

# AGENDA

## Ordinary Council Meeting

13 October 2015

### Notice of Meeting

To: The Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 13 October 2015 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



VICKI LUMMER  
ACTING CHIEF EXECUTIVE OFFICER

9 October 2015



# Our Guiding Values

## **Trust**

Honesty and integrity

## **Respect**

Acceptance and tolerance

## **Understanding**

Caring and empathy

## **Teamwork**

Leadership and commitment

## Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

## Further Information

The following information is available on the City's website.

- **Council Meeting Schedule**

Ordinary Council Meetings are held at 7.00pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

As part of our commitment to transparent decision making, the City makes documents relating to meetings of Council and its Committees available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km<sup>2</sup> divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

[www.southperth.wa.gov.au/Our-Council/](http://www.southperth.wa.gov.au/Our-Council/)

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# Ordinary Council Meeting Agenda

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 3.1 AUDIO RECORDING OF THE COUNCIL MEETING

The meeting will be audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 of the Standing Orders Local Law 2007.

### 3.2 PUBLIC QUESTION TIME FORMS

Public Question Time Forms are available in the Civic Centre foyer and on Council's website for members of the public wanting to submit a written question. In accordance with Clause 6.7 of the Standing Orders Local Law, 'Procedures for Question Time', it is requested that questions be received in advance of the Council Meetings in order for the Administration to have the opportunity to prepare responses.

### 3.3 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Mayor's Activities Report can be found at **Appendix One**.

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

## 5. DECLARATIONS OF INTEREST

Conflicts of Interest are dealt with in the *Local Government Act, Rules of Conduct Regulations* and the *Administration Regulations* as well as the *City's Code of Conduct 2008*. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

At the September 2015 Ordinary Council Meeting there were public questions taken on notice – the answers to these questions were provided in the Minutes.

### 6.2 PUBLIC QUESTION TIME: 13 OCTOBER 2015

## **7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1**

### **7.1 MINUTES**

#### **7.1.1 Ordinary Council Meeting Held: 22 September 2015**

##### **Recommendation**

That the Minutes of the Ordinary Council held 22 September 2015 be taken as read and confirmed as a true and correct record.

### **7.2 BRIEFINGS**

Nil.

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

Nil.

### **8.2 GIFTS / AWARDS PRESENTED TO COUNCIL**

Nil.

### **8.3 DEPUTATIONS**

There were no Requests for Deputation to Address Council at the Agenda Briefing of 6 October 2015

### **8.4 COUNCIL DELEGATES REPORTS**

#### **8.4.1 Rivers Regional Council - Ordinary Council Meeting - 20 August 2015**

A report summarising the Rivers Regional Council - Ordinary Council Meeting - 20 August 2015 is attached.

##### **Attachments**

**8.4.1 (a):** Rivers Regional Council - Ordinary Council Meeting - 20 August 2015 - Delegates' Report .

##### **Officer Recommendation**

That the report on the Rivers Regional Council - Ordinary Council Meeting - 20 August 2015 be received.

### **8.5 CONFERENCE DELEGATES REPORTS**

Nil

## **9. METHOD OF DEALING WITH AGENDA BUSINESS**

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct

Location:	All land between Richardson and Darley Streets to the south and east, and Scott Street and Frasers Lane to the north
Ward:	Mill Point
Applicant:	Council
File Ref:	D-15-72621
Date:	13 October 2015
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Vicki Lummer, Acting Chief Executive Officer
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery.

#### Summary

The purposes of Amendment No. 46 are to :

- (a) rectify the identified minor anomalies / ambiguities in the existing special provisions for the South Perth Station Precinct; and
- (b) strengthen existing performance criteria relating to building height variations.

This will be achieved by inserting a new Schedule 9A in place of the existing Schedule 9.

At the August 2015 Council meeting, an Officer's Report on Submissions was considered. That report was prepared in response to the 41 submissions which had been received. Having considered the Report on Submissions, the Council decided not to adopt the Officer's recommendations and instead, deferred its response to the submissions pending discussion at a Workshop. Therefore Council's recommendations to the Minister on the submissions and on modifications to draft Amendment No. 46 will now be made at the October meeting.

The Workshop was held on 8 September. At the Workshop, Council Members worked through a schedule titled: "Summary of Submissions on Draft Amendment". In that schedule, the "Council Workshop Comments" column records the likely response to the submissions at the October Council meeting.

While Council Members may respond to the submissions differently from the Officer's recommendations, the August Officer's recommendations remain unchanged. Accordingly, in response to the submissions, it is recommended that the Council recommend to the Minister for Planning that Amendment No. 46 be approved with modification to the extent described in the Report on Submissions comprising Attachment (a) to this report.

## Officer Recommendation

That:

- (a) the Western Australian Planning Commission be advised that Council recommends that:
  - (i) Submissions 1.1, 1.2 and 1.3 supporting the proposed Amendment No. 46 be UPHELD;
  - (ii) Submission 1.4 conditionally supporting the proposed Amendment No. 46 be NOT UPHELD;
  - (iii) Submissions 2.1 to 2.8 opposing certain Table A development requirements and Table B Performance Criteria in proposed Amendment No. 46 be PARTIALLY UPHELD to the extent indicated in the Report on Submissions;
  - (iv) Submissions 3.1 to 3.5 inclusive, opposing exclusion of certain properties from the Special Design Area, be NOT UPHELD;
  - (v) Submissions 4.1 to 4.17 inclusive, opposing Amendment No. 46 as height controls are considered inadequate, be PARTIALLY UPHELD;
  - (vi) Submissions 5.1 to 5.5 inclusive, opposing certain provisions in Amendment No. 46 be GENERALLY NOT UPHELD;
  - (vii) Submissions 6.1 and 6.2 from government departments be UPHELD; and
  - (viii) Amendment No. 46 to the City of South Perth Town Planning Scheme No. 6, be adopted **with modification** to the extent identified in **Attachment (c)**.
- (b) 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 Town Planning Scheme by deleting Schedule 9 and inserting the modified Schedule 9A in its place;
- (c) the Council hereby authorises the affixing of the Common Seal of Council to three copies of the MODIFIED Amendment No. 46 document comprising **Attachments (b) and (c)**;
- (d) the Report on Submissions (**Attachment (a)**) and Schedule of Submissions containing the Council's recommendations, a copy of the submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for determination of the Submissions and for final determination of Amendment No. 46 by the Minister for Planning;
- (e) the Western Australian Planning Commission be advised that, owing to the strength of concern expressed by some of the submitters regarding the effectiveness of the existing special provisions applicable to the South Perth Station Precinct, the Council will be engaging a consultant to conduct a review of those provisions and the geographic extent of the precinct, in preparation for a new Scheme Amendment proposing more substantial changes;
- (f) the submitters be thanked for their contribution to Amendment No. 46 and they be advised that:
  - (i) the Council will be considering more substantial modifications to the development controls in the South Perth Station Precinct, for implementation by way of a new Scheme Amendment; and
  - (ii) as part of the process towards implementing the new Scheme Amendment, there will be further community engagement.



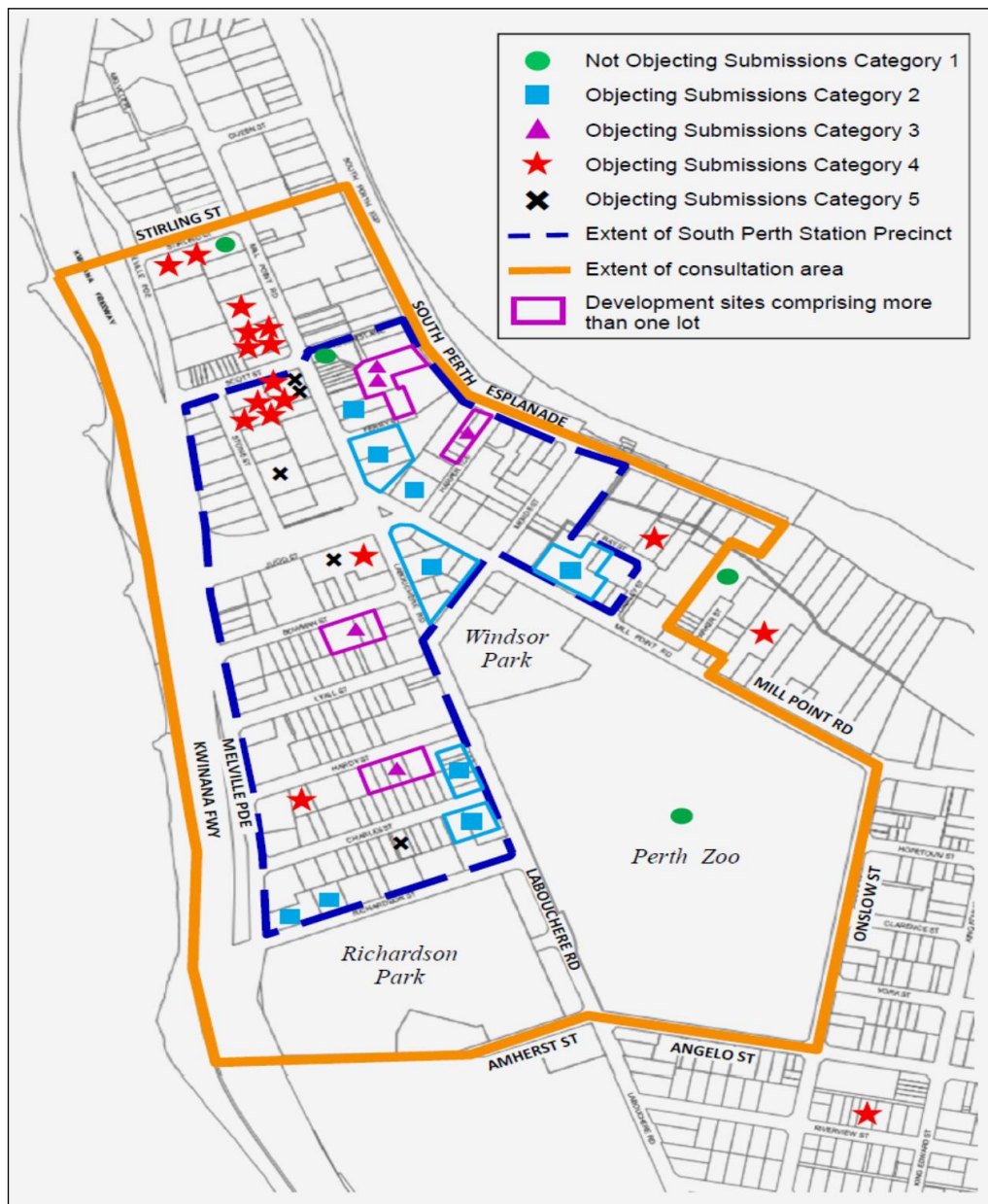
## Background

This report includes the following attachments:

- **Attachment (a)** Report on Submissions
- **Attachment (b)** Amendment No. 46 Report (and DRAFT text) as advertised
- **Attachment (c)** MODIFIED Amendment No. 46 text for final adoption

Amendment No. 46 was initiated at the October 2014 Council meeting for the purposes referred to in the 'Summary' section of this report. The proposals are fully described and explained in the Report on Submissions (**Attachment (a)**).

The location of the Amendment site is shown below. The map also shows the extent of community consultation undertaken by the City by means of individually addressed letters mailed to landowners; and the geographic location of properties from which submissions were received. Submissions were also invited by various other methods, as discussed further in the 'Consultation' part of this report and in the Report on Submissions (**Attachment (a)**).



At the August 2015 meeting, the Council resolved as follows:

That:

- a) the Officer's Recommendation not be adopted;
- b) the Item be held over pending a workshop of Council on the form and content of advertising for the revised Scheme Amendment 46 of the Town Planning Scheme No. 6, for a Report be brought back to the October 2015 Ordinary Council Meeting for recommendation to the Minister for Planning for re-advertising, for the following reasons:
  - (i) The scope of the originally advertised amendment being more than a mere rectification of anomalies;
  - (ii) There being unannounced substantial proposed changes in the originally advertised amendment to the objectives of the scheme, with the effect of changing the emphasis from a precinct being a business location with a limited level of residential development to provide passive surveillance, to one where residential development will predominate; The changes to the plot ratio required for conforming and non-conforming plot sizes allows a greater proportion of residential to that of commercial. This will in effect change a primary objective of the precinct to create sufficient commercial activity in the precinct to provide a compelling case for a train station. This change in emphasis deserves informed public consultation;
  - (iii) The nature of advertising of the scheme amendment which led to a misunderstanding by residents of the full implications of the present scheme provisions and the proposed amendment 46 with respect to bonus height provisions and setback requirements. Community response following recent JDAP decisions, would indicate that the manner in which Amendment 46 and 25 have been explained, has not conveyed to the majority of residents a clear enough picture of what was possible under the Scheme. Should this have occurred it would seem clear that there would have been a greater number of submissions, following consultation;
  - (iv) Bonus height provisions still remain subjective and leave an uncertainty to a final outcome Amendment 46 reinforces the notion that contrary to the views of the community that height of itself is not a planning issue, but rather the aesthetic and environmental quality of a development and introduces an expanded performance criteria for assessment.
  - (v) The recognition that the section of Mill Point Road north of Judd Street, which forms part of the area known as the Peninsula is distinctly different from other parts of the Precinct and should be removed from the Special Design Area.
  - (vi) The need as outlined by Main Roads WA that before proceeding with this Amendment or any changes that would facilitate potentially significant changes in residential density, a robust traffic impact assessment must be undertaken to determine the likely impacts on the existing road network. Though this work is currently being undertaken by the City, the results need to be complete before any new assessment process is developed in the granting concessions.
  - (vii) That owing to the strength of concern expressed by the community at public meetings and in submissions, regarding the nature and basis for special bonus height provisions and setback requirements, that it would be premature to proceed with Amendment 46 in its current form until such time as the Amendment was re-advertised with the Council's proposed further modifications to allow the City to have a more complete overview of community expectations for the Precinct. The current amendment outlines the City's expectations in dealing with special bonus height and setback requirements, but does not appear to outline the community's expectations.

(viii) *At the time of initiating Amendment 46, Council itself was not fully aware of the full implications of the provisions, but has been bound by the amendment process to not introduce any significant departure from the amendment as advertised. In readvertising the amendment, the council will have the opportunity to revisit aspects that they are presently unable to do.*

Based on the outcome of the 8 September Workshop, a further modified version of the Amendment text has been circulated for Council Members' consideration.

### **Comment**

Forty-one submissions were received during the advertising period, two being from government agencies. The attached Report on Submissions (**Attachment (a)**) discusses the submissions fully, and contains a recommendation on each.

All of the submissions have been placed in a bound volume in the Council Members' lounge and will be forwarded to the Minister for Planning along with the Council's recommendations.

### **Consultation**

#### **(a) Community consultation**

As required by the *Town Planning Regulations*, on 7 November 2014 the Amendment No. 46 proposal was forwarded to the Environmental Protection Authority (EPA) for assessment. The EPA responded by letter dated 17 November 2014, advising that no assessment or conditions are required under Part IV Division 3 of the Environmental Protection Act.

In accordance with Council Policy P301 'Consultation for Planning Proposals', the City does not undertake community consultation on Town Planning Scheme Amendments during the December / January holiday period. At the conclusion of this period, the City implemented the statutory advertising required by the Regulations, TPS6 and Council Policy P301. The 46-day community consultation period commenced on 27 January 2015 and concluded on Friday 13 March 2015.

The draft Amendment was advertised in the manner described below:

- 46-day advertising period, being 4 days longer than the 42-day minimum.
- 1352 letters / notices mailed to all landowners within the South Perth Station Precinct and to owners of properties on the perimeter, outside the precinct;
- 30 letters / notices mailed to architects, town planners and developers known to have an interest in the precinct; and
- 10 letters / notices mailed to potentially affected Government agencies.
- Notices published in the 27 January and 17 February 2015 issues of the Southern Gazette newspaper.
- Notices and documents displayed on the City's web site, in the City's Libraries and in the Civic Centre.

The required minimum advertising period is 42 days. It is the City's practice to extend community consultation for a few days to allow for late submissions and delays in postage and delivery. On this occasion, the actual advertising period was 46 days. As stated previously, 41 submissions were received during the advertising period. The submissions, together with Council responses, are summarised in the Report on Submissions provided as **Attachment (a)**.

The submissions have been categorised in the Report on Submissions, as follows:

1. No objection	4
2. Opposing Table A development requirements; and Table B performance criteria	8
3. Opposing exclusion of certain properties from Special Design Area	5
4. Opposing Amendment as height controls considered inadequate	17
5. Opposing certain provisions	5
6. Government submissions	2

Twenty-two (22) of the submitters (not including the Government agencies) did not express any concern about the existing building height controls being inadequate. Four of those submitters fully support the Amendment No. 46 proposals, while the remaining 18 submitters are seeking a variety of other changes, most wanting less stringent controls.

The other 17 submitters consider that the existing building height controls, and those proposed in the advertised draft Amendment No. 46, are inadequate. The existing operative suite of provisions was introduced by Scheme Amendment No. 25 in January 2013, although most of the submitters in this category seem to be of the understanding that these provisions are being introduced now. For development sites in the Special Design Area, Amendment No. 46 is introducing more stringent performance criteria which must be met where applicants are seeking approval for buildings higher than the height limits shown on Plan 3 within Schedule 9A.

The Report on Submissions deals with the issues raised under the following categories:

1. Submissions 1.1 to 1.4: NO OBJECTION to Amendment No. 46
  - (a) Total support.
  - (b) Supports Amendment to promote case for train station.
  - (c) Supports Amendment - extend precinct to Parker Street.
  - (d) Supports Amendment – particularly Design Consideration 4 in Table B: Performance Criteria.
2. Submissions 2.1 to 2.8: OPPOSING development requirements in Table A; and performance criteria in Table B
  - (a) Oppose constraints on discretionary power to permit variations from Table A development requirements.
  - (b) Oppose constraints on residential development in Element 3 of Table A.
  - (c) Oppose 'gross floor area' method of specifying parking ratios in Element 9 of Table A.
  - (d) Oppose wording of Table B, Design Consideration 1 performance criterion relating to minimum lot area and frontage.
  - (e) Oppose Table B, Design Consideration 7 performance criterion relating to maximum parking ratios.
  - (f) Oppose Table B, Design Consideration 7 performance criterion relating to Green Star energy-efficiency rating.
  - (g) Oppose Table B, Design Consideration 7 performance criterion relating to 'Adaptable Housing'.
  - (h) Oppose Table B, Design Consideration 7 performance criterion relating to 'Affordable Housing'.
  - (i) Oppose Table B, Design Consideration 7 requiring end-of-trip facilities for visiting cyclists.
  - (j) Oppose omission of Table B, Design Consideration 7 performance criterion relating to provision of public car parks.

- (k) Oppose limitation on degree of choice in Table B, Design Consideration 7 optional performance criteria.
  - (l) Oppose new structure of Table B, introducing graduated scale of increasingly demanding performance criteria.
3. Submissions 3.1 to 3.5: OPPOSING exclusion of certain properties from Special Design Area
    - (a) Requests extension of Special Design Area to include all properties in South Perth Station Precinct.
    - (b) Requests extension of Special Design Area to certain lots in Bowman and Hardy Streets.
    - (c) Requests extension of Special Design Area lots in South Perth Esplanade and Ferry Street.
    - (d) Requests extension of Special Design Area to lots in Harper Terrace cnr South Perth Esplanade.
  4. Submissions 4.1 to 4.17 OPPOSING Amendment No. 46 as height controls considered inadequate
  5. Submissions 5.1 to 5.5 OPPOSING certain provisions
    - (a) Requests 4.0 metre setback from Mill Point Road north of Judd Street; no parking bays visible from streets.
    - (b) Objection to proposed train station.
    - (c) Requests 4.0 metre setback from Charles Street; increased side setback for podium; standard measuring where height limit is 25 metres.
    - (d) Requests increased requirement for on-site parking.
  6. Submissions 6.1 and 6.2 Government submissions
    - (a) Main Roads.
    - (b) Western Power.

**(b) Consultation with City's lawyers**

In progressing from the advertised draft version of Amendment No. 46 to the final version, changes may only be made in response to issues raised by submitters. Furthermore, any changes must be consistent with the purposes of the Amendment as resolved by the Council in October 2014. Those purposes are:

- to rectify the identified minor anomalies / ambiguities in the existing special provisions for the South Perth Station Precinct; and
- to strengthen existing performance criteria relating to building height variations.

While adhering to this approach, City officers are recommending numerous modifications to the advertised draft version of Amendment No. 46. The City's lawyers have closely examined the officers' modified version and have made still further changes in the interest of clarity and elimination of any ambiguity. The modified Amendment text for final adoption is contained within **Attachment (c)**. It incorporates the City officer's modifications as well as those presented by the City's lawyers. The modified Amendment is now in a suitable form for adoption by Council and approval by the Minister.



If the Council supports the officer recommendations on the submissions, when the Council has adopted the Amendment at **Attachment (c)**, it will be forwarded to the Western Australian Planning Commission with a recommendation that the Minister for Planning grant final approval to Amendment No. 46 **with modification**. The modifications involve the replacement of Schedule 9 with a new Schedule 9A. Within Schedule 9A numerous minor modifications have been made to Table A: 'Development Requirements for Comprehensive New Development'. Table B: 'Performance Criteria for Special Design Area' has been substantially modified in order to strengthen the performance criteria for variations from the basic building height limits.

**(c) Review by external Planning Consultant**

At its June 2015 meeting, the Council resolved to appoint a planning consultant to review the City Officer's Report on Submissions and all related documents, to assist Council in its assessment of the officer's report and recommendations. Five consultants were invited to submit a quotation for this project and Urbis Planning Consultants were appointed. Urbis supported the great majority of the Officer's recommendations. In relation to overshadowing, and extent of solar access to proposed balconies, the consultants advocated less stringent provisions. They also did not support the officer's recommended introduction of a minimum landscaping requirement (40% of the area of the development site, which could include ground level landscaping, planting on walls, landscaping on the roof of the podium, rooftop terraces or gardens).

**Policy and Legislative Implications**

Amendment No. 46 fulfils the requirement of clause 9.8 'Amendments to the Scheme', which includes the following provision:

*"(1) The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use."*

The Scheme Amendment will have the effect of inserting a new Schedule 9A in place of the existing Schedule 9 in order to rectify minor anomalies / ambiguities in the existing special provisions for the South Perth Station Precinct; and strengthen existing performance criteria relating to building height variations.

The Council has undertaken public advertising as required by the Regulations, TPS6 and Council Policy P301, and must now consider whether to recommend to the Minister for Planning to finally approve Amendment No. 46 with or without modifications, or not approve it. The recommendation is to approve the Amendment proposals with modification. After the Minister has made the final decision on the Amendment, the City will arrange for Notice of the Minister's approval to be published in the *Government Gazette*. The Amendment provisions will then become operative. Notice of the Minister's decision will also be published in the *Southern Gazette* and all submitters will be notified by mail.

The statutory Scheme Amendment process is set out below, together with a date for each stage. The stages which have been completed, including the consideration at the 25 August Council meeting, are shaded:

<b>Stage of Amendment Process</b>	<b>Date</b>
Council decision to initiate Amendment No. 46	28 October 2014
Council adoption of draft Amendment No. 46 Report and Scheme Text for advertising purposes	28 October 2014
Referral of draft Amendment No. 46 documents to EPA for environmental assessment, and to WAPC for information	7 November 2014
Receipt of EPA comments advising that no environmental assessment or conditions are required	17 November 2014
Public advertising period of 46 days	27 January to 13 March 2015
Council deferral of decision on Report on Submissions on Amendment No. 46	25 August 2015
Council Members' Workshop	8 September 2015
Council consideration of Report on Submissions	13 October 2015
Referral to WAPC and Minister for consideration of: <ul style="list-style-type: none"> <li>• All of the submissions</li> <li>• Report on Submissions and Schedule of Submissions</li> <li>• Council's recommendation on proposed Amendment No. 46</li> <li>• Three signed and sealed copies of Amendment documents for the Minister's final determination</li> </ul>	Within two weeks of the October 2015 Council meeting
Minister's final determination of Amendment No. 46	Not yet known
Publication of Notice of the Minister's final approval of Amendment No. 46 in <i>Government Gazette</i> and <i>Southern Gazette</i> newspaper	Not yet known

### **Financial Implications**

As the proposed Amendment No. 46 is a Council initiative rather than having been initiated at the request of a landowner, all costs associated with this Scheme Amendment are being met by the City.

### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#).

The proposed Amendment No. 46 will enable the special provisions applicable to the South Perth Station Precinct to operate more effectively.

The strengthened requirement in Table B: Performance Criteria relating to Energy-Efficiency will result in a higher standard of environmentally sustainable building design in cases where applicants are seeking variations from the basic height limits. Other Table B performance criteria relating to traffic studies, 'capped' parking ratios, electric car charging stations, and parking facilities for cyclists and motor cyclists have beneficial sustainability implications in relation to managing traffic volumes and vehicle emissions.

### **Future New Scheme Amendment**

As referred to above, the purposes of Amendment No. 46 are to rectify minor anomalies / ambiguities in the existing special provisions for the South Perth Station Precinct; and to make the performance criteria relating to building height variations stronger and more effective. These purposes are reflected in the text of the draft Amendment that the Council endorsed in October 2014. The community has been

invited to comment on the changes incorporated in the draft Amendment and submissions on that document have been received.

Having advertised the draft Amendment without major modifications apart from those in the revised Table B 'Performance Criteria', this particular Scheme Amendment ordinarily should not now be used as the instrument for introducing substantial changes. If Council decides to make substantial changes, the Minister is likely to direct the Council to readvertise the modified Amendment before he makes a final decision on the Amendment.

Before any substantial changes are made, they should be supported by proper research and investigation into their implications. In relation to the desired future character of the South Perth Station Precinct, the Council wants a deeper review to be undertaken regarding the special provisions applying to that precinct. That review is expected to lead to recommendations for more substantial changes. Any substantial changes would then be incorporated into another Scheme Amendment. In relation to this deeper review, at the 20 May 2015 special meeting, the Council resolved as follows:

- “(a) *In relation to the No. 6 Town Planning Scheme provisions pertaining to the South Perth Station Precinct, a consultant be engaged to conduct an independent review of those provisions and the geographic extent of the remainder of that precinct;*
- (b) *as part of that review, the consultant is to examine design elements associated with higher buildings, using other well respected regulatory and design frameworks such as that produced by the Commission for Architecture and the Built Environment UK (CABE's): “Guidance on Tall Buildings” or “SEPP 65” from New South Wales; and*
- (c) *based on the findings of the review, the consultant is to prepare a draft of a new amendment to Town Planning Scheme No. 6 for consideration by the Council which will be included into the City-wide Local Planning Strategy which is currently in progress.”*

Council Members have been informed that a planning consultant firm called Cardno has now been appointed to undertake the further review towards a new Scheme Amendment.

In relation to the consultant's further review referred to above, the Director's report considered at the 20 May special Council meeting advised that the officer's report on the Amendment No. 46 submissions would present a full list of matters to be considered by the consultant as part of that further review. Accordingly, the following information is now provided:

After the consultant has reviewed other 'best practice' regulatory and design frameworks such as those referred to in the above Council resolution, a draft new Scheme Amendment and/or Council Planning Policy will be presented for Council's consideration prior to inviting comments from the community. In presenting the draft new provisions, the consultant will be recommending how the existing special controls should be further modified. The recommended modifications could potentially reflect the responses to the following questions, among others:

- Should the extent of the South Perth Station Precinct be changed?
- Should the extent of the Special Design Area (SDA) be changed? *(The Council has indicated a desire to reduce the extent of the SDA, removing the properties on the east side of Mill Point Road between Ferry Street and Fraser Lane; and those on the west side of Mill Point Road between Judd Street and Scott Street)*
- What further development requirements, if any, should be implemented in the interest of effective traffic management?



- Should there be additional statements in Schedule 9A regarding desired streetscape character?
- For Design Consideration I (as now re-numbered) in Table B, in order to satisfy the related performance criterion, the architectural design of a proposed building must be exceptional, sensitive and sophisticated, contributing to the quality of the inner urban environment being promoted within the Precinct. Amendment No. 46 lists aspects of the building design which are to be considered in arriving at an opinion regarding the design quality. When evaluating design quality, what methods should be employed to confirm unequivocally whether or not a proposed building design satisfies this performance criterion?
- Should there be an upper limit to the extent of any building height variation for properties in the SDA?
- Would a maximum plot ratio be beneficial as a means of controlling building bulk?
- Should there be any changes to the Table A, Element 3 development requirements relating to plot ratio and land use proportions?
- Would more flexibility be desirable regarding the minimum and maximum height of the 'podium' component of buildings (a higher podium may be appropriate for higher buildings)?
- For some streets, should there be increased street setbacks for the 'podium' component of a building?
- In the interest of creating spaces for street entertainment performances or other public interaction, should a specified minimum percentage of the front elevation of the podium be set back from the street?
- For the 'tower' portion of a building above the podium, should the street setback be increased in the interest of maintaining 'pedestrian' scale and sunlight penetration? Should there be any other constraint on the maximum permissible 'footprint' of the tower?
- Should side and rear setbacks be increased in relation to space between buildings when viewed from the street (pedestrian perspective) and from further away (e.g. cars driving along the freeway)?
- Should setbacks of the 'tower' be required to increase progressively in a proportionate manner, as building height increases?
- What are reasonable expectations regarding overshadowing?
- In Table B, what further performance criteria should be inserted in addition to those added by Amendment No. 46 e.g. educational establishments, free Wi-Fi in publicly accessible areas?
- Is 'Green Star' an appropriate tool for assessing energy-efficiency of buildings and if so, what is the appropriate 'Green Star' rating?
- Should an applicant be required to plant street trees? If so, what degree of maturity?
- Should there be any requirement in relation to visual privacy?
- In relation to developments in the South Perth Station Precinct, which of the matters in TPS6 clause 7.5 'Matters to be Considered by Council' should be specifically listed for consideration?
- What process should be employed when assessing development applications, including effective community engagement and input from an architectural design panel or other independent design advice?
- Should a Development Contributions Plan be introduced and if so, what infrastructure should the DCP relate to?

## **Conclusion**

As discussed in the preceding section of this report, by way of another Scheme Amendment and/or Policy, the Council intends to implement more substantial modifications than those contained in Amendment No. 46. In the meantime, the changes being implemented by Amendment No. 46 will be beneficial as they will improve the performance of the special provisions applicable to development in the South Perth Station Precinct. In response to many of the submitters' comments, the advertised draft Amendment has been modified considerably. As well as providing greater clarity to the operation of these provisions, the very substantially revised Table B performance criteria will improve the built outcome and community amenities where building height variations are approved.

Having regard to the discussion contained in this report and the assessment of submitters' comments in the attached Report on Submissions, City officers are satisfied that Amendment No. 46 should now be adopted by the Council **in a modified form**. The Council should then recommend to the Minister that he grant approval for the modified Amendment. It will then be forwarded to the Minister for Planning for his final determination.

## **Attachments**

- 10.0.1 (a):** Amendment 46 - Report on Submissions
- 10.0.1 (b):** Amendment 46 - Report (and DRAFT text) as advertised
- 10.0.1 (c):** MODIFIED Amendment 46 - text for final adoption .

## 10.1 STRATEGIC DIRECTION I: COMMUNITY

### 10.1.1 Australia Day 2016

Location:	All
Ward:	Mill Point Ward
Applicant:	Council
File Ref:	D-15-72387
Date:	13 October 2015
Author:	Sandra Watson, Manager Community, Culture & Recreation
Reporting Officer:	Vicki Lummer, Acting Chief Executive Officer
Strategic Direction:	Community -- Create opportunities for an inclusive, connected, active and safe community
Council Strategy:	1.3 Create opportunities for social, cultural and physical activity in the City.

#### Summary

To outline the plans and strategies to manage the Australia Day celebrations on the South Perth Foreshore in 2016 and to approve the parking restrictions and road closures applicable for the event.

#### Officer Recommendation

That...

- (a) Council adopts the *Safer Australia Day Strategy 2016* as detailed in this report;
- (b) The general 'No parking' clause in section 7.4, schedule 4 of the *City's Parking Local Law 2003* (as amended) be approved for:
  - i. The temporary road closures, bounded by Labouchere Road to Angelo Street to Douglas Avenue to Canning Highway to Ellam Street, from 10.00am to 9.00pm on 26 January 2016; and
  - ii. The parking restrictions bounded from Labouchere Road, corner of Angelo Street to Hensman Street to Canning Highway to Ellam Street and outlined.

#### Background

In July 2004, Council adopted Skyworks Strategy 2005 (the Strategy) to address crowd control, traffic management, litter, anti-social behaviour and excessive alcohol consumption on the South Perth Foreshore for future Australia Day events. These issues were identified in a post-2004 event review after significant anti-social problems were experienced at the 2004 event. In addition, the City decided to introduce a range of new initiatives at the Australia Day celebrations including entertainment options and activities related to risk management in an effort to provide a range of opportunities for the community to participate in for the entire day and not just attend the event for the fireworks.

The Strategy focused on the following areas:

- The introduction of new Local Laws;
- Increased crowd control measures;
- Revised Traffic Management and Road Closure Plans;
- Initiatives to improve public transport and waste management; and
- A significant media and communications campaign.

### 10.1.1 Australia Day 2016

The Strategy aimed to improve the experience of the event for the wider community by controlling liquor consumption, traffic and parking management, improving policing and reducing the amount of anti-social behaviour on the South Perth foreshore. Following the Australia Day celebrations in January 2005, the City conducted a community survey to determine what effect the Strategy had had in terms of addressing the concerns of the previous year. The results showed that the Strategy had worked well and this was further built upon in 2006 through to 2008 with successful events conducted.

Following on from this, the 2009 Australia Day event saw the City of South Perth introduce a 'Family Zone' and a 'Youth Zone' as part of the celebrations. Both areas were extremely well received and they provided a range of creative and physical activities for the community to enjoy throughout the day leading up to the fireworks. In 2011 the decision was made to combine the Family and Youth Zones into one 'Celebration Zone' located on Sir James Mitchell Park directly behind the flagpole area. The 'Celebration Zone' was expanded to 100,000m<sup>2</sup>, which was more than double the size of the two previous zones combined. This initiative was so successful that in 2012 through to 2015 it was continued, with the 'Celebration Zone' containing free activities for all ages and a central 'Big Top' with on stage entertainment. In 2014 the City introduced several new features designed to accommodate people with disability, including a 1km accessible 'grass track' inside the Celebration Zone and extra ACROD parking areas along the foreshore. In recent years the Celebration Zone has consistently attracted between 50,000 and 60,000 people on Australia Day.

The 2016 Celebration Zone will contain 100 free activities for all ages, with the event layout consisting of six activity areas including a 'Toddler & Kids Zone', the 'Challenge Area', the 'Sports Zone', the 'Art Section', the 'Adrenalin Corner' and the 'Rides Park'. The 'Big Top' will host live entertainment throughout the afternoon and as in previous years, there will be ample shaded areas, free drinking water stations, various food stalls and the event will once again be alcohol and smoke free.

For 2016 the Safer Australia Day Strategy will be conducted along the same format and operations as previous years and the 'Celebration Zone' will again be an integral part of the Strategy. Strategies for Australia Day 2016 will consist of the following:

#### 1. Public Transport

In 2016, the City will continue its free bus shuttle service from the George Burnett Leisure Centre (GBLC) and the Civic Centre to the 'Celebration Zone'. The buses will run every ten minutes between the hours of 2.00pm and 9.30pm following the fireworks. This service is targeted towards City of South Perth residents in Manning, Karawara and Salter Point in particular, however anyone including non-residents is able to utilise this service as long as they have parked in the designated 'pick up' and 'drop off' zones – e.g. the Civic Centre and GBLC. The shuttle service for people with disability will be discontinued in 2016 as this service has not been used at all in the past two years. To combat this there is ample dedicated parking in the event zone for people with disability and their carers.

### 2. Local Laws

The Special Events Local Law provides City officers and other enforcement agencies with a range of offences that are backed up by additional powers under the Local Government Act (WA) 1995. The additional offences include the possession of liquor (whether or not the liquor is in a sealed container), possession or use of a large object ("large object" includes lounge chair, bed, refrigerator, spa/wading pool etc., and excludes shade shelters/umbrella's) and possession or use of loud stereos (as determined by amplification outputs). Since the introduction of these local laws, there has been a dramatic reduction in the number of large items being brought to the foreshore.

### 3. Crowd Control

The Western Australian Police Service (WAPS) and City of South Perth Rangers will commence patrolling the restricted areas and Sir James Mitchell Park (SJMP) from approximately 6.00am on the morning of 26 January 2016. Initially Rangers will focus on illegal parking and large objects being taken to the foreshore and as introduced in 2014, will also help control sensitive access points into the Celebration Zone. Management of the crowd will also be assisted by exclusion zones on Sir James Mitchell Park, Coode Street car park and the Queen Street Jetty area. This will provide access for the various emergency services and hazard management agencies (HMA's) including the Police Command Posts. These restriction zones will assist with patrolling and rapid responses from the various HMA's. In addition, St Johns Ambulance will be providing a primary treatment facility on the South Perth foreshore to administer first aid assistance and to reduce the need for patient transfer to hospital and the Department of Child Protection will have a lost children's facility inside the Celebration Zone.

### 4. Celebration Zone

As in previous years the 'Celebration Zone' will cover 100,000 m<sup>2</sup> immediately behind the flagpole area on Sir James Mitchell Park.

### 5. Road Closures (Access Restricted Area)

The roads bounded by Labouchere Road, Angelo Street, Douglas Avenue, Canning Highway and Ellam Street will be closed from 10.00am to 9.00pm on Australia Day instead of 8.00am to 9.00pm. The later start time is as a result of a review of the event post-2015. These closures are required to prevent people parking their vehicles in the access restricted areas and/or in car parks on the foreshore, congesting traffic and conflicting with pedestrian movement at the closure of the event. The road closures will be advertised in accordance with the requirements of the Local Government Act 1995 and in a number of different mediums including City publications, the community newspaper and on the City's website.

The City may declare general no parking zones, in accordance with the City's Parking Local law, section 7.4 which states as follows:

*General No Parking Zones*

- (a) General no parking zones are established as prescribed in Schedule 4;
- (b) Where the City establishes a general no parking zone, the City must erect a sign at entry points to the general no parking zone indicating;
  - (i) The area that is a general no parking zone, and
  - (ii) The dates and times during which the area is a general no parking zone.
- (c) Where the City establishes a general no parking zone and erects signs at each entry point to the general no parking zone then it is an offence to park on any road or nature strip within the general no parking zone.
- (d) A driver must not park a vehicle on the road or a nature strip in a general no parking zone.
- (e) A driver commits an offence under this clause notwithstanding the fact that there are no signs in the immediate vicinity of the area in which the driver parked the vehicle indicating that the area in which the driver parked the vehicle is a general no parking zone.

Schedule 4 of the Parking Local Laws states that the general no parking locations and effective times for Australia Day are as follows:

“From 6:00 a.m. on 26 January to 6:00 p.m. on 27 January each year, the area contained within the Wards of Civic and Mill Point\* in the City of South Perth which area is bounded by and includes Hensman Street to the south, Canning Highway to the east and the Swan River foreshore to the west and north is declared to be a General No Parking Zone for the purposes of this local law”.

\*NB. The ward names will be amended at a later date.

On Australia Day 2016 this area will be restricted with no parking on the road or verge and have staffed road closures at each intersection. Several intersections will still be accessible into the access restricted area for use by residents, visitors and businesses. Permits to access the restricted area will once again be issued to residents, their visitors (those who can be parked on site only) and businesses. Verge parking permits will also be provided to residents within the access restricted area who do not have any physical onsite parking and as a result, are required to park their vehicles on the verge normally. To ensure vehicle and pedestrian safety, Police Traffic Branch and emergency services support the exclusion of vehicles parking on the road verge within the access restricted area. The exclusion of parked cars enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles.

The Coode Street boat ramp will be closed during the event to support the closure of Perth Waters to boats because of the fireworks. During the Australia Day event the Coode Street boat ramp parking area is used for the WA Police compound and by State Emergency Services and St John Ambulance. There will be three ‘ACROD’ parking areas along the foreshore: at the end of Hurlingham Street, in the ‘Boat Shed Restaurant’ car park and inside the Celebration Zone (entry off Millpoint Road opposite Forrest St). The City will employ the services of professional traffic management officers to secure the road closures as has been the case for many years now.

6. Traffic Management (Parking Restricted Area)

The proposed parking restricted area during Australia Day 2016 will extend from the access restricted area (as per item 5 of this report) to Hensman Street, to Canning Highway and to Ellam Street and be effective from 6.00 am to 10.00 pm.

Street signage, advertising in the community newspaper and a pamphlet drop will publicise all restrictions to local residents.

7. Waste Management

Event organisers (City of Perth and City of South Perth) will provide sufficient mini-skips for rubbish and recycling, which will be located at regular intervals along the foreshore. Biodegradable rubbish/recycling collection bags will also be distributed amongst the crowd for their use and to facilitate the post event clean-up.

8. Media and Communications

The Safer Australia Day Strategy 2016 provides for a number of initiatives and strategies which when combined are designed to more effectively manage the event. In that regard, the City will undertake some of this campaign directly and work closely with the event organisers and their radio and TV media partners to ensure the various elements of the City's Strategy are effectively communicated. In addition, the City will liaise with the Community Newspaper Group in terms of media releases and editorial leading up to Australia Day, as well as post event coverage.

**Consultation**

In reviewing and developing the Safer Australia Day Strategy 2016, consultation has occurred with officers of the following external organisations:

- City of Perth
- Town of Victoria Park
- Main Roads
- WA Police
- Department of Health
- DPI Marine Safety
- Keep Australia Beautiful
- Swan River Trust
- Department of Child Protection
- Public Transport Authority
- Lotterywest
- State Emergency Service
- St John Ambulance
- Department of Mines and Petroleum
- FESA SES
- FESA Fire
- AEP Australian Event Protection
- Department of Environment and Conservation

**Policy and Legislative Implications**

Nil.

## 10.1.1 Australia Day 2016

### **Financial Implications**

Funding has been allocated in the 2015/2016 operating budget for the implementation of this strategy and event logistics in general, plus a grant funding application has been submitted as follows:

- Lotterywest \$300,000 (confirmed – for the Celebration Zone)

### **Strategic Implications**

This report is consistent with the [Strategic Plan 2013–2023](#).

This report and the *Safer Australia Day Strategy 2016* is supported by:

#### Strategic Plan 2013-2023:

*Community - Create opportunities for an inclusive, connected, active and safe community*

- Create opportunities for social, cultural and physical activity in the City.

### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). The *Safer Australia Day Strategy 2016* will embrace and implement the City's Sustainability Strategy in the areas of waste management in particular.

### **Attachments**

Nil .



## 10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

### 10.2.1 Mill Point Node 5 Development Concept - Stakeholder Engagement and Public Comment

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-15-73029
Date:	13 October 2015
Author:	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment
Council Strategy:	2.5 Identify, develop and promote a range of sustainable uses for the Swan and Canning River foreshore reserves.

#### Summary

This report considers the input of the stakeholder engagement and public comment period and the subsequent finalisation of the Mill Point Node Development Concept, incorporating public feedback.

The Mill Point Node Development Concept plan once adopted would be developed to the level of full construction documentation.

#### Officer Recommendation

That...

- a) the final Mill Point Node 5 Development Concept, incorporating public feedback, be adopted by Council;
- b) the Concept plan be progressed to the level of the construction documentation and released for tender.

#### Background

The South Perth Foreshore Strategy and Management Plan (the SPF Plan) was adopted by Council at its September 2014 meeting. Mill Point Node 5 is referenced in the SPF Plan.

Mill Point Node 5 is part of the City's long term plan for revitalisation of the South Perth Foreshore area to improve the amenity, access and natural features of the Mill Point foreshore node, including Millers Pool and the Old Mill (**Attachment (c)**).

The area is of significant environmental, Aboriginal and heritage interest and value. It is located at one of Western Australia's prime public and community locations, east of the Narrows Bridge.

It is proposed that the Mill Point Node 5 will be developed as a cultural and heritage hub, with improvements to the beach, pedestrian and cycle routes and the ecology and amenities of Millers Pool. The Mill Point Plan, incorporating Millers Pool has been developed as a draft concept plan for the upcoming Mill Point project.

On the 20 July 2015, Council officers presented the Draft Mill Point Project plan in a briefing session to elected members. The response at the time was positive with endorsement to proceed with stakeholder engagement and public comment on the draft Concept plan.

## 10.2.1 Mill Point Node 5 Development Concept - Stakeholder Engagement and Public Comment

This report will outline the stakeholder engagement and public comment received on the Mill Point Node Development Concept.

### Comment

The aim of the stakeholder engagement and public consultation process was to gauge community opinions about the objectives, ideas and opportunities presented by the plan and seek community acceptance and support for the concept designs.

### Consultation

The stakeholder engagement and consultation period ran for a 6 week period commenced from Monday 20 July 2015 and concluded at 5pm on Friday 4 September 2015.

The stakeholder engagement activities included the following:

- Briefing to Elected Members.
- Draft concept presentation to the City of South Perth Aboriginal Engagement Group – Monday 8 June 2015.
- Presentation to the City of South Perth ICAG Group – Wednesday 22 July 2015.
- Meeting with the Swan River Trust and Main Roads WA.
- Flyers with information on the project, links to the website, dates of information session and online consultation process delivered to approximately 600 residents on Mill Point Close, Mill Point Road, Scott Street, Stirling Street, Queen Close, Melville Place and Fraser Street.
- Heritage Society and The Old Mill volunteer group.
- StrEATS Foodtrucks.
- Information Session – Miller Pool – Tuesday 18 August 2015 4-6pm at the Old Mill site, Mill Point Road, South Perth. 29 residents attended (**Attachment (b)**) for a full transcript of questions raised with responses).
- Online feedback – comments on the City Website from Monday 22 July – Friday 5 September 2015. The City received a total of 10 submissions with a variation of ideas, concerns and areas of interest (**Attachment (a)**) for a full transcript of submissions).
- Meeting with 5 owners on The Esplanade opposite the site.

Comments from the community consultation process incorporated in the Final Concept plan include:

- There was considerable discussion at the public information session, concerning the proposed café/restaurant, which is part of Stage 2 and not currently funded but shown on the Concept plan. The City was very clear about the possibility of a potential future café/restaurant and most of the feedback to this proposal was positive – although the community were clear for their preferences:

## 10.2.1 Mill Point Node 5 Development Concept - Stakeholder Engagement and Public Comment

- a) To ensure that it catered for casual/informal dining – not only formal/higher end;
- b) A single storey and ‘appropriate’ building for the area close to the river.
  - Provision of shade at the Millers Pool area.
  - Provision of bike racks.
  - Clear pathways and designed to reduce conflict between pedestrians and bike users.
  - Clearer signage.
  - Better utilisation of parking however still ensuring beach access from the carpark for kayak users.
  - Access to the beach for dogs.
- Consideration of the significant Aboriginal heritage and cultural significance to this site.

### Policy and Legislative Implications

Nil.

### Financial Implications

There are no financial implications. Funding has been provided in the 2015/16 Budget for the Mill Point Project, Node 5. The City is currently working with environmental and planning consultants to develop the SPF Node 5 Mill Point Plan. Construction of Node 5 Mill Point is planned for 2016.

### Strategic Implications

This report is consistent with the [Strategic Community Plan 2015–2025](#), Direction 2 – Environment “Enhance and develop public open spaces and manage impacts on the Cities built and natural environment” and specifically the Corporate Plan objective 2.5 “Identify, develop and promote a range of sustainable uses of the Swan and Canning River Foreshore reserves”.

### Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012-2015](#). The process being used to develop Node 5 of the SPF Plan is sustainable as it is attempting to consider the quadruple bottom line elements:

Social - the level of community and stakeholder engagement;

Economic ensuring that sound business principles are incorporated into future plans;

Environmental considering the current and future environmental issues concerning the foreshore; and

Governance the framework by which the City administers the process of considering the other three factors.

### Attachments

10.2.1 (a): Mill Point Node 5 Public Meeting Questions

10.2.1 (b): Mill Point Node 5 Development - Public Consultation Feedback from Council Website "Have Your Say"

10.2.1 (c): L01 Master Plan .

## 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

### 10.3.1 Proposed 12 Multiple Dwellings within a Five-Storey Building- Lot 120 (No. 13) Stone Street, South Perth.

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Abel Ling Architect
File Ref:	D-15-73030
Lodgement Date:	9 October 2015
Date:	13 October 2015
Author:	Mina Thomas, Planning Officer
Reporting Officer:	Vicki Lummer, Acting Chief Executive Officer
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

To consider an application for planning approval for 12 Multiple Dwellings within a Five- Storey Building on Lot 120 No. 13 Stone Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Relationship to the street	Schedule 9 of TPS6- Table A Element 6
Side and Rear Setback	Table 5 of the R-Codes and R-Codes 6.1.4
Road and rail transport noise	Schedule 9- Table A Element 15

#### Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for 12 Multiple Dwellings within a Five- Storey Building on Lot 120 No. 13 Stone Street, South Perth **be approved** subject to:

#### (a) Standard Conditions

210	screening- permanent	471	retaining walls- timing
377	screening- clothes drying	455	dividing fences- standards
390	crossover- standards	456	dividing fences- timing
393	verge & kerbing works	340A	parapet walls- finish from street
625	sightlines for drivers	508	landscaping approved & completed
352	car bays- marked and visible	550	plumbing hidden
353	visitor bays- marked and visible	445	stormwater infrastructure
354	car bays- maintained	035	inspection (final) required
470	retaining walls- if required	660	expiry of approval

#### (b) Specific Conditions

- (1) Prior to the occupation of the approved development, a public art concept for the subject development with a minimum value of 1% of the cost of construction (\$60,000) shall be submitted to the City as required under City's Public Art Fund of a similar approved amount and/or make a contribution to public art within the vicinity of development The approved public art concept shall be implemented to the satisfaction of the City (Refer Important Note 1)

- (2) The applicant/ developer and the owners are to comply with the requirements set out in Council Policy P352 "Final Clearance Requirements for Completed Buildings". Policy P352 requires the applicant to engage a licenced land surveyor, to undertake survey measurements on a floor-by-floor basis. The surveyor is to certify compliance with the planning approval prior to issuing a Form 26 certificate of approval of strata plan; or a clearance letter prior to occupying the building where a Form 26 certificate is not required. The City Planning Services will not issue a final clearance letter until satisfied that the completed building is consistent with the conditions of planning approval and the requirements of other relevant statutes.
- (3) As recommended in the acoustic report dated July 2015 and provided as part of the application, the applicant is to ensure the measures discussed in the report are adhered to and submitted in conjunction with a Building Permit application in order to comply with the noise limits referred to in State Planning Policy 5.4 in accordance with Element 15 'Road and Rail Transport Noise' of Schedule 9.
- (4) Waste management shall occur in accordance with the approved Waste Management Plan prepared by Dallywater Consulting contained in Attachment (c) (Refer also to Important Note 3).
- (5) The surfaces of the boundary wall visible from the street on the southern and northern side of the lot shall be finished in accordance with the plan approved, prior to the occupation of the approved development.
- (6) In accordance with Schedule 9 of TPS6- Table A Element 14, this comprehensive new development shall incorporate illumination in accordance with the following Australian Standards:
  - (a) AS 1680 regarding safe movement;
  - (b) AS 1158 regarding lighting of roads and public spaces; and
  - (c) AS 4282 control of obtrusive effects of outdoor lighting.
- (7) The approved ESD Strategy, prepared by Cadds Energy dated 20 July 2015 shall be implemented, unless otherwise approved by the City.

**(c) Standard Advice Notes**

700A	building permit required		
706	applicant to resolve issues	790	minor variations- seek approval
720	strata note- comply with that Act	795B	appeal rights- council decision
716	fences note- comply with that Act	766	landscaping- general standards
766	landscaping- general standards	700A	building permit required

**(d) Specific Advice Notes**

The applicant is advised that:

- (1) In relation to Condition 1, the City will be required to give final consent for the proposed public art, including any cash-in-lieu arrangement. Full details and specifications should be submitted at the earliest opportunity to ensure that the finalisation of the public art does not delay the progression of the development.
- (2) The applicant is advised of the need to comply with the relevant requirements of the City's Environmental Health Services and is encouraged to liaise with this department prior to submitting a building permit application.
- (3) The applicant is advised of the need to comply with the relevant requirements of the City's Engineering and Infrastructure Services and is encouraged to liaise with this department prior to submitting a building

**10.3.1 Proposed 12 Multiple Dwellings within a Five-Storey Building- Lot 120 (No. 13) Stone Street, South Perth.**

- permit application.
- (4) Planning Approval or the subsequent issuing of a Building Permit by the City is not consent for the construction of a crossing. As described in Management Practice M353 a 'Crossing Application' form must be formally submitted to Infrastructure Services for approval prior to any works being undertaken within the road reserve.

**FOOTNOTE:** A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

**Background**

The development site details are as follows:

<b>Zoning</b>	Special Control Area SCA1 - South Perth Station Precinct
<b>Density coding</b>	Not Applicable
<b>Lot area</b>	933 sq. metres
<b>Building height limit</b>	14.0 metres
<b>Development potential</b>	Five- storey Development
<b>Plot ratio limit</b>	Not Applicable
<b>Cost of Development</b>	\$6,000,000

The location of the development site is shown below:



In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

**2. Major developments**

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings.

**6. Amenity impact**

*In considering any application, the delegated officers shall take into consideration the impact of the proposal on the general amenity of the area. If any significant doubt exists, the proposal shall be referred to a Council meeting for determination.*

**7. Neighbour comments**

*In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.*



10.3.1 **Proposed 12 Multiple Dwellings within a Five-Storey Building- Lot 120 (No. 13) Stone Street, South Perth.**

**Comment**

**(a) Background**

In December 2014, The City received an application for Twelve Multiple Dwellings within a Five- Storey Building on Lot 120 No. 13 Stone Street, South Perth.

A further information letter was sent in March 2015 which outlined to the Applicant comments received during the consultation period and non- complying aspects of the development. A meeting between Officers and the Applicant took place in May 2015 to discuss the non-complying aspects of the development.

The Applicant submitted amended plans In July 2015, which were then assessed to be compliant with Schedule 9 and addressed remaining issues outlined in the Further Information Letter. An Acoustic Report, Waste Management Plan and Green- Star Rating Report were submitted by the Applicant shortly thereafter.

**(b) Existing Development on the Subject Site**

The existing development on the Site currently features two old single houses (one facing Stone Street and the other facing Melville Parade) as shown in **figure 1** below.

**(c) Description of the Surrounding Locality**

The Site has two frontages; Melville Parade to the west and Stone Street to the east. The locality is predominantly characterised by residential developments comprising multiple dwellings, grouped dwellings and old single houses. The site is neighbouring a 9 unit grouped dwelling to the north and 15 unit multiple dwelling to the south as seen in **figure 1** on the following page.



**Figure 1- Aerial Photograph of the immediate focus area.**

**(d) Description of the Proposal**

The proposal involves the demolition of two existing old single houses and the construction of Twelve Multiple Dwellings within a Five- Storey Building on the Site, as depicted in the submitted plans at **Confidential Attachment (a)**.

The proposal involves the construction of a 5 storey multiple dwelling apartment building consisting of 24 car parking bays at ground level, in which 2 are reserved for

**10.3.1 Proposed 12 Multiple Dwellings within a Five-Storey Building- Lot 120 (No. 13) Stone Street, South Perth.**

visitor bays. The remaining 4 levels consist of 12 units of 2, 3 and 4 bedroom apartments.

As indicated previously, the subject site is contained within the area known as Special Control Area SCA1- South Perth Station Precinct. Comprehensive new developments such as the current proposal shall be assessed having regard to the development controls contained in Table A of Schedule 9 of TPS6.

Officers have assessed this application under Schedule 9 and not Amendment No. 46 or Schedule 9a as this application was submitted, assessed and discussed in detail with the Applicant, prior to Council treating Amendment No. 46 as a seriously entertained document.

The following planning aspects have been assessed and found to be compliant with the provisions of TPS6 and the R-Codes and therefore will not be discussed further in the body of this report:

- Land use (Schedule 9 of TPS6- Table A Element 1);
- Ground floor uses (Schedule 9 of TPS6- Table A Element 2);
- Plot ratio and land use proportions (Schedule 9 of TPS6- Table A Element 3);
- Podium height (Schedule 9 of TPS6- Table A Element 4);
- Building height (Schedule 9 of TPS6- Table A Element 5);
- Parking (Schedule 9 of TPS6- Table A Element 8 and Schedule 5 of TPS6);
- Vehicular crossovers (Schedule 9 of TPS6- Table A Element 10);
- Outdoor living areas- (Schedule 9 of TPS6- Table A Element 11);
- Designing out crime (Schedule 9 of TPS6- Table A Element 14);
- Finished ground and floor levels and driveway gradients (TPS6- Clauses 6.9 and 6.10);
- Dwelling size (R-Codes Clause 6.4.3);
- Landscaping (Clause 5.1.5 Table 3 of TPS No. 6);
- Sight lines (R-Codes Clause 6.2.3); and
- Essential facilities (R-Codes Clause 6.4.6)
- Stormwater disposal (TPS No. 6 Clause 6.8(2)).

The following issues, some of which require the exercise of discretion, are considered acceptable and discussed further below:

- Relationship to the street (Schedule 9 of TPS6- Table A Element 6)
- Side and rear setbacks (Schedule 9 of TPS6- Table A Element 7 & Table 5 of the R-Codes)
- Road and rail transport noise (Schedule 9- Table A Element 15);

**(e) Relationship to the street**

The subject site has two frontages; namely Melville Parade to the west and Stone Street to the east, with the latter designed to be the main entrance to the development. The ground floor car park is configured in a 'one way only' manner which requires entrance from Stone Street and therefore results in cars exiting on to Melville Parade. Pedestrians can enter the foyer from Stone Street.

Element 6.3 requires a setback of 4.0 metres from any part of the building including the podium (unless otherwise approved by Council) to both streets which are fronting the subject site.



**10.3.1 Proposed 12 Multiple Dwellings within a Five-Storey Building- Lot 120 (No. 13) Stone Street, South Perth.**

On the ground floor, a 4.0 metre setback to the entrance of the development is proposed along Stone Street with an architectural stone cladded feature and pedestrian access stairs to the car park (and residential component of the building) protruding into the prescribed setback area.

This is a similar configuration to the Melville Parade side, with only an architectural art sculpture protruding into the front setback area.

The upper floors of the building have been designed with primarily balconies and a staircase for the first and second floors sitting forward of the main building line. As such, while the main façade of the development is setback over 4.0 metres, the minimum street setback to the balconies is no less than 3.0 metres to both Melville Parade and Stone Street.

In the applicant's supporting email dated July 2015, detailed justification for this variation is provided (**Attachment (b)**). A summary of this justification is provided below:

- *The building has been designed to be setback 4.0m, from the boundary on both Stone St side and Melville Parade side.*
- *Balconies have been revised and setback 3.0m in lieu of 2.0m from the boundary on both Stone St side and Melville Parade side as discussed with the Assessing Officer.*
- *Following the discussion we had with Rod Bercov in 2012 and 2013, we provided and kept some feature openings (angled fin wall with windows towards view on third and fourth floors) to guarantee a better view from residents' apartment and to provide articulation on the external facade.*

Officers also observe that the incursion of the stone cladded architectural feature and the pedestrian staircase on the ground and first floor for Stone Street will have a minimal impact in terms of overall building bulk. In addition, the pedestrian staircase will provide for easy accessibility into the development and will assist in providing visual interest to the upper floors and improving the overall built form. It is considered the proposed variations are minor, will result in greater integration with both streets and aid in designing out crime due to increased street surveillance and therefore can be supported by Council.

**(f) Side and rear setbacks**

The proposed development incorporates a 13.5m high podium with nil setbacks to the north and the south which has been assessed to comply with Elements 7 and 4 of Schedule 9.

The proposal includes a portion of podium with a greater setback than the prescribed development requirements of element 7 of Schedule 9. This portion of the podium is situated in the centre of the development and has a setback between 1.4m and 3.5m from the northern and southern lot boundaries.

Element 7.2 of Schedule 9 states the setbacks to the side and rear boundaries for podium walls shall be zero; but also notes that 'Council has discretion to permit variations from this requirement where the development is consistent with the guidance statement'.

**10.3.1 Proposed 12 Multiple Dwellings within a Five-Storey Building- Lot 120 (No. 13) Stone Street, South Perth.**

The guidance statements outlined in Element 7 relating to this application are:

- (a) *To ensure a high degree of continuity of the street edge, zero side and rear setbacks will be permitted for the podium/lower levels.*
- (b) *Setbacks for upper levels or levels above the podium are required to enable a reasonable degree of light and solar penetration between buildings.*

Since the central portion of the development is not visible from the street edge, it is observed that the development satisfactorily meets guidance statement (a).

With regards to guidance statement (b), it is observed that the increased setback will result in increased light and solar penetration for the units contained in this area and therefore Officers observe that it also satisfactorily meets this requirement.

As a result of meeting the appropriate guidance statements, it is considered that this increased setback for the central podium can be supported by Council.

**(g) Road and rail transport noise**

Under the provisions of Element 15, development sites having frontages to Melville Parade; within close proximity to Kwinana Freeway shall be designed having regard to noise mitigation measures.

An acoustic report has been prepared by consultants Vipac Engineers & Scientists Ltd. to address this element and the current noise environment. Recommendations on glazing design have been made by the consultants (section 5.1 and 5.2 of the **Attachment (c)** and further recommendations are summarised below:

- It is important to ensure that sliding doors or windows are well sealed with recommended acoustic seals.
- In common areas, it is recommended that the use of carpets on floors be used to prevent excessive reverberant noise levels from buildings.
- Acoustic walls shall extend from slab to slab.
- All plasterboard wall systems must be installed and sealed to manufacturer acoustical guidelines.
- There shall be no rigid connection or contact between the two leaves of discontinuous wall types, except the perimeter.
- Mechanical equipment such as pump, generator, substation, air condensers etc. to be structurally isolated using vibration isolator.

As summarised above, the recommendations in the Acoustic Report are primarily general recommendations for developments within close proximity to primary distributor roads such as the Kwinana Freeway. It is noted by Officers that the above recommendations can be supported as the proposal does not require any major restructuring or changes to the proposed design of the building.

Accordingly, it is observed that the development complies with Element 15 of Schedule 9 and can therefore be supported with a relevant condition placed on the approval to comply with the requirements set out in the Acoustic Report.

**(h) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration (considered not to comply in bold):

**10.3.1 Proposed 12 Multiple Dwellings within a Five-Storey Building- Lot 120 (No. 13) Stone Street, South Perth.**

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**(i) Other Matters to be Considered by Council: Clause 7.5 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (f) *any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (m) *the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development Site and adjoining lots;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (s) *whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**Consultation****(a) Design Advisory Consultants' Comments**

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at a pre-lodgement meeting held in September 2014. The proposal was favourably received by the Consultants however they did provide some recommendations. The Applicant addressed these recommendations with their formal application in December 2014 and therefore it did not require further DAC input. The pre-lodgement DAC comments and responses from the Applicant and the City are summarised:

<b>DAC Comments</b>	<b>Applicant's Responses</b>	<b>Officer's Comments</b>
Universal access into the building should be provided for, especially access to the lift and staircase lobby.	A platform lifter had been provided at the entrance staircase to provide universal access into the building	DAC comments have been suitability addressed via modified plans
The 1.0 metre wide balconies overlooking sections of the tin roof below were observed to be visually unappealing. The Advisory Consultants recommended that wider balconies with roof terrace / garden should be considered instead. Introducing Vergolas was also recommended.	The tin roof has been replaced with concrete slab for unit 2 & 3, which is now the roof terrace and balcony.  Vergola roofs were also provided to unit 2 and 3, which are located outside the living area	DAC comments have been suitability addressed via modified plans
Visual privacy screens should be shown on the elevations in order to provide a true representation of the proposed development.	The privacy screen has been shown on side elevation with combination of translucent glazing, brickwork wall and metal slat screening	DAC comments have been suitability addressed via modified plans
Details of the proposed sculpture and a cost estimate should be provided when a development application is lodged	We have indicated on the drawing, the location of the proposed free standing sculpture and the decorative metal art screen to the basement gate and security grille. The estimate cost for public art is approximately 1 or 2 % of the project cost in accordance to public art policy. The developer will engage an artist to design the sculpture and decorative screen for city's approval during the building permit stage. We will fully adhere to the process stated in the public art policy.	DAC comments have been suitability addressed via modified plans

As summarised above, the comments from the DAC were satisfactorily addressed by the Applicant and no planning conditions are recommended.

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at Nos 15 and 9 Stone Street and were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised). This consultation period occurred in January; before the restructuring of the consultation procedure resulting in wider consultation with the community for lots located in the South Perth Station Precinct.

During the advertising period, a total of 27 consultation notices were sent and 4 submission(s) were received, all against the proposal. The comment(s) of the submitter(s), together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
<p>It was our understanding when purchasing our unit at 15 Stone Street that there was a height restriction to buildings on this side of Stone Street? This proposal would appear to ignore such stipulation and would certainly affect or obscure views towards the Swan River, Kings Park and Melville Water which our unit currently enjoys.</p>	<p>The original proposal was over the building height limit of 14.0m by 0.3m. During a further information letter which required the applicant to address this issue; the applicant revised their plans to comply with the 14.0m BHL.</p> <p>Whist views are extremely desirable; There are no scheme provisions for preservation of views in the South Perth Station Precinct.</p> <p>The comment is <b>NOT UPHELD.</b></p>
<p>It appears the proposed development will project closer to the Stone Street frontage thus 'shutting in' No. 15 when in fact the opposite should happen i.e. a more appropriate setback of the frontage of No. 13.</p>	<p>As discussed in the body of this report; it is only balconies which are protruding into the front setback area.</p> <p>This protrusion is considered minor as it is a maximum of 1.0m and therefore the perceived impact is less than real impact since the balconies are open structures will provide street surveillance and will allow articulation to the development.</p> <p>The comment is <b>NOTED</b></p>
<p>Our street is used as a car park for City travellers from early morning to mid evening and it is virtually impossible for visitors and tradespeople to residents of this street to park their vehicles.</p>	<p>The proposal complies with the parking requirements; proposing 24 parking bays instead of the required 10 as identified in element 8 and Schedule 5 of the TPS6.</p> <p>The comment is <b>NOT UPHELD.</b></p>
<p>The proposed development will compromise the lifestyle of residents nearby for the duration of the construction, as we have once more to put up with all the noise, dirt and mayhem.</p>	<p>Construction noise will be controlled by the environmental protection noise regulations which also set out the hours of construction. There is a construction management plan condition placed on the approval.</p> <p>The comment is <b>NOT UPHELD.</b></p>

**(c) Manager, Engineering Infrastructure**

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and stormwater issues arising from the proposal. His comments are as follows:

- (i) *Layout and design of on-site parking and access OK;*
- (ii) *Conditions required for detention and disposal of stormwater;*
- (iii) *No change to verge or footpath level;*
- (iv) *The crossing would be constructed in concrete to conform in shape and to profile as outlined within the Management Practice (Policy P353 and Management Practice M353 refers);*
- (v) *The path section through the crossing would be constructed to appear as continuous through the crossing assigning "right of passage" to pedestrians on the path;*
- (vi) *The property will not be able to be serviced by the City from the undercroft parking area*
- (vii) *No building activity or works associated with the development can be undertaken from the street without an approved Traffic Management Plan.*
- (viii) *The City will not be able to issue a 'Licence to Store Materials' on the verge due to the narrow verge and the likelihood of obstructing road or footpath which must be reference in a condition of approval.*

Accordingly, a note is placed on the planning approval to liaise with the Manager of Engineering Infrastructure in regards to addressing the requested information before the building permit is submitted. The Engineering Infrastructure response is shown in **Attachment (d)**.

**(d) Other City Departments**

Comments were invited from Environmental Health and City Environment. The Environmental Health section provided comments with respect to bins, noise and laundries. This section raises no objections and has provided recommended important notes which were addressed by the Applicant.

**Policy and Legislative Implications**

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan which is expressed in the following terms:

***Accommodate the needs of a diverse and growing population with a planned mix of housing types and non-residential land uses.***

**Sustainability Implications**

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas and balconies have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

**Conclusion**

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and / or Council policy objectives and provisions. However, provided that all conditions are applied as recommended, it is considered that the application should be conditionally approved.



**10.3.1 Proposed 12 Multiple Dwellings within a Five-Storey Building- Lot 120 (No. 13) Stone Street, South Perth.**

**Attachments**

- 10.3.1 (a):** Confidential Attachment A- Plans for the Proposal (*Confidential*)
- 10.3.1 (b):** Attachment B- Applicant's Justification Letter
- 10.3.1 (c):** Attachment C - Acoustic Report
- 10.3.1 (d):** Attachment D- Engineering Comments .

### 10.3.2 Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25 Preston Street, Como

Location: Como  
 Ward: Como Ward  
 Applicant: Assured Certification Services  
 File Ref: D-15-73032  
 Lodgement Date: 9 October 2015  
 Date: 13 October 2015  
 Author: Peter Ng, Planning Officer  
 Reporting Officer: Vicki Lummer, Acting Chief Executive Officer  
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
 Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

To consider an application for planning approval for a Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25 Preston Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 clause 7.8(1)

#### Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for planning approval for Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25 Preston Street, Como **be approved** subject to:

#### (a) Standard Conditions / Reasons

425 colours & materials- matching 660 expiry of approval

#### (c) Standard Advice Notes

700A building permit required 720 strata note- comply with that Act  
 795B appeal rights- council decision 790 minor variations- seek approval

**FOOTNOTE:** A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

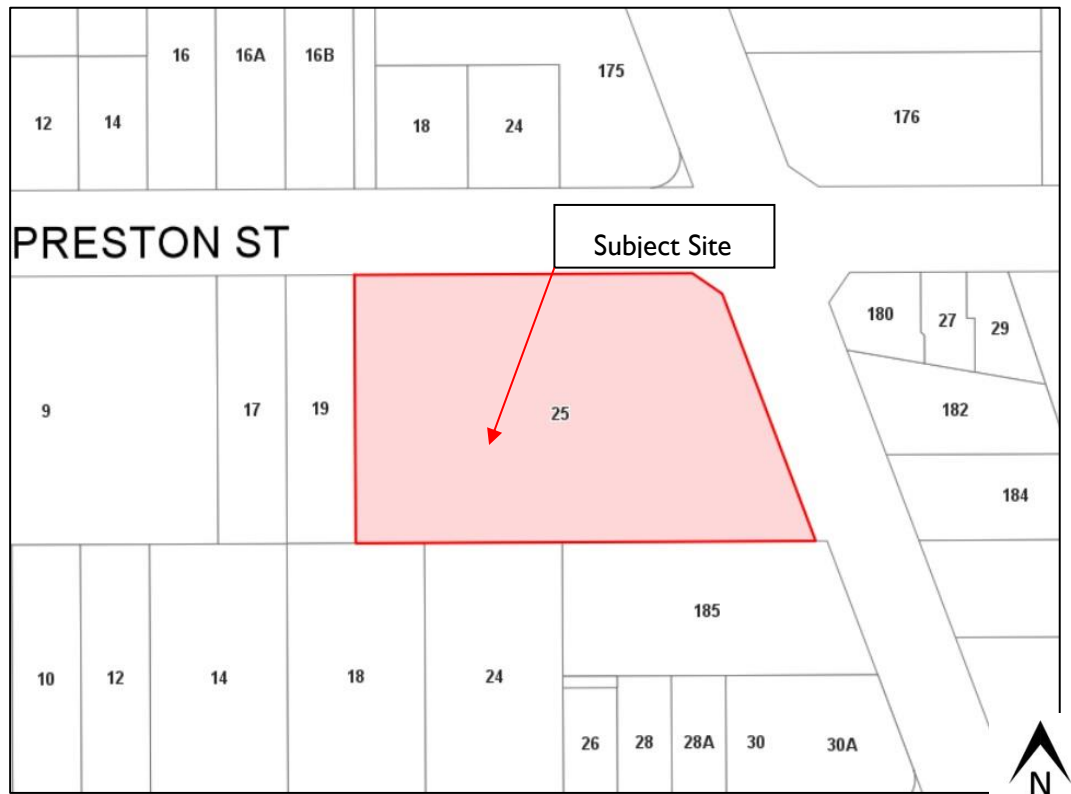
#### Background

The development site details are as follows:

<b>Zoning</b>	Neighbourhood Centre Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	6006 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	N/A
<b>Plot ratio limit</b>	0.75

The location of the development site is shown below:





In accordance with Council Delegation DC690, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

**3. Developments involving the exercise of a discretionary power**

- (c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.*

**Comment**

**(a) Background**

In 20 May 2015, the City received an application for Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25 Preston Street, Como (the **Site**).

**(b) Existing Development on the Subject Site**

The subject site is the anchor tenant located within the single storey Preston Street Shopping Centre that currently features land uses of “Shop” and “Cafe/Restaurant”.

**(c) Description of the Surrounding Locality**

The Site has a primary frontage to Preston Street to the north and secondary street frontage to Labouchere Road to the east. It is located within the Preston Street Neighbourhood Commercial Centre. The remainder of the surrounding locality comprises residential development. The aerial photo below shows the relationship of the site to the surrounding development.



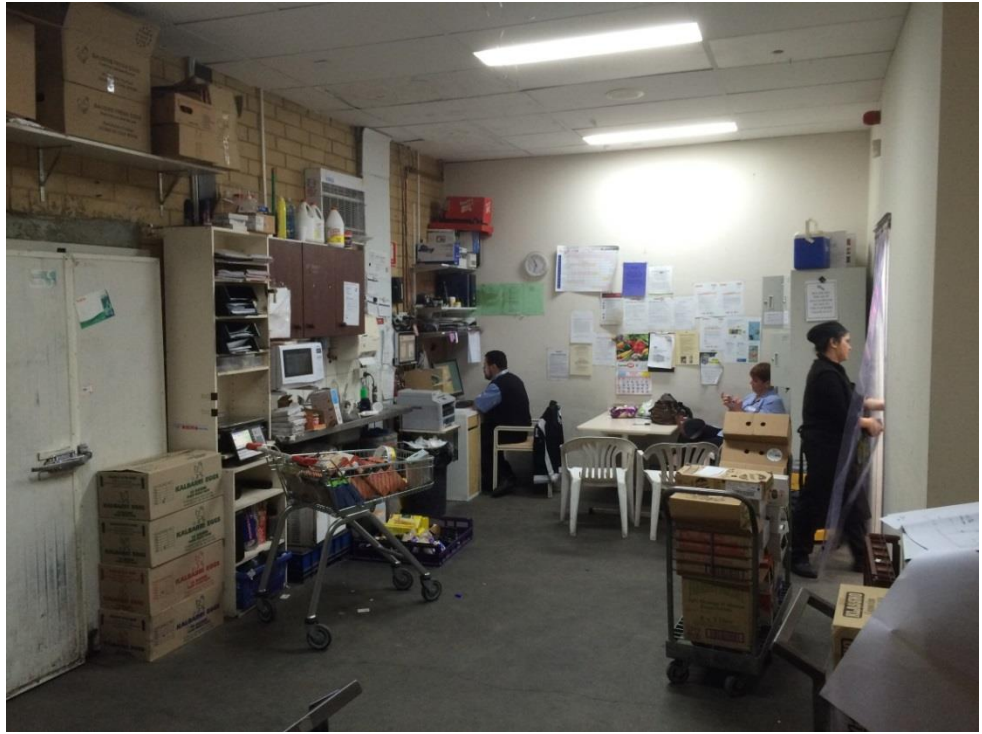
**(d) Description of the Proposal**

The proposal involves First Floor Addition (Staff Room & Manager's Office) to existing Preston Street IGA on Lot 51 No. 25 Preston Street, Como (**Site**), as depicted in the submitted plans at **Attachment (b)**.

The proposed development involves relocating the existing office and staff area which are currently located at the back of shop in the goods store area. The first floor addition incorporates an area of 60sqm staff room and Manager's office with internal staircase access from the goods store room.

The operator of IGA provided the following comments stating that:

*"Our current staff amenity area consisting of one table with 4 chairs is situated within the storeroom. This area can be very noisy as the stock movements are very often with pallet movement of grocery, dairy goods, bakery, etc. on a regular basis. The idea of moving the staff room to the roof space is that the staff will have an area of peace and quiet and able to have a true break in the middle of their shifts. The area used by the current staff table will be used to store stock as we will lose a considerable amount of space with the stairs leading up to the new office."*



**Photo 1** - Existing staff area within the goods store area

*“Our current office is in a very risky spot as the girls have to pass through a thoroughfare with customers after their shift with a till full of cash. This poses a security risk. When the office is moved upstairs it will purely be a cash office away from the public eye and a lot more secure.”*



**Photo 2** - Existing Manager's room (grey coloured wall) next to thoroughfare within the IGA shop



**10.3.2 Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25  
Preston Street, Como**

The applicant's letter, referred to as **Attachment (a)** describes the proposal in detail.

The proposal complies with the Scheme, the R-Codes and relevant Council policies with the exception of the remaining a non-complying aspect, all discussed below.

**(e) Compliant Elements**

The proposal generally complies with the Scheme and relevant Council policies. The following elements of the proposal are observed to be compliant with the City's planning requirements:

- Land Use (TPS6 cl. 3.3-3.4 and Table 1);
- Plot Ratio (TPS6 Table 3 & clause 7.8(1));
- Setback from Lot boundaries (TPS6 cl. 5.1 and Table 3);
- Building Height Limit (TPS6 cl. 6.1A); and
- Visual Privacy (R-Codes cl. 5.4.1).

These elements are not discussed further in this report. Standard conditions and/or advice notes are recommended.

The only component of the proposed development that does not satisfy the *City of South Perth Town Planning Scheme No. 6* requirement is car parking as discussed below. Accordingly, Council is being asked to exercise discretion in relation to the non-compliant aspect of the proposed development.

**(f) Car Parking**

The proposed development incorporates retention of existing development (shop) and addition of upper floor staff room. There are approved 113 bays within the Preston Street Neighbourhood Commercial Centre with 87 bays at ground level and 26 undercroft bays.

Based on current Table 6 of TPS 6 car parking requirement, 1 carbay is required per 20sqm of gross floor area. Accordingly, the proposed addition of 60sqm will require an additional 3 carbays.

Therefore, the proposed development does not comply with the car parking requirement in Table 6 of TPS6.

*Council discretion- cl. 6.3.4*

Council has discretionary power under clause 6.3.4 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the car parking shortfall be supported as the applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

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

**10.3.2 Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25  
Preston Street, Como**

Based on the drawings submitted and applicant's letter provided, the City's officers observed that proposed staff room addition will not increase the peak parking demand of the Preston Street Neighbourhood Commercial Centre. The additional space does not involve any increase in staff numbers or retail display area but provide a better and safe working environment for the existing staff as stipulated in the applicant's letter referred to as **Attachment (a)**.

The existing area used by the current staff will continue to be used as storage area for stock as the other side of the storage area will make way for the internal stairs access to the new staff room above.

The existing IGA shop has an area of 453sqm and the proposed addition increase the existing floor area by 13.2% or 60 sqm which exceeds slightly by 3.2% or 15sqm in area. The proposed staff room size is essential to accommodate the number of staff as highlighted by the operator:

*"We have a total of around 90 staff at IGA. At any given time we have between 10 and 15 staff working in the store. These staffs are entitled to tea breaks and meal breaks which is when they will use the staff room upstairs. We see us having a table with 4 chairs which is similar to our existing arrangements. We will relocate the 12 lockers we have in the store room to the new area as well.*

*In the cash office, we will have 1 person however there are many computers running our point of sale system, Eftpos, CCTV's etc that take up a fair amount of room. All this equipment is very cramped in our current cash office and often inconvenient to access. The new office space is going to give us better access to all the equipment.*

*All the staffs listed above are currently working in the store and no additional staff will be using the extra space therefore no need for additional parking.*

*Another matter I did not mention is we only have 4 employees working in our Head office at 19A Preston Street and have 14 car bays at the rear of the property. Many of our IGA staff park there."*

Additionally, having regard to the location of the proposed development in close proximity to high frequency public transport along Labouchere Road, staff may also choose to make use of public transport. Council Policy P315 permits the car parking requirements to be reduced through the application of adjustment factors listed in the policy, reflecting particular site and design factors. For this application, the site qualifies for an adjustment factor of 0.85 (15 percent reduction), by meeting factors 2 (15 percent reduction: being located less than 400 metres of a bus stop).The subject site is located within 100 metres of high frequency bus route along Labouchere Road.

The application of the 0.85 adjustment factor to the proposed non-residential land uses would reduce the car parking requirement slightly from 3 bays to 2.55 bays, which still rounded up to 3 bays shortfall.

Council discretion- cl. 7.8.1

Council has discretionary power under clause 7.8.1 of TPS6 to approve the car parking shortfall, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the car parking shortfall be approved, as the applicant has satisfied the City in relation to the following requirements of that clause:

10.3.2 **Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25  
Preston Street, Como**

- (a) approval of the proposed development would be consistent with the **orderly and proper planning** of the precinct and the preservation of the **amenity of the locality**;
- (b) the non-compliance will not have any **adverse effect** upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and
- (c) the proposed development meets the **objectives for the City and for the precinct** in which the land is situated as specified in the precinct Plan for that precinct.

Orderly and proper planning and the preservation of the amenity of the locality

Existing development within the surrounding area is varied due to the subject site being located within the Local Commercial Centre whilst immediately abutting residential in character.

Development to the east and south ranges from single storey to two storey Single house and Grouped dwellings. Development to the north and west are also varied with single to two storey commercial buildings.

The design and scale of the proposed addition is considered to reflect its locality within the Local Commercial Centre. Additionally, the City's Design Advisory Committee (DAC) is supportive of the addition with minor design changes to the glazing to achieve a certain degree of consistency as reflected in the amended plans in **Attachment (b)**.

TPS No. 6 prescribes 7.0m building height limit with 1.5m street setback and nil side setbacks. The maximum wall height of the proposed development is 6.3m. The proposal also satisfies the boundary setback requirements with 9.4m setback from southern boundary and 17.8m from the western boundary.

Not have any adverse effect upon the occupiers/users/inhabitants

As a response to the above sub-clause, the Applicant submits the opinion that the proposed addition will improve the amenity of the staff by stating that:

*"The current location poses a risk to staff as the goods storage area is used for the movement of goods on pallet towing equipment. This has a negative impact on the occupational health, safety and welfare of the staff.*

*The existing office is located between the fresh produce and the deli section and is exposed to passing customer traffic. The office is approximately 4sqm in area and does not provide sufficient space for staff to undertake the day to day activities and financial matters. The relocation of the Manager's office to the upper floor will provide sufficient space to work in and reduce potential risk involving thief."*

The objectives of the Scheme and for the precinct

For the objectives of the Scheme, please refer to section Scheme Objectives, which are considered to have been satisfied.

It is considered that the proposed development is in accordance with the principles of orderly and proper planning. The City's officers are satisfied that proposed addition for staff room area and Manager's office will not pose additional demand on the existing parking bays available in the vicinity that will have adverse effect upon the users or other tenancies and therefore is supported from the City.

**10.3.2 Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25  
Preston Street, Como**

Under Clause 6.3A of TPS 6, an applicant for planning approval for a non-residential development may, if Council agrees, make a cash payment to the Council in lieu of providing one or more of the deficit bays.

In this instance, cash in lieu payment for the car parking bays shortfall seems inappropriate for the proposed minor (staff room) addition. As discussed above, the 3 car bays shortfall resulting from the proposed staff room addition does not involve increase in staff numbers or additional retail display area that will attract extra customers and/or increase in parking demand.

The City's officers observed that the proposed addition will provide conducive and safer working environment for the staff, allowing them to continually serve the needs of the community. Based on the above, the City's officers are satisfied that proposed addition meets with the above discretionary provisions and objectives, therefore is supported from the City's officers.

**(g) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development.

Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (i) *Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality;*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**(h) Other Matters to be Considered by Council: Clause 7.5 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*



**10.3.2 Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25 Preston Street, Como**

- (d) any other Council Policy of the Commission or any planning Council Policy adopted by the Government of the State of Western Australia;
- (f) any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;
- (i) the preservation of the amenity of the locality;
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and
- (x) any other planning considerations which the Council considers relevant.

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**Consultation**

**(a) Design Advisory Consultants' Comments**

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in July 2015. The Consultants were generally supportive of the additions, however recommended that the applicant take a more consistent commercial approach by providing full glazing along the northern and southern elevations.

Subsequently, officers asked the applicant to provide a composite elevation / photograph showing the proposed addition in relation to the existing shopping centre in order for the DAC to examine the complete built form, and determine its compatibility. Their comments and responses from the Applicant and the City are summarised below.

DAC Comments	Officer's Comments
The Design Advisory Consultants considered the additional drawings submitted by the applicant, specifically the composite site plan and the photograph viewed from the street showing the proposed first floor office space in relation to the existing shopping centre.	The comment is <b>NOTED</b> .
In order to create a regular shaped office space without the chamfered corner, the Design Advisory Consultants recommended that the proposed building be shifted eastward, away from the valley.	The applicant responded that the location of the proposed addition was carefully selected to ensure that the required stair would not encroach into the display area and that adequate head height above the stair could be provided. Unfortunately if the office was to be moved away from the valley this would cause an adverse effect to the display areas and may have structural

	implications. We formally request that this matter is taken into consideration when making the approval decision. The comment is <b>NOTED.</b>
The Advisory Consultants observed that their earlier comment from July 2015 Council meeting relating to full length glazing to specific elevations has not been incorporated in the street view. Provision of such glazing, as viewed from Preston Street, will achieve a certain degree of consistency with the existing two storey portion of the shopping centre.	Amended drawings reflect the full length glazing along the northern and southern elevations. The comment is <b>NOTED.</b>

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Design Advisory Consultants.

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos. 18 and 24 Ednah Street were invited to inspect the plans and to submit comments during a minimum 14-day period. During the advertising period, a total of 16 consultation notices were sent and no submission was received.

**(c) Internal Administration**

No comments from external agencies have been received.

**(d) External Agencies**

No comments from external agencies have been received.

**Policy and Legislative Implications**

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan 2013-2023 which is expressed in the following terms: ***Accommodate the needs of a diverse and growing population.***

**Sustainability Implications**

Noting the favourable orientation of the lot, the officers observe that the proposed first floor staff room have access to northern winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

**10.3.2 Proposed First Floor Addition (Staff Room & Office) to Preston Street IGA on Lot 51 No. 25  
Preston Street, Como**

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. The proposed staff room addition will improve the amenity of the staff, allowing them to continue serve the community. Accordingly, it is considered that the application should be conditionally approved.

**Attachments**

- 10.3.2 (a):** Attachment A - Applicant's Letter
- 10.3.2 (b):** Attachment B - Amended Drawings
- 10.3.2 (c):** Attachment C - Site Photographs .

### 10.3.3 Proposed Additions and Alterations to Science Building at Educational Establishment (Wesley College). Lot 504 No. 40 Coode Street, South Perth.

Location: Trustees Wesley College  
 Ward: Mill Point Ward  
 Applicant: Taylor Robinson Architects  
 File Ref: D-15-72313  
 Lodgement Date: 7 July 2015  
 Date: 13 October 2015  
 Author: Trinh Nguyen, Planning Officer  
 Reporting Officer: Vicki Lummer, Acting Chief Executive Officer  
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
 Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

To consider an application for planning approval for additions and alterations to the existing Science Building at Wesley College on Lot 504 (No. 40) Coode Street, South Perth. The proposal is for a three storey addition to the side of the existing Science Building (with accessible roof deck) which includes refurbishment to the existing laboratories and tech areas and a new staff powder room under the provisions of Clause 6.2A 'Special Provisions for Pre-Scheme Developments' of Town Planning Scheme No. 6 (TPS6).

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Special Provisions for Pre-Scheme Developments	TPS6 clause 6.2A(2) and (3)

#### Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for additions and alterations to the existing Science Building at Wesley Colleges on Lot 504 No. 40 Coode Street, South Perth **be approved** subject to:

##### (a) Standard Conditions

470	retaining walls- if required	660	expiry of approval
471	retaining walls- timing		

##### (b) Specific Conditions

- (1) Prior to the occupation of the approved development, a public art concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of \$47,542 shall be submitted to the City. The approved public art concept shall be to the satisfaction of the City.
- (2) The approved public art concept or contribution shall be thereafter implemented and the artwork constructed prior to occupation of the development, and maintained for the life of the development to the satisfaction of the City.

(3) Details of the proposed colours of the external materials shall be consistent with the colour scheme submitted on the 3D Perspective Drawings and shall be submitted for approval by the City, prior to the issuing of a building permit. The selected colours shall demonstrate compatibility with neighbouring buildings. (Refer also to Advice Note in relation to Outstanding Planning Matters).

**(c) Standard Advice Notes**

700A	building licence required	790	minor variations- seek approval
706	applicant to resolve issues	795B	appeal rights- council decision
445	Stormwater/drainage		

**(d) Specific Advice Notes**

- (1) In relation to public art conditions, the City will be required to give final consent for the proposed public art, including any cash-in-lieu arrangement. Full details and specifications should be submitted at the earliest opportunity to ensure that the finalisation of the public art does not delay the progression of the development.
- (2) It is the responsibility of the Applicant to liaise with the City’s Environmental Health Services to ensure satisfaction of all of the relevant requirements

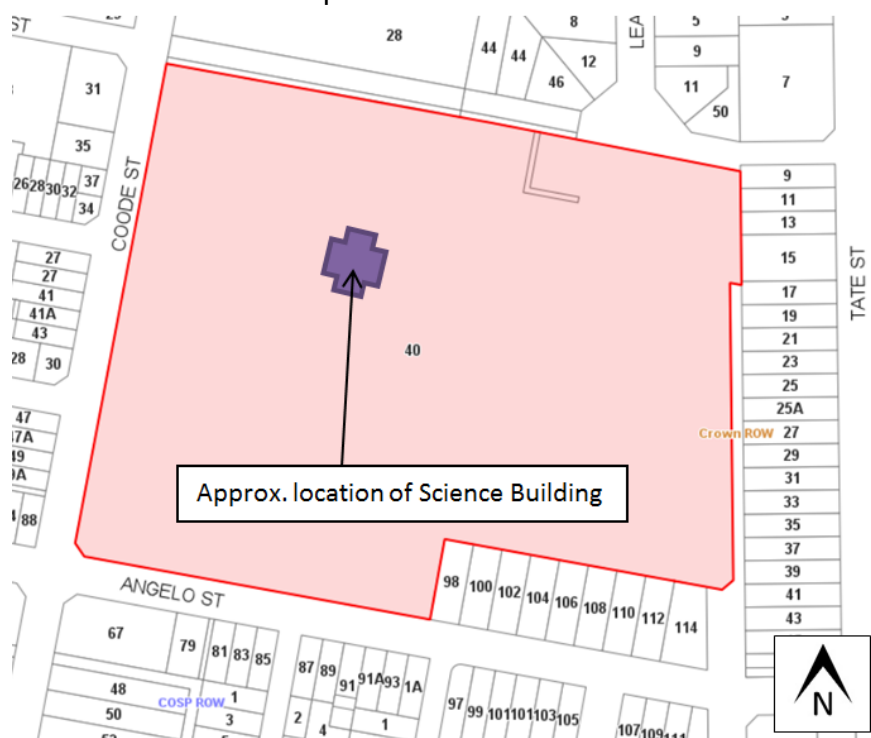
**FOOTNOTE:** A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

**Background**

The development site details are as follows:

<b>Zoning</b>	Private institution
<b>Density coding</b>	R15
<b>Lot area</b>	78608 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Plot ratio limit</b>	0.60

The location of the development site is shown below:



**10.3.3 Proposed Additions and Alterations to Science Building at Educational Establishment (Wesley College). Lot 504 No. 40 Coode Street, South Perth.**

In accordance with Council Delegation DM690, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

**3. The exercise of a discretionary power**

(d) Applications involving the exercise of discretion under Clauses 6.2A or 6.11 of the Scheme.

**Comment**

**(a) Background**

In July 2015, the City received an application for a three storey addition to the side of the existing Science Building (with accessible roof deck) which includes refurbishment to the existing laboratories and tech areas and a new staff powder room on the subject site at Lot 504 (No. 40) Coode Street, South Perth (the **Site**).

**(b) Existing Development on the Subject Site**

The existing development on the Site currently features a secondary school together with associated facilities and amenities.

**(c) Description of the Surrounding Locality**

The Site has a frontage to Coode Street to the west, a laneway behind Tate Street to the east, and Angelo Street to the south, as seen in **Figure 1** below:



**(d) Description of the Proposal**

The proposal involves the construction of a three storey addition to the side of the existing Science Building (with an accessible roof deck) as well as a refurbishment to the existing laboratories and tech areas and a new staff powder room as depicted in the submitted plans at **Confidential Attachment (a)**.



**10.3.3 Proposed Additions and Alterations to Science Building at Educational Establishment (Wesley College). Lot 504 No. 40 Coode Street, South Perth.**

The proposal complies with the Scheme and relevant Council policies, with the following major components discussed in this report:

- Building height - Measurement of height of a pre-Scheme development (as identified in Clause 6.2A(2) and (3) of TPS6);
- Maximum plot ratio (Table 3 of TPS6);
- Car parking (Table 6 of TPS6);
- Council Policy P316 'Developer Contribution for Public Art';
- Council Policy P350.01 'Environmentally Sustainable Building Design'

**(e) Building Height**

The building height limit for the Site is 7.0 metres. The height of the existing building exceeds 7.0 metres (see **Confidential Attachment (a)**). Clause 6.2A(2) and (3) states:

**“(2) Additions and alterations to pre-Scheme developments**

*The Council may approve additions or alterations to a pre-Scheme development, provided that:*

- (a) any proposed external walls do not extend higher than the highest point of any external wall of the pre-Scheme development; and*
- (b) where a pre-Scheme development exceeds the maximum permissible number of dwellings, the number of dwellings is not increased; and*
- (c) the proposed plot ratio area does not exceed the maximum prescribed under the Scheme.*

**(3) Measurement of height of a pre-Scheme development**

*When measuring the height of a pre-Scheme development, a replacement development, or proposed additions and alterations to a pre-Scheme development, clause 6.1A does not apply, other than:*

- (a) sub-clause 6.1A (4) relating to roof height control; and*
- (b) the following paragraphs of sub-clause 6.1A (5) relating to certain permissible projections above the Building Height Limit:*
  - (i) paragraph (a) relating to pre-Scheme development approved under clause 6.2A;*
  - (ii) paragraph (e) relating to minor projections; and*
  - (iii) paragraph (f) relating to lift shafts.”*

Officers consider that the ridge height would qualify as the 'highest wall', with the rest of the parapet being a minor projection. The proposed additions and alterations do not exceed this ridge height hence officers consider the development as compliant with clause 6.2A of TPS6.

**(f) Maximum Plot Ratio**

The maximum permissible plot ratio under Table 3 of TPS6 is 0.60 (47164.8 m<sup>2</sup>). The plot ratio is estimated to be compliant with TPS6 given the size of the site and amount of open space visible from aerial photos.

The applicant provides the following comments in relation to the maximum permissible plot ratio:

*“Plot ratio for non-residential development is defined in Schedule 1 of TPS 6 and the maximum permissible plot ratio is prescribed in the relevant sections of TPS 6. In calculating the plot ratio of a building, the total floor space on every level of the building is included.*



10.3.3

**Proposed Additions and Alterations to Science Building at Educational Establishment (Wesley College). Lot 504 No. 40 Coode Street, South Perth.**

It is our understanding that plot ratio for non-residential development is defined in Schedule 1 of TPS 6 and the maximum permissible plot ratio is prescribed in the relevant sections of TPS 6. In calculating the plot ratio of a building, the total floor space on every level of the building is included. We understand that Wesley College is zoned as 'Private Institutional' and has a maximum plot ratio of 0.60 and requires a minimum of 25% of landscape area over the total site.

Wesley College have provided indicative figures based on their interpretation of the below definition, taken from Schedule 1 of TPS 6:

“plot ratio”: means the ratio of the gross total of the areas of all floors of a building, to the area of land within the lot boundaries excluding the area of any land proposed to be excised for road widening purposes, and in calculating of gross total of the areas of all floors:

(b) In relation to any non-residential building of part of building, the floor area is measured from the inner faces of the external walls, and does not include the area of any lift shaft, toilet, stairs, plant room, kitchen, lunchroom, store area, storage room, passage and any areas within the building used for parking of vehicles or vehicular access.

Building	Existing Gross Floor Area	Proposed Gross Floor Area	Additional Gross Floor Area
Science Centre	1010m <sup>2</sup> - (Excludes internal wall thickness, ducts, voids, lifts, stairs, corridors and lobbies)	1365m <sup>2</sup> - (Excludes internal wall thickness, ducts, voids, lifts, stairs, corridors and lobbies)	355m <sup>2</sup>
Existing Gross Floor Area (all buildings on Campus)	23,168m <sup>2</sup> (Excludes internal wall thickness, ducts, voids, lifts, stairs, corridors and lobbies)		Calculated Plot Ratio  0.22
Proposed Gross Floor Area (all buildings on Campus + Science Centre extension)	23,523m <sup>2</sup> - (Excludes internal wall thickness, ducts, voids, lifts, stairs, corridors and lobbies)		Calculated Plot Ratio  0.23

Based on the figures provided by the applicant, officers consider that the plot ratio is compliant with TPS6.

**(g) Car Parking**

Table 6 of the TPS6 requires 1.5 car bays per classroom & 1 bicycle bay per 2 students. Upon review of the plans, no more classrooms/students are being proposed as part of this application.

In relation to this matter, the applicant advises:

“The extension of the existing Science block will not increase staff or student numbers but provide expanded flexible, multi-disciplinary learning spaces for science students.

The number of learning areas has not increased from the current laboratory numbers, which total eight (8).”

Officers consider that there are no car parking implications as a result of this proposal.

**(h) Developer Contribution for Public Art**

In accordance with Council Policy P316 'Developer Contribution for Public Art' developers of projects with a value of \$4Mil or greater are to contribute at least 1% of the total project cost towards public art.

In relation to this matter, the applicant advises:

*"Wesley College has a provisional sum amount allocated for a proposed science themed mural which will span an internal two storey void. The mural will integrate bold 2D graphics with audio visual technology. The final design will be developed with the School throughout the construction period."*

The applicant is advised to liaise with the relevant departments from the City of South Perth as this project progresses. A condition and advice note to this effect is recommended.

**(i) Environmentally Sustainable Building Design**

The gross floor area (GFA) has been calculated approximately as follows:

- Lower ground floor plan: 664sqm;
- Ground floor plan: 663sqm;
- First floor plan: 653sqm.

Council Policy P350.01 'Environmentally sustainable building design' applies to this proposal as it involves substantial structural and internal alterations to a building greater than 1000sqm in GFA. As such, the City requires a written statement signed by the applicant and/or owner stating:

- a) an assessor accredited by the Green Building Council of Australia formed part of the design team and contributed to the overall design of the proposal; and
- b) acknowledging that the applicant and/or owner is aware of and on completion of the development will be able to meet the requirements of Clauses 1 and 4 of this policy.

In relation to this requirement, the applicant advises that:

- a) An assessor accredited by the Green Building Council of Australia formed part of the design team and contributed to the overall design of the proposal by attending fortnightly Project Design Team meetings and a major workshop with the Wesley College stakeholder group; and*
- b) Through our collaborative design process, the Project team lead by our ESD Consultant identified 48 weighted points in the project planning which would achieve a 4 star rating representative of market best practice."*

An Environmentally Sustainable Design (ESD) report and Green Star Tracking document has been provided by the applicant. Officers consider that the proposed development complies with this policy.

**(j) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (k) *Recognise and preserve areas, buildings and Sites of heritage value; and*
- (l) *Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**(k) Other Matters to be Considered by Council: Clause 7.5 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 7.5 of TPS6 which are, in the opinion of the Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (d) *any other Council Policy of the Commission or any planning Council Policy adopted by the Government of the State of Western Australia;*
- (f) *any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (h) *the preservation of any object or place of heritage significance that has been entered in the Register within the meaning of the Heritage of Western Australia Act, 1990 (as amended), or which is included in the Heritage List under clause 6.11, and the effect of the proposal on the character or appearance of that object or place;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (k) *the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (o) *the cultural significance of any place or area affected by the development;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (q) *the topographic nature or geographic location of the land;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *whether adequate provision has been made for access by disabled persons;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; and*
- (x) *any other planning considerations which the Council considers relevant.*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**Consultation****(a) Design Advisory Consultants' Comments**

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in August 2015. The comments from the DAC and responses from the Applicant and the City are summarised below.

DAC Comments	Applicant's Responses	Officer's Comments
<p>The Design Advisory Consultants observed that several design languages were reflected in the proposed additions to the existing building.</p> <p>For example, the use of Alucobond panels as vertical elements visible in the north elevation was observed to be inconsistent with the red brick character of the college buildings. An explanation of the underlying concept from the architects will be appreciated.</p>	<p>The northern elevation of the north-west addition has been refined to increase the extent of red brick construction- providing a strong masonry element on the north that wraps over the top of the lightweight portal, creating a parapet edge that mirrors the existing detail on the adjacent wing. A strip of vertical glazing provides a clear delineation between the existing and new elements.</p> <p>The white portal clad in aluminium composite panel, projects from the masonry elevation and is a contemporary reflection of the existing concrete shrouds to the existing north and south facing windows.</p>	<b>NOTED.</b>
<p>The Consultants also raised the following enquiries:</p> <ul style="list-style-type: none"> <li>○ Is the vertical garden proposed to be located inside the 'Aquaponics' room, or on the outside?</li> <li>○ Why doesn't the red brickwork wrap around the north-eastern corner of the building? Brickwork was observed to be more material consistent than introducing alucobond panels.</li> </ul>	<p>The vertical gardens have been located internally to provide an immersive learning opportunity for the students. The vertical gardens are located on each level and will be planted out in a range of contrasting plants - from edible varieties, to species of ferns and brightly coloured foliage varieties.</p>	<b>NOTED.</b>

The Advisory Consultants observed that the plans and elevations did not completely correlate, and asked for modifications to be carried out accordingly.	Taylor Robinson was unsure which areas specifically the DAC were referring to regarding the inconsistencies between plans and elevations. The updated elevations as attached, correlate with plans.	<b>NOTED.</b>
Separate elevations showing the existing brickwork, perhaps in a slightly lighter tone, along with the proposed external material will allow for a better appreciation of how the proposed additions integrate with the existing building.	We resubmit Architectural Drawing DA24 (Revision B) which better illustrates how the proposed additions will integrate with the existing building. In addition, we submit drawing DA25 (Revision A) rendered Perspective view of the North West.	<b>NOTED.</b>

The DAC architects are satisfied with the revised drawings provided by the applicant.

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies directly facing Wesley College were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, there were a number of phone and counter queries regarding the proposal. The enquirers were satisfied with officer responses explaining the proposal. There were no objections to the proposal.

**(c) Internal Administration**

Comments were invited from Environmental Health and Senior Strategic Planning Officer (Heritage comments) of the City's administration.

The Environmental Health department advises standard health conditions apply to this application. A standard advice note is recommended.

The Heritage Officer, Development Services raises no objections however recommended a referral to the State Heritage Office as the science building is outside, but directly adjacent to, the State Registered portion of the campus.

**(d) External Agencies**

Comments were also invited from the State Heritage Office as per the recommendation from the Senior Strategic Planning Officer.

**10.3.3 Proposed Additions and Alterations to Science Building at Educational Establishment (Wesley College). Lot 504 No. 40 Coode Street, South Perth.**

This Office concludes

*“Generally, the proposal will have minimal impact on the cultural heritage significance of the State Registered Place, but the proposal to construct a walkway has a potential to negatively impact on the cultural heritage significance of the library, which is within the registered heritage curtilage.”*

The recommendation to the City of South Perth is that detail of the proposed elevated walkway (ramp) be provided prior to submitting for a building permit. In relation to this recommendation, the applicant advises that the upper floor level walkway connecting the library to Level 1 of the Science Building is existing and was constructed in 1997/98, and that it does not form part of this project. The applicant has provided the City with plans by John Flower Architects to this effect.

The applicant’s comments have been forwarded to the State Heritage Office for their information.

**Policy and Legislative Implications**

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

**Financial Implications**

This determination has some financial implications, to the extent of:

- Council Policy P316 ‘Developer Contribution for Public Art’.

**Strategic Implications**

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2013-2023 which is expressed in the following terms: ***Accommodate the needs of a diverse and growing population.***

**Sustainability Implications**

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme and Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

**Attachments**

**10.3.3 (a):** Development Plans (*Confidential*) .



## 10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

### 10.6.1 Financial Interest Returns - 2014/2015

Location:	City of South Perth
Ward:	N/A
Applicant:	Council
File Ref:	D-15-72389
Date:	13 October 2015
Author:	Sharron Kent, Governance Officer
Reporting Officer:	Phil McQue, Manager Governance and Administration
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

#### Summary

In accordance with the City's Management Practice M676 'Financial Interest Returns', the CEO is to prepare a report on the lodging of Returns for presentation to Council as soon as reasonably practicable after 31 August each year.

#### Officer Recommendation

That the Report on Financial Interest Returns for 2014/2015 be received.

#### Background

Part 5 of the *Local Government Act 1995 (the Act)* requires that Councillors and designated employees (that is, employees who exercise delegated power) to lodge a 'Statement of their Financial Interests' within three months of the commencement of their term or employment respectively (Primary Return) and annually thereafter by or before 31 August each year (Annual Return).

These Returns are held on a *Register of Financial Interests*, which is available for public inspection upon request.

The City's Management Practice M676 'Financial Interest Returns' sets out the process that must be followed in order to comply with the Act, including a requirement to report back to Council.

#### Comment

Annual Returns for the period 1 July 2014 to 30 June 2015 have now been completed in compliance with statutory requirements by all Elected Members and all designated employees (note one employee submitted on 1 September 2015).

Receipt of these Returns has been acknowledged, and the Returns have been placed on the *Register of Financial Interests*.

#### Consultation

Nil.



## 10.6.1 Financial Interest Returns - 2014/2015

### **Policy and Legislative Implications**

The Report records compliance with the statutory requirements governing the lodgement of Financial Interest Returns as required by the *Local Government Act 1995*.

The report is consistent with the City's Management Practice M676 that requires the Chief Executive Officer to prepare a report to Council on the lodging of Returns as soon as practicable after 31 August each year.

### **Financial Implications**

Nil.

### **Strategic Implications**

This report is consistent with the [Strategic Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Plan*”.

### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Reporting on the lodging of Financial Interest Returns contributes to the City's sustainability by promoting effective communication.

### **Attachments**

Nil .

## **I1. APPLICATIONS FOR LEAVE OF ABSENCE**

## **I2. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

## **I3. QUESTIONS FROM MEMBERS**

### **I3.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE**

At the September 2015 Ordinary Council Meeting no questions from Members were taken on notice.

## **I4. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

## **I5. MEETING CLOSED TO PUBLIC**

The Acting Chief Executive Officer advises that there are matters for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the Local Government Act 1995.

### **I5.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

#### **I5.1.1 City of South Perth 2015 Volunteer of the Year Awards**

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2)(c) as it contains information relating to “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.*

## **I6. CLOSURE**

## APPENDIX ONE



### MAYOR'S ACTIVITY REPORT – SEPTEMBER 2015

Date	Activity	Attendee(s)
Wednesday, 30 September	Manning Senior Citizens 32 <sup>nd</sup> AGM	Mayor Sue Doherty
Tuesday, 29 September	Mayor/Acting CEO meeting	Mayor Sue Doherty + Mark Taylor
Saturday, 26 September	Opening ceremony of Viet Nam Pavilion at Perth Royal Show	Mayor Sue Doherty
Friday, 25 September	Rotary meeting MillPoint	Mayor Sue Doherty
Tuesday, 22 September	Council meeting	Mayor Sue Doherty
	Mayor/Acting CEO meeting	Mayor Sue Doherty, Mark Taylor & Vicki Lummer
Sunday, 20 September	Manning Memorial Bowling Club Mid Year Meeting	Mayor Sue Doherty
Saturday, 19 September	Kingdom Light 2015 Asian Food Fair @ Curtin University	Mayor Sue Doherty
Friday, 18 September	Clontarf: Gerard Neesham Cup	Mayor Sue Doherty
	South Perth Primary Interschool carnival	Mayor Sue Doherty
	Councils for Democracy @ City of Subiaco	Mayor Sue Doherty + Phil McQue
Thursday, 17 September	Citizenship ceremony	Mayor Sue Doherty + Cr Kevin Trent
Tuesday, 15 September	September Agenda Briefing	Mayor Sue Doherty
	Mayor/Acting CEO weekly meeting	Mayor Sue Doherty
	Collier Park Village - Annual General Meeting	Mayor Sue Doherty
Monday, 14 September	Special Arts Advisory Group Meeting - Manning Hub Artwork Designs - Artist Concept Presentations	Mayor Sue Doherty

Saturday, 12 September	Manning Tennis Club – Diamond Jubilee Open Day	Mayor Sue Doherty & Crs Sharron Hawkins-Zeeb & Colin Cala
Friday, 11 September	Mayor Meet the Community	Mayor Sue Doherty
Thursday, 10 September	Photo op - Garage Sale Trail - Southern Gazette	Mayor Sue Doherty
	Young Leaders Board: 2nd Unconvention for 2015	Mayor Sue Doherty
Wednesday, 9 September	UnitingCare West Annual Public Meeting	Mayor Sue Doherty
	Mayor /Acting CEO meeting	Mayor Sue Doherty + Mark Taylor
	Photo Op - Southern Gazette - South Perth Lawn Tennis Club	Mayor Sue Doherty
Tuesday, 8 September	Briefing - Addresses in River Way & Review of Amendment No.46 Workshop	Mayor Sue Doherty
	Fathers' Day lunch – South Perth Senior Citizens Centre	Mayor Sue Doherty
	Meeting Michael De Marte – Mends Street	Mayor Sue Doherty
	Soroptimist International Fundraising Breakfast	Mayor Sue Doherty
Monday, 7 September	Meeting residents re: Amendment 46	Mayor Sue Doherty
	Update on Greater Curtin Plans	Mayor Sue Doherty
	Community Collections Launch - RPGC on Picture South Perth	Mayor Sue Doherty
Friday, 4 September	ABC Radio - The Last Laugh	Mayor Sue Doherty
	Directions Hearing - Prestige Homes WA v Metro CJDAP : 10-12 First Avenue Kensington	Mayor Sue Doherty
Thursday 3 September	Clontarf to Curtin Regatta community event	Mayor Sue Doherty
	Panellist on Property Council of Australia - South Perth Development forum	Mayor Sue Doherty + Vicki Lummer
Wednesday, 2 September	Mayor/Acting CEO meeting	Mayor Sue Doherty & Mark Taylor
	Manning Seniors 32 <sup>nd</sup> Anniversary	Mayor Sue Doherty
	Penrhos College meeting with Principal	Mayor Sue Doherty
Tuesday, 1 September	Ernest Johnson Oval Master-Plan update	Mayor Sue Doherty
	CfP: Perth & Peel @ 3.5 Million - What's the State Government's Long Term plan for Perth?	Mayor Sue Doherty + Cr Kevin Trent

## COUNCIL REPRESENTATIVES' ACTIVITY REPORT

Date	Activity	Attendee(s)
Friday, 18 September	SUEZ Seminar on Energy waste	Cr Fiona Reid
Friday, 18 September	Curtin Commercial Innovation Awards 2015	Cr Kevin Trent