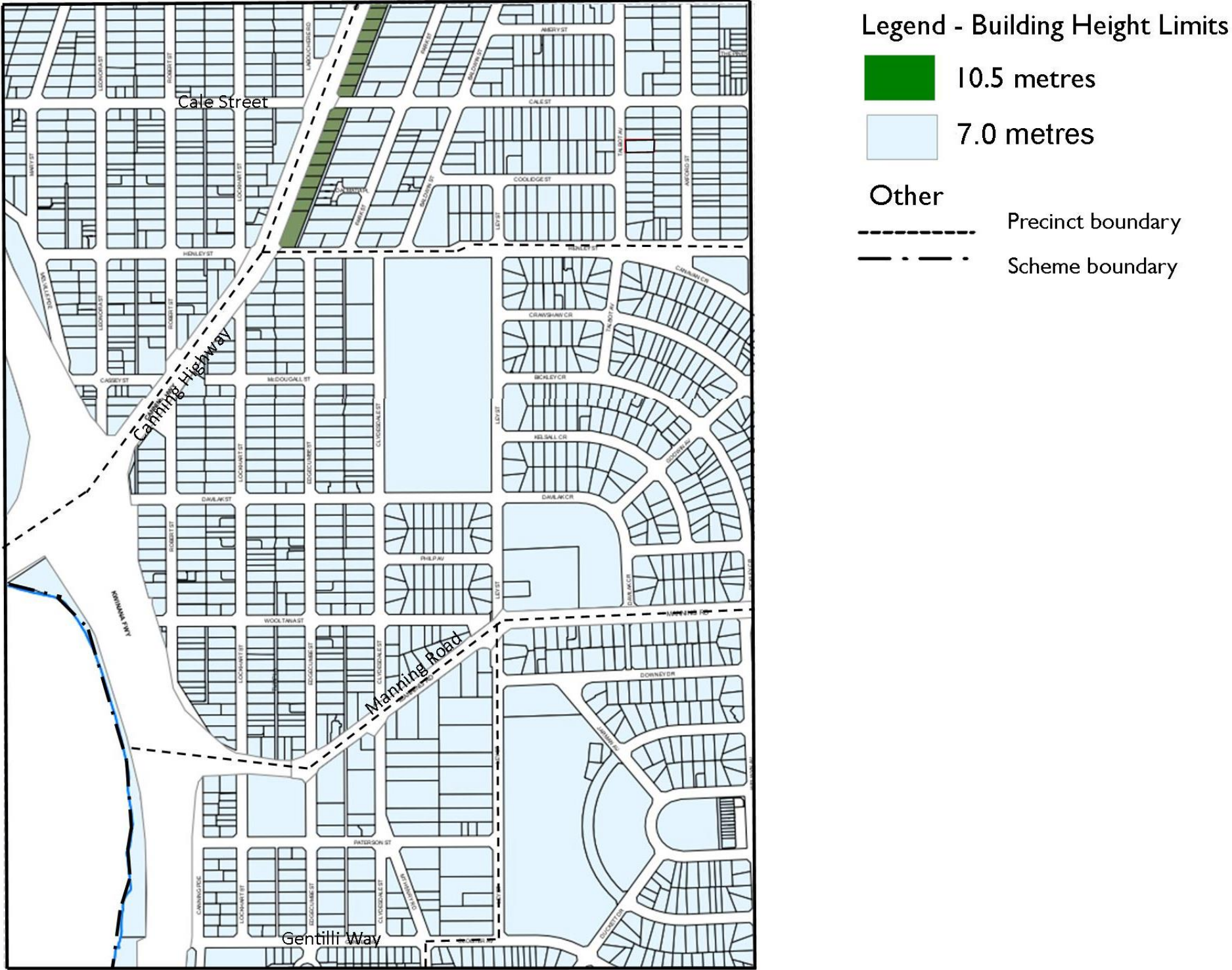


Figure 2 - Existing Building Height Map

City of South Perth - Town Planning Scheme No. 6 - Amendment 47

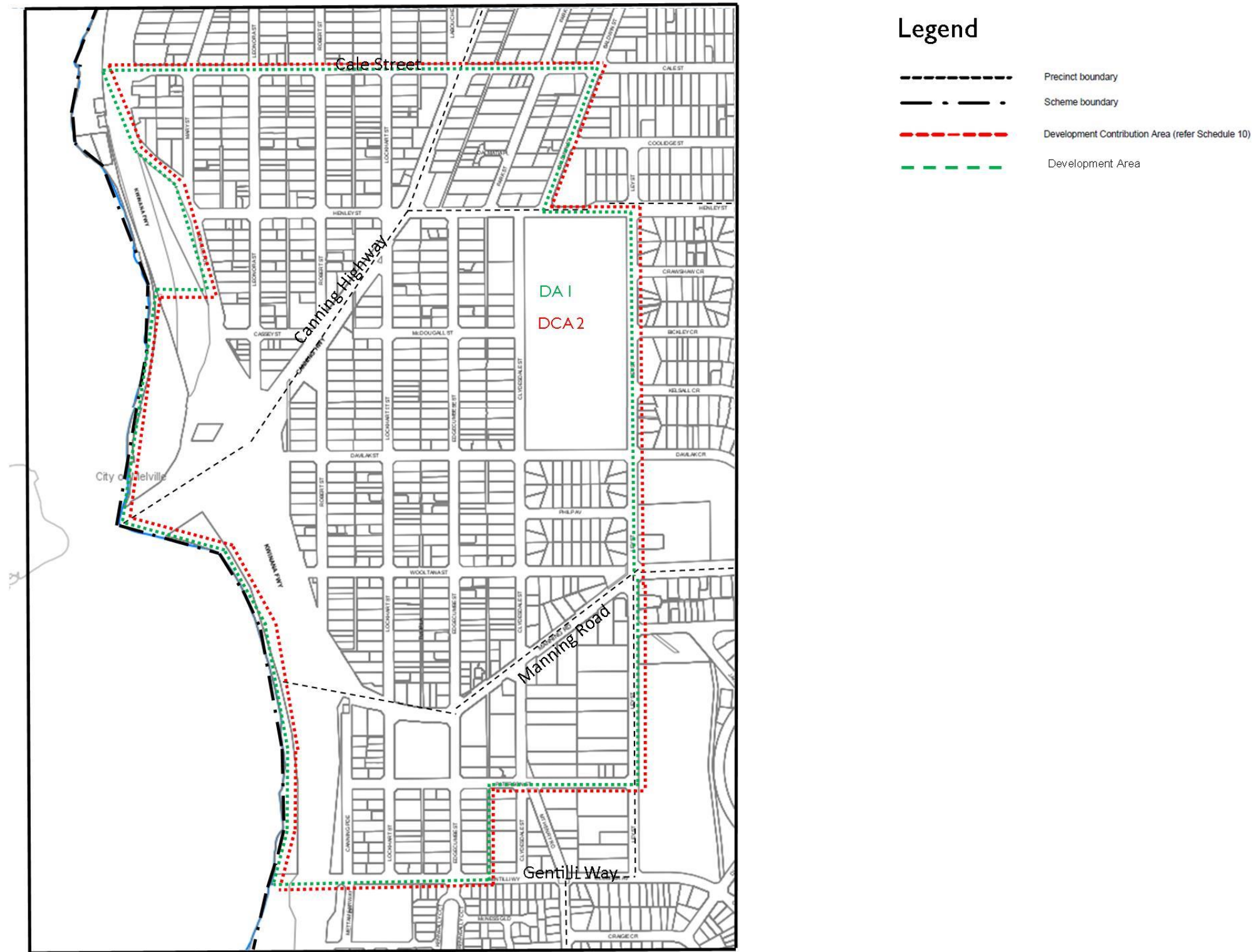


Figure 3 - Proposed Zoning and Development Control Area Map

City of South Perth - Town Planning Scheme No. 6 - Amendment 47

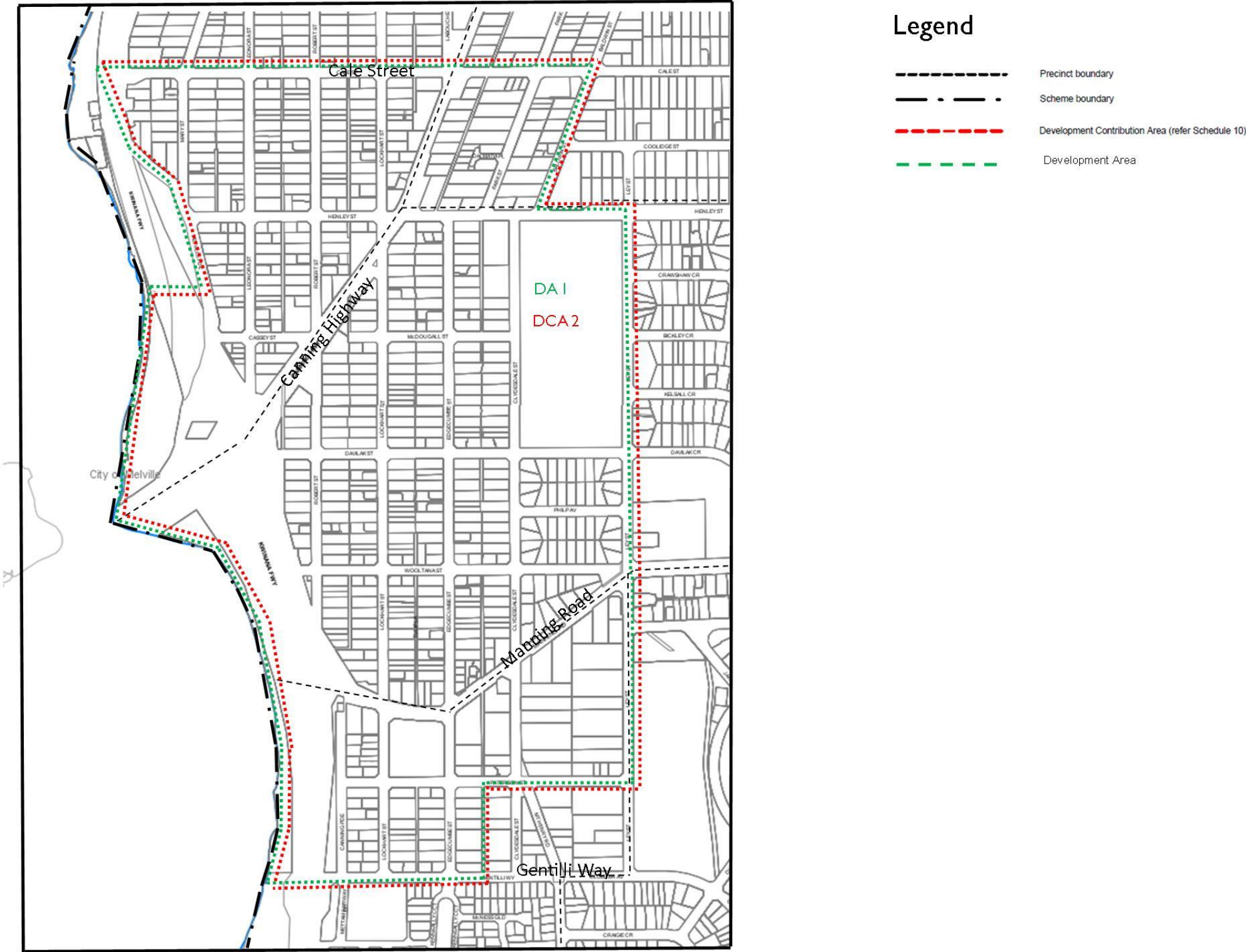


Figure 4 - Proposed Building Height Map

Adoption

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Council Meeting held on 25 November 2014.

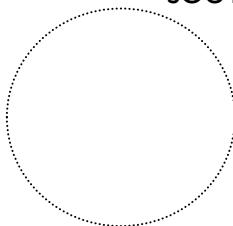
SUE DOHERTY
MAYOR

A C 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 2015 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



SUE DOHERTY
MAYOR

A C FREWING
CHIEF EXECUTIVE OFFICER

RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:

Delegated under S.16 of the PD Act 2005

Dated _____

FINAL APPROVAL GRANTED

JOHN DAY
MINISTER FOR PLANNING

Dated _____

City of South Perth
Town Planning Scheme No. 6

Report on Submissions
Amendment No. 47

Introduction of a 'development' zone and 'structure plan' provisions and create a 'Development Area' for the Canning Bridge Structure Plan area



Civic Centre

**Cnr Sandgate Street and South
Terrace**

SOUTH PERTH WA 6151

**Monday to Friday: 8.30am to
5.00pm**

TOWN PLANNING AND DEVELOPMENT ACT 1928

CITY OF SOUTH PERTH TOWN PLANNING SCHEME NO. 6 AMENDMENT NO. 47

REPORT ON SUBMISSIONS

AMENDMENT PROPOSALS

Amendment No. 47 to the City of South Perth Town Planning Scheme No. 6 (TPS6) was initiated for the purpose of introducing a 'development' zone, and 'structure plan' provisions and create a 'Development Area' for the Canning Bridge Structure Plan area.

STATUTORY POSITION TO DATE

At its November 2014 meeting, the Council resolved to initiate Amendment No. 47 to introduce provisions relating to structure plans and a development zone as well as to create a 'Development Area' for the Canning Bridge Structure Plan (CBSP) area. This scheme amendment is required to provide the legal framework for the CBSP to be adopted under the scheme and become the basis for development control in that area. Council's report on the Amendment proposal, which was forwarded to the Western Australian Planning Commission for information in November 2014, fully describes the background to, and the reasons for, the Amendment.

The Amendment proposal was advertised for a period of 42 days, between 3 February and 20 March, 2015.

ADVERTISING OF AMENDMENT NO. 47

Environmental Protection Authority

After adoption by the Council, the Amendment No. 47 proposal was forwarded to the Environmental Protection Authority (EPA) for assessment. By letter dated 15 December 2014, the EPA advised that it considered that it is not necessary to provide any advice or recommendations on the Amendment proposals.

City's consultation under Town Planning Regulations

The statutory community consultation was initiated following environmental clearance by the EPA. This was undertaken to the extent and in the manner prescribed by the *Town Planning Regulations 1967* and the City's Planning Policy P301 '*Consultation for Planning Proposals*'. The consultation involved the following:

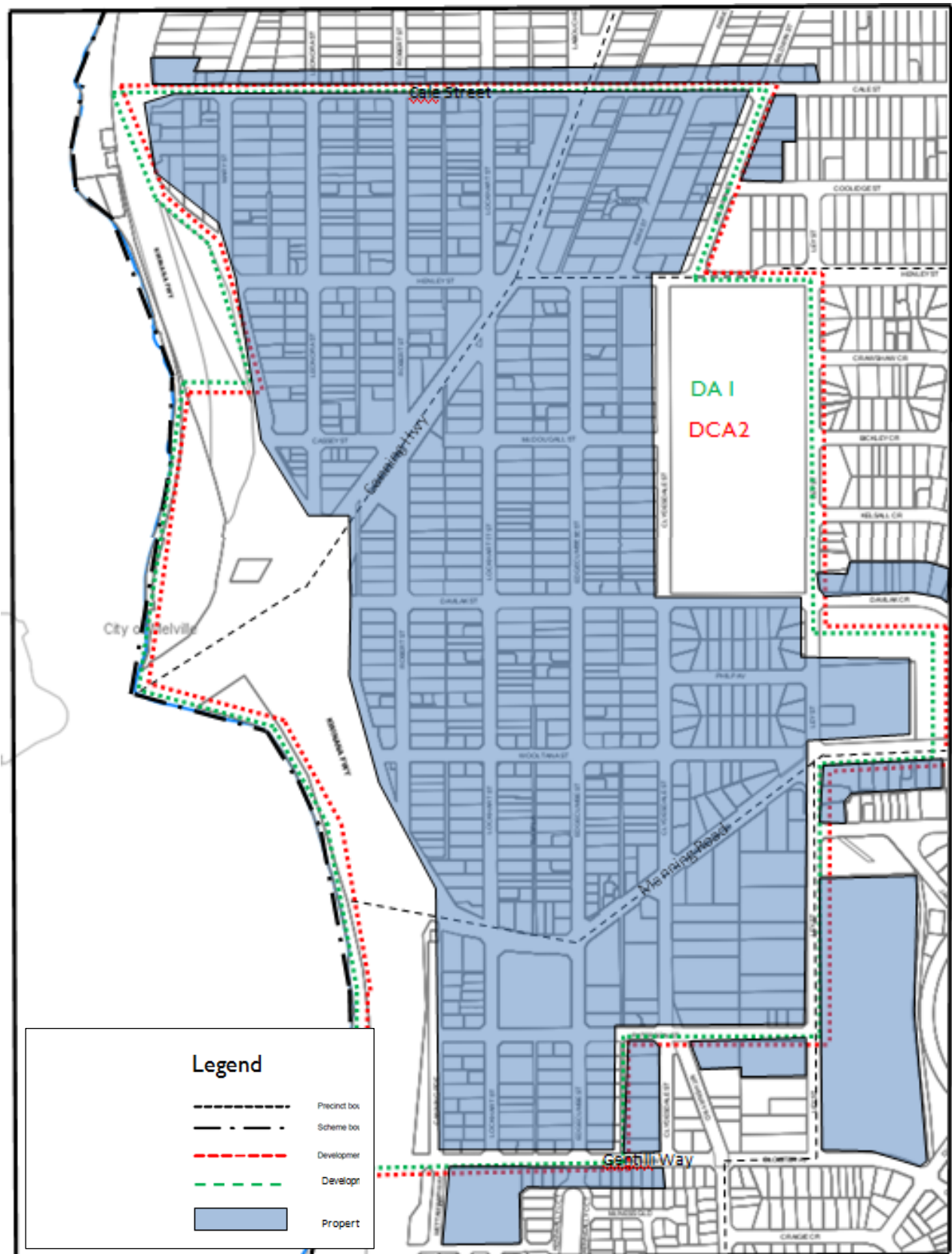
- a period of 45 days, being 4 days longer than the minimum 42-day advertising period;
- approximately 1500 letters and notices sent to landowners within and abutting the Canning Bridge Structure Plan area (refer extent of notification map below). Affected service authorities are also included in this number of letters;

- notices and Amendment documents displayed on the City's web site, in the City's Libraries and in the Civic Centre;
- statutory notices published in two issues of the *Southern Gazette* newspaper, being 3 February and 24 February 2015.

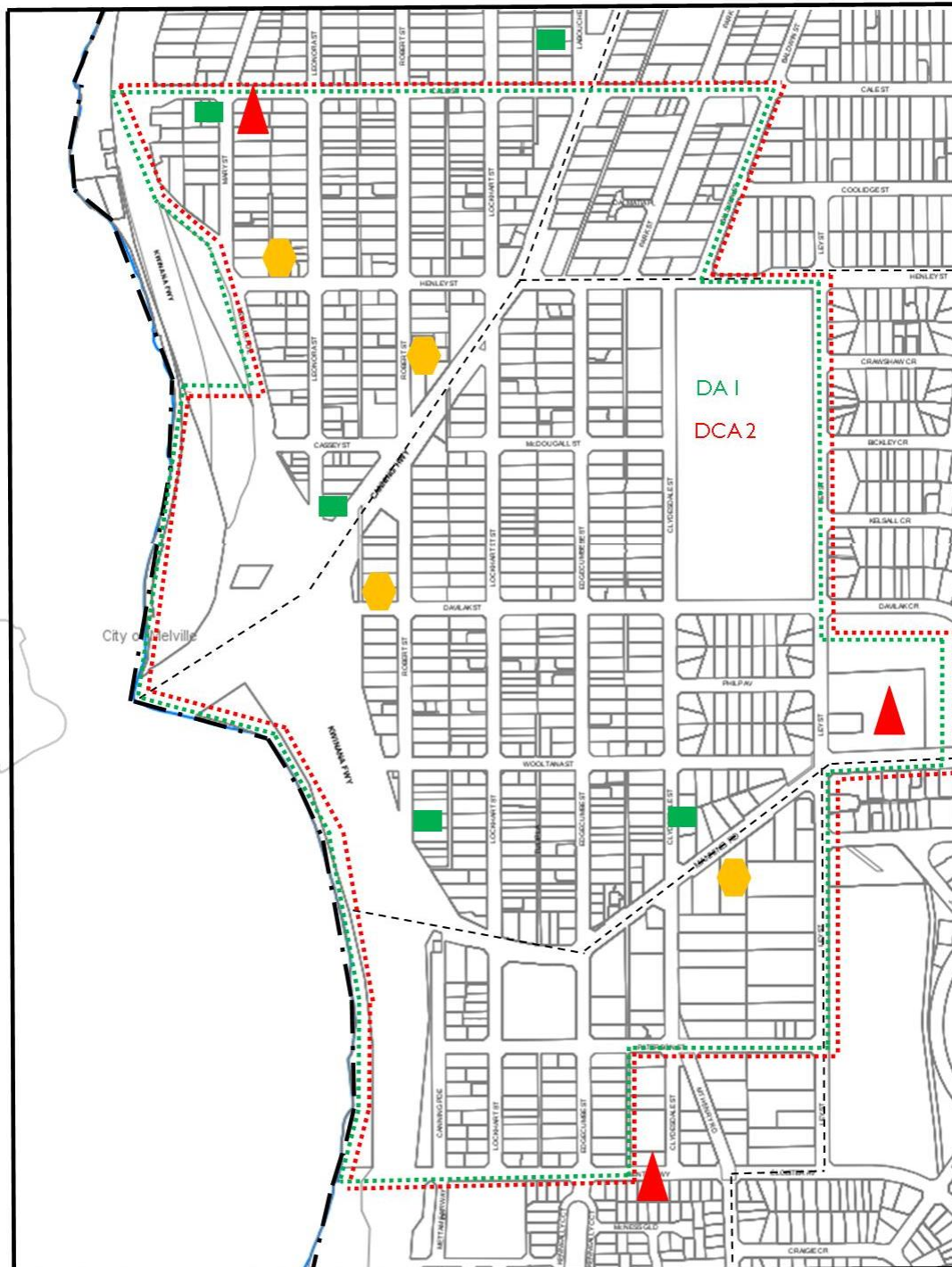
SUBMISSIONS ON AMENDMENT NO. 47

During the advertising period, a total of 17 submissions were received. A copy of these submissions was placed in the Councillors lounge for the period leading up to the April Ordinary Council meeting and is also provided to the WAPC as an attachment to this report. A summary of the submitters' comments, together with the Council's response and recommendations, is contained in this report and in the attached Schedule of Submissions.

City of South Perth
Town Planning Scheme No. 6
AMENDMENT NO. 47 - EXTENT OF NOTIFICATION MAILOUT



City of South Perth
Town Planning Scheme No. 6
AMENDMENT NO. 47 - ORIGIN OF SUBMISSIONS



- Origin of submissions **SUPPORTING** Amendment No. 47
- ▲ Origin of submissions **AGAINST** Amendment No. 47
- ⬡ Origin of submissions neither Supporting or Opposing Amendment No. 47

A plan indicating the extent of the notification mailout, and the spread of submissions received (within close proximity to the Amendment site), is provided above.

Of the 17 submissions received, 5 support the Amendment proposal, 3 oppose the Amendment proposal, 5 neither support nor oppose the Amendment proposal and 4 responses were received from Public Utilities.

A summary of the comments contained in the submissions and Council's responses to, and recommendations on, those comments are contained in the attached Schedule of Submissions. The kinds of comments received, and the Council's response to those comments, are presented as follows:

1. Submissions 1.1 to 1.5 SUPPORTING Amendment No. 47

- (a) Supportive [5 submissions]
- (b) Proposed changes are based on extensive community consultation and detailed investigations [2 submissions]
- (c) Density and development is needed around the Canning Bridge train station [2 submissions]
- (d) Flexibility and creativity in land use and development should be encouraged [1 submission]
- (e) Smaller lots should not be prevented from being developed [1 submission]
- (f) Extra height should be allowed on my lot [1 submission]

Council's Response: For the reasons contained in the Schedule of Submissions, the Council recommends that:

- (a) the comments are noted and NOT UPHELD; and
- (b) Amendment No. 47 **not** be modified in this regard.

2. Submissions 2.1 to 2.3 OPPOSING Amendment No. 47

Each of the three opposing submissions cited an inappropriate boundary for the development area as being the reason for opposition. These submissions are separated into three categories.

- (a) Property should be included in the development area [1 submission]
- (b) Property should be excluded from the development area [1 submission]
- (c) Olives reserve should be excluded from the development area [1 submission]

For the reasons contained in the Schedule of Submissions, the Council recommends that:

- (a) the comments be PARTIALLY UPHELD; and
- (b) Amendment No. 47 **be modified** in various ways in response to the submissions.

3. Submissions 3.1 to 3.5 which neither support nor oppose Amendment No. 47

- (a) what is the role of a development zone, what is the impact on property values, compulsory acquisition [1 submission]

- (b) suggests changes to the zoning in CBSP, making a single house a preferred use in the CBSP or additional time to proceed with current plans [1 submission]
- (c) identifies parking issues in CBSP and questions proposed heights [1 submission]
- (d) more shops and housing in CBSP a good idea however heights should be limited to 4 – 6 stories. Existing landscaped areas should be improved. Opposed to the future bus port. [1 submission]
- (e) scheme amendment maps to be amended to rectify drafting error [1 submission]

For the reasons contained in the Schedule of Submissions, the Council recommends that:

- (a) the comment be PARTIALLY UPHELD; and
- (b) Amendment No. 47 **be modified** in various ways in response to the submissions.

4. Submissions 4.1 to 4.4 from GOVERNMENT AGENCIES [4 submissions]

Responses from Main Roads WA, State Heritage Council, Department of Water and Water Corporation advise that either:

- they have no objection to Amendment No. 47;
- they have no comment to make on Amendment No. 47; or
- further work will be required in the future to ensure services are sufficient to accommodate the proposed future redevelopment of the CBSP;
- the CBSP should take into account the final design of Canning Highway, prior to being finalised;
- Any development which may affect Canning Bridge should be referred to the State Heritage office to ensure the heritage significance is retained.

Council's Response: The agencies' comments be **noted**.

CONCLUSION

The proposed Amendment No. 47 has been advertised as required by the *Town Planning Regulations 1967* and by Council Policy P301 '*Consultation for Planning Proposals*'. Letters were sent to owners of properties within the proposed development area and to service authorities. Copies of the Amendment documents were displayed at the Civic Centre offices, in the City's Libraries and on the City's web site.

Of the approximately 1500 letters sent to landowners and service agencies only 17 submissions were received. This number reflects the administrative nature of the proposed scheme amendment. Of the submissions received 5 indicated support for the proposal, 3 objected to the proposal, 5 neither supported nor opposed the proposal and the remaining 4 were from service agencies.

Several submitters have raised valid points in relation to the boundary of the proposed development area and the amendment maps have been updated to reflect these concerns. The text of proposed amendment is recommended to remain unchanged.

DETERMINATION OF SUBMISSIONS

Having regard to the preceding comments, Council recommends that:

1. Submissions 1.1 to 1.5 inclusive, supporting the proposed Amendment No. 47 be **NOT UPHELD**;
2. Submission 2.1 to 2.3 opposing the proposed Amendment No. 47 be **PARTIALLY UPHELD**;
3. Submissions 3.1 to 3.5 inclusive, neutral or requesting clarification the proposed Amendment No. 47 be **PARTIALLY UPHELD**;
4. Submissions 4.1 to 4.4 inclusive, from government agencies be **NOTED**;

CONCLUDING ACTION

IT IS RECOMMENDED that:

- (a) the Western Australian Planning Commission be advised that Council recommends that, to the extent stated in the Report on Submissions comprising:
 - (i) Submissions 1.1 to 1.5 supporting Amendment No. 47 be NOT UPHELD;
 - (ii) Submissions 2.1 to 2.3 opposing Amendment No. 47 be partially UPHELD;
 - (iii) Submissions 3.1 to 3.5 opposing Amendment No. 47 be partially UPHELD
 - (iv) Submissions 4.1 to 4.4 from Government agencies be Noted; and
 - (v) Amendment No. 47 proceed with modifications;
- (b) Amendment No. 47 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the Town Planning Regulations 1967 (as amended), and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 47 document, as required by those Regulations;
- (c) the Report on Submissions containing the Council's recommendations and the Schedule of Submissions containing an assessment of the Submissions, be adopted and together with a copy of the Submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and for final approval of Amendment No. 47 by the Minister for Planning;

A C FREWING
CHIEF EXECUTIVE OFFICER

City of South Perth
Town Planning Scheme No. 6

Schedule of Submissions
Amendment No. 47

Introduction of a 'development' zone and 'structure plan' provisions and create a 'Development Area' for the Canning Bridge Structure Plan area



Civic Centre

Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday: 8.30am to 5.00pm

Enquiries:

Telephone: 9474 0777

CONTENTS

SCHEDULE OF SUBMISSIONS ON AMENDMENT NO. 47

	Page
1. Submissions 1.1 to 1.5 SUPPORTING Amendment No. 47 No objection [5 submissions]	1
2. Submissions 2.1 TO 2.3 OPPOSING Amendment No. 47 Objection to <i>boundary of amendment</i> [3 submission]	3
3. Submissions 3.1 to 3.5 neither supporting or opposing Amendment No. 47 Submissions re[15 submissions]	6
4. Submissions 4.1 to 4.3 from GOVERNMENT AGENCIES [3 submissions]	8

Amendment No. 47 to Town Planning Scheme No. 6

Schedule of Submissions

COMMENT CONTAINED IN SUBMISSION	COUNCIL'S COMMENTS AND RECOMMENDATION	COMMISSION'S RECOMMENDATION
Submissions 1.1 to 1.5 SUPPORTING Amendment No. 47		
<p>1. Proposed changes are based on extensive community consultation and detailed investigations</p> <p style="text-align: right;">[2 submissions]</p> <p><i>Submitters from Coode Street and Leonora Street, Como</i></p> <p>We support the move towards diversity of land use, visual and functional attractiveness, public transport utilisation, local employment opportunities and sustainability.</p>	<p>Amendment No. 47, is of an administrative nature, and aims to introduce provisions relating to structure plans and a development zone as well as to create a 'Development Area' for the Canning Bridge Structure Plan (CBSP) area. This scheme amendment is required to provide the legal framework for the CBSP to be adopted under the scheme and become the basis for development control in that area. Council's report on the Amendment proposals, which was forwarded to the Western Australian Planning Commission for information in November 2014, fully describes the background to, and the reasons for, the Amendment.</p> <p>The draft CBSP was developed with input from a wide range of stakeholders, was subject to extensive planning work and landowner consultation. The draft CBSP contains detailed development controls, including preferred land use, building height, street and side setbacks ect. These development controls have been prepared with the aim of ensuring the built form in the CBSP meets to vision and objectives for the area.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <ul style="list-style-type: none"> (a) the comment be not UPHOLD. City officers support a range of density and land uses within the locality, however the draft CBSP contains relevant development controls; and (b) Amendment No. 47 not be modified in this regard. 	

<p>2. Density and development is needed around the Canning Bridge train station</p> <p style="text-align: right;">[2 submissions]</p> <p><i>Submitters from Coode Street and Leonora Street, Como</i></p> <p>We support the proposed density around the Canning Bridge Train Station, this will assist in making better use of the land, contain urban sprawl and provide options for a changing demographic.</p>	<p>Refer to comments relating to point 1 above.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the comment NOT BE UPHELD. City officers support a range of density and land uses within the locality, however the draft CBSP contains relevant development controls; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	
<p>3. Flexibility and creativity in land use and development should be encouraged</p> <p style="text-align: right;">[1 submission]</p> <p><i>Submitter from Leonora Street, Como</i></p>	<p>Refer to comments relating to point 1 above.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the comment NOT BE UPHELD. City officers support a range of development types within the locality, however the draft CBSP contains relevant development controls; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	
<p>4. Smaller lots should not be prevented from being developed</p> <p style="text-align: right;">[1 submission]</p> <p><i>Submitters from Clydesdale Street, Como</i></p>	<p>Refer to comments relating to point 1 above.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the comment NOT BE UPHELD. City officers support a range of development types within the locality, however the draft CBSP contains relevant development controls; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	
<p>5. Extra height should be allowed on my lot</p> <p style="text-align: right;">[1 submission]</p> <p><i>Submitters from Robert Street,</i></p>	<p>Refer to comments relating to point 1 above.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the comment NOT BE UPHELD, the report on submissions on draft CBSP presented to the March 2015 OCM provides detailed reasoning for keeping proposed heights as advertised; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	

Submissions 2.1 to 2.3 OPPOSING Amendment No. 47

<p>1. Inappropriate boundary for the development area</p>	<p>As discussed above, Amendment No. 47, is of an administrative nature, and aims to introduce provisions relating to structure plans and a development zone as well as to create a 'Development Area' for the Canning Bridge Structure Plan (CBSP) area.</p> <p>The draft CBSP was developed with input from a wide range of stakeholders, was subject to extensive planning work and landowner consultation. The draft CBSP contains detailed development controls, including preferred land use, building height, street and side setbacks etc. These development controls have been prepared with the aim of ensuring the built form in the CBSP meets to vision and objectives for the area.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the comment NOT BE UPHOLD, the report on submissions on draft CBSP presented to the March 2015 OCM provides detailed reasoning for keeping the precinct boundary as advertised; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	
<p>(a) Property should be included in the development area:</p> <p style="text-align: right;">[1 submissions]</p> <p><i>Submitter from Gentilli Way, Como</i></p> <p>The proposed development area boundary runs south along the ROW between Edgecumbe Street and Clydesdale Street. This is the only location where a ROW is used as the precinct boundary. This anomaly will make redevelopment difficult in the future and due to incompatible height limits. It is requested that our property is included in Amendment 47 area.</p>		

<p>(b) Sub-topic</p> <p style="text-align: right;">[1 submission]</p> <p><i>Submitter acting for owners of 54 Manning Road (Former Telstra site):</i></p> <p>The CBSP nominates this site as being a M10 mixed use site.</p> <p>The site has been subject to specific scheme amendment No. 34, and final gazettal is imminent. The development controls contained in Amendment No. 34, including land use, car parking, setbacks and building height have been developed following extensive consultation with stakeholders and specifically address the context and characteristics of the subject site.</p> <p>The draft CBSP has a long way to go before it is finally adopted by the WAPC and therefore the final development standards for the site are unknown.</p> <p>Adoption of Amendment 47 and therefore the draft CBSP would result in the imposition of development controls which have not been sighted or supported by the landowners and which do not respond to the context of the site. The development controls contained in the draft CBSP, reduce the maximum height in the central area of the lot, changes permissible land uses and have setback implications which will restrict the design for the subject site, compared to what was proposed in Amendment 34.</p> <p>Amendment No. 34 provides development controls for the redevelopment of the subject site, providing clarity and certainty. The proposed controls have been thoroughly tested during the Amendment No. 34. There is no reason to replace this certainty with uncertainty now.</p> <p>It is requested that PT Lot 2 (54) Manning Road be excluded from the Amendment 47 area as all relevant development controls have been established via Amendment No. 34.</p>	<p>Planning for the Canning Bridge District Centre and 54 Manning Road (Former Telstra site) has occurred in parallel over the last 5 to 10 years. During this time there has been a substantial amount of community consultation and detailed investigations into the future of the area, including traffic and environmental report.</p> <p>54 Manning Road was included in the draft CBSP area due to its proximity to the Canning Bridge railway station, its size which makes it an important strategic site in the locality and gives it the ability to act as a gateway/landmark for the precinct. While the site has been included in the draft CBSP, the landowners and their consultants have progressed their own detailed studies and initiated Scheme Amendment No. 34 for the site in 2012.</p> <p>Following a lengthy process, Scheme Amendment No. 34, was gazetted in March 2015. The amendment contains development controls for the site which deal with issues such as building height, setbacks, plot ratio and car parking. The development controls will allow the site to be developed in a manner which will ensure it will act as a landmark development for the precinct.</p> <p>Given the rigorous process which amendment No. 34 has been through, including extensive neighbour consultation and detailed site planning by the consultants, and its recent adoption it is not considered appropriate to replace this with a development zone. The development zone will allow the site to be developed in accordance with the draft CBSP provisions which may not respond as well to its specific characteristics.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <ul style="list-style-type: none"> (a) the related submission be UPHELD; and (b) Amendment No. 47 be modified in this regard. 	
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<p>(c) The proposed development area should be smaller</p> <p>[1 submission]</p> <p><i>Submitter from Mary Street, Como</i></p> <p>The boundaries of proposed Amendment 47 extend too far into housing areas and impact on local reserves, such as Olive's Reserve.</p> <p>The boundaries should be reduced in size to reduce the impact on housing areas and public parks.</p>	<p>The proposed development area mirrors the boundary of the draft CBSP. As discussed above, the draft CBSP has been the subject of extensive planning work and landowner consultation. Existing areas of POS including Olives reserved are identified on the structure plan and will be retained.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the comment NOT BE UPHOLD, the report on submissions on draft CBSP presented to the March 2015 OCM provides detailed reasoning for keeping the precinct boundary as advertised; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	
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Submissions 3.1 to 3.5 neither supporting or opposing Amendment No. 47

<p>(a) request clarification on the role of a development zone, what is the impact on property values, compulsory acquisition</p> <p>[1 submission]</p> <p><i>Submitter from Manning Road, Como.</i></p>	<p>An email reply was sent to the submitter, providing clarification regarding these issues, no further submission was received.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the related submissions NOT BE UPHELD; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	
<p>(b) suggests changes to the zoning in CBSP, making a single house a preferred use in the CBSP or additional time to proceed with current plans [1 submission]</p> <p>[1 submission]</p> <p><i>Submitters from Robert Street, Como.</i></p>	<p>As discussed above, Amendment No. 47, is of an administrative nature, and aims to introduce provisions relating to structure plans and a development zone as well as to create a 'Development Area' for the Canning Bridge Structure Plan (CBSP) area. An email reply was sent to the submitter detailing how a development application in the draft CBSP area will be handled by the City.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the related submissions NOT BE UPHELD; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	
<p>(c) identifies parking issues in CBSP and questions proposed heights in Amendment 47.</p> <p>[1 submission]</p> <p><i>Submitters from Robert Street, Como.</i></p>	<p>An email reply was sent to the submitter describing the relationship between the draft CBSP and Amendment 47, and providing details as to how to locate the draft CBSP on the City's website.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the related submissions NOT BE UPHELD; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	
<p>(d) more shops and housing in CBSP a good idea however heights should be limited to 4 – 6 stories. Existing landscaped areas should be improved. Opposed to the future bus port.</p> <p>[1 submission]</p> <p><i>Submitter from Henley Street, Como.</i></p>	<p>The draft CBSP provides detailed guidance with respect to development controls in the development area, including land use and building height. The draft CBSP identifies a bus port at Cassey Street however the final design has not been finalised.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the related submissions NOT BE UPHELD; and</p> <p>(b) Amendment No. 47 not be modified in this regard.</p>	

<p>(e) scheme amendment maps to be amended to rectify drafting error</p> <p>[1 submission]</p> <p><i>Submitter from Park Street, Como.</i></p>	<p>The submitter observed that the properties bounded by Cale Street, Baldwin Street, Henley Street and Park Streets are not included in the 'zoning and development control area' and 'building height' maps despite being in the draft CBSP area.</p> <p>Having regard to all of the relevant considerations, the Council recommends that:</p> <p>(a) the related submission be UPHELD; and</p> <p>(b) Amendment No. 47 maps be modified to rectify the drafting error.</p>	
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Submissions 4.1 to 4.4 from Government agencies		
<p>(a) <i>Main Roads WA comments:</i></p> <p>Main Roads has no objection to introducing a 'Development' zone and creating a 'Development Area' for the Canning Bridge Structure Plan.</p> <p>MRWA is in the final stages of completing the planning design concept and land protection plans for Canning Highway. This must be included in the final CBSP and as such it is recommended the CBSP not be finalised until after this work is completed.</p>	The comments are noted, no further action is required at this stage.	
<p>(b) State Heritage Office comments</p> <p>There is no objection to Scheme Amendment 47. The subject site is adjacent to the State Registered Canning Bridge, any development proposals which affect the bridge will need to ensure the heritage significance is retained.</p>	The comments are noted, no further action is required at this stage.	
<p>(c) Department of Water – Swan Avon Region</p> <p>Assessed – No comments</p>	The comments are noted, no further action is required at this stage.	

<p>(d) <i>Water Corporation comments:</i></p> <p>The Water Corporation has no objection to the proposal to rezone the area 'development' and create a 'development area' under the scheme.</p> <p>Current infrastructure planning for the Water Corporation is based on existing zoning in City of South Perth and City of Melville Town Planning Schemes. Following rezoning and final adoption of CBSP the corporation will be required to undertake further studies to plan and schedule future upgrades to services.</p> <p>The higher development yields in CBSP area may give rise to the need for upgrades of minor works and these will be required to be funded by developers.</p> <p>The Water Corporation recommends the Cities of South Perth and Melville engage a suitably qualified engineering consultant to investigate and report on the capacity of water and reticulation networks across the Structure plan area and identifying reticulation pipes that will need to be upgraded or duplicated. The costs of these upgrades could be borne by individual developers or sub-precincts or shared more equitably across the DCA under a developer contribution arrangement.</p>	<p>The comments are noted, no further action is required at this stage.</p>	
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