


MINUTES

Ordinary Council Meeting

10 December 2013

To: The Mayor and Councillors

Here within are the minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 10 December 2013.



VICKI LUMMER
ACTING CHIEF EXECUTIVE OFFICER
13 December 2013

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 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Please note that the December Ordinary Council Meeting will be held on the second Tuesday of the month, 10 December 2013.

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 council and its committees' meetings available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km² 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/

Contents

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	6
2. DISCLAIMER	6
3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
3.1 CHRISTMAS CHEER	6
3.2 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES	6
3.3 PUBLIC QUESTION TIME FORM	6
3.4 AUDIO RECORDING OF COUNCIL MEETING	6
4. ATTENDANCE	7
4.1 APOLOGIES	7
4.2 APPROVED LEAVE OF ABSENCE	7
5. DECLARATION OF INTEREST	7
6. PUBLIC QUESTION TIME	8
6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
6.2 PUBLIC QUESTION TIME: 10 DECEMBER 2013	8
7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	8
7.1 MINUTES	8
7.1.1 Ordinary Council Meeting Held: 26 November 2013	8
7.2 BRIEFINGS	9
7.2.1 Agenda Briefing – Ordinary Council Meeting – 19 November 2013	9
7.2.2 Concept Briefing – Amendment No. 44 to the Town Planning Scheme No. 6 – 12 November 2013	9
7.2.3 Concept Briefing – Financial and Impartiality Interests – 18 November 2013	9
7.2.4 Concept Briefing – Collier Park Golf Course Leasing Arrangements – 18 November 2013 (<i>Confidential</i>)	9
8. PRESENTATIONS	10
8.1 PETITIONS	10
8.2 PRESENTATIONS	10
8.2.1 Urban Development Institute of Australia (Western Australian Division) Incorporated - Membership Certificate	10
8.2.2 Planning Institute Australian (Western Australian Division) 2013 Awards for planning excellence.	10
8.2.3 Certificate of Appreciation – Southside Penrhos Wesley Swimming Club	10
8.3 DEPUTATIONS	10

8.4	COUNCIL DELEGATES REPORTS	10
8.5	CONFERENCE DELEGATES REPORTS	10
9.	METHOD OF DEALING WITH AGENDA BUSINESS	11
10.	R E P O R T S	12
10.0	MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS	12
10.0.1	Tender for Provision of Property Advice and Real Estate Services, Civic Triangle, South Perth	12
10.1	STRATEGIC DIRECTION 1: COMMUNITY	16
10.1.1	Lord Mayor's Distress Relief Fund Donation	16
10.2	STRATEGIC DIRECTION 2: ENVIRONMENT	19
10.2.1	Jan Doo Park Playground and Water Fountain	19
10.3	STRATEGIC DIRECTION 3: HOUSING AND LAND USES	25
10.3.1	Proposed Amendment No. 44 to Town Planning Scheme No. 6: Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point from Private Institution R20 to Residential R25	25
10.3.2	Proposed Additions to Grouped Dwelling - Lot 2 (No. 75) River Way, Salter Point.	33
10.3.3	Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.	38
10.3.4	Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.	60
10.3.5	Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)	72
10.3.6	Karawara Public Open Space (POS) Masterplan and Collaborative Action Plan (CAP)	88
10.3.7	Submission on the Draft State Aviation Strategy	93
10.4	STRATEGIC DIRECTION 4: PLACES	95
10.5	STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT	95
10.6	STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT	96
10.6.1	Metropolitan Local Government Reform	96
10.6.2	Policy P669 Training and Development	101
10.6.3	New Policy – P680 Electronic Agendas	104
10.7	MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE	106
11.	APPLICATIONS FOR LEAVE OF ABSENCE	107
11.1	REQUEST FOR LEAVE OF ABSENCE – CR LAWRANCE	107
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	107
13.	QUESTIONS FROM MEMBERS	107
13.1.	RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	107

13.2	QUESTIONS FROM MEMBERS	107
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	107
14.1	SOUTH PERTH FORESHORE 2013 AND BEYOND	107
15.	MEETING CLOSED TO PUBLIC	108
15.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	108
15.1.1	Premier's Australia Day Active Citizenship Award – Nominations (<i>Confidential</i>)	108
15.2	PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC	108
15.2.1	Premier's Australia Day Active Citizenship Award – Nominations (<i>Confidential</i>)	108
16.	CLOSURE	108
17.	RECORD OF VOTING	110
	Appendix 1 – Public Question Time 10 December 2013	113
	Appendix 2 – Questions from Members 10 December 2013	116

Ordinary Council Meeting Minutes

Minutes of the Ordinary Meeting of the City of South Perth Council held in the Council Chambers, Sandgate Street, South Perth, Tuesday 10 December 2013.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7:00pm and welcomed everyone in attendance. She acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

2. DISCLAIMER

The Mayor read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 CHRISTMAS CHEER

The Mayor advised that the Council would be having drinks and nibbles following the Council meeting and invited members of the gallery to join them.

3.2 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Mayor advised that the Mayor and Council Representatives Activities Reports for the month of November 2013 are attached to the back of the agenda.

3.3 PUBLIC QUESTION TIME FORM

The Mayor advised the public gallery that Public Question Time forms were available in the foyer and on the website for anyone wanting to submit a written question. She referred to clause 6.7 of the Standing Orders Local Law 'procedures for question time' and state that it is preferable that questions are received in advance of the Council Meetings in order for the Administration to have time to prepare responses.

3.4 AUDIO RECORDING OF COUNCIL MEETING

The Mayor requested that all mobile phones be turned off. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 which states: "A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member" and stated that as Presiding Member she gave permission for the Administration to record proceedings of the Council meeting.

4. ATTENDANCE

Mayor Doherty (Chair)

Councillors

G Cridland	Como Ward
S Hawkins-Zeeb	Manning Ward (from 7:05pm)
C Cala	Manning Ward
C Irons	Mill Point Ward (left at 9:20pm)
M Huston	Mill Point Ward
F Reid	Moresby Ward
K Trent, OAM, RFD, JP	Moresby Ward

Officers

V Lummer	Acting Chief Executive Officer
M Kent	Director Financial and Information Services
M Taylor	Acting Director Infrastructure Services
P McQue	Manager Governance and Administration
D Gray	Manager Financial Services
R Bercov	Strategic Urban Planning Advisor
G Nieuwendyk	Corporate Support Officer
A Albrecht	Governance Officer

Gallery

There were 45 members of the public and 1 member of the press present.

4.1 APOLOGIES

V Lawrance, JP	Como Ward
C Frewing	Chief Executive Officer

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATION 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 Chairperson any potential conflict of interest they have in a matter on the Council Agenda.

The Mayor advised that a declaration of impartiality interest had been received from Councillor Huston for Item 10.3.5.

The Mayor advised in accordance with Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 10.3.5 was discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

No public questions were taken on notice at the 26 November 2013 Ordinary Council Meeting.

6.2 PUBLIC QUESTION TIME: 10 DECEMBER 2013

The Mayor stated that public question time is operated in accordance with *Government Act* regulations. She said that questions are to be in writing and questions received prior to this meeting will be answered tonight, if possible or alternatively may be taken on notice. Questions received in advance of the meeting will be dealt with first, on a rotational basis, long questions will be paraphrased and same or similar questions asked at previous meetings will not be responded to.

The Mayor reminded the public gallery that she was available to meet with members of the community on the first Friday of each month in the Library Function Room. The next meeting day is Friday 3 January 2014, 10am – 12pm. The Mayor advised that she would not be able to attend this meeting, but that Deputy Mayor Cridland would attend in her place.

The Mayor then opened Public Question Time at 7:05 pm.

Motion to Suspend Standing Orders

Moved: Councillor Huston

That Standing Orders be suspended to allow people in the gallery to ask questions in their own voice.

This motion lapsed for want of a seconder.

A table of public questions and the responses given can be found in **Appendix I**.

The Mayor closed Public Question Time at 7:15pm.

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: 26 November 2013

Recommendation and COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Irons

That the Minutes of the Ordinary Council Meeting held 26 November 2013 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

7.2 BRIEFINGS

The following Briefings which have taken place since the last Ordinary Council meeting, are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 Agenda Briefing – Ordinary Council Meeting – 19 November 2013

Officers of the City presented background information and answered questions on items identified from the November 2013 Council Agenda. Notes from the Agenda Briefing are included as **Attachment 7.2.1**.

7.2.2 Concept Briefing – Amendment No. 44 to the Town Planning Scheme No. 6 – 12 November 2013

Graeme Morris and Mark Szabo (the Applicant) provided information and answered questions regarding the proposed rezoning of the land fronting onto Redmond Street and Roebuck Drive, Salter Point (Manning Ward), on the north-eastern corner of the Aquinas College site, from Private Institution with R20 density coding to Residential with R25 density coding (Amendment No. 44 to the Town Planning Scheme). Notes from this concept briefing are included as **Attachment 7.2.2**.

7.2.3 Concept Briefing – Financial and Impartiality Interests – 18 November 2013

Neil Douglas, from McLeod's Layers, provided information and answered questions regarding Financial and Impartiality Interests. Notes from this concept briefing are included as **Attachment 7.2.3**.

7.2.4 Concept Briefing – Collier Park Golf Course Leasing Arrangements – 18 November 2013 (*Confidential*)

Officers of the City provided information and answered questions regarding the Collier Park Golf Course leasing arrangements. Notes from this concept briefing are included as **Attachment 7.2.4**.

Recommendation and COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Trent

That the attached notes under items 7.2.1 and 7.2.4 on Council Briefings be noted.

CARRIED (8/0)

8. PRESENTATIONS

8.1 PETITIONS

A formal process where members of the community present a written request to Council.

Nil.

8.2 PRESENTATIONS

Occasions where Awards/Gifts may be Accepted by Council on behalf of Community.

8.2.1 Urban Development Institute of Australia (Western Australian Division) Incorporated - Membership Certificate

The City of South Perth has been admitted as a Member of the Urban Development Institute of Australia (Western Australian Division) Incorporated.

8.2.2 Planning Institute Australian (Western Australian Division) 2013 Awards for planning excellence.

The City of South Perth, in conjunction with the UDLA and CoDesign Studio, has been awarded a Planning Institute Australia 2013 Award for planning excellence for its Karawara POS Masterplan and Collaborative Action Plan. The award is in the category of Public Engagement and Community Planning and the win means that the Project will now be considered for a national award in March 2014.

8.2.3 Certificate of Appreciation – Southside Penrhos Wesley Swimming Club

The City of South Perth has received a Certificate of Appreciation from the Southside Penrhos Wesley Swimming Club for our support of the 2013 Schools Challenge Swim Meet held at Wesley College for local school children.

8.3 DEPUTATIONS

A formal process where members of the community may, with prior permission, address Council on Agenda items where they have a direct interest.

Deputations were heard at the Council Agenda Briefing held 3 December 2013.

8.4 COUNCIL DELEGATES REPORTS

Nil.

8.5 CONFERENCE DELEGATES REPORTS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Acting Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 3 December 2013.

The Acting Chief Executive Officer confirmed that this was correct, but noted that for Item 10.6.2, the Attachment (Policy P669) had been revised following the Agenda Briefing. The final version of the revised Policy was circulated to Councillors on Friday 6 December 2013 and made available on the City's website.

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.2.1	Amended Motion Councillor Cridland
Item 10.3.1	Amended Motion Councillor Cala
Item 10.3.2	Withdrawn for discussion by Councillor Huston
Item 10.3.3	Alternative Motion Councillor Trent
Item 10.3.4	Amended Motion Councillor Cridland
Item 10.3.5	Declaration of Interest Councillor Huston
Item 10.6.1	Local Implementation Committee Nominations - Ballot
Item 10.6.2	Amended Motion Councillor Reid
Item 10.6.3	Withdrawn for discussion by Councillor Huston

COUNCIL DECISION - EN BLOC RESOLUTION

Moved: Councillor Trent

Seconded: Councillor Hawkins-Zeeb

That with the exception of withdrawn items 10.2.1, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.6.1, 10.6.2 and 10.6.3 the officer recommendations in relation to agenda items 10.0.1, 10.1.1, 10.3.6, and 10.3.7 be carried en bloc.

CARRIED (8/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Tender for Provision of Property Advice and Real Estate Services, Civic Triangle, South Perth

Location: City of South Perth
Applicant: Council
Date: 3 December 2013
Author: Phil McQue, Manager Governance & Administration
Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report notes the outcome of the tender evaluation for the provision of property advice and real estate services in relation to the proposed disposal of the Civic Triangle in South Perth and recommends the engagement of Jones Lang LaSalle.

Officer Recommendation and COUNCIL DECISION

That the Council:

- a) Note the outcomes of the tender evaluation for the provision of property advice and real estate services in relation to the disposal of the Civic Triangle;
- b) Engage Jones Lang LaSalle to provide property advice and real estate services in relation to the disposal of the Civic Triangle as per their tender documentation and fee structure of \$230,085.65.

CARRIED EN BLOC RESOLUTION

Background

The South Perth Civic Triangle is a Council owned 7133 square metre site comprising nine separate lots bounded by Mends Street, Labouchere Road and Mill Point Road (excluding the Australia Post site). The City commenced strategically acquiring the lots in 1986 with the longer term objective and vision to facilitate and enable a vibrant mixed use 'civic heart' development that incorporates retail, residential, commercial and public open space on this strategic landmark location.



The Civic Triangle redevelopment is a significant metropolitan project. The preliminary development proposals developed by the City's architects indicate that the highest and best use (inclusive of significant public open space) would involve construction / development costs of approximately \$175M comprising a twenty storey building, approximately 140 apartments, 11,000 sqm of commercial area and 2,500sqm of public open space.

The Council previously called tenders in October 2012 for the provision of specialist property management advice, marketing and real estate services. Six tenders were received and presented to Council in December 2012, where it resolved to undertake further financial analysis.

Two further Councillor workshops were held in early 2013 with Garmony Property Consultants to assess and review the confidential valuations and subdivision scenarios (one, two or three subdivision lots), based on the "hypothetical development method" for market valuations, leasehold valuations (99 year) and ground rental valuations (99 year).

The Council then resolved in May 2013 to adopt the Business Plan for the disposal of the Civic Triangle for community consultation. This Business Plan was advertised state-wide for a period in excess of six weeks closing 25 July 2013, and included an overall assessment of the major land transaction, its effect on the provision of services and facilities by the City, its expected financial effect on the City and the ability of the City to undertake the transaction. There were no submissions received during this period.

In August 2013, the Council resolved to note the outcome of the Business Plan community consultation, and due to the time that had elapsed, decline all tenders received in 2012 and call tenders, with a further report to be submitted to Council for consideration in November 2013.

Tenders were advertised state-wide on 31 August 2013 closing 25 October 2013 for the engagement of a firm to undertake the following scope of works:

- Provision of property advice in respect to the disposal of the Civic Triangle
- Provision of marketing and real estate services for the disposal of the Civic Triangle

There were fourteen tenders received, inclusive of a standard and alternative tender from one tenderer. The Tender Panel, comprising the Chief Executive Officer, Director Finance and Information Services and Manager Governance and Administration assessed the tenders against the criteria that reflected the critical elements of the project, being demonstrated skills and experience, demonstrated understanding of the scope of works and the fee structure.

The quality of a number of tenders was extremely high on this occasion, with a number of multi-national property consultants submitting outstanding tenders. The Tender Panel's evaluation concluded that three multi-national property consultants in particular demonstrated extremely strong skills, experience and understanding of the requirements and outcomes of this tender. In particular, these three multi-national firms had proven successful experience in managing projects of this large scale and access to an international network of renowned proper developer clients, with a particular emphasis on South East Asia.

The Council resolved in November 2013 to invite Knight Frank, Colliers International and Jones Lang LaSalle to present to a Council workshop in December

2013 with a further report to be submitted to Council in relation to the appointment of a preferred tenderer.

Comment

Knight Frank, Colliers International and Jones Lang LaSalle were all invited to make a presentation to a Council workshop on 2 December 2013 on the following:

- organisational capacity to deliver;
- proposed methodology for undertaking this sale;
- the opportunity the Civic Triangle represents;
- examples and details of recent successful sales;
- an outline of the skills and experience of key personnel;
- an understanding of potential state, national and international target buyers

All three firms demonstrated a strong understanding of the City’s requirement for an iconic world class development whilst also maximising the financial return to Council, however Jones Lang LaSalle was identified as the strongest presentation by the workshop attendees.

Jones Lang LaSalle in particular demonstrated a thorough understanding of the context of this property and provided a comprehensive process and methodology to ensure that the built design outcome will satisfy the Council whilst also maximising the financial return to Council. Jones Lang LaSalle have proposed to work with the City to ensure specific conditions of sale are established prior to the Civic Triangle being marketed.

Jones Lang La Salle also demonstrated a strong understanding of the City’s probity and due diligence requirements, particularly in relation to the preparation of the contract documentation prior to marketing the Civic Triangle.

Jones Lang La Salle have had extensive experience in disposing of Perth properties in excess of \$20M and have a strong network of local, national and international buyers. The City is extremely confident that the appointment of Jones Lang LaSalle would allow the Council to achieve its objective of receiving the maximum possible revenue for this sale whilst ensuring that a high quality property developer is appointed that would facilitate a strategic landmark development being constructed in our ‘civic heart’.

Jones Lang LaSalle Methodology



- | | | | |
|------------------|-----------------|-----------------------------|---------------------|
| ➤ Maximise Price | ➤ Contract | ➤ Direct Targeting | ➤ Assess Bids |
| ➤ Design Outcome | ➤ Due Diligence | ➤ Marketing Collateral | ➤ Short List |
| ➤ Certainty | ➤ Marketing | ➤ Weekly Reporting | ➤ Recommendations |
| ➤ Timing | | ➤ National / Global Network | ➤ Finalise Contract |

It is anticipated that this process would commence with the engagement of Jones Lang LaSalle in December 2013, with contract, feasibility analysis and due diligence to occur in early 2014 followed by extensive marketing of the Civic Triangle, with the final negotiations and contract to be concluded by June 2014.

Consultation

The disposal of the Civic Triangle has been the subject of several Council workshops and reports to Council over a number of years, including recent Council workshops in January and April 2013 and reports to Council in May, August and November 2013.

A further Council workshop was held on 2 December 2013 and was the subject of presentations from Colliers International, Knight Frank and Jones Lang LaSalle.

The City consulted state-wide on the Business Plan for the disposal of the Civic Triangle during June and July 2013, with no submissions received during this consultation period.

Policy and Legislative Implications

The Council has complied with s3.59 *Commercial Enterprises, Local Government Act 1995* by preparing and advertising the Business Plan state-wide for the purposes of community consultation in excess of six weeks.

Part 4 Provision of Good and Services in the *Local Government (Functions and General) Regulations 1996* prescribe the requirements in relation to tenders.

Financial Implications

The Council has budgeted for \$16.5M gross revenue in the long term financial plan for the proposed disposition of the Civic Triangle. The Civic Triangle disposal proceeds are inextricably linked to funding other identified Council strategic priorities such as the Manning Community Hub, EJ Oval redevelopment and GLBC expansion. There is financial risk in further deferring or abstaining from disposing of the site as a number of the City's major projects are premised on the impending disposal of the Civic Triangle.

Strategic Implications

The proposed disposition of the Civic Triangle is in alignment with the City's:

- [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 Community Plan*”.
- Corporate Plan 2013-2017, Strategic Initiative 4.5.1 – “*Progress and finalise the disposal of the Civic Triangle Land*”.
- Long Term Financial Plan.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#) and is part of the City's strategic management of its property portfolio.

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Lord Mayor's Distress Relief Fund Donation

Location:	City of South Perth
Ward:	Not applicable
Applicant:	Council
Date:	22 November 2013
Author:	Amanda Albrecht
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report seeks Council agreement for the City to donate \$5000 to the Lord Mayor's Distress Relief Fund. This Fund provides permanent and supplementary funds for the alleviation and relief of distress, suffering and hardships, brought about by any disaster or emergency that has been declared by the Western Australian Government through the State Emergency Service.

Officer Recommendation and COUNCIL DECISION

That an amount of \$5,000 be donated to the Lord Mayor's Distress Relief Fund for 2013.

CARRIED EN BLOC RESOLUTION

Background

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief of personal hardship and distress arising from natural disasters occurring within Western Australia. The Fund is designated by the State Government as the official body through which all State Emergency appeals are conducted. The fund is also a registered charitable body and holds approval from the Australian Taxation Office for tax deductibility of contributions.

Appeals administered by the Fund raise money to assist those suffering hardship as well as helping residents repair their properties and restore normal living conditions. Communities across the State, interstate and overseas have been assisted by the Fund when facing adversity resulting from such natural disasters as floods, bushfires and cyclones. Examples of relief appeals include:

- WA Bali Casualties Appeal (2002/2003)
- Tenterden Fires (2003)
- Australia Day Tsunami Collection (2005)
- Dwellingup Fires (2007)
- Toodyay Fire (2009)
- Gascoyne and Mid-West Floods (2010)
- Lake Clifton Fire Collection (2011)
- Perth Hills Fires Appeal (2011)
- Margaret River Fire Appeal (2011)

The Fund provides permanent and supplementary funds for the alleviation and relief of distress, suffering and hardships, brought about by any disaster or emergency that has been declared by the Western Australian Government through the State Emergency Service. The Lord Mayor's Distress Relief Fund can offer immediate financial assistance and advice in the event of such a disaster.

10.1.1 Lord Mayor's Distress Relief Fund Donation

Since 1996, the Fund has distributed in excess of \$11.7 million to over 1300 applicants. Public appeals for donations are not always launched owing to the small impact a disaster may have on the wider community. In these instances, the Fund provides support from its financial reserves with examples being the 2002 Gingin Fires and the 2004 Dumbleyung Fires.

All donations are fully accounted for. All Board Members are volunteers and the administrative support is provided free of charge by the City of Perth. The Board of the Fund comprises:

- The Lord Mayor, Lisa Scaffidi, Chairman
- Gary Stevenson, PSM, Honorary Secretary
- Robert Mianich, Honorary Treasurer
- Rob Gillam
- Noelene Jennings
- Troy Pickard
- Rob Rowell
- Jennifer Smith
- Ian Taylor
- Michael Wallwork

Comment

In the past, the City has provided support for the Lord Mayor's Distress Relief Fund, making the following donations to the Fund:

- \$5,000 - General donation (2006)
- \$5,000 - General donation (2008)
- \$5,000 - Toodyay Bushfire (2009)
- \$5,000 - Perth Hills Fire Appeal (2011)

The City has also provided support, separately to the Lord Mayor's Distress Relief Fund, for other specific disastrous events such as:

- \$5,000 - Haiti Earthquake Red Cross Appeal (2010)
- \$5,000 - Queensland Flood Appeal (2010)
- \$5,000 - Christchurch Earthquake Red Cross Appeal (2011)
- \$5,000 - Australian Red Cross Japan and Pacific Disaster Appeal (2011)

A one-off payment, as recommended in this report, will enable ongoing individual requests for relief funding received by the City throughout the year to be directed to the Mayor's Distress Relief Fund to be assessed at the discretion of their Board. This will avoid the need for Council to individually assess the merits of each particular event /donation request while ensuring the City is responding to community needs as a result of natural disasters. The City, at its discretion may choose to consider additional requests for funding from any organisation at any time.

Consultation

The City has received this request for funds along with related information from the City of Perth.

Policy and Legislative Implications

Nil. However, payments in relation to donations to the Lord Mayor's Distress Relief Fund are regularly made.

10.1.1 Lord Mayor's Distress Relief Fund Donation

Financial Implications

The \$5,000 can be accommodated within the current budget.

Strategic Implications

This report is consistent with the [Strategic Plan 2013–2023](#), Direction 1 – Community “*Create opportunities for an inclusive, connected, active and safe community*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). Participating in significant and established funding programs rather than responding to individual applications of this type on an ad hoc basis reduces duplication of assessment leading to greater organisational effectiveness while ensuring the City is responsive to community needs at times of crisis.

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 Jan Doo Park Playground and Water Fountain

Location: City of South Perth
Ward: Como Ward
Applicant: Council
Date: 22 November 2013
Author: Geoff Colgan, Acting Manager City Environment
Reporting Officer: Mark Taylor, Acting Director Infrastructure Services

Summary

Jan Doo Park is a small reserve located within the Mount Henry Estate in Salter Point. Council has requested the City provide information to enable it to determine the priorities for re-establishing a water fountain, which was turned off for water conservation reasons, and constructing a shade structure over the playground in the Park.

Officer Recommendation

Moved: Councillor Trent

Seconded: Councillor Irons

That

- (a) The water fountain in Jan Doo Park remain turned off, but the fountain be better conserved as a significant piece of public artwork;
- (b) No action be taken to provide a shade structure over the playground within Jan Doo Park, until the scheduled replacement of the playground equipment, where a suitable shade solution can be constructed; and
- (c) Consideration be given to prioritising the replacement of the playground equipment in Jan Doo Park, including a shade structure, against other playground priorities, within the Infrastructure Five Year Forward Works program.

Amended Motion

Moved: Councillor Cridland

Seconded: Councillor Hawkins-Zeeb

That:

- (a) The water fountain in Jan Doo Park ~~remain be~~ turned ~~off-on, but~~ and the fountain be ~~better~~ conserved as a significant piece of public artwork;
- (b) ~~No a~~Action be taken to provide a shade structure over the playground with Jan Doo Park ~~as soon as reasonably practical and not later than November 2014, until the scheduled replacement of the playground equipment, where a suitable shade solution can be constructed; and~~
- (c) ~~Consideration be given to prioritising the replacement of the playground equipment in Jan Doo Park, including a shade structure, against other playground priorities, within the Infrastructure Five Year Forward Works program.~~

CARRIED (8/0)

Point of Order

Councillor Huston noted that the proposed amendment changed the intent of the original motion, and should therefore be considered as an alternative motion.

The Presiding Member accepted the validity of this comment, but determined that the amended motion should proceed, given the motion had already been moved and seconded.

Reasons for change

The Jan Doo Park was designed as a central park - surrounded on all sides by houses and as a focus for the local community with artwork, a fountain, trees, a pergola and a playground.

The Park was constructed in the 1990s and is very popular and well-utilised by the local Mount Henry / Salter Point community.

The playground material is faded from sun exposure but appears in good working order.

There does not appear to be any pressing need to replace the current playground equipment by reason of it being broken or unsafe and there is no specific date planned or scheduled for its replacement.

The pergola provides shade for adults to watch to the children play in the playground.

The playground is unshaded with very little surrounding vegetation of any height.

Australia has the highest rates of skin cancer in the world. Skin cancer is directly related to sun exposure with early childhood being the most important age group to protect from skin damage and over exposure.

Children will not stay off a playground simply because it is in the sun.

The children do not recognise the risks of lengthy sun exposure especially in summer when the potential for sun damage is greatest.

The local community have recognised the need for adequate sun protection for the children and have asked the City to provide a sunshade.

For approximately \$27,000 a sunshade design providing adequate sun protection can be built for children playing in the playground.

The water feature at the entrance to the park was the highlight of the park. It provided a refreshing and relaxing serenity to the atmosphere of the park. It was surrounded by large trees – both protected from wind and shaded.

The fountain pool was designed to be a fountain and has been unsightly and a mosquito breeding area since it was turned off.

Turning the fountain back on will increase the City's water usage and have a carbon foot print from the use of electricity.

Water usage would have to be scheme water as the local bore water will stain the fountain and operationally it is impractical to use a high volume bore pump for a

small pond.

The water usage for the fountain can be estimated from the following simple formula:-

Area of the pond x (evaporation rate minus rainfall).

The area of the pond is $(\text{Pi} \times \text{radius of pond}) - (\text{Pi} \times \text{radius of central plinth}) = (3.14 \times 1.2^2) - (3.14 \times .35^2) = 4.52 - .38 = 4.14 \text{ m}^2$.

The annual evaporation rate for Perth is 1.80 m per year approximately. A shaded evaporation pan protected from the wind has a lower evaporation rate.

The annual rainfall for Perth is .85 m per year.

Thus the estimated annual water budget for the fountain would be $4.14 \text{ m}^2 \times .95 \text{ m} = 3.93 \text{ m}^3$ or 3900 litres.

Please note: *It is not the normal practice for the meeting minutes to record the reasons for amendments, but given that this amendment changed the intent of the Officer recommendation, the reasons for this change have been recorded.*

COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Irons

That:

- (a) The water fountain in Jan Doo Park be turned on and the fountain be conserved as a significant piece of public artwork;
- (b) Action be taken to provide a shade structure over the playground with Jan Doo Park as soon as reasonably practical and not later than November 2014.

CARRIED (8/0)

Background

Jan Doo Park is a small local park in the Mt Henry Estate in Salter Point. It was originally developed by Landcorp in the late 1990's as part of the development of the old Mount Henry Hospital site. The park consists of a playground, a gazebo, an open turfed area and a local indigenous designed water fountain with seating.

At the October 2013 Council meeting Council moved the following with respect to Jan Doo Park.

The City provide a report to the Council by no later than the December 2013 Ordinary Council Meeting on the following matters:

- a) *Indicative cost (in \$) of repair of the fountains in Jan Doo Park so the fountains again function;*
- b) *Estimated water usage / loss from operating Jan Doo Park fountains;*
- c) *Possibility and indicative cost (in \$) of using non-scheme (e.g. bore water) for the fountains;*
- d) *Alternative treatments and cost of rehabilitation of Jan Doo Park fountain areas; and*
- e) *Indicative cost (in \$) of placing a summer sunshade over the children's playground in Jan Doo Park.*

Comment

The City has been working with residents living in the vicinity of Jan Doo Park in Salter Point for a number of years to improve the maintenance standard of the Park. There have been noticeable improvements made to the standard of maintenance, including the quality of turf and the replacement of vandalised and stolen items. There remain several issues that the City and the residents have not been able to agree to resolve, two are mentioned in the resolution of Council, which forms the basis of this report.

Fountain

The fountain is part of the City's public art collection because it was designed by local Aboriginal artist, Toogarr (Jerry) Morrison. The fountain represents a Noongar dreaming story and is therefore a significant public art asset to the City.

The fountain uses scheme water and was turned off by the City as part of the program to reduce reliance on scheme water in response to commitments made in the Water Campaign and subsequent Council adoption of a Water Action Plan in June 2009. The fountain is in a local park visited by relatively few people, so to operate a fountain on scheme water in a drying climate was considered extravagant.

In response to the motion and subsequent resolution of Council, the following points are made:

- The fountain does not require repair. It has been switched off, as discussed earlier in this report;
- The volume of water required to fill the feature is approximately 750 litres;
- The amount of scheme water used by the fountain (including evaporation) per annum is approximately 18,000 litres;
- The estimated annual cost to fill and maintain the water level is \$40;
- The estimated annual cost to run the fountain pump is approximately \$1,500;
- The estimated annual cost to maintain the fountain is approximately \$5,200.
- The suggested alternative of using groundwater (from the Park bore) to operate the fountain is not suitable as it would require the pump to run continuously just to operate the fountain. The pump delivers 11 litres per second, far in excess of the requirement of the fountain, so there is also the problem of what to do with the additional water;
- The City is allocated a certain amount of groundwater to use by the Department of Water and the allocation is already fully committed;
- The local ground water contains iron bacteria, which produces a stain that could affect the amenity and operation of the fountain.

In conclusion, the City's recommendation is for the fountain to remain switched off. The City will ensure that the fountain is kept clean and properly conserved so it continues to serve the purpose as a significant piece of public artwork.

Shade sail over the playground

The City has 44 playgrounds, but only 19 of these have shade sails in place. No new shade sail projects have been approved since 2006 due to the considerable expense to install and maintain these structures. The City is allocated limited budgets to maintain and replace playgrounds and to include shade sails with playgrounds, particularly those located in local parks, has not been considered cost effective in view of budget constraints.

The Jan Doo Park playground is surrounded by mature trees which offer limited shade over the playground, mainly during the morning and afternoon, however not

10.2.1 Jan Doo Park Playground and Water Fountain

during the hottest part of the day. There is a gazebo adjacent the playground which offers shaded seating.

The playground is approximately 1m below ground level which means installing a shade structure over it presents a design problem with the positioning of the support poles. Two designs have been prepared (**Confidential Attachment 10.2.1 (a)** refers). The first and preferred design (A) with poles at ground level is more expensive at \$27k (**Confidential Attachment 10.2.1 (b)** refers), but provides more adequate shade. The second design (B) with poles at playground height is cheaper (approximately \$15k) but does not provide effective shade and is not considered to be suitable.

There are two options the City believes Council should consider.

1. Install a shade structure (Design A) over the existing playground;
2. Wait until the playground is scheduled for replacement (programmed to occur within five years).

A replacement playground project would involve removing the existing structure, refurbishing the site and installing a new playground and if resolved by Council, a shade structure. A current estimate for this project would be \$60,000. To install a shade sail prior to upgrading the playground could limit the type and size of the play equipment to be installed.

To that end, it is recommended that no action be taken to install a shade structure over the playground within Jan Doo Park until a replacement playground is constructed. The City will investigate prioritising the replacement of the playground and construction of a shade structure against other playground priorities within the Infrastructure Five Year Forward Works program.

Consultation

Nil.

Policy and Legislative Implications

The Water Action Plan (2009) represents the City's commitment to improve water management for both the City and its residents and ratepayers. The Water Action Plan has been driven by the City's commitment to two programs, the International Council for Local Environmental Initiatives (ICLEI) Water Campaign™ and the State Water Strategy (2003).

The Water Action Plan outlines the City's position regarding water management and focuses on water management in the four areas including:

1. Corporate Water Conservation;
2. Community Water Conservation;
3. Corporate Water Quality; and
4. Community Water Quality.

The Water Action Plan also identifies the City's four water management target goals and sets out a project pathway for the City to achieve these goals by 2012.

The City of South Perth's corporate water conservation goal is to reduce corporate scheme water consumption by 40% below 2002/2003 levels by 2010 and achieve a further 10% reduction by 2012. Overall, this will result in a 50% reduction in scheme water consumption from 2002/2003 levels by 2012.

10.2.1 Jan Doo Park Playground and Water Fountain

Policy P209 Shade Structures states as follows:

The City will ensure that whenever planning for any new community facility (including play equipment, skate parks and picnic areas) the City will endeavour to ensure that the provision of shade is considered.

In line with the City's Policy P205 Tree Preservation, the City will retain and enhance the use of natural shade wherever possible.

The design and construction of new shade structures:

- *Will be in accordance with building regulations and relevant Australian Standards;*
- *Will meet relevant safety guidelines;*
- *Should be cost effective;*
- *Will comply with UVR protection guidelines;*
- *Should be relevant to users of the facility; and*
- *Should use materials sympathetic to, and consistent with, the surrounding area.*

The City will consider using temporary protective shade structures for events and where required, during the growth stage of natural vegetation.

The City will conduct regular shade audits of its community facilities. The results will be used to prioritise an ongoing program of shade improvement, in accordance with approved budgets.

Financial Implications

- The estimated cost to maintain an operating fountain in Jan Doo Park as against it not operating is \$3,000;
- The estimated cost to install a shade shelter over the playground in Jan Doo Park is \$27,000.

Strategic Implications

This report is consistent with the [Strategic Plan 2013–2023](#), Direction 2 – Environment and specifically

Objective 2.2 “Foster and promote sustainable water and energy management practices”; and

Objective 2.4 “Improve the amenity of our streetscapes and public open spaces while maximising their environmental benefits”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#), in terms of care management of water use and promoting community health through active play and limiting UV exposure.

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Amendment No. 44 to Town Planning Scheme No. 6: Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point from Private Institution R20 to Residential R25

Location: Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point
Ward: Manning Ward
Applicant: Burgess Design Group / Richard Noble
Owner: Trustees of the Christian Brothers in WA Inc.
File Ref: LP/209/44
Date: 18 November 2013
Author: Cameron Howell, Planning Officer, Development Services
Reporting Officer: Vicki Lummer, Director Development and Community Services

Summary

Amendment No. 44 to Town Planning Scheme No. 6 (TPS6) proposes to rezone land on the north-eastern corner of the Aquinas College site, from Private Institution with R20 density coding to Residential with R25 density coding. A detailed explanation of the proposal is contained in the Amendment Report, provided as Attachment 10.3.1.

It is recommended that the proposed Amendment No. 44 to Town Planning Scheme No. 6 be initiated and the draft Amendment proposals be endorsed to enable them to be advertised for community comment.

Officer Recommendation

Moved: Councillor Trent

Seconded: Councillor Reid

That

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 by:
 - (i) Rezoning the portion of Lot 18 (No. 58) Mount Henry Road, Salter Point, comprising Lot 2 Redmond Street cnr. Roebuck Drive identified on the subdivision plan conditionally approved by the Western Australian Planning Commission on 9 January 2013 (WAPC reference 146811), from 'Private Institution' with R20 density coding to 'Residential' with R25 density coding.
 - (ii) Modifying the Scheme Map (Zoning) for Precinct 13 "Salter Point" accordingly.
- (b) the Report on Amendment No. 44 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising Attachment 10.3.1 be adopted;
- (c) in accordance with section 81 of the Planning and Development Act 2005, Amendment No. 44 be forwarded to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986;
- (d) Amendment No. 44 be forwarded to the Western Australian Planning Commission for information;

Recommendation continued

10.3.1 Proposed Amendment No. 44 to Town Planning Scheme No. 6: Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point from Private Institution R20 to Residential R25

- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 44 be implemented in accordance with the Town Planning Regulations and Council Policy P301 Consultation for Planning Proposals; and
- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 44:

FOOTNOTE: *This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted.*

Amended Motion

Moved: Councillor Cala

Seconded: Councillor Hawkins-Zeeb

That the Officer's recommendation be amended to insert additional, new recommendations (b), (c), and (d)

- (b) a masterplan is to be submitted to the City showing any future subdivision proposals for any other portion of the Aquinas College site or any other significant development or road works that may form part their long term planning;
- (c) advertising of the amendment is not to commence before 28 February 2014;
- (d) advertising period is to be for 60 days;

CARRIED (7/1)

COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Reid

That

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of South Perth Town Planning Scheme No. 6 by:
 - (i) Rezoning the portion of Lot 18 (No. 58) Mount Henry Road, Salter Point, comprising Lot 2 Redmond Street cnr. Roebuck Drive identified on the subdivision plan conditionally approved by the Western Australian Planning Commission on 9 January 2013 (WAPC reference 146811), from 'Private Institution' with R20 density coding to 'Residential' with R25 density coding.
 - (ii) Modifying the Scheme Map (Zoning) for Precinct 13 "Salter Point" accordingly.
- (b) a masterplan is to be submitted to the City showing any future subdivision proposals for any other portion of the Aquinas College site or any other significant development or road works that may form part their long term planning;
- (c) advertising of the amendment is not to commence before 28 February 2014;
- (d) advertising period is to be for 60 days;

COUNCIL DECISION continued

10.3.1 Proposed Amendment No. 44 to Town Planning Scheme No. 6: Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point from Private Institution R20 to Residential R25

- (e) the Report on Amendment No. 44 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising Attachment 10.3.1 be adopted;
- (f) in accordance with section 81 of the Planning and Development Act 2005, Amendment No. 44 be forwarded to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986;
- (g) Amendment No. 44 be forwarded to the Western Australian Planning Commission for information;
- (h) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 44 be implemented in accordance with the Town Planning Regulations and Council Policy P301 Consultation for Planning Proposals; and
- (i) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 44:

FOOTNOTE: *This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted.*

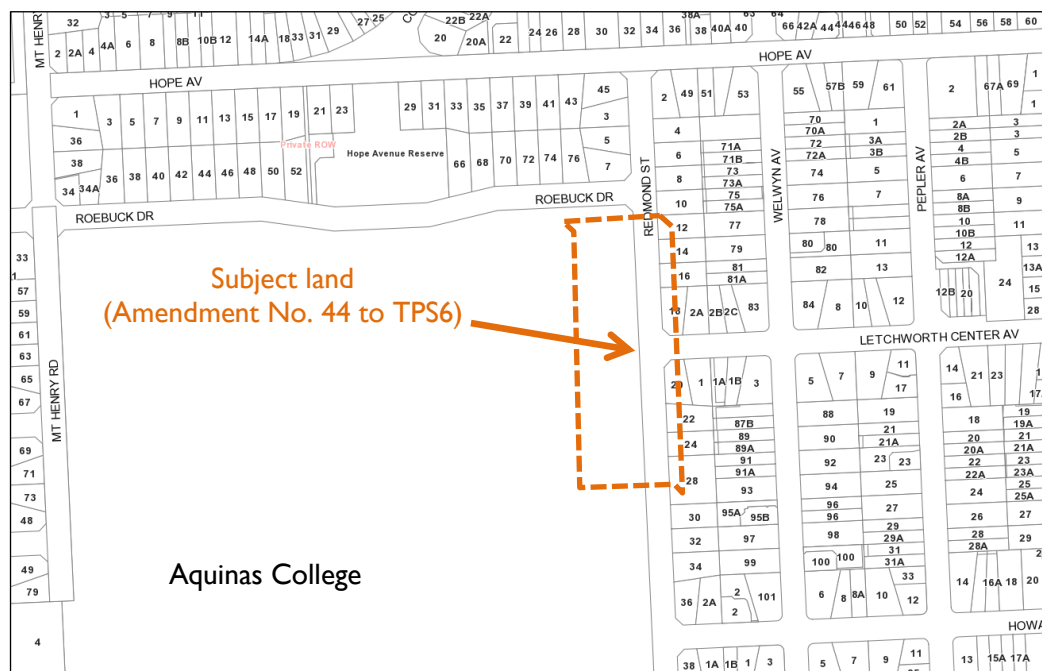
CARRIED (7/1)

Background

The proposed Scheme Amendment was the subject of a Council Members’ briefing by the applicants, held on Tuesday 12 November 2013.

A portion of the Aquinas College site has been identified by the landowner as being surplus to the needs of the college. This portion of land, located on the corner of Redmond Street and Roebuck Drive, is intended to be subdivided from the college for residential development. To facilitate this objective, a Scheme Amendment has been prepared by the applicant to rezone this surplus land from ‘Private Institution’ with R20 density coding to ‘Residential’ with R25 density coding.

The location of the Amendment area is shown below:



10.3.1 Proposed Amendment No. 44 to Town Planning Scheme No. 6: Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point from Private Institution R20 to Residential R25

The Aquinas College site, being Lot 18 (No. 58) Mount Henry Road, Salter Point has been the subject of conditional subdivision approval by the Western Australian Planning Commission (WAPC reference 146811), to excise the surplus land, comprising proposed Lot 2 Redmond Street cnr. Roebuck Drive from the remainder of the college campus.

Comment

(a) Amendment No. 44 Proposals

The Scheme Amendment will implement the following changes to the Scheme Map (Zoning) for Precinct 13 "Salter Point", to the subject site:

- (i) Rezoning from 'Private Institution' to 'Residential'.
- (ii) Increasing the density coding from R20 to R25.

The draft amending clauses and an expanded summary of the proposed changes are included in **Attachment 10.3.1**.

As the Single House land use is a 'P' - permitted land use in the Private Institution zone, the subject site does not need to be rezoned to facilitate residential development. However, it is preferable that the site is zoned Residential, to reflect the intended form of development.

Increasing the density coding from R20 to R25 would allow smaller lot sizes in the residential subdivision, resulting in a few additional lots on the subject site than would be currently permitted. It is considered that the proposed R25 will allow a range of lot sizes whilst maintaining the single residential character of the area.

City officers support the proposal for the purpose of public advertising. If the Council endorses the draft Amendment, after considering any resultant submissions, City officers and Council Members will need to decide whether or not they still support the Amendment, before presenting a recommendation to the WAPC and the Minister.

(b) Concept Subdivision Plan

The applicant has included a concept subdivision plan, being Appendix E of the Amendment Report, showing a potential subdivision layout to create 29 lots if the density coding applicable to the subject site is increased to R25. The residential subdivision and future residential development does not form part of the Scheme Amendment. These proposals will be considered by the Council at a later time.

(c) Internal Administration Comments

The City's Engineering Infrastructure Services, City Environment Services and Heritage Officer were invited to provide comments on the proposal.

Engineering Infrastructure fully supports the applicant's comments and conclusions in the Amendment Report (**Attachment 10.3.1**).

The following City Environment comments have been provided:

- (i) The proposed subdivision will involve the clearing of remnant vegetation on the site. The remnant vegetation is classified as Locally Significant Bushland by the City due to the fact that:

10.3.1 Proposed Amendment No. 44 to Town Planning Scheme No. 6: Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point from Private Institution R20 to Residential R25

- (a) It is not included in the State Government Bush Forever report which has identified the Regionally Significant bushland in the City.
- (b) The City has less than 10% of its total land area as remnant bushland, therefore all remaining sites are considered significant.
- (ii) The remnant vegetation on site is degraded however in the City's opinion it still has considerable habitat and biodiversity value. While this should not be seen as a block to the subdivision proposal, the proponent should establish an objective to preserve some of the values of the remnant vegetation. The objective could be achieved, but not limited to, the following activities:
 - (a) Identification of remnant trees for preservation where possible,
 - (b) Collection of available local provenance seed and cuttings on the site for use by Aquinas College and the City in revegetation projects. The City has the expertise to provide assistance,
 - (c) Transplantation of suitable species as practicable.
- (iii) Please note that the City's advice is this application does not require a clearing permit because it is a rezoning for development which is being referred to the WAPC.

*Note: The Amendment Report (**Attachment 10.3.1**) contains appropriate responses regarding intended limited tree preservation and seed collection.*

The Heritage Officer advised that the Aquinas College site is listed on the City's Municipal Heritage Inventory and the Heritage List. The proposal does not affect the heritage values of Aquinas College.

When the residential subdivision application is received (the application that would create the new roads and lots suitable for the construction of Single Houses), that application will be referred to all affected departments for further comment. The subdivision application will also be referred to a later Council meeting.

(d) Council Members' Briefing 12 November 2013

A Council Members' Briefing was held on 12 November 2013. The applicants and City officers explained the proposal and responded to the Elected Members' questions and points of clarification. The Notes from this briefing are provided in **Attachment 7.2.2**.

(e) Scheme Objectives: TPS6 Clause 1.6

Scheme Objectives are listed in Clause 1.6 of TPS6. The proposed Scheme Amendment has been assessed under, and has been found to meet, the following relevant general objectives listed in clause 1.6(2) of TPS6:

- (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;*
- (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;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (k) *Recognise and preserve areas, buildings and sites of heritage value;*

10.3.1 Proposed Amendment No. 44 to Town Planning Scheme No. 6: Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point from Private Institution R20 to Residential R25

(f) Matters to be considered by Council – TPS6 Clause 7.5

Clause 7.5 of TPS6 is applied in the context of an application for development approval rather than amendments to TPS6. However, it is appropriate to consider the provisions of that clause at the present time since the Scheme Amendment will affect the manner in which future development applications for Single Houses are assessed for compliance with the land use controls of the Scheme.

Clause 7.5 lists a range of matters to which the Council is to have due regard, and in connection with which the Council may impose conditions of development approval. Of the 24 listed matters, the following are particularly relevant to the current proposal:

- (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 Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;*
- (f) *any planning 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;*
- (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;*
- (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 Scheme Amendment is considered satisfactory in relation to the above matters.

Consultation

The applicants have informed the neighbouring community about the proposed Scheme Amendment by way of a letter dated 15 November 2013 distributed to all landowners in the area bounded by Roebuck Drive, Mount Henry Road, Hope Avenue (both sides), Pepler Avenue (both sides), Unwin Crescent and Redmond Street. Information about the proposal has also been included in the Aquinas College newsletter and the applicants have communicated with two community group representatives.

10.3.1 Proposed Amendment No. 44 to Town Planning Scheme No. 6: Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point from Private Institution R20 to Residential R25

The City has not yet undertaken community consultation in relation to the proposed Scheme Amendment. Neighbour and community consultation requirements are contained in the *Town Planning Regulations 1967* and in Council Policy P301 *Consultation for Planning Proposals*. Following Council's endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P301. The consultation process will also involve referral to the Environmental Protection Authority for assessment and the Western Australian Planning Commission for their information.

Community consultation will involve a 42-day advertising period, during which notices will be placed in the *Southern Gazette* newspaper, in the Civic Centre, in the City's Libraries and on the City's web site. Any submissions received during this period will be referred to a later Council meeting for consideration, before the Council decides whether or not to recommend to the Minister that the Amendment be finally approved.

Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The process as it relates to the proposed Amendment No. 44 is set out below, together with an estimate of the likely time frame associated with each stage of the process:

Stage of Amendment Process	Estimated Time
Council resolution to initiate Amendment	10 December 2013
Council adoption of draft Amendment proposals for advertising purposes	10 December 2013
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and to WAPC for information	Mid-December 2013
Public advertising period of not less than 42 days	January - March 2014
Council consideration of Report on Submissions	27 May 2014
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment • Three signed and sealed copies of Amendment documents for final approval 	June 2014
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

In terms of the Scheme Amendment process, the *Planning and Development Act 2005* was amended in 2010 to enable the Minister to order a local government to amend its Town Planning Scheme, in justified cases. Section 76 states that where the Minister is satisfied on any representation that the local government has failed to adopt (initiate) a proposal which "ought to be adopted", the Minister may order the local government to do so, or may approve the Amendment subject to any modifications and conditions as he thinks fit.

Financial Implications

Financial costs (administrative and advertising) incurred by the City during the course of the statutory Scheme Amendment process will be covered by the Planning Fee which is payable in accordance with the Council's adopted fee schedule. In this case, an estimated up-front Planning Fee of \$15,000 was paid by the applicant on 24 October 2013. At the conclusion of the Amendment process, the estimated fee will be adjusted to reflect the total actual costs incurred by the City.

10.3.1 Proposed Amendment No. 44 to Town Planning Scheme No. 6: Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College corner Redmond Street and Roebuck Drive), Salter Point from Private Institution R20 to Residential R25

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Uses “Accommodate the needs of a diverse and growing population”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The Scheme Amendment will be referred to the Environmental Protection Authority, who will have the opportunity to consider the impact of land clearing. The Scheme Amendment would assist in facilitating an infill residential development; and to a limited extent, would assist towards meeting the State Government's “Directions 2031” growth target for the City of South Perth in a manner that will be compatible with existing neighbourhood character and recent redevelopment in the locality.

Conclusion

The Amendment No. 44 Report comprising **Attachment 10.3.1** contains a full description and justification of the Amendment proposals. The Council should now initiate the statutory process to enable the proposed Scheme Amendment No. 44 to be advertised for public inspection and comment.

10.3.2 Proposed Additions to Grouped Dwelling - Lot 2 (No. 75) River Way, Salter Point.

Location: Lot 2 (No. 75) River Way, Salter Point
 Ward: Manning Ward
 Applicant: Mr G P Webber
 Lodgement Date: 16 August 2013
 Date: 19 November 2013
 Author: Mark Scarfone, Senior Statutory Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for additions to a grouped dwelling on Lot 2 (No. 75) River Way Salter Point. Council is not being asked to exercise discretion.

In August 2013, "Delegation from Council DC690 Town Planning Scheme 6" was amended to include Clause 3(b), which relates to applications for planning approval on lots abutting River Way. The relevant text is inserted below for convenience:

"3. Developments involving the exercise of a discretionary power

This power of delegation does not extend to approving applications for planning approval involving the exercise of a discretionary power in the following categories:

- (b) *Applications on lots with a building height limit of 7.0 metres, having a boundary to River Way, and where the proposed building height exceeds 3.0 metres."*

As the proposed addition, which comprises of a 600mm high timber façade above the existing carport, exceeds 3.0 metres in height, City officers are referring this application to Council for determination. The proposed addition is minor in nature and will not have a negative impact on the amenity of the street or the views of adjoining neighbours, and as such is recommended for approval subject to conditions.

Officer Recommendation and COUNCIL DECISION

Moved: Councillor Cala

Seconded: Councillor Hawkins-Zeeb

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 to grouped dwelling on Lot 2 (No. 75) River Way, Salter Point, **be approved** subject to:

(a) Standard Conditions

660	Expiry of approval
-----	--------------------

(b) Standard Advice Notes

700A	Building permit required	795B	Appeal rights - Council decision
720	Strata titles Act		

Recommendation and COUNCIL DECISION continued

10.3.2 Proposed Additions to Grouped Dwelling - Lot 2 (No. 75) River Way, Salter Point.

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

CARRIED (8/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	193 sq. metres
Building height limit	7.0 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	Not applicable to single dwelling

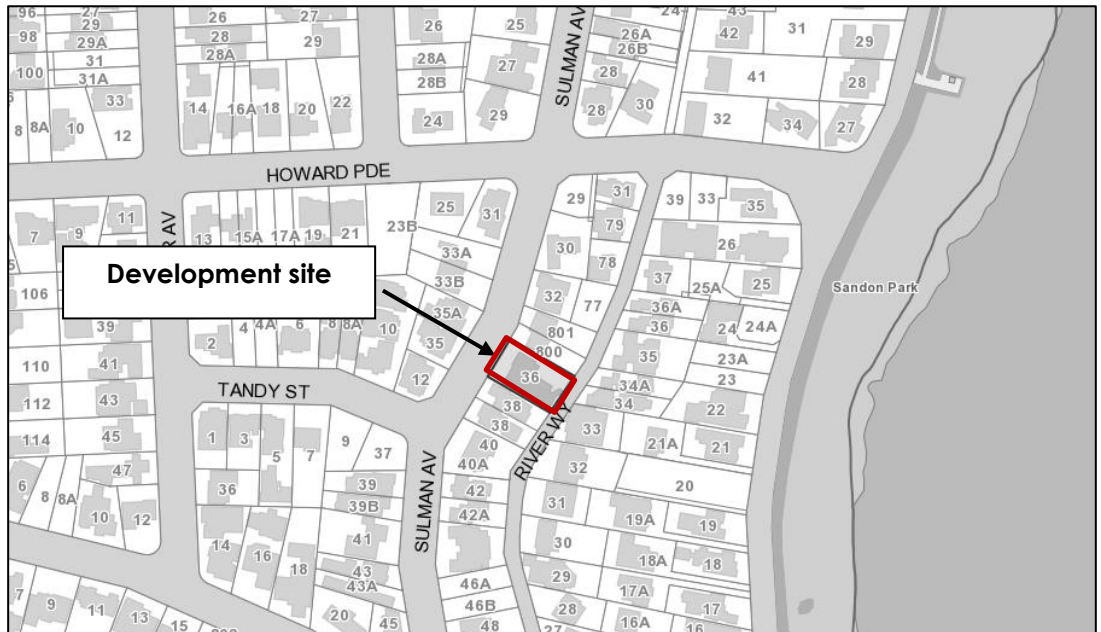
This report includes the following attachments:

Attachment 10.3.2(a): Plans of the proposal.

Attachment 10.3.2(b): Site photographs.

Attachment 10.3.2(c): Applicant’s supporting letter.

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. The exercise of a discretionary power

This power of delegation does not extend to approving applications for planning approval involving the exercise of a discretionary power in the following categories:

- (b) Applications on lots with a building height limit of 7.0 metres, having a boundary to River Way, and where the proposed building height exceeds 3.0 metres.

Comment

(a) **Description of the surrounding locality**

The site has a frontage to River Way to the east, approximately 100 metres south from the intersection with Howard Parade. The area is characterised by single houses. The subject site and surrounds is shown below:



(b) **Description of the proposal**

The proposal involves the erection of a 600mm high timber framed façade on top of the existing carport, as depicted in the submitted plans referred to as **Attachment 10.3.2(a)**. The site photographs show the relationship of the subject site with the surrounding built environment in **Attachment 10.3.2(b)**. In their supporting letter, referred to as **Attachment 10.3.2(c)**, the applicant has provided two reasons for the proposed addition; these being to provide additional privacy to the mid-level lounge and kitchen, and to take advantage of this sunny spot for growing roses.

The additions have been assessed having regard to the relevant provisions of the *City of South Perth Town Planning Scheme No. 6*, Council policies and the R-Codes, and are found to be compliant, and as such it is recommended the application be approved with conditions.

(c) **Planning assessment**

As indicated above, the proposed development involves the erection of a 600mm high timber framed façade above the existing carport at the site. The existing carport has a total height, measured to the top of the roofing material, of approximately 2.5 metres measured off the most recently approved drawings. The proposed addition will result in a structure with a height of approximately 3.1 metres.

The proposed addition complies with TPS6 requirements in terms of overall height. The minor addition will not negatively impact on the views of the dwellings at 38 Sulman Avenue, nor will it have a negative impact on the streetscape.

It is recommended the application be approved with conditions.

(d) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6

In considering the application, 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 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.*
- (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.*
- (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.

(e) Other Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6

In considering the application, 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 Council, relevant to the proposed development. Of the 24 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (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.*
- (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.*
- (d) *Any other Council policy of the Commission or any planning Council policy adopted by the Government of the State of Western Australia.*
- (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.*

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

Neighbour Consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P360 "Informing the Neighbours of Certain Development Applications". Under the "For Information Only" consultation method, individual property owners, occupiers and / or strata bodies at Nos. 38A Sulman Avenue, and Lot 800 River Way were invited to inspect the plans and to submit comments during a minimum 14-day period.

No submissions were received during the consultation period.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Uses “*Accommodate the needs of a diverse and growing population*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The proposal will result in increased levels of privacy for the living areas of the dwelling, from River Way without negatively impacting on the streetscape. In addition, it will allow additional areas of the site to be used for growing plants. 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 meets all of the relevant Scheme, R-Codes and / or 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.

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

Location: Lot 9 (No. 3) Gwentyfred Road, Kensington
 Ward: Moresby Ward
 Applicant: Motus Architecture
 Lodgement Date: 4 October 2013
 Date: 20 November 2013
 Author: Mark Scarfone, Senior Statutory Planning Officer, Development Services
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for seven (7) multiple dwellings on Lot 9 (No. 3) Gwentyfred Road, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Streetscape compatibility	Town Planning Scheme No. 6, Clause 7.5(n)
Building setbacks	R-Codes Element 6.1.4
Boundary walls	Council Policy P350.2
Building size	R-Codes Element 6.1.1
Solar access for adjoining sites	R-Codes Element 6.4.2

It is recommended that the proposal be approved subject to conditions.

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 seven (7) multiple dwellings on Lot 9 (No. 3) Gwentyfred Road, Kensington, **be approved** subject to:

(a) Standard Conditions

427	Colours & materials - Details	354	Car bays - Maintained
415	Street tree - Fee yet to be paid (\$2,574.00)	470	Retaining walls - If required
340A	Parapet walls - Finish from street	471	Retaining walls - Timing
340B	Parapet walls - Finish from neigh.	455	Dividing fences - Standards
508	Landscaping approved & completed	456	Dividing fences - Timing
353	Visitor bays - Marked & visible	550	Plumbing hidden
210	Screening - Permanent	445	Stormwater infrastructure
377	Screening - Clothes drying	425	Colours & materials - Matching
390	Crossover - Standards	650	Inspection (final) required
393	Verge & kerbing works	578	New titles prior to building permit
625	Sightlines for drivers	660	Expiry of approval
352	Car bays - Marked & visible		

Recommendation continued

(b) Specific Conditions

- (i) Revised drawings shall be submitted, and such drawings shall incorporate the following:
 - (A) A reduction to the plot ratio area to 1.0 in order to meet the deemed to comply standards contained in Clause 6.1.1 Building Size of the R-Codes;
 - (B) Specifications and a detailed section of the proposed screens to the upper level balconies in order to demonstrate compliance with Clause 6.8.1 “Visual Privacy” requirements of the Residential Design Codes of Western Australia; and
 - (C) In accordance with Council Policy 350.5 “Trees on Development Sites and Street Verges”, a revised site plan shall be provided prior to the issue of a building permit which includes at least one (1) tree not less than 3.0 metres in height at the time of planting and of a species approved by the City. This tree shall be planted within the street setback area or elsewhere on the site, prior to occupation of the dwelling, and shall be maintained in good condition thereafter.
- (ii) In accordance with Clause 6.4.6 of the R-Codes, external fixtures such as air conditioning infrastructure, shall be integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.

(c) Standard Advice Notes

700A	Building permit required	762	Landscaping - Plan required
705	Revised drawings required	709	Masonry fences require building approval
725	Fences note - Comply with that Act	790	Minor variations - Seek approval
		795B	Appeal rights - Council decision

(d) Specific Advice Notes

The applicant is advised:

- (i) To liaise with the City’s Environmental Health Services to ensure satisfaction of all of the relevant requirements.
- (ii) To liaise with the City’s Parks and Environment Services, with regard to the proposed landscaping plan and an appropriate tree species.
- (iii) To liaise with the City’s Engineering Infrastructure Services to ensure satisfaction of all the relevant requirements, including crossover design and disposal of stormwater onsite.

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

LAPSED (for want of a mover)

Alternative Motion and COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Cala

That

- (a) the officer recommendation not be adopted;
- (b) 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 seven (7) multiple dwellings on Lot 9 (No. 3) Gwentyfred Road, Kensington **be refused** for the following reasons:
 - i. The proposed front (street) setback, is considered to be inconsistent with the streetscape, and as such, conflicts with the objectives and specific provisions of Clause 7.5(n) "Matters to be considered by Council" of the *City of South Perth Town Planning Scheme No. 6* and Council Policy P302 "General Design Guidelines".
 - ii. Portions of the proposed upper floor side setbacks do not meet with the deemed to comply standards or design principles contained in Clause 6.1.4 "Lot Boundary Setbacks" of the *Residential Design Codes*.
 - iii. The proposed overshadowing does not meet with the deemed to comply standards or design principles contained in Clause 6.4.2 "Solar Access for Adjoining Sites" of the *Residential Design Codes*.
 - iv. The proposal conflicts with the Scheme objectives contained in Clause 1.6 of the *City of South Perth Town Planning Scheme No. 6*, specifically Objectives (c) and (f).

CARRIED (8/0)

Reasons for change

1. The fundamental reason that this Application should be refused is on the basis that the scale and bulk of the development proposed is totally out of character with the adjoining properties and is an overdevelopment of the site. The three dimensional images provided, demonstrate quite clearly the incompatibility with the immediate streetscape.
2. The Officer assessment has been more than generous in accepting that though many aspects of the Application do not meet the 'deemed to comply' requirements of the R-Codes; in their considered opinion they believe the principles have been met. These matters are in respect to: Streetscape compatibility, Side and rear setbacks, boundary walls, and solar access. The architectural treatment of the form of the building makes a significant attempt to reduce the impact of the three storey development at the front and sides by articulating the form; varying materials and textures. However, what has not been considered fully in the assessment is that the overall impact of the three storey building envelope so close against low rise buildings. The result is a development unsuitable for its built context and does not create an adequate transition from a R80 density to the low R15 density adjoining the subject lot.

3. Overdevelopment of site is clearly an issue; as the proposal has a plot ratio of 1.02 when a maximum figure of 1.0 is required. While this represents only 11 square metres, the Applicant, in response to this issue being raised, has indicated that the area of the dwellings are already at a minimum and any further reduction will reduce the liveability of the dwellings. The subject site has been developed far beyond its limitations and has created the issues that now require assessment using relevant design principles. Both the residents at 1 and 5 Gwentyfred Rd will be left to look at high walls and although the Architect has used different materials and textures on the walls it still leave a high wall for the Residents to gaze upon.

4. The subject lot comprises the line between R15 and R80 zoning and while it doesn't fall under the requirements of Policy P351.5 "Streetscape Compatibility" – Precinct 5 Arlington and Precinct 6 Kensington" because it is classified as a multiple dwelling, Council is still required to take into consideration clause 7.5(n) of TPS6 which states:

"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 street and side boundaries, landscaping visible from the street and architectural details"

The streetscape on the side of the street of the subject lot, generally consists of single storey dwellings. While immediately across the road to the north there are two, two storey commercial buildings, they have wide street setbacks and are seen against a backdrop of a mixture of group and single dwellings varying between single and two storey, that run along that side of the street. Assessment of the proposed development needs to be based of the properties immediately adjacent with R15 zoning.

5. A reduction of dwellings, from 7 to 5, may assist in breaking up the scale and bulk and allow the required solar access to the property on the south eastern side. However a fundamental handicap of the site is the narrow lot width. The architectural implications to this situation generally mean a long narrow building which is radically accentuated the higher it becomes.

6. A reduction in dwelling numbers may also help to reduce the impact on the street parking situation. As the number of parking bays provided on the site meets only the minimum requirements of the R-Codes, there will a strong demand for off -site parking for residents with an additional car and their visitors. With the higher density opposite extending south along Gwentyfred Road attracts vehicles requiring parking in the street, creating an even greater hazard should this development be granted.

7. It is proposed to remove the large spotted gum on the verge to accommodate a parked vehicle. This is not appropriate. Some years ago a developer was granted approval to develop a home which resulted in the driveway running into the peppermint tree on the verge leading to an application to remove the tree. Council chose not to remove the tree. The applicant had to redesign the location of the driveway.

8. Due to the height of the proposed Building and its proximity to the two single units either side of the proposed Building both will be impacted by the shadow cast by the new structure will reduce the amenity of the neighbouring properties.

Background

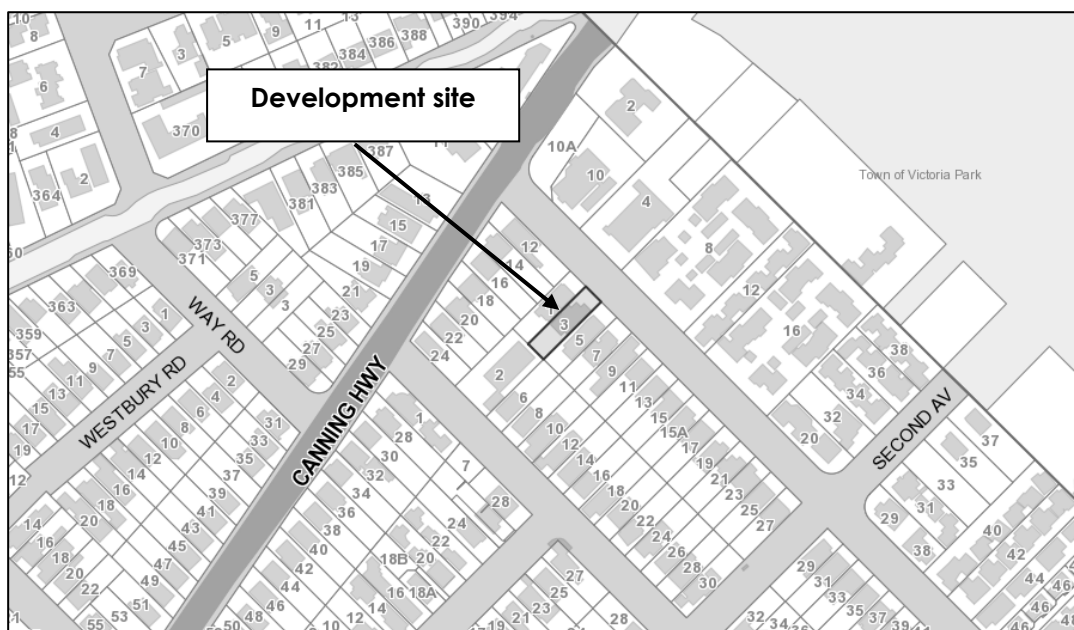
The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	544 sq. metres
Building height limit	10.5 metres
Development potential	Permissible land uses, as listed in Table I of TPS6
Plot ratio limit	1.0

This report includes the following attachments:

- Confidential Attachment 10.3.3(a)** Plans of the proposal.
- Attachment 10.3.3(b)** Site photographs.
- Attachment 10.3.3(c)** Applicant’s supporting correspondence dated 26 September, 6 and 18 November 2013.
- Attachment 10.3.3(d)** Engineering Infrastructure memo.
- Attachment 10.3.3(e)** Streetscape Montage.

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:

- 2. Major developments**
This power of delegation does not extend to approving applications for planning approval in the following categories:
(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 landowner or occupier before determining the application.

Comment

(a) Background

On 27 September 2013, the City received an application for seven (7) multiple dwellings in a three-storey building on Lot 9 (No. 3) Gwentyfred Road, Kensington (the site). Following the completion of the neighbour consultation period and an assessment of the proposal, a further information request was sent to the applicant via email on 31 October, and the applicant responded with written justification and revised drawings on 8 November 2013.

Further meetings and discussions have taken place, since this date, aimed at clarifying the issues relating the proposed development and negotiating an outcome which allows the site to be developed to a scale and density appropriate to R80, while at the same time respecting the existing streetscape. The most recent set of revised drawings, received on 20 November 2013 are contained in **Confidential Attachment 10.3.3(a)**.

The revisions made since the advertised version of the proposal include:

- First and second floor setbacks to the southern boundary increased for dwellings four, five, six and seven;
- Increased 'staggered' street setbacks;
- Front elevation revised to reduce the bulk impact of the proposal (refer to **Attachment 10.3.3(e)** for Streetscape Montage); and
- Visual privacy issues addressed.

The applicant's correspondence relating to this matter is contained in **Attachment 10.3.3(c)**.

(b) Description of the surrounding locality

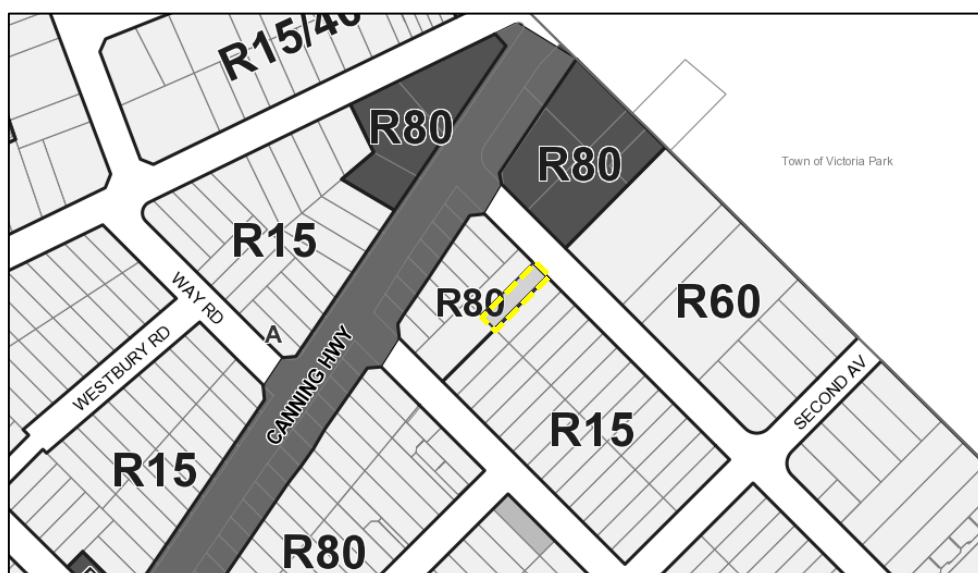
The subject site has a frontage to Gwentyfred Road, approximately 70.0 metres east of Canning Highway. The southern side of Gwentyfred Road is characterised by single story single houses, while the northern side contains a range of land uses and a mix of dwelling types, including two storey grouped dwellings and commercial development.

Under the provisions of the *City of South Perth Town Planning Scheme No. 6* (TPS6), the subject site is zoned residential with a density coding of R80. The building height limit associated with the subject site is 10.5 metres, measured in accordance with Clause 6.1A. Multiple dwellings are a permitted land use on the subject site. To the north-west of the subject site land also has a density coding of R80, while to the south-west properties are coded R15 with a building height limit of 7.0 metres.

Figure 1 below depicts the subject site and surrounds:



Figure 2 below depicts the zoning of the subject site and surrounds:



(c) **Description of the proposal**

The proposal involves the demolition of the existing single storey dwelling and the construction of seven (7) multiple dwellings on the site, as depicted in the submitted plans referred to as **Confidential Attachment 10.3.3(a)**. The site photographs show the relationship of the site with the surrounding built environment, referred to as **Attachment 10.3.3(b)**.

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

- Land use – “Multiple Dwelling” is a “P” (Permitted) land use on the subject site zoned “Residential” with a density coding of R80 (Table 1 of TPS6);
- Building height limit (TPS6 Clause 6.1A);
- Street setback (R-Codes Clause 6.1.3);

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

- Surveillance of street (R-Codes Clause 6.2.1);
- Street surveillance and fences (TPS6 Clause 6.7, Council Policy P350.7 “Fencing and Retaining Walls”);
- Outdoor living area (R-Codes Clause 6.3.1);
- Landscaping (R-Codes Clause 6.3.2);
- Parking and vehicle access (R-Codes Clause 6.3.3, 6.3.4 and 6.3.5, TPS6 Clause 6.3(8) and Schedule 5, and Council Policy P350.3 “Car Parking Access, Siting and Design”);
- Minimum and maximum floor levels, site works and retaining walls (TPS6 Clause 6.9 and 6.10, R- Code Clause 6.3.6 and 6.3.7, Council Policy P350.7 “Fencing and Retaining Walls”);
- Stormwater management (R-Code Clause 6.3.8);
- Dwelling size (R-Codes Clause 6.4.3); and
- External fixtures (R-Code Clause 6.3.6) – Specific Condition B(ii) has been included to ensure compliance with this element.

The following planning matters, which require further discussion, are listed below:

- Streetscape compatibility;
- Side and rear boundary setbacks (R-Codes Clause 6.1.4, Council Policy P350.2 “Residential Boundary Walls”);
- Boundary walls (R-Codes Clause 6.1.4, Council Policy P350.2 “Residential Boundary Walls”);
- Solar access for adjoining sites (R-Codes Clause 6.4.2).
- Building size (R-Codes Clause 6.1.1); and
- Visual privacy (R-Codes Clause 6.4.1) – Specific Condition (b)(i) requiring details of balcony screening is recommended to ensure compliance with Clause 6.4.1.

(d) Streetscape compatibility

During the neighbour consultation period, a number of submissions raised concerns with regards to the scale and setback of the proposed building, specifically indicating these would be out of character with the existing streetscape particularly on the southern side of Gwentyfred Road.

Council Policy P351.5 “Streetscape Compatibility” – Precinct 5 “Arlington” and Precinct 6 “Kensington” applies to single houses and grouped dwellings only, and as such does not apply to the subject development. In addition in the policy scope of P351.5, it is stated that the provisions of Council Policy P302 “General Design Guidelines for Residential Development” are not applicable to land within the “Arlington” and “Kensington” precincts. Despite the subject land not being subject to specific policy requirements, Council is required to take Clause 7.5(n) of TPS6 into consideration when undertaking its assessment. Clause 7.5(n) states:

“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.”

The following paragraphs expand upon the items listed in Clause 7.5(n) above. In general, it is considered the proposed building does take into account the existing streetscape, and as such is recommended for approval with conditions.

- (i) Description of existing streetscape
While it is observed that the streetscape on the south-eastern side of Gwentyfred Road, generally consists of single storey single dwellings, the northern side is more varied. Directly to the north of the subject site at 10 Canning Highway and 4 Gwentyfred Road, are two (2), two storey commercial buildings, which have a flat roof design and an overall height of approximately 7.0 metres. These buildings are setback between 5.0 and 7.0 metres of the street. The remainder of the street contains a mix of single houses and grouped dwellings, varying between single and two storeys, and with front setbacks between 3.0 and 9.0 metres. The colours and materials utilised on the surrounding buildings are also varied, ranging from brick and tile to concrete panels, and from light coloured painted walls to dark bricks.
- (ii) Building height - Scale
As indicated previously, the subject site has an assigned building height limit of 10.5 metres. The proposed building has been designed to have a maximum wall height of 10.5 metres towards the centre of the site, and a total height of 9.2 metres on the south-western side of the development site, in order to minimise the bulk impact on the streetscape and the adjoining low density neighbour. This technique also assists in creating a transition between the lower density coded areas towards the higher density. While the proposed building is clearly taller than those on the same side of the street, the techniques used by the applicant have reduced the overall scale of the building and are supported.
- (iii) Form and shape, rhythm, colour and construction material, orientation, architectural details
As indicated in Point (i) above, the existing streetscape contains a wide mix of land uses and dwelling types, and a similarly wide range of construction methods, colours and architectural details. In the applicants supporting letter dated 18 November, the approach to this aspect of the design is described as follows:

“The materials of the building will be a mixture of crisp clean rendered walls, and feature claddings that bring a residential scale back to the building that is often lost in larger development. The cladding and roof sheeting wrap the facades, and directly reflect the materiality of the residential neighbours, while the rendered facades and large areas of glazing facing the street employ a slightly more commercial aesthetic that reflects the higher densities along Canning Highway. This site is a bridge between the higher densities along the highway and the residential scale of the suburb. We hope that these efforts can be supported by the planning office.”

The proposed multiple dwellings are oriented to Gwentyfred Road, as per the remainder of dwellings in the focus area. The dwellings have been designed to take advantage of northern sunlight, as encouraged by Council's Sustainable Design Policy.

In respect of form and shape, rhythm, colour and construction material, orientation, architectural details, the proposed development is considered to be compatible with the streetscape.

(iv) Setbacks from street

Setbacks from the street are considered an important way to minimise the bulk impact of a building on the street. In this regards, while Table 4 of the *Residential Design Codes* indicates multiple dwellings on an R80 coded site can have a minimum street setback of 2.0 metres, Clause 7.5(n) requires the City to consider whether larger setbacks are required to achieve compatibility with the streetscape.

The initial set of drawings provided by the applicant showed a building which was closer to the street than currently proposed. In the initial request for further information sent to the applicant and subsequent meetings, City officers suggested the building setbacks be staggered, resulting in a first and second floor at least 1.5 metres back from the alignment of the ground floor. The applicant considered this request as well as detailed design considerations, and has proposed the following street setbacks:

- Ground floor – Minimum setback 5.4 metres to the street boundary;
- First floor – Balcony setback between 3.0 and 3.5 metres, enclosed living areas setback 6.7 metres; and
- Second floor – Balcony setback between 3.7 and 4.2 metres, enclosed living areas setback 5.9 metres.

The proposed front setbacks are seen as being approximately half way between the 2.0 metre setback allowable under Table 4 of the R-Codes and the 7.5 metre setback of the adjoining dwellings. The applicant has indicated this increased setback will assist in reducing the bulk of the building as viewed from the street, and will act as a transition between the R15 coded lot on the south-eastern boundary and the R80 coded lot on the north-western boundary.

Following consideration of the revised drawings, City officers consider the proposed setbacks assist in producing a building which is more consistent with the existing streetscape, while taking into account the possibility of the adjacent site to the west to be redeveloped at a later date. The applicant has also ensured that the amenity of the future residents of the proposed dwellings is also maintained in terms of providing a functional design, as well as adequate lighting and ventilation.

(v) Landscaping visible from the street

The surrounding dwellings and non-residential buildings generally have large areas of landscaping within the front setback areas. This is a natural result of the area being developed with large front setbacks. The proposed development must accommodate a visitor's parking bay within the front setback area, minimising the available area for landscaping purposes. The applicant has indicated that the landscaping provided, including hard landscaped areas, will be high quality and includes architectural features and natural materials which will contribute to the overall building aesthetic.

While the landscaped area is less than that provided in the surrounding area, it is considered this will make a positive impact on the streetscape and can be supported.

(e) **Wall setbacks**

The deemed-to-comply criteria of Clause 6.1.4 of the R-Codes, indicate walls on lots less than 14.0 metres wide should be setback 3.0 metres from the side and rear boundaries. If the walls do not meet these minimum setbacks, the walls will be required to demonstrate that they meet the relevant design principles. In this instance, portions of the building do not meet the minimum setback, however it is considered the proposed variations may be supported. These variations will be discussed individually below:

(i) Rear setback

The first and second floor of the building are setback approximately 1.8 metres from the rear boundary. The adjacent property to the rear has been developed with multiple dwellings. There are no windows to habitable rooms facing the development site, and as such the proposed variation will not have an impact in terms of visual bulk. Further, the proposal will not impact on access to sunlight for the adjoining property or negatively impact in terms of visual privacy. This setback variation is supported.

(ii) Side setback - South-eastern side

As shown in **Confidential Attachment 10.3.3(a)**, the majority of the proposed building is setback 3.0 metres from the side boundary on the first and second floor, with the exception of the proposed stairwell which is setback 1.5 metres from the boundary, and portions of Apartment 3 which are setback 1.8 metres from the boundary.

In order to reduce the bulk impact of the proposed stairwell, the applicant has reduced the height of this portion of the building compared with the remaining walls on this side. The reduced height also assists in minimising the shadow cast from this portion of the building, improving access to sunlight for the adjoining dwelling. This minor variation is supported by City officers.

With regard to the setback variation proposed by Apartment 3, it is considered this may also be supported by the City. The majority of the proposed wall is located adjacent to the open roof car parking bays, and the front yard of the adjoining property. The open roof parking bays at 5 Gwentyfred Road are covered by shade sails. These shade sails will obscure the view of the proposed wall, thereby minimising its bulk. In addition, the front landscaped areas will continue to gain access to direct sunlight as evidenced by the overshadowing diagrams provided by the applicant. While the proposed wall will be visible from the lounge room of the adjacent dwelling, this window will also have views towards the compliant portions of wall.

The applicant has designed the proposed building in such a manner that the minimum 3.0 metre setback is achieved adjacent to most habitable room windows on the adjoining site. This will assist in minimising the bulk impact of the building on the inhabitants of the adjacent property. The compliant setbacks in these areas assist in allowing access to sunlight for these rooms and minimise overshadowing. Finally, the design ensures the privacy of the adjoining properties is retained. Therefore, the reduced setbacks on the south-eastern side are supported by City officers.

(iii) Side setback - North-western side

As depicted in **Confidential Attachment 10.3.3(a)**, only a small portion of the proposed building is setback at 3.0 metres, with the remainder being setback between 1.0 and 1.2 metres. The compliant portion is located adjacent to the courtyard area of the adjoining property, thereby reducing bulk impact to this habitable area.

The second floor wall which runs from Bedroom 1 to Bedroom 2 of Apartment 2 is setback 1.0 metre from the north-western boundary. This wall is located directly above a boundary wall of the same length. This non-compliant section of wall will not be visible from the adjacent neighbour's habitable spaces, and as such will not contribute to bulk as perceived from that site. Given the orientation of the lots, the variation will not have an impact on direct sunlight for the adjoining properties.

With regard to the second non-compliant wall on this side, approximately 7.0 metres of this wall will not be visible from the adjacent property, given it does not have any habitable room windows in this area. The remaining sections of wall are located away from the adjoining neighbour's outdoor living area, adjacent to extensive areas of backyards. Again, given the orientation of the lots, the variation will not have an impact on direct sunlight for the adjoining properties.

The proposed setback variations on the north-western side of the lot are considered to meet the relevant design principles, and as such are supported.

(f) **Boundary walls**

The height and length of the proposed boundary wall comply with the deemed-to-comply provisions contained in Clause 6.1.4 of the R-Codes. This clause allows for a boundary wall to have an average height of 6.0 metres and a maximum height of 7.0 metres for a length of two-thirds of the property boundary, i.e. 30.0 metres. As depicted in **Confidential Attachment 10.3.3(a)**, three (3) separate boundary walls are proposed on the north-western boundary. These walls have a maximum height of 6.0 metres, and a total length of 17.0 metres. The length of walls which reach 6.0 metres in height is 13.0 metres.

Despite the above, boundary walls are also required to be assessed having regard to the provisions of Council Policy P350.2 "Residential Boundary Walls". Therefore, each of the proposed boundary walls will be assessed individually below. The proposed boundary walls are considered to be consistent with the provisions of P350.2, and are therefore supported.

(i) Boundary wall - South-east (Apartment 1 bedroom)

The proposed boundary wall located towards the southeast of the property is situated adjacent to an existing boundary wall on the neighbouring property (5 Gwentyfred Road). The proposal will not have a negative impact on the adjoining property in terms of bulk, or overshadowing and as such can be supported.

(ii) Boundary wall – North-east (Apartment 2 kitchen to lounge)

Clause 7 of P350.2 requires boundary walls to be setback a minimum of 6.0 metres from the front boundary. The applicant has exceeded this minimum, providing a 6.7 metre setback. The majority of this boundary

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

wall is adjacent to a blank wall at No. 1 Gwentyfred Road, however portions of the wall will be visible from the verandah and minor bedroom of this property. Therefore, the proposed boundary wall will have a bulk impact on these two spaces, however it will not negatively impact in terms of streetscape character or overshadowing.

City officers consider the applicant has generally located the boundary walls to minimise their impact on the adjoining neighbour.

- (iii) Boundary walls – North-east (Store and Bedroom 1 of Apartment 4)
These boundary walls are located towards the rear of the property. The boundary wall to the bedroom of Apartment 1 is 6.0 metres in height and 4.3 metres in length, while the storeroom wall is 3.5 metres long and 2.9 metres tall. These walls are separated by a short section of boundary fence. The higher portion of the boundary wall is located partly adjacent to blank portions of wall on the adjoining dwelling. The remaining portion protrudes forward of the adjacent dwelling and will be visible from the bay window. Despite this, the bulk impact of this wall on the habitable room window is considered to be minimal. The bay window is oriented towards the rear of the lot, rather than towards the proposed boundary walls. Further, the outdoor living area of the dwelling is located on the opposite side of the lot, therefore there will be no bulk impact from this area. The proposed boundary walls are considered to meet the amenity factors in Clause 5 of P302, and are therefore supported.

(g) Visual privacy setback

The proposed development generally satisfies the deemed-to-comply criteria of the R-Codes in relation to visual privacy. Standard Condition 210 and Specific Condition B(i)(A) will ensure that all proposed privacy screening meets the minimum standard required by the R-Codes, and is installed prior to occupation of the dwelling.

The application does propose some overlooking towards the property to the rear, however this is supported by City officers. The existing development on 2-4 Lansdowne Road has been designed without major openings, or outdoor living areas at the rear, and as such the proposed development will not be overlooking any sensitive areas.

Therefore, the proposed development is seen to meet the design principles of Clause 6.4, and as such is supported.

(h) Building size (Plot ratio)

The deemed-to-comply standards contained in Clause 6.1.1 of the R-Codes, indicated the permissible plot ratio for an R80 site is 1.0 (544m²), and the proposed plot ratio is 1.02 (555m²). Therefore, the proposed development exceeds the deemed-to-comply standards contained in Clause 6.1 of the R-Codes by 11.0m². The applicant has indicated in writing that any further reduction in the size of the dwellings will negatively impact on the liveability of these units.

As the proposed development does not comply with the deemed-to-comply standards, the application is required to demonstrate compliance with the relevant design principles. In this instance the design principles indicates as follows:

“Development of the building is at a bulk and scale indicated in the local planning framework, and is consistent with the existing or future desired built form of the locality.”

The primary elements, which contribute to building bulk and scale, are building height and setbacks from side and street boundaries. As indicated in Sections (d) and (e) of the report, the majority of the proposed building is less than the maximum height permitted for the site, and in addition, the proposed side and front setbacks comply with either the deemed-to-comply standards or the relevant design principles.

The proposed bulk and scale of the three storey building is considered appropriate for the subject R80 density coded lot, and future desired built form of the R80 lots to its west. However, it is important to note that the street also consists of R15 density coded lots immediately towards the east of the subject site. The existing building bulk of the low density R15 lots consist of mostly single storey dwellings, and some two storey dwellings with large street and rear setbacks. Additionally, considering the future desired built form of the locality, which mainly comprises R15 lots, City Policy P351.5 “Streetscape Compatibility – Precinct 5 Arlington and Precinct 6 Kensington” provides necessary direction. One of the policy objectives aim to preserve or enhance the desired streetscape character of the single or two storey dwellings, as described above.

Therefore, the proposed plot ratio variation is not supported by City officers. Accordingly, officers have recommended Specific Condition (b)(i)(A) requiring a reduction to the plot ratio area in order to comply with the maximum permitted plot ratio of 1.0.

This condition ensures that the deemed-to-comply plot ratio requirement is met, noting that the subject lot comprises the line between R15 and R80 developments.

(i) **Solar access for adjoining sites**

The deemed-to-comply standards of Clause 6.4.2 of the R-Codes indicate that a development should be designed to ensure it does not cast a shadow over more than 25% of the adjoining property. As depicted in **Confidential Attachment 10.3.3(a)**, the proposed building casts a shadow over 37% of the adjacent property at 5 Gwentyfred Road. Given the proposed development does not meet the deemed-to-comply standards, the applicant must demonstrate compliance with the relevant design principles. In this instance the design principles are as follows:

“Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:

- **outdoor living areas;**
- *north facing **major openings to habitable rooms**, within 15 degrees of north in each direction; or*
- *roof mounted **solar collectors.**”*

Confidential Attachment 10.3.3(a) contains a site plan and floor plan of 5 Gwentyfred Road, in order to indicate where the habitable room windows of this property are located, as well as showing the location of the backyard. On residential zoned lots with a density coding of R15, the R-Codes do not

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

prescribe a minimum outdoor living area. Despite this, it is considered important to protect the neighbour's access to direct sunlight for large portions of the backyard. As indicated in the overshadowing diagrams contained in **Confidential Attachment 10.3.3(a)**, at midday on 21 June, an area of the backyard measuring 6.0 × 9.0 metres, will not be overshadowed by the proposed building. Solar access for the majority of the useable portions of backyard is protected by the proposed development, and as such this design principle is considered to have been adequately addressed.

As shown in **Confidential Attachment 10.3.3(a)**, No. 5 Gwentyfred Road has three (3) habitable room windows facing towards the subject site, as well as open verandahs. Due to the orientation of the lots, the majority of habitable room windows on the adjacent site are "not north facing or within 15 degrees of north" as specified in the design principles. These windows oriented in a north-westerly direction, approximately 45 degrees of north. Given the above, the protection of direct sunlight to these windows is not required by the design principles. The bay window to the family room has 1.0 metre portion, facing in a northerly direction, and as such should be considered in respect of the design principles. This window is setback between 1.5 metres and 2.0 metres of the side boundary. In support of its application, the applicant has provided four separate overshadowing diagrams, each depicting various scenarios. These drawings show that the shadow cast by the proposed building will impact on the north facing bay window, despite the building being setback at 3.0 metres, which is the prescribed side setback for the proposed development.

A summary of the applicant's justification for the proposed variation is contained below:

- *"The overall shadows cast by the development indicate that the vast majority of shadow is cast across the vehicle driveway, carport and rear shed / garage roof, making up more than 60% of the total shaded area. All are non-habitable spaces and we feel should be considered unaffected.*
- *The diagram demonstrating the "reduced setback elements" further reinforces that these parts of the building only cast shadows across the non-habitable spaces. This confirms that the amenities of the neighbour are not being reduced specifically by the reduced setback elements of the proposed development.*
- *With all this in mind, we have investigated the effect that a single story residence would have on overshadowing, given a 1.0 metre setback is permissible. The diagram demonstrates that the overshadowing, while less still casts a shadow across all the north-west facing windows of the adjacent property, and casts a shadow approaching the maximum allowable percentage.*
- *With all this in mind, we feel that the reduction to the amenities of the neighbour has been minimised and that the design satisfies the performance intent of the R-codes. Lastly based on our modelling, the proposed development provide compliant overshadowing for 11 months of the year."*

City officers acknowledge the applicant's justification and note the following:

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

- The adjacent landowner will continue to have solar access via north facing windows to habitable rooms at the front of the property, and the extensive outdoor areas at the rear of the lot;
- The 1.0 metre portion of the bay window in question would be cast in shadow at lunch time 21 June, even if the height of the building was reduced to two storeys, due to its proximity to the side boundary and the orientation of the lot; and
- The overshadowing diagrams depict the worst case scenario, all habitable rooms will gain greater access to sunlight as the days get longer.

A desktop analysis of the site and subsequent site inspection does not reveal any solar collectors on the adjacent site, and as such this design principle is not applicable to this application.

While the proposed development does not meet the deemed-to-comply standards contained in Clause 6.4.1, it has been demonstrated by the applicant that the proposed development protects solar access to the main outdoor areas of the adjacent dwelling, has no impact on direct sunlight for the north facing habitable windows, and does not impact on solar collectors. Therefore, the proposed setback variation is supported by City officers.

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

In considering the application, 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 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.*
- (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.*
- (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.

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

In considering the application, 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 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.*

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

- (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.*
- (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 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.*
- (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.*
- (w) *Any relevant submissions received on the application, including those received from any authority or committee consulted under Clause 7.4.*

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 October 2013. The proposal was generally favourably received by the Consultants. Their comments and responses from the applicant and the City are summarised below:

DAC Comments	Applicant's Response	Officer Comment
The amenity of the rear lobby and stairwell could be improved through use of roof light or windows. This will allow natural light to penetrate these areas.	Some concerns were raised with the rear lobby need for natural light. We have addressed this with the addition of large glazed windows. This window shall be constructed of glass block and will be both fire rated and obscured to ensure overlooking is not effected.	The applicant has adequately addressed the consultants' concerns through revised drawings.
There is no natural light in Bed 1, Apartment 6.	The configuration of Apartment 6 has been amended to provide a glazed sliding door onto the balcony that provides natural light. Please refer to revised plans attached.	The applicant has adequately addressed the consultants' concerns through revised drawings.
There are several inconsistencies between the elevations and the perspective drawings; these should be rectified.	All inconsistencies have been rectified. Please refer to revised elevations.	The applicant has adequately addressed the consultants' concerns through revised drawings.
Where possible, the walls on the boundary at ground level should be dropped in height to the boundary fence height.	All inconsistencies have been rectified. Please refer to revised elevations.	The applicant has adequately addressed the consultants' concerns through revised drawings.
The elevations could be improved by introducing some elements of existing streetscape.	We have utilised weatherboard cladding, exposed masonry, Colorbond roofing, residential style balustrades, and residential window frames on the main building facade. This emulates the materials of the local precinct, and helps	As indicated in the body of the report, it is considered the revised drawings are consistent with the streetscape character in terms of colours and materials.

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

	provide a compatible outcome.	
Consider a larger break in the centre of the development to allow the penetration of sunlight to 5 Gwentyfred Road.	To provide a large gap in the centre of the building would not greatly improve the solar access to 5 Gwentyfred Road. Due to the oblique angle of the site relative to north, any gap in the centre of the site is overlapped with shadow from the built form at the front of the site. As such, no change is proposed here. The overall building height has been reduced by lowering the ground floor a further 200mm in order to help improve the solar access. Please refer to attached plans.	The applicant's justification is noted and supported by City officers.
Potentially an over development of the site; consider a reduction in Apartment 6 from two to one bedroom to reduce the bulk and increase sunlight penetration / decrease shadow.	Due to the elongated dimensions of the site, it is difficult to design a Multi-residential development efficiently, and hence much of the site is covered by built form. However, the proposed plot ratio matches closely with what is allowable on the site. In addition to this, the site is located less than 60.0 metres from Canning Highway, which is progressively transforming into a higher density corridor through the City. The development has been designed to act as a transition between the higher density commercial aesthetic of the highway and a residential style of Kensington through the use of the aforementioned materials and additional setbacks from the street. It is noted that the R80 zoning of this site with the R15 neighbouring properties makes it challenging to provide an interface between the two differing densities. We note that the owner of 5 Gwentyfred Road purchased their property in full knowledge of the current zonings and height limitations.	The applicant's justification is noted and supported by City officers. As indicated in the body of the report, the proposed application is largely compliant with the relevant provisions of the R-Codes, TPS6 and Council policies, and as such the application is capable of support.

(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 2" consultation method, individual property owners, occupiers and / or strata bodies were invited to inspect the plans and to submit comments during a minimum 21-day period. In addition, signs were placed onsite inviting comment from any other interested person.

During the advertising period, a total of 60 consultation notices were sent and 50 submissions were received, one (1) in favour and 49 against the proposal. While a large number of submissions were received, the following points are made:

- During the neighbour consultation period, only four (4) individual parties visited the City to view the drawings;
- During the neighbour consultation period, only two (2) parties called to discuss the proposal with the assessing officer;

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

- The majority of the objections received (39) are on a pro-forma document; and
- Nine (9) submissions received were from those living within close proximity of the proposed development within the “Area 2” consultation area.

The comments of the submitters, together with the officer response are summarised below:

Submitters' Comments	Applicant's Response	Officer Response
The loss of amenity due to increased noise and traffic.	The site is proposing possibly eight (8) additional vehicles to the area. We feel this is not a significant increase, and will not reduce the amenity of neighbours. Given the proximity to Canning Highway and the nearby large commercial premises with access from Gwentyfred Road, this proposed development is insignificant. The current noise and vehicle movements will not noticeably change as a result.	Noise is not a planning consideration and is otherwise governed under the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> . While traffic is a planning consideration, the City's Engineering Infrastructure has supported the proposed development. Noting that single houses are subject to two (2) parking bay requirements, the impact of eight (8) parking bays for the proposed development on the neighbourhood is considered acceptable.
Safety hazard, given the increase in traffic at the existing traffic calming measure.	The proposed crossover is located in the same position as the existing crossover which is not considered to be dangerous. Furthermore, the sight lines from the crossover are unobstructed and traffic movements will be low. As such, we see no cause for concern in this respect.	The application has been referred to City Infrastructure Services for comment. The resultant memo is attached to this report. The proposed crossover location is supported by Engineering Infrastructure, subject to conditions which have been recommended to be applied as part of this report.
The scale and setback of the building is not in visual harmony with the existing buildings within the focus area.	The proposed development has been designed with a setback greater than the minimum of 2.0 metre allowable street setback. The front façade has a variable setback that varies from 5.4 metres at ground level, to 3.0 metres at first floor, and 4.0 metres on the upper level. This was intentional to help blend the setback line along the street from the 2.0 metre limit of R80 sites along Canning Highway and 1 Gwentyfred Road, to the 7.5 metre setback of R15 sites further along Gwentyfred Road. Further to this and as mentioned above, the materials and landscaping used in the development are proposed to be similar to that of the surrounding residential properties. This is in an effort to ensure the aesthetics are residential and not commercial.	Part (d) of this report details streetscape compatibility in detail. The proposed development is considered to be appropriate.
The southern side of Gwentyfred Road, between Canning Highway and Second Avenue, consists of single storey character homes with no other multiple dwellings on this side.	While this is the case, it must be pointed out that the northern side of Gwentyfred Road is made completely of grouped dwelling and multi-dwelling sites and commercial uses. I feel this argument is not warranted as a reasonable objection.	Part (d) of this report details streetscape compatibility in detail. The proposed development is considered to be appropriate.

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

<p>Insufficient onsite parking leading to additional traffic congestion.</p>	<p>The site is compliant with the requirements for parking, and as such we feel this argument is not warranted. It should also be noted that proximity to public transport would reduce the demand for parking and reduce traffic congestion.</p>	<p>The proposed car parking meets the minimum requirements of the R-Codes.</p>
<p>The height is inconsistent with the streetscape.</p>	<p>It cannot reasonably be expected for an R80 development site to match a single story R15 residential scale. The building setback has been increased and materials utilised to help reduce the visual bulk of this façade along the street. As such, we do not feel this objection is reasonable for this development.</p>	<p>The proposed building is lower than the building height limit assigned to this site. Part (d) of this report details streetscape compatibility in detail. The proposed development is considered to be appropriate.</p>
<p>The proposed development will significantly devalue surrounding properties.</p>	<p>I cannot comment on the likely value of properties, however the existing house is in poor state of repair, and a new high quality development in its place would unlikely reduce the value of surrounding properties.</p>	<p>Property values are not considered to be a valid planning consideration.</p>
<p>The proposal will have a negative impact on the lifestyle of the surrounding landowners.</p>	<p>The proposed development should not have any adverse effects in the way on how neighbouring landowners live their lives. The only property that may be impacted is 5 Gwentyfred Road, as this is a lower density immediately adjacent to the site. However, a number of measures have been taken to ensure that the lifestyle of this resident is maintained. The proposed building is oriented so that it is closer to the northern boundary, the building height is reduced below the maximum height limit, the front setback has been increased, and there are no major openings in the façade facing this property. As such, we feel that the amenity for this neighbour has been well maintained and the proposed development meets the performance criteria of the R-code.</p>	<p>The proposed development, and associated variations have been discussed in detail above. The submitter's comment is not supported.</p>
<p>The verge should not be used for parking; this should be contained onsite.</p>	<p>It is not proposed that parking will be in the verge. All required parking is located within the site.</p>	<p>No parking is proposed within the street verge.</p>
<p>The adjoining neighbours will be negatively impacted on due to the high walls and reduced privacy.</p>	<p>No comment.</p>	<p>The impact of side setback variations is discussed at length in the body of the report.</p>
<p>Local residents have demonstrated on a regular basis they do not want increased density developments in Kensington.</p>	<p>While this may be the case, the zoning of this site permits higher density, and this is located in an area that is adjacent to a high density development corridor along Canning Highway. This corner of Kensington has a large proportion of sites that are higher density, and it is not realistic that development will not increase along these major roads.</p>	<p>The subject site is zoned residential with an associated density coding of R80 and building height limit of 10.5 metres. Multiple dwellings are a permitted use within this zone. It is considered reasonable to expect a development of this type to be proposed on the subject site.</p>
<p>Approval may set a precedent for the area, further eroding the character of the suburb.</p>	<p>This development is situated on an R80 site of which there are few others within the area that are not developed. As such, it is unlikely many other developments will occur similar to this that is not located along the Canning Highway development corridor. Furthermore, this development has been designed with the highest architectural design standard and quality of materials. It is our intent that this</p>	<p>As indicated above the subject site can accommodate the proposed form of development. The City has worked closely with the applicant to minimise the impact of the proposal on the adjacent site. The applicant's justification is supported.</p>

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

	project can be used as a benchmark for future development of such a high standard and will be an asset to the precinct.	
Rubbish and recycling collection will be extremely difficult given the chicane in front of the development site.	The amount of bins that may be located along the kerb may cause slight delays as a truck pauses for a few minutes to progressively collect each bin. That said, it is not uncommon in many other parts of the City and is a minor inconvenience to residents. If it is causing a problem, residents also have other methods to exit the street as the surrounding street layout is a grid.	The applicant will be required to liaise with the City's Environmental Health Services and the City's waste contractor to ensure all relevant requirements are met. The submitters comment is Noted.
The increase in number of vehicles, residents and air-conditioning units will lead to excess noise in the area.	Air-conditioning units as per the codes must be located such that they do not impact on neighbours and will be designed in this way. Vehicle noise will generally be confined to the undercroft parking area which isolates any noise from spreading to other sites. It should also be noted that the close proximity to Canning Highway dictates that there is a constant traffic noise in the surrounding areas. Any noise added by this development will be insignificant compared to a busy highway that has 60,000 vehicle movements per day. We feel that there is no impact to neighbours due to added traffic or air-conditioning noise.	Noise is not a planning consideration and is otherwise governed under the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> .
The proposed development does not comply with many aspects of the <i>City of South Perth Town Planning Scheme No. 6</i> and <i>Residential Design Codes of Western Australia</i> . Specifically, the proposal does not provide sufficient car parking, side setbacks are inadequate, the building overshadows the adjacent site more than 25%, and the design is inconsistent with the existing streetscape.	No comment.	The application is considered compliant with most aspects of TPS6, Council policies and R-Codes as described in the report above.

(d) Internal administration

Comments were invited from the Engineering Infrastructure and City Environment sections of the City's administration.

The Manager, Engineering Infrastructure was invited to provide comment relating to traffic movement, particularly relating to the location of the proposed development near a traffic calming measure. **Attachment 10.3.3(d)** contains a memo from Engineering Infrastructure. This department is generally supportive of the proposal subject to the inclusion of standard conditions relating to crossovers, stormwater, and street trees.

The City Landscapes Officer, City Environment provided comments with respect to the removal of a street tree due to the proposed crossover. This section raises no objections, subject to the inclusion of Standard Condition 417.

Policy and Legislative Implications

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

10.3.3 Proposed Seven (7) Multiple Dwellings - Lot 9 (No. 3) Gwentyfred Road, Kensington.

Financial Implications

This determination has a no financial implications.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Uses “*Accommodate the needs of a diverse and growing population*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The proposed development has generally been designed having regard to the provisions of Council's Sustainable Design Policy. The applicant has provided balconies on the northern side of the dwellings, as well as maximising glazing to the north and minimising glazing on the east and west. 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 meets all of the relevant Scheme, the R-Codes and / or 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.

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

Location: Lot 7 (No. 262) Canning Highway, Como
 Ward: Moresby Ward
 Applicant: Hamish Fleming
 Lodgement Date: 30 July 2013
 Date: 19 November 2013
 Author: Trinh Nguyen, Planning Officer
 Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for a change of land use from “Shop” to “Café / Restaurant” (Flipside Burgers) for an existing commercial tenancy situated at Lot 7 (No. 262) Canning Highway, Como.

Element on which discretion is sought	Source of discretionary power
Car parking	TPS6 Clause 6.3(4)

Officer Recommendation

Moved: Councillor Reid

Seconded: Councillor Trent

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 a change of use from “Shop” to “Café / Restaurant” on Lot 7 (No. 262) Canning Highway, Como, **be approved** subject to:

(a) Standard Conditions

427	External colours and materials - Compatibility	660	Expiry of approval
-----	--	-----	--------------------

(b) Specific Conditions

- (i) The applicant is to pay the City \$9,400 as cash payment in-lieu of the onsite car parking shortfall in accordance with Council Policy P315 “Car Parking Reductions for Non-Residential Development”.
- (ii) The land owner agrees that any compensation for loss of revenue arising from the change of use to “Café / Restaurant” will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Canning Highway.
- (iii) The proposed signage is to comply with the requirements advised by Main Roads Western Australia (MRWA) in their letter dated 25 September 2013.
- (iv) Staff are to park their vehicles onsite, unless all onsite car bays are occupied.
- (v) The hours of operation are to be limited to between 11:30am and 9:30pm – Monday to Sunday.

(c) Standard Advice Notes

700A	Building permit required	700C	Signs licence required – Main Roads WA
790	Minor variations - Seek approval	795B	Appeal rights - Council decision

Recommendation continued

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

(d) Specific Advice Notes

- (i) This planning approval does not pertain to the alfresco dining area. An associated licence must be obtained from Council's Environmental Health Services (EHS).
- (ii) The applicant / owner are advised of the need to comply with the City's EHS requirements, and obtain necessary approvals from the department prior to commencing the proposed use. The memorandum dated 8 July 2013 to this effect is enclosed.
- (iii) The applicant / owner are advised of the need to comply with MRWA conditions and important advice notes, listed in their enclosed letter dated 25 September 2013.
- (iv) All signs on main roads must comply with the requirements of the Main Roads (Control of Advertising) Regulations, 1996. Following the City's approval, all proposed signage visible from a main road and / or located within MRWA reserves require approval from the Advertising Signs Co-ordinator of MRWA.

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

Amended Motion

Moved: Councillor Cridland

Seconded: Councillor Hawkins-Zeeb

That the Officer's recommendation be amended as follows:

(b) Specific Conditions

- (i) The applicant is to pay the City ~~\$9,400~~ \$4,700 as cash payment in-lieu of the onsite car parking shortfall in accordance with Council Policy P315 "Car Parking Reductions for Non-Residential Development".

CARRIED (7/1)

COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Trent

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 a change of use from "Shop" to "Café / Restaurant" on Lot 7 (No. 262) Canning Highway, Como, **be approved** subject to:

(a) Standard Conditions

427	External colours and materials - Compatibility	660	Expiry of approval
-----	--	-----	--------------------

(b) Specific Conditions

- (i) The applicant is to pay the City \$4,700 as cash payment in-lieu of the onsite car parking shortfall in accordance with Council Policy P315 "Car Parking Reductions for Non-Residential Development".
- (ii) The land owner agrees that any compensation for loss of revenue arising from the change of use to "Café / Restaurant" will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Canning Highway.

COUNCIL DECISION continued

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

- (iii) The proposed signage is to comply with the requirements advised by Main Roads Western Australia (MRWA) in their letter dated 25 September 2013.
- (iv) Staff are to park their vehicles onsite, unless all onsite car bays are occupied.
- (v) The hours of operation are to be limited to between 11:30am and 9:30pm – Monday to Sunday.

(c) Standard Advice Notes

700A	Building permit required	700C	Signs licence required – Main Roads WA
790	Minor variations - Seek approval	795B	Appeal rights - Council decision

(d) Specific Advice Notes

- (i) This planning approval does not pertain to the alfresco dining area. An associated licence must be obtained from Council's Environmental Health Services (EHS).
- (ii) The applicant / owner are advised of the need to comply with the City's EHS requirements, and obtain necessary approvals from the department prior to commencing the proposed use. The memorandum dated 8 July 2013 to this effect is enclosed.
- (iii) The applicant / owner are advised of the need to comply with MRWA conditions and important advice notes, listed in their enclosed letter dated 25 September 2013.
- (iv) All signs on main roads must comply with the requirements of the Main Roads (Control of Advertising) Regulations, 1996. Following the City's approval, all proposed signage visible from a main road and / or located within MRWA reserves require approval from the Advertising Signs Co-ordinator of MRWA.

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

CARRIED (8/0)

Background

The development site details are as follows:

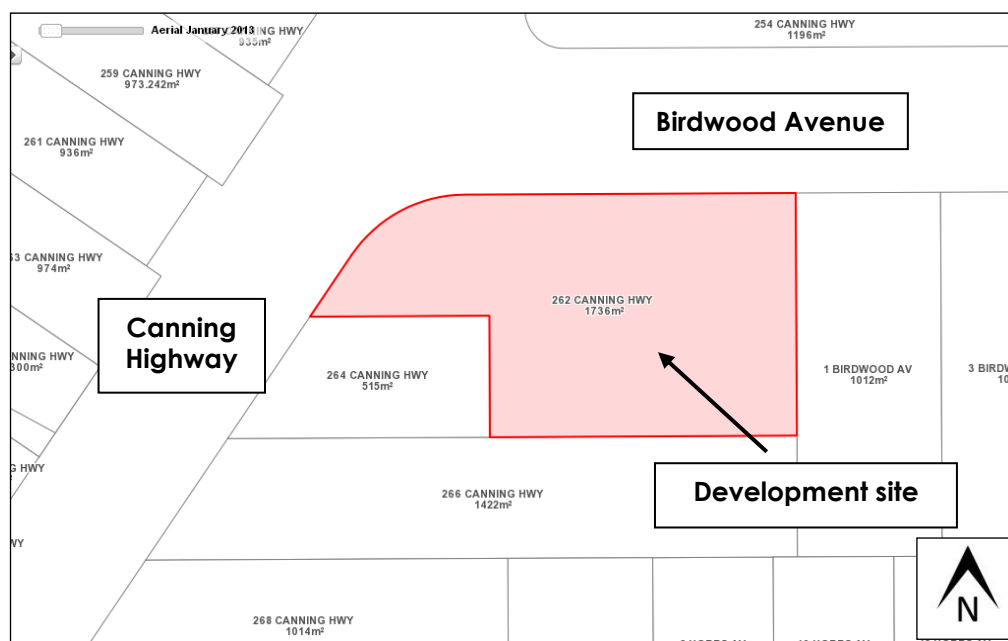
Zoning	Regional Road / Highway Commercial
Density coding	R80
Lot area	1736 sq. metres
Building height limit	10.5 metres
Development potential	Permissible land uses, as listed in Table I of TPS6

This report includes the following attachments:

- Attachment 10.3.4(a)** Plans of the proposal.
- Attachment 10.3.4(b)** Applicant's supporting letter.
- Attachment 10.3.4(c)** Engineering Infrastructure memorandum.
- Attachment 10.3.4(d)** Environmental Health memorandum.
- Attachment 10.3.4(e)** Main Roads Western Australia (MRWA) letter dated 25 September 2013.

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

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:

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.

The site has a historic shortfall of onsite car parking bays as explained in the “Car parking” section below. The proposed change of use proposes an additional car parking shortfall. As the peak parking demand for existing and proposed food outlets on the site – an existing café / restaurant, an existing take-away food outlet, and the subject proposed café / restaurant - will be in the late evening hours, their proximity to residential development along Birdwood Avenue and resultant amenity impact requires careful consideration. In summary, the amenity impact in this instance is the cumulative effect of a shortfall of onsite parking bays, thus an increased reliance on street parking and an increased level of activity as a result of late trading hours.

Comment

(a) Description of the surrounding locality

The commercial tenancy that is the subject of this development application fronts onto Birdwood Avenue, as seen below:

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.



The existing land uses onsite in operation include an “IGA X-Press” shop, Australia Post, “Empire Pizza” take-away food outlet, and “Mother’s Kitchen” restaurant.

(b) Description of the proposal

The proposal involves a change of land use from “Shop” to “Café / Restaurant” (Flipside Burgers), as depicted in the submitted plans referred to as **Attachment 10.3.4(a)**, on Lot 7 (No. 262) Canning Highway, Como (the site). The proposed land use of “Café / Restaurant” is classified as a “D” (Discretionary Use) land use in Table 1 (Zoning - Land use) of TPS6. A “D” land use is defined as follows:

“... indicates a Discretionary Use and means that the Use is not permitted unless Council has exercised its discretion by granting planning approval.”

The proposal generally complies with the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6) and relevant Council policies. The following significant matters are discussed further in the body of this report:

- Car parking (Clause 6.3 of TPS6);
- Council Policy P315 “Car Parking Reductions for Non-Residential Development”; and
- Signage (Clause 6.12 of TPS6 and Council Policy P308 “Signs”).

(c) The locality and existing land uses

Council needs to be satisfied that the proposal fits in with the existing land uses in the locality.

The applicant advises the restaurant will employ one full-time manager and a team of casual staff who are likely to live locally. The applicant further advises the restaurant will be staffed by up to four (4) staff during the day, and up to six (6) staff in the evenings. The maximum number of staff onsite at any one

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

time will be seven (7). The proposed café / restaurant will be open for business during the hours from 11:30am to 9:30pm – Monday to Sunday (7 days).

As a comparison, the operation hours of the existing land uses in the subject building are as follows:

Business	Approved Hours of Operation	Actual Hours of Operation
The previous shop tenancy for the premises, subject to this change of use application.	“Shop” use as part of the original approval from 1960s, no operating hours specified.	<ul style="list-style-type: none"> Monday to Friday – 8:30am to 5:30pm; and Saturday – 8:30am to 2:00pm. (as listed on the following website http://www.truelocal.com.au/business/raspberry-fields/como)
Australia Post	Approved in 1995: <ul style="list-style-type: none"> Monday to Friday – 8:30am to 5:00pm; and Saturday – 9:00am to 12 noon. 	<ul style="list-style-type: none"> Monday to Friday – 8:30am to 5:00pm; Saturday – 9:00am to 12 noon; and Sunday - Closed. (as listed on their website http://auspost.com.au/pol/app/locate/post-office/wa/como/6152)
“Empire Pizza” take-away	Approved in 2008: <ul style="list-style-type: none"> Sunday to Thursday – 9:00am to 10:00pm; and Friday to Saturday – 9:00am to 10.30pm. 	<ul style="list-style-type: none"> Sunday to Thursday – 4:30pm to 9:30pm; and Friday to Saturday – 4:30pm to 10:30pm. (as listed on their website http://www.empirepizzeria.com.au/stories.html)
“Mother’s Kitchen” Indian restaurant	Approved in 2008: <ul style="list-style-type: none"> Sunday to Thursday – 9:00am to 10:00pm; and Friday to Saturday – 9:00am to 10:30pm. 	<ul style="list-style-type: none"> Monday to Sunday – 11:00am to 3:00pm and 5:00pm to 10:00pm. (as listed on the following website http://www.localstore.com.au/store/224030/mothers-kitchen-curry-house/como/)

The proposed land use is a “D” use of the subject lot zoned “Regional Road / Highway Commercial”. Noting that similar food outlets exist on the subject site, officers consider that it is compatible with the existing land uses on the site and their trading hours.

This R80 density coded site is adjoined by low density R15 coded residential properties to the east. The building on the subject site is separated from adjoining residences by an accessway to its east that leads into the onsite car parking area. The proposed change of use does not alter the location of associated services, including the layout of car parking bays and rubbish bin storage areas.

Given the above, the proposed land use and operating hours is considered to fit in with the existing amenity and character of the area. With an increased level of activity as a result of the late trading hours associated with food outlets, the forthcoming sections of the report explain how associated planning matters have been addressed.

(d) **Car parking**

(i) Availability of car parking bays and the existing shortfall

The submitted plans, referred to as **Attachment 10.3.4(a)**, indicate 19 car bays onsite. In addition to the provision of onsite parking, there are 24 car parking bays within the Birdwood Avenue road reserve which are shared by other non-residential uses in the vicinity. Various change of use planning applications have been approved for this site since the original approval in the 1960s, and for the surrounding non-residential uses. Nos. 250 and 252 Canning Highway (motor vehicle and marine sales premises) also share these parking bays within the road reserve. Considering the proportionate share of these public parking bays, officers consider that 10 out of the 24 bays with road reserve could be allocated to the subject site in addition to the existing 19 bays onsite. The total available car parking bays for the subject site are considered to be 29 bays.

A calculation of the number of car parking bays required for the subject site, based upon TPS6 requirements, shows that a total of 36 car parking bays would be required for the currently approved uses. Hence, the officers consider that the currently approved uses are operating with an overall shortfall of seven (7) bays.

(ii) Additional shortfall as a result of the proposed change of use

Five (5) car parking bays would have satisfied the requirement for the existing approved "Shop". Noting that parking bays onsite as well as within the road reserve are used by these uses, three (3) have been considered to be onsite, and two (2) within the road reserve.

In accordance with Table 6 of TPS6, taking into account the 30.0m² of dining area proposed plus the additional alfresco area, seven (7) car parking bays are required for the proposed café / restaurant. Hence, the onsite car parking shortfall as a result of the proposed change of use will be two (2) bays. We could also say that the net shortfall for the entire site will be 7+2 = 9 car parking bays.

(iii) Applying cash-in-lieu provisions of Council Policy P315

This car parking shortfall of two (2) bays, which is as a result of the proposed change of use, has been assessed against Council Policy P315 "Car Parking Reductions for Non-Residential Development". The objective of the policy is to allow a reduction of the number of car parking bays required for non-residential uses where there are significant opportunities to promote alternative modes of transport or utilise existing transport and car parking infrastructure. Utilising the formula provided in Table 2 of the policy, and taking into account the various factors, the figures used are as follows:

Resultant number of car parking bays subject to cash-in-lieu payment:
= $R(7) \times A(0.85) - P(3) - S(2)$ *

* $R =$ TPS6 car parking requirement, i.e. 7.

$A =$ Applying the total adjustment factor, i.e. 0.85 derived from Table 1 in the policy as the proposed development is within 400 metres of a bus stop / station.

$P =$ Minus the car parking proposed to be provided onsite, i.e. 3 as explained under Item (ii) above.

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

S = The most recently approved onsite (or in this case, this particular tenancy) car parking shortfall (after taking into account relevant adjustment factors) unless the proposal is deemed to be comprehensive new development.

Using the above formula, one car bay could be subject to a cash-in-lieu payment.

(iv) How will this cash-in-lieu payment be utilised

The proposed Scheme Amendment 30 “Car Parking and Cash-in-lieu of Car Parking Bays” to TPS6 has been adopted by Council and is currently before the Minister for Planning for final approval.

Clause 6.3 currently restricts Council’s allocation of the cash-in-lieu payments to car parking related infrastructure, such as timed meters and additional car parks, which are in accordance with a firm proposal by Council and must be implemented within five (5) years of the planning approval being granted. As a result, Council has not been able to effectively utilise TPS6’s cash-in-lieu provisions due to their restricted nature; instead opting to grant car parking variations in an ad hoc manner without always capturing any value from the approved car parking shortfall.

The proposed amended cash-in-lieu provision to TPS6 is as follows:

“6.3A Cash-in-lieu of Car Parking Bays

- (3) *Before Council agrees to accept a cash payment in lieu of any deficit bays, it must have a reasonable expectation that the payment can be spent by the City:*
 - (a) *to provide additional transport infrastructure in the vicinity of the development site; or*
 - (b) *to acquire land for the provision of additional transport infrastructure.*
- (4) *The amount of the cash-in-lieu payment shall be the cost estimated by Council to provide the deficit bays. The cost may include:*
 - (a) *the value of land on which the deficit bays may be constructed, as estimated by a licensed valuer appointed by Council;*
 - (b) *the cost to Council of constructing the deficit bays; and*
 - (c) *the cost to Council of constructing and installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the deficit bays.*
- (5) *Any costs incurred by Council in estimating the amount of a cash-in-lieu payment shall be paid by the applicant seeking planning approval.*
- (6) *The cash-in-lieu payment shall be payable in such a manner, and at such time as Council determines.*
- (7) *Cash-in-lieu payments received by Council under this clause shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development site. The cash-in-lieu payment may be used to reimburse Council for any related expenses, including loan repayments which it incurs in providing and maintaining transport infrastructure.”*

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

(v) Comments from Engineering Infrastructure

The memorandum from Engineering Infrastructure, referred to as **Attachment 10.3.4(b)**, provides general comment in relation to car parking.

“The proposal could exacerbate the already strained parking balance between supply and demand for on-street parking in Birdwood Avenue. The day time short stay parking demand for the supermarket and post office has the potential to be compromised by longer stay commuter parking. The available parking on-street and to the rear rarely appears to be exceeded, although depending on opening hours the proposal could be competing for the same street bays, even though rear longer term parking is available. The rear parking area has its limitations, and mixing service vehicles with customer vehicles is likely to discourage many from using the area again, even with the lighting raised to a standard acceptable for public car park use.

In the near future, streets off Canning Highway will have time restricted parking to discourage commuter parking and the likely scenario in commercial zones the restriction could be set at one hour, although two may seem the least troublesome. Parking is not seen as an impediment to the processing of this application.”

The following comments were provided specifically in relation to cash-in-lieu payments for deficit bays:

“The amount of the cash-in-lieu payment shall be the cost estimated by the Council to provide the deficit bays. The cost may include (as per Scheme Amendment No. 30):

- **the value of land on which the deficit bays may be constructed, as estimated by a licensed valuer appointed by the Council.** A single parallel bay is 20 square metres. To acquire private land for a single bay is nominally \$26,000;
- **the cost to the Council of constructing the deficit bays.** The unit cost of a bay constructed decreases through economies of scale. In estimating for a single bay minimum charges apply for all services. The estimated cost of a single bay is \$6,000 and reducing by 20% for over 10, and a further 20% for 20 or more; and
- **the cost to the Council of constructing and installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the deficit bays.**

The number of street bays in Birdwood Avenue subject to time restrictions is 23. The number of bays immediately adjacent to the development is 9 bays. The minimum /maximum cost to install “number plate recognition software” for any deficit bays for this development would be one ninth of the implementation cost estimated to be \$85,000 i.e. \$9,400. It would be reasonable to request “cash in lieu” of \$9,400 to go into a Parking Reserve to introduce the required software to monitor timed parking.”

Engineering Infrastructure advises a cash-in-lieu payment of \$9,400 could be applied for one (1) bay taking into account Clause 6.3(5) of TPS6 and

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

Scheme Amendment 30 regarding the cash-in-lieu provision. Accordingly, officers recommend this as a condition of approval.

Notwithstanding the one (1) car bay shortfall that may be subject to a cash-in-lieu payment, Clause 6.3(4) of TPS6 allows Council discretion to grant planning approval for a development having a lesser number of car parking bays than the number prescribed in Table 6, provided that:

- “(a) 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 50.0m², whichever is the greater, Council is satisfied that sufficient public parking bays are available in the vicinity of the development site to cater for the proposed development.”*

In relation to (c) above, the proposal does not involve additions to the existing floor area, hence officers consider the proposal to meet this criterion. In relation to Point (a), the applicant submits that at various times during the course of a trading week there is always available car parking. The applicant further notes that the busy time of the business is in the evening when some of the other businesses in the centre will be closed, and anticipates that a significant proportion of the customers will live within walking distance and will not require car parking. However, the general comments received from Engineering Infrastructure state that the proposal could exacerbate the already strained parking balance between supply and demand for on-street parking in Birdwood Avenue. It is also stated that the available parking on-street and to the rear rarely appears to be exceeded, although depending on opening hours the proposal could be competing for the same street bays.

While the above discussion takes into account viewpoints of the applicant and City officers, it is also noted that neighbour consultation did not result in any comments from the adjoining residents. If car parking issues were being faced by the residents, they would have taken the opportunity to contact the City and express their concern. At the same time, issues often start emerging when an approved land use commences operation. Noting that the decision involves exercise of discretion, City officers recommend to Council that the shortfall of two (2) car parking bays be approved and a cash-in-lieu payment for one (1) bay be applied.

(e) Signage

The proposed signage facing Birdwood Avenue has been assessed and found to be compliant with TPS6 Clause 6.12 “Signs” and Council Policy P308 “Signs”. It is recommended conditions and important notes be placed in relation to the signage. Main Roads has also provided recommended conditions and advice notes in relation to signage. These are recommended to be imposed.

(f) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6

In considering the application, 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 Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant, the proposal is considered to meet the following objectives:

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

- (a) *Maintain the City's predominantly residential character and amenity.*
- (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.*

With regards to Objectives (a) and (f), while the built form of the proposed café / restaurant will remain unchanged, the café / restaurant use will be intensified.

- (g) *Protect residential areas from the encroachment of inappropriate uses.*
- (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.*

With respect to Objectives (g) and (j), the site being on a corner, in close proximity of public transport and existing non-residential uses, is seen to be the appropriate subject to the recommended conditions.

(g) Other Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6

In considering the application, 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 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.*
- (f) *Any planning Council policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
 - (i) *The preservation of the amenity of the locality.*
 - (p) *Any social issues that have an effect on the amenity of the locality.*
 - (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.*

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

Consultation

(a) 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 at Nos. 253, 254, 255, 257, 259, 261, 263, 264, 266 and 268 Canning Highway, Nos. 1 and 3 Birdwood Avenue, and

10.3.4 Proposed Change of Use & Associated Signage (Shop to Café / Restaurant) - Lot 7 (No.262) Canning Highway, Como.

Nos. 6, 8 and 10 Hobbs Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period no submissions were received.

(b) Internal administration

Comments were invited from Engineering Infrastructure and Environmental Health Services.

- The Manager, Engineering Infrastructure was invited to comment on vehicle movements and parking generated from the proposal. Comments are contained in **Attachment 10.3.4(b)**.
- The Environmental Health Services department provided comments with respect to change rooms, kitchens and noise. This department raises no objections, subject to the recommended conditions and important notes.

Accordingly, planning conditions and important notes are recommended to respond to the comments from the above departments of the City's administration.

(c) External agencies

Comments were also invited from Main Roads with respect to the site being on a regional road reservation. The proposed development is acceptable to Main Roads, subject to relevant conditions and advice notes being imposed.

Accordingly, planning conditions and important notes are recommended to respond to the comments from Main Roads.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Uses “*Accommodate the needs of a diverse and growing population*”.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). 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. It is also observed that the subject property has another café / restaurant, thus the locality is used to such a land use.

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 subject to a cash-in-lieu payment for the one (1) car bay shortfall. Accordingly, it is considered that the application should be conditionally approved.

Declaration of Interest – Councillor Huston

“I wish to declare an impartiality interest in Agenda Item 10.3.5 (Proposed Telecommunications Infrastructure – Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park) on the Council Agenda for the meeting to be held 10 December 2013.

I disclose that I have a right of occupancy at 193 Mill Point Road and that there may be a perception that my impartiality on this development application may be affected.

However, I declare that I will consider this matter on its merits and vote accordingly.”

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

Location: Lot 215 (No. 3) Coode Street, South Perth
Ward: Mill Point Ward
Applicant: Planning Solutions (Aust) Pty Ltd on behalf of Service Stream Mobile Communications and Telstra Corporation Ltd
Owner: City of South Perth
File Ref: SO1/L11835; 11.2013.464.1
Lodgement Date: 17 September 2013
Date: 26 November 2013
Author: Cameron Howell, Planning Officer
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

To consider an application for planning approval for a Telecommunications Infrastructure (mobile phone base station) on Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park). Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Purpose of the reservation	Metropolitan Region Scheme Clause 12
Building height	No discretionary power available
Alteration to place in Heritage List	
Siting (Proximity to residential buildings)	TPS6 Clause 7.8(1)
Car and bicycle parking provision	TPS6 Clause 6.15(c)
Installation away from existing facilities	
Visual impact	Council Policy P310, Clause 2(b)

Council does not have delegation from the Western Australian Planning Commission to determine this planning application. As the proposal is located within the Swan River Trust Development Control Area, Council provides a recommendation to the Swan River Trust. The Trust will provide a recommendation to the Minister for Environment who will determine this application.

Officer Recommendation

Moved: Councillor Huston

Seconded: Councillor Irons

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, Council recommends that this application for planning approval for Telecommunications Infrastructure on Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park), **be refused** for the following reasons:

(a) Specific Reasons

- (i) The proposal does not conform to the purpose of the Metropolitan Region Scheme Park and Recreation Reservation, as the proposal is not considered to be provided primarily to facilitate the use of Sir James Mitchell Park for recreational or conservation purposes.
- (ii) The proposal is located less than 300 metres from the nearest residential building (Lot 1 No. 2 Witcomb Place), hence conflicts with Clause 6.15(a) of Town Planning Scheme No. 6. The exercise of discretion under Clause 7.8(1) is not supported as it would have an adverse impact to the occupants of the precinct.
- (iii) The proposal will have a detrimental impact on the heritage significance of Sir James Mitchell Park, listed in Management Category B of the Heritage List. The proposal is a significant alteration to a place in Management Category B of the Heritage List and accordingly shall not be permitted, hence conflicts with Clause 6(d) of Town Planning Scheme No. 6.
- (iv) The proposal has a significant adverse visual impact on park users and surrounding residents, hence conflicts with Clause 2(b) Council Policy P310 "Telecommunications Infrastructure".
- (v) If the Building Height Limit was applicable to this proposal, the mobile phone tower would exceed the 7.0 metres building height limit (9.3 metres above Australian Height Datum) applicable under Clause 6.1A of Town Planning Scheme No. 6 and the Scheme maps "Building Height Limit : Precinct 2 – South Perth Central" by 4.4 metres. Notwithstanding the non-applicability of the Building Height Limit, the mobile phone tower is seen to dominate any other built structures on this portion of the reserve and is seen to be out of keeping with the height of buildings and other structures in Sir James Mitchell Park.
- (vi) The proposal does not demonstrate compliance with Scheme Objectives (a), (e), (f), (g), (h), (k) and (l) in Clause 1.5 of Town Planning Scheme No. 6.
- (vii) The proposal does not demonstrate compliance with Matters to be Considered by Council (a), (b), (c), (d), (f), (g), (h), (i), (j), (n), (o), (p), (q), (r), (v), (w) and (x) in Clause 7.5 of Town Planning Scheme No. 6.
- (viii) The proposal does not demonstrate compliance with Clauses 3.1, 3.2 and 3.4 of WAPC Development Control Policy P5.3 "Use of Land Reserved for Parks and Recreation and Open Space", in relation to the purpose of the Parks and Recreation Reservation and restrictions to public access.
- (ix) The proposal does not demonstrate compliance with Clause 8.3.2 of State Planning Policy 2.10 "Swan-Canning River System" in relation to its impact to the views from public places in South Perth, views across Perth water, and views to the Kings Park escarpment.

Recommendation continued

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

- (x) The proposal does not demonstrate compliance with Clause 19.2 of Swan River Trust Policy SRT/DE 19 “Miscellaneous Structures”, in relation to being located within a Parks and Recreation Reservation and its visual impact to the river environment.

(b) Council’s recommendation to the Swan River Trust includes a copy of this Council report, attachments and all submissions.

Amended Motion

Moved: Councillor Huston

Seconded: Councillor Irons

That the Officer’s recommendation be amended to include the following additional clauses:

- (xi) Council will not support the rezoning of any portion of the Foreshore to an ‘Urban’ or any other zoning description that may permit the Council to support the development or location of a Telecommunication Tower or the co-location of such towers and Council supports the Swan River Trust’s policy numbered SRT/DE19.
- (xii) The proposal does not demonstrate adequate measure to control, deter and/or prevent anti-social behaviour and/or acts of vandalism and of graffiti.

CARRIED (8/0)

COUNCIL DECISION

Moved: Councillor Huston

Seconded: Councillor Irons

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, Council recommends that this application for planning approval for Telecommunications Infrastructure on Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park), **be refused** for the following reasons:

(a) Specific Reasons

- (i) The proposal does not conform to the purpose of the Metropolitan Region Scheme Park and Recreation Reservation, as the proposal is not considered to be provided primarily to facilitate the use of Sir James Mitchell Park for recreational or conservation purposes.
- (ii) The proposal is located less than 300 metres from the nearest residential building (Lot 1 No. 2 Witcomb Place), hence conflicts with Clause 6.15(a) of Town Planning Scheme No. 6. The exercise of discretion under Clause 7.8(1) is not supported as it would have an adverse impact to the occupants of the precinct.
- (iii) The proposal will have a detrimental impact on the heritage significance of Sir James Mitchell Park, listed in Management Category B of the Heritage List. The proposal is a significant alteration to a place in Management Category B of the Heritage List and accordingly shall not be permitted, hence conflicts with Clause 6(d) of Town Planning Scheme No. 6.
- (iv) The proposal has a significant adverse visual impact on park users and surrounding residents, hence conflicts with Clause 2(b) Council Policy P310 “Telecommunications Infrastructure”.

COUNCIL DECISION continued

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

- (v) If the Building Height Limit was applicable to this proposal, the mobile phone tower would exceed the 7.0 metres building height limit (9.3 metres above Australian Height Datum) applicable under Clause 6.1A of Town Planning Scheme No. 6 and the Scheme maps “Building Height Limit : Precinct 2 – South Perth Central” by 4.4 metres. Notwithstanding the non-applicability of the Building Height Limit, the mobile phone tower is seen to dominate any other built structures on this portion of the reserve and is seen to be out of keeping with the height of buildings and other structures in Sir James Mitchell Park.
 - (vi) The proposal does not demonstrate compliance with Scheme Objectives (a), (e), (f), (g), (h), (k) and (l) in Clause 1.5 of Town Planning Scheme No. 6.
 - (vii) The proposal does not demonstrate compliance with Matters to be Considered by Council (a), (b), (c), (d), (f), (g), (h), (i), (j), (n), (o), (p), (q), (r), (v), (w) and (x) in Clause 7.5 of Town Planning Scheme No. 6.
 - (viii) The proposal does not demonstrate compliance with Clauses 3.1, 3.2 and 3.4 of WAPC Development Control Policy P5.3 “Use of Land Reserved for Parks and Recreation and Open Space”, in relation to the purpose of the Parks and Recreation Reservation and restrictions to public access.
 - (ix) The proposal does not demonstrate compliance with Clause 8.3.2 of State Planning Policy 2.10 “Swan-Canning River System” in relation to its impact to the views from public places in South Perth, views across Perth water, and views to the Kings Park escarpment.
 - (x) The proposal does not demonstrate compliance with Clause 19.2 of Swan River Trust Policy SRT/DE 19 “Miscellaneous Structures”, in relation to being located within a Parks and Recreation Reservation and its visual impact to the river environment.
 - (xi) Council will not support the rezoning of any portion of the Foreshore to an ‘Urban’ or any other zoning description that may permit the Council to support the development or location of a Telecommunication Tower or the co-location of such towers and Council supports the Swan River Trust’s policy numbered SRT/DE19.
 - (xii) The proposal does not demonstrate adequate measure to control, deter and/or prevent anti-social behaviour and/or acts of vandalism and of graffiti.
- (b) Council’s recommendation to the Swan River Trust includes a copy of this Council report, attachments and all submissions.

CARRIED (8/0)

Background

The development site details are as follows:

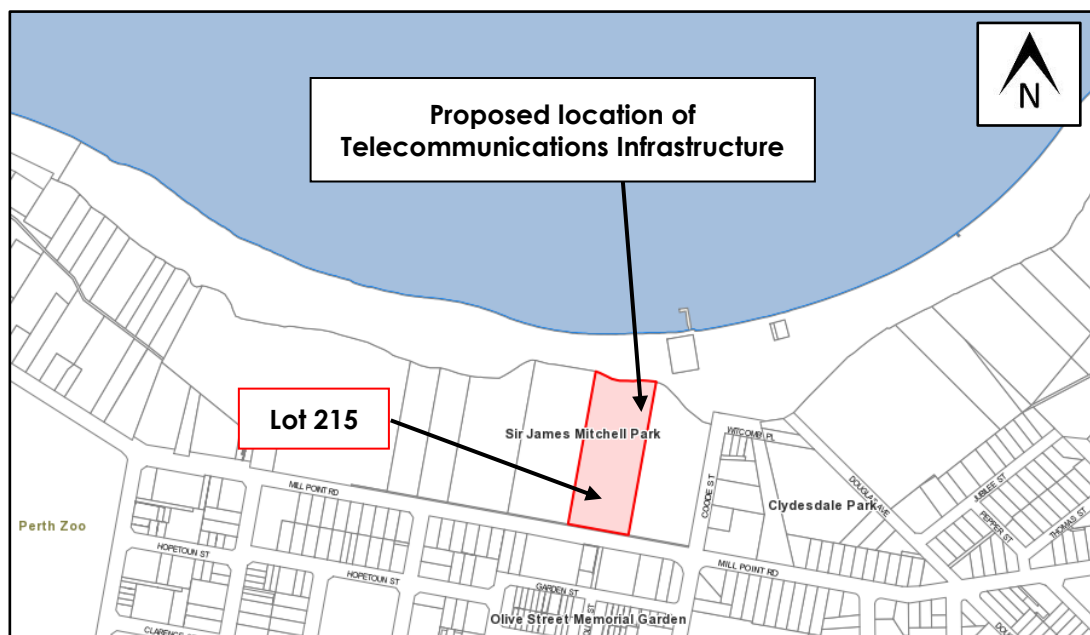
Zoning	None
Density coding	None
Reservation	Parks and Recreation (<i>Metropolitan Region Scheme</i>)
Lot area	16, 344 sq. metres (Lot 215) 64.6 hectares (Sir James Mitchell Park)
Building height limit	7.0 metres
Development potential	Development which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.
Plot ratio limit	None

This report includes the following attachments:

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

Attachment 10.3.5(a)	Plans of the proposal.
Attachment 10.3.5(b)	Site photographs.
Attachment 10.3.5(c)	Applicant's supporting report.
Attachment 10.3.5(d)	Report on submissions.
Attachment 10.3.5(e)	City Heritage comments.

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:

- 1. Specified uses**
 - (e) *Telecommunications Infrastructure that is not classified as a low-impact facility under the Telecommunications Act 1997.*
- 2. Major developments**
 - (a) *Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the City.*
 - (c) *Development of the kind referred to in Items (a) and (b) above, but which, in the opinion of the delegated officer, is contentious or is of significant community interest.*
- 3. The exercise of a discretionary power**
 - (b) *Applications, which in the opinion of the delegated officer, represent a significant departure from the Scheme, Residential Design Codes or relevant planning policies.*
- 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.

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

7. Neighbour comments

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

Comment

(a) Background

In September 2013, the City received an application for a Telecommunications Infrastructure on Lot 215 (No. 3) Coode Street, South Perth (the site).

The application has been forwarded to the Swan River Trust, who has invited the City to provide comments and recommendations on the proposal.

Revised plans were received in November 2013, which deleted the fencing surrounding the two (2) ground level outdoor equipment cabinets.

(b) Existing development on the subject site

Sir James Mitchell Park is primarily parkland consisting of grass, trees, lakes, beaches, footpaths, car parks, and other park related infrastructure. There are a few examples of commercial development within the park's boundaries, such as the land use of "Café / Restaurant". Lot 215 is one of the lots that form Sir James Mitchell Park.

Lot 215 is primarily grass with trees, a cycleway, and a car park at the northern end of the site. The area around the telecommunications proposal is as depicted in the site photographs, referred to as **Attachment 10.3.5(b)**.

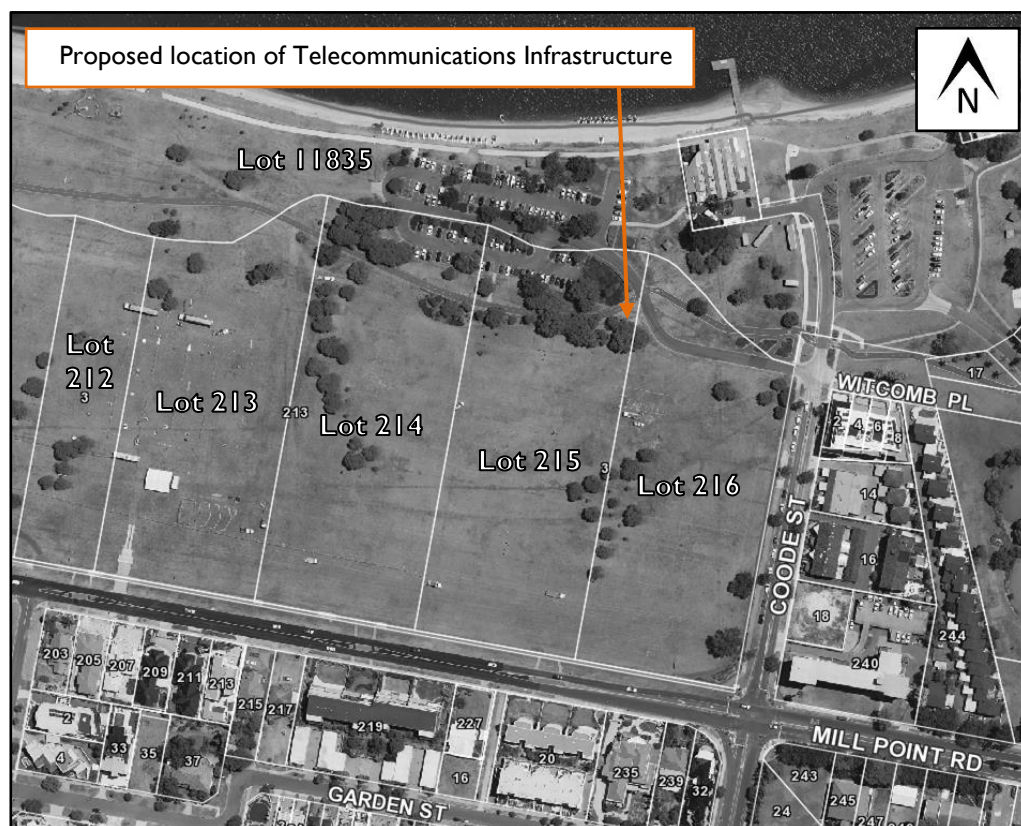
(c) Description of the surrounding locality

Sir James Mitchell Park abuts the Swan River at its northern boundary, and either abuts roads (e.g. South Perth Esplanade and Mill Point Road) or the rear of residential properties on its southern boundary. Lot 215 has a frontage to Mill Point Road to the south and adjoins other lots that form Sir James Mitchell to the north (Lot 11835), east (Lot 216) and west (Lot 214). The eastern boundary of Lot 216 is Coode Street.

A car park, cycleway and the Boatshed Café are located to the north of the proposed Telecommunications Infrastructure site. Grouped dwellings and multiple dwellings are located on the eastern side of Coode Street. Single houses and multiple dwellings are located on the southern side of Mill Street. An educational establishment (Wesley College) is located on the south-eastern corner of Mill Point Road and Coode Street.

An aerial photograph provided below, shows the surrounding locality:

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)



(d) Description of the proposal

The proposal involves the construction of Telecommunications Infrastructure for the Telstra network, consisting of a 12.0 metre monopole with three (3) panel antennae shielded by a shroud, and two (2) ground level outdoor equipment cabinets located on part of Lot 215. The area allocated to the proposed development is approximately 12.0m².

The proposal also includes underground cabling on Lots 215, 216 and 11835 between the Telecommunications Infrastructure and Coode Street.

The submitted plans of the proposal are referred to as **Attachment 10.3.5(a)**. The applicant's report, referred to as **Attachment 10.3.5(c)** describes the proposal in more detail.

(e) Land use

As the site is not zoned land, Table 1 (Zoning - Land use) of TPS6 does not apply. The *Metropolitan Region Scheme* reserves the land for Parks and Recreation. In accordance with Clause 12 of the *Metropolitan Region Scheme*, the purpose of which land is reserved is "Parks and Recreation area".

In considering whether the Telecommunications Infrastructure land use can be approved in a Parks and Recreation Reservation, the proposal needs to demonstrate that it is development which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.

If the proposal was constructed, the telecommunications services would be available to users in the park and would assist with the pursuit of some recreational activities and attendees to special events held at Sir James Mitchell

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

Park. The telecommunications services would also be available to surrounding urban land uses, mostly residences and passing traffic.

City officers consider that the telecommunication services provided by the proposed mobile phone tower are more likely to be utilised by surrounding residents, workers and passing traffic (e.g. Mill Point Road) than by users of Sir James Mitchell Park pursuing recreational activities and attending special events.

Accordingly, the use is not regarded as complying with the purpose of the reservation.

(f) Finished ground and floor levels - Minimum

The required minimum finished non-habitable rooms floor level of a building is 1.75 metres above AHD. The proposed finished floor level of the concrete slab for the equipment cabinets is 2.0 metres above AHD, and the mobile phone antennae are built well above the minimum levels. Therefore, the proposed development complies with Clause 6.9 “Minimum Ground and Floor Levels” of TPS6.

(g) Street and lot boundary setbacks

TPS6 does not specify specific minimum street or lot boundary setbacks for developments on reserved land.

(h) Plot ratio

There is no plot ratio control for this site in TPS6. The proposal has no area that is defined as plot ratio.

(i) Landscaping

There is no minimum landscaping area for this site in TPS6. The proposal would reduce the provided landscaped area in Sir James Mitchell Park by approximately 12.0m².

(j) Building height

The building height limit for the site is 7.0 metres. The height of the building is measured from 2.3 metres above AHD in accordance with Clause 6.1A(2)(b) of TPS6. Accordingly, the building height limit is 9.3 metres above AHD.

In this instance, the mobile phone tower does not meet the common and normal meaning of building. The definition of building in Appendix I of the *Residential Design Codes (2013)* is not considered to be applicable as this definition, referring to a residential dwelling, is out of context to this non-residential development. Accordingly, the mobile tower is not subject to the building height limit.

The proposed height of the mobile phone tower is 12.0 metres above ground level (13.7 metres above AHD). If the building height limit applied, the proposed development would have exceeded the building height limit by 4.4 metres and would not comply with Clause 6.1A “Building Height Limit” of TPS6. There is no discretion permitted to vary the building height limit in accordance with Clause 7.8(2)(a) of TPS6.

Notwithstanding the non-applicability of the building height limit, the mobile phone tower is considered by City officers to dominate any other built

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

structures on this portion of the reserve and is seen to be out of keeping with the height of buildings and other structures in Sir James Mitchell Park.

(k) Car and bicycle parking

As Telecommunications Infrastructure is not listed in Table 6 of TPS6, the number of car and bicycle parking bays shall be provided having regard to the likely demand. For this proposal, City officers consider that one (1) car parking bay and no bicycle parking bays are required as the only parking demand will be from a technician servicing the facility. There are no additional car parking bays provided as part of this proposal.

The proposal does not meet a sufficient number of adjustment factors listed in Table 1 of Council Policy P315 "Car Parking Reductions for Non-Residential Development" to reduce the number of required car parking bays.

It is considered that there are reciprocal parking opportunities with park users using the nearby Coode Street public car parks, located within Sir James Mitchell Park. Accordingly, the exercise of discretion under Clause 7.8(1) of TPS6 to provide no additional car parking bays is supported by City officers.

(l) Fencing

The equipment cabinets were originally proposed to be surrounded by a 2.0 metre high solid fence. As this fence is greater than 1.8 metres in height, to be supported the fence is required to demonstrate that it does not affect the amenity of any property in the locality, nor clash with the exterior design of buildings in the locality in accordance with Clause 6.7(2) of TPS6.

City officers considered that the proposed 2.0 metre high solid fence was out of character with the rest of the park, and would not demonstrate compliance with this amenity requirement. The applicant submitted amended plans that deleted the fencing and accordingly, the fencing is no longer part of this proposal.

(m) Proximity to residential buildings

Mobile telephone towers and associated equipment buildings are required by Clause 6.15(a) of TPS6 to be sited not less than 300 metres from the nearest residential buildings. The nearest residential building, being the residence at Lot 1 (No. 2) Witcomb Place, is located approximately 110 metres to the east of the proposed location of the Telecommunications Infrastructure facility.

Based upon the wording used in Clause 6.15(a) of TPS6 and definition of "setback" in Appendix 1 of the *Residential Design Codes (2013)*, the Scheme's siting requirement is not a setback. Accordingly, the discretion available to permit variations to setbacks by Clause 7.8(1) of TPS6 does not apply. However, the siting requirement in TPS6 is similar to the concept of a minimum horizontal distance (a component of "setback"). Therefore, discretion to permit a variation to "related matters" to setbacks is likely to be available for this proposal.

The primary purpose of Clause 6.15(a) of TPS6 is to minimise the visual impact to nearby residential properties. In considering the discretionary clauses, as the mobile phone tower exceeds the building height limit and is visible above the tree line, the non-compliance with Clause 6.15(a) of TPS6 would have an

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

adverse impact, primarily to the inhabitants of the precinct (the surrounding residents).

(n) Installation away from existing Telecommunications Infrastructure

Any Telecommunications Infrastructure that is not classified as a low impact facility is required to be installed on or within existing Telecommunications Infrastructure, unless it can be demonstrated that these locations would result in inadequate radio frequency coverage, having regard to the carrier's existing network in accordance with Clause 6.15(c) of TPS6.

The applicant's report, referred to as **Attachment 10.3.5(c)** provides the applicant's justification as to why additions to existing telecommunications facilities (e.g. Angelo Street or Mends Street) would not adequately service the subject site and surrounding areas. (Relevant comments are provided on Pages 40, 43, 45, 48 and 49 of **Attachment 10.3.5(c)**.)

Based upon the information supplied by the applicant, Telstra advises that increasing data demands for mobile communications in the Perth Central Business District and South Perth will result in Sir James Mitchell Park and its surrounds receiving reduced coverage. For a number of technical reasons, as described by the applicant, the alternative existing locations in South Perth appear not to be suitable, as locating additional telecommunications facilities at these existing locations does not resolve the inadequate coverage in Sir James Mitchell Park. Accordingly, the provision of a new telecommunications facility not located on or within existing Telecommunications Infrastructure to service Sir James Mitchell Park and its surrounds can be supported.

(o) Visual impact

In considering an application for planning approval, Clause 2(b) of Council Policy P310 "Telecommunications Infrastructure", the City will have regard to the provisions of TPS6 and the visual impact of the proposed Telecommunications Infrastructure. For this application, planning approval should be recommended for refusal where Council is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, Council may recommend the granting of planning approval conditional upon appropriate modifications to minimise the adverse visual impact.

City officers do not consider that the proposal demonstrates compliance with the visual impact requirements of Council Policy P310, as the tower exceeds the building height limit, is taller than the surrounding trees, and would have a significant adverse visual impact to park users and surrounding residential properties.

(p) Heritage

Sir James Mitchell Park is classified as Management Category B in the City's Municipal Heritage Inventory (MHI) and has been heritage-listed by the City since December 1994. By virtue of having a classification of Category B, Sir James Mitchell Park is also contained in the City's Heritage List. Sir James Mitchell Park is not registered by the Heritage Council in the State Register of Heritage Places.

"Category B" means that the place is considered to have a high level of local cultural heritage significance. Planning Policy P313 "Local Heritage Listing" defines this Category as follows:

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

*"Management Category B - Considerable significance
Conservation essential. Reflects the highest level of local cultural heritage significance. Very important to the heritage of the locality. High degree of integrity and authenticity. Demolition or significant alteration to a place in Management Category B of the Heritage List is not permitted. Any alterations or additions are to be guided by a conservation plan, if any, and reinforce the heritage values of the place."*

The MHI provides the following statement of significance for Sir James Mitchell Park:

"Sir James Mitchell Park has aesthetic, historic and social cultural heritage significance. It is an important open space used, not just by the local South Perth people, but by many Western Australians. The open space has links as an historical site to the early rural days of South Perth, being the scene of dairy farming and market gardening."

The proposal has been reviewed by the City considering Clause 6.11 "Heritage Places" of TPS6, Council Policy P313 "Local Heritage Listing", the Municipal Heritage Inventory, and the Heritage List. The officer's comments are provided in **Attachment 10.3.5(e)**.

Development involving the significant alteration to a place in Management Category B of the Heritage List shall not be permitted, in accordance with Clause 6.11(6)(d). The proposed Telecommunication Infrastructure is considered to be a significant alteration as City officer consider that the works would significantly alter the character of the portion of the park in which it is to be located, as per the "significant alteration" definition in Policy P313.

Due to the detrimental heritage implications of the proposed works, City officers consider that the proposal will have a detrimental impact to the heritage values of Sir James Mitchell Park for the following reasons:

- (i) Although small in relation to the size of the park, the proposed 12.0 metre high monopole and infrastructure enclosure with 2.0 metre high fencing would be clearly visible from within the park, from nearby streets, and from the river by virtue of their height and location.
- (ii) The proposed works would visually intrude into park vistas in the vicinity of the proposed infrastructure, and detract from the visual enjoyment of the park by park users and nearby residents, detracting from and competing with the aesthetic heritage significance of the park.
- (iii) The height and location of the infrastructure are inappropriate in view of the popularity of, and community pride in, Sir James Mitchell Park as a high-profile major regional park and heritage site enjoyed by local residents as well as visitors. The 12.0 metre high monopole and equipment enclosure with 2.0 metre high fencing would not meet the heritage objective under Clause 6.11(1) of TPS6 to ensure that development occurs, with due regard to cultural heritage significance of listed places.

Therefore, the proposed development does not comply with the heritage requirements of Clause 6.11 "Heritage Places" of TPS6 and Council Policy P310.

(q) Scheme Objectives - Clause 1.6 of Town Planning Scheme No. 6

In considering the application, 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 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.*
- (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.*
- (g) Protect residential areas from the encroachment of inappropriate uses.*
- (h) Utilise and build on existing community facilities and services, and make more efficient and effective use of new services and facilities.*
- (k) Recognise and preserve areas, buildings and sites of heritage value.*
- (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 unsatisfactory in relation to all of the matters referred to above.

(r) Other Matters to be Considered by Council - Clause 7.5 of Town Planning Scheme No. 6

In considering the application, 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 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.*
- (c) The provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act.*
- (d) Any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia.*
- (f) Any planning policy, strategy or plan adopted by Council under the provisions of Clause 9.6 of this Scheme.*
- (g) In the case of land reserved under the Scheme, the purpose of the reserve.*
- (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.*
- (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,*

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

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.*
- (r) The likely effect of the proposal on the natural environment, and any means that are proposed to protect or to mitigate impacts on the natural environment.*
- (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.*
- (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.*
- (x) Any other planning considerations which Council considers relevant.*

The proposed development is considered unsatisfactory in relation to all of the matters referred to above, except for Matters (s) and (t), which are considered to be satisfactorily addressed by this proposal.

In relation to Matters (c) and (d), the following documents are considered to be relevant to this proposal:

- WAPC Development Control Policy No. DC 5.3 “Use of Land Reserved for Parks and Recreation and Open Space”;
- WAPC Planning Bulletin 46 “Applications for Telecommunications Infrastructure”;
- State Planning Policy 2.10 “Swan-Canning River System”;
- Swan River Trust Policy SRT/DE19 “Miscellaneous Structures”; and
- Swan River Trust Policy SRT/EAI “Conservation, Land Use and Landscape Preservation”.

City officers consider that in particular, the proposal conflicts with the following requirements:

WAPC Policy No. DC 5.3 “Use of Land Reserved for Parks and Recreation and Open Space”

- 3.1 The use and development of land, reserved for Parks and Recreation under the MRS or Regional Open Space under the GBRS or PRS, shall be restricted to that which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.*
- 3.2 The use and development of land reserved for Parks and Recreation or Regional Open Space, for purposes inconsistent with the purpose of the reserve, will not be supported.*
- 3.4 The use and development of land reserved for Parks and Recreation or regional space which would result in long-term restrictions to public access, notwithstanding the possible benefit which could be derived from the use and development to the general community or to a specific educational or religious group within the community, will not be supported.*

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

State Planning Policy 2.10 “Swan-Canning River System”

8.3 Perth water - 8.3.2 Policy

Planning decisions in this area should:

- *Protect views across and from the water, both north and south of the river between the Narrows Bridge and the Causeway, and east and west between Kings Park and Heirisson Island;*
- *Protect views of the Kings Park escarpment from both the north and south shores, and from craft on the river; and*
- *Maintain and enhance views of the river from city streets and public places.*

Policy SRT/DE19 “Miscellaneous Structures”

SRT/DE19.2 Telecommunications facilities and infrastructure

- *Telecommunication facilities are not supported inside the management area;*
- *The Trust will not approve telecommunication facilities within the management area unless it is on land zoned urban and no existing telecommunication facility in the vicinity of the proposed development;*
- *The proposed telecommunication facility must not be visually obtrusive or degrade the river environment as described in SRT/EA1 Conservation, Environmental and Landscape Protection Policy; and*
- *Telecommunication Infrastructure and facilities are not considered appropriate use of land zoned for Parks and Recreation Reservation.*

The proposed development is considered unsatisfactory in relation to the matters to be considered by Council.

Consultation

(a) 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”, as described below:

- 400 notices were mailed to individual property owners, occupiers and / or strata bodies located within a 500 metre radius of the proposal;
- Five (5) signs were erected on Sir James Mitchell Park on Lots 215 and 216;
- The *Southern Gazette* newspaper notice on 1 October 2013; and
- The City’s website (“Out for Comment”).

The required minimum advertising period is 21 days. On this occasion, the actual advertising period was 28 days, from 27 September to 25 October 2013.

41 submissions were received, two (2) in favour and 39 against the proposal. The comments from the submitters, together with officer response, are summarised in **Attachment 10.3.5(d)**.

(b) Internal administration

Comments were invited from the Engineering Infrastructure, Environmental Health, City Environment and Governance sections, as well as the Senior Strategic Planning Officer, in relation to local heritage, of the City’s administration.

- (i) Engineering Infrastructure Services had no comment on the proposal.

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

(ii) Environmental Health Services is satisfied with the proposal and requires no comment.

(iii) City Environment Services has concerns about the proposal and requires further information before it would allow access on to the site. A copy of the City Environment Services comments have been provided to the applicant, and a summary of this department's comments are provided below:

“(A) The proposal will require a scope of works and traffic management plan to manage construction personnel, park access and times and dates of construction, with City maintenance and upcoming events.

(B) Does not support the installation of a fenced compound.

(C) Prefers the contractor to line bore instead of trenching, to bring the services (electrical and communication) to the tower location to avoid impacts to existing reticulation.

(D) Needs to clarify ongoing access requirements and responsibility for maintenance, repairs and graffiti removal.

(E) Needs to clarify the impacts to other City infrastructure (e.g. light poles).”

(iv) Governance provided comments in relation to leasing of City owned land, and referred to Section 3.58 of the *Local Government Act 1995* and Council Policy P609 “Management of City Property”. For this proposal prior to granting a lease, the City would give local public notice of the proposed disposition by inviting public submissions. Council would consider the submissions received before deciding whether or not to approve the lease.

(v) The Senior Strategic Planning Officer, Development Services raises objections and has provided the following comments:

“The current proposal has been assessed as being a “significant alteration” in that it is considered that the works would significantly alter the character of the portion of the park in which it is to be located. While the City would be prepared to support appropriate development which is consistent with the purpose of the park, it is recognised that retention of an appropriate visual setting is important to the maintenance of the heritage significance of the place, and that alterations and additions should not have excessive height. It is considered that while necessary for the proposed equipment, a 12.0 metre high monopole would be highly intrusive and would not reinforce the heritage values of the place. Similarly, the cabinets and 2.0 metre high enclosure fencing would be obtrusive and would diminish the visual and aesthetic quality of the park.”

The local heritage comments are provided in **Attachment 10.3.5(e)**.

The officer recommendation includes reasons to respond to the comments from the above officers.

(c) External agencies

The application was referred to the Swan River Trust. The Trust has not provided any comments.

10.3.5 Proposed Telecommunications Infrastructure - Lot 215 (No. 3) Coode Street, South Perth (Sir James Mitchell Park)

Policy and Legislative Implications

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

Financial Implications

The Minister for Environment's determination may have financial implications if the application is subject to an appeal to the State Administrative Tribunal or the Australian Communications and Media Authority (*Telecommunications Act 1997*). City officers would likely be invited to participate in any mediation.

The plans show a proposed lease to Telstra Corporation Ltd, which would have financial implications as the City is the landowner of Lot 215. The proposed lease is not part of this planning application, and accordingly, any related financial implications are not applicable at this time.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 – Housing and Land Uses "*Accommodate the needs of a diverse and growing population*".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#). The development would enhance sustainability by providing local businesses and residents improved telecommunications services. However, the proposal is seen to have a detrimental environmental impact upon Sir James Mitchell Park, and social impact to park users and surrounding residents.

Conclusion

It is considered that the proposal does not meet all of the relevant Scheme and / or Council policy objectives and provisions, as it will have a detrimental impact on adjoining residential neighbours and to Sir James Mitchell Park. Accordingly, it is considered that the application should be recommended for refusal.

10.3.6 Karawara Public Open Space (POS) Masterplan and Collaborative Action Plan (CAP)

Location: Karawara
Ward: Manning Ward
Date: 20 November 2013
Author: Emmet Blackwell, Senior Strategic Projects Planner
Reporting Officer: Vicki Lummer, Director, Development and Community Services

Summary

The Karawara Public Open Space (POS) Masterplan project was initiated by the City of South Perth's Planning Directorate as part of a holistic approach to improve both Karawara's physical environment and sense of community. It was acknowledged that the Karawara's culturally diverse community, Aboriginal heritage, proximity to Curtin University, history as a public housing estate and generally lower socio-economic area required an innovative and collaborative approach to the masterplanning process which not only addresses spatial concerns, but also governance issues and community pride. One of many issues addressed by this project is the potential closure or revitalization of selected Pedestrian Access Ways (PAW's) and POS links, as per the previous Council resolution.

Officer Recommendation and COUNCIL DECISION

That Council endorse the final Karawara Public Open Space (POS) Masterplan and Collaborative Action Plan documents. A further report on budget implications of the actions be submitted to Council in early 2014.

CARRIED EN BLOC RESOLUTION

This report includes the following attachment:

- **Attachment 10.3.6(a)** Karawara POS Masterplan and Collaborative Action Plan Report;
- **Attachment 10.3.6(b)** AI Masterplan graphic.

Background

In August 2012 Council resolved the following regarding potential closure of selected pedestrian access ways (PAW) and public open space (POS) links in Karawara:

- The City develops a procedural policy specific to PAW/POS reserve closures in Karawara to guide officers in the implementation of closures and this policy be adopted by Council before pursuing closures;*
- The City advise submitters of the above Council decision;*
- The procedural policy shall require that before any closure of a PAW/POS be considered, that all residents directly affected by the closure be required to provide their support;*
- The POS that runs between Meathcare and the rear of the four houses in Lenna Court be retained and that there be no requirement for the re-opening of the PAW between number 7 and 12 Lenna Court; and*
- No action be taken to require the owners of number 11 and 16 Woonan Place to reopen the PAW between their properties.*

In October 2012 Landscape Architecture firms UDLA and CoDesign were engaged to develop a Masterplan and Collaborative Action Plan (CAP) for Karawara's extensive POS network.

10.3.6 Karawara Public Open Space (POS) Masterplan and Collaborative Action Plan (CAP)

The approach of this project was focused on maximising community and stakeholder input. The consultants in conjunction with City officers facilitated a number of community workshops and drop-in activities within Karawara between February and May 2013. The Draft POS Masterplan and CAP were received by the City in July 2013 from the consultant team, and reviewed by all officers involved in the project prior to finalisation of the final document. The final version of the project documents (**Attachments 10.3.6(a)** and **10.3.6(b)**) were then endorsed by the executive on 10 September 2013.

Comment

The development of a community led POS Masterplan along with a supporting collaborative community activation plan has provided a well-conceived matrix of social space programmes, recreation, ecology, culture, art, and safety for the benefit of all residents and stakeholders.

This report seeks Council's endorsement of the final project Masterplan, following which officers will work together in formulating an implementation plan for the projects short to medium term actions. The implementation plan will include further details in relation to timeframes, budgets, alternate funding sources and external expertise required. It is envisaged that the process to produce an implementation plan will take a significant amount of additional work and will be prepared in a form that includes the finer details. This report will be presented early in 2014.

However a number of projects contained within the Collaborative Action Plan have already been commenced or completed by officers and the Consultant Team (UDLA and CoDesign):

Walanna Drive Streetscape Project (Project 4 in Masterplan and CAP)

The City's Engineering/Traffic and Design Team is currently undertaking the 'Walanna Drive Streetscape Project'. The project will upgrade the streetscape and pedestrian environment along Walanna Drive between the intersections of Malinga Court to Lowan Loop. This initiative aligns well with Project 4 of the Masterplan and CAP, 'Improve the pedestrian experience between Karawara and Waterford plaza', undertaking a number of the recommended project actions including:

- Installation of island medians with planting and safe crossing points;
- Provision of on street parking and planting bed;
- Addition of textured vehicle surface to signify change of speed;
- Create a clear and legible footpath network; and
- Improved signage for traffic and pedestrian movement.

The City's Community Culture and Recreation team are also involved in this project in relation to opportunities to incorporate artwork on utility services walls or a community notice board (Project 03) in collaboration with an Aboriginal group or local artist. This project is funded through a current budget allocation.

The First 'Quick Win': Karawara Community Herbs

It was deemed important to facilitate the implementation of a "quick win" project in order to commence small scale positive actions and continued ownership of the project by the Karawara community. The most popular community idea to come from 'Trevor the Ideas Tree' (community engagement method) was a herb garden, to be installed along the outer fence of the Gowrie Community Centre in the Karawara POS greenways. An enthusiastic group of local residents partnered with the Gowrie and the City of South Perth to plant a community herb garden for the use and enjoyment of the Karawara community. Materials were purchased in and

10.3.6 Karawara Public Open Space (POS) Masterplan and Collaborative Action Plan (CAP)

donated by City of South Perth and the Gowrie in July 2013 with a minimal budget. Residents were invited to participate in the working bee and enjoy a sausage sizzle before the Draft Karawara POS Masterplan and Collaborative Action Plan was presented by the project team. This small scale installation is an example of an element contained within the Masterplan and Collaborative action Plan (Project 03) already being implemented.

Consultation

During the project inception site walk undertaken by the consultant team and a selection of City officers, it was observed that Karawara has 3 distinct residential precincts e.g. the medium density Radburn planned precinct (The Karawara Village Greens), the low density contemporary residential infill precinct (Central Redevelopment Area) and the open low density Radburn planned precinct (Karawara Greenways).

Therefore to ensure the project team understood opportunities and challenges of each precinct, three informal open space workshops were proposed, one in each precinct. A temporary pop up discussion trail was installed through the Karawara suburb to advertise these events, generate interest and provoke thought as to how the public open space is being used.

The following community engagement methods were conducted at Informal Open Space Workshops on Saturday 23 February, Tuesday 26 February and Thursday 28 February. The aim of the methods selected was to increase public involvement, expectations and ownership of the project and its recommendations:

- Voting - Images describing the ideas for amenities in Karawara were displayed, and residents voted for amenities they believe are high priority.
- Resident ideas for inclusion - blank pages allowed residents to add their own ideas.
- Trevor the Ideas Tree - Trevor is a community mobilization tool that aims to help the City of South Perth Community Development department find a community initiative to fund. Residents were asked to think of an idea they could implement using City of South Perth support and a small amount of funding, to make Karawara a better place. They wrote this idea on a 'leaf' and hooked it onto a sculptural tree. Other residents added support for an idea, by writing on a gold leaf things that they could contribute to make that idea happen (for example by offering to lend tools, donate their time, etc). At the end of this process, residents' ideas and contact details were given to City of South Perth staff, allowing contributors to be contacted to join a team and start implementing the idea.
- Children's table - Children undertook craft activities and talked informally about things they would like to see in Karawara.
- Participatory Design - Participants worked in small groups with large aerial photographs of Karawara and small symbols representing amenities that could be included in the Masterplan, such as native trees, flowering trees, fruit trees, gardens, lighting and benches.

The children's table and participatory design activities were also conducted at the City of South Perth Fiesta Fun Day on Sunday 17 March and the Colourfest Film Festival on Thursday 21 March. This was viewed as an additional opportunity to capture a wide Karawara audience, as well as, visitors who frequently come to the area.

10.3.6 Karawara Public Open Space (POS) Masterplan and Collaborative Action Plan (CAP)

Three subsequent Masterplan Workshops were attended by a group of 12 to 25 community stakeholders, residents and City of South Perth representatives. This group is referred to throughout the report as the Masterplan Reference Group (MRG).

The purpose of the Masterplan Workshops was to guide the MRG and Noongar (Aboriginal) Community (NC) through a facilitated design process. Over three workshops a two way discussion developed the final Master and Action plans. The design process was divided into the following three topics, including:

- 1) Context, Opportunities & Directions;
- 2) Sketch Design Options; and
- 3) Draft Masterplan & Collaborative Action Plan 2013.

However due to a high level of resident and stakeholder participation throughout the Masterplanning Engagement process, the third Masterplan Workshop was adapted to include additional opportunity for discussion and input instead of a presentation of the Draft Masterplan as originally planned.

An additional community engagement session was scheduled on Sunday 28th July 2013 to provide an opportunity for the Draft Karawara POS Masterplan and Collaborative Action Plan to be presented to community members and stakeholders. This presentation was preceded by the project's first 'quick win', Karawara Community Herbs.

Concurrently run, in conjunction with the Masterplan Workshops were 2 focus sessions with the local Noongar (Aboriginal) Community (NC) to ensure their voice, values and concerns were represented throughout the process. The project team identified these separate Aboriginal Engagement sessions as being important as Karawara has the highest percentage (3.2%) of Aboriginal residents of any suburb within the City of South Perth.

Throughout the sessions, it was evident that within the Aboriginal community are existing 'community champions' who both; have the capacity to, and already are representing their communities. The work of these role models should be acknowledged, celebrated and supported. During these discussions, it was noted that the recommendations within the Karawara Collaborative Action Plan, will build upon City of South Perth Aboriginal Engagement Strategy and acknowledge work by existing community groups such as Moorditj Keila.

This inclusive and diverse consultation process has been acknowledged by the Planning Institute of Australia (PIA) as the project won the WA PIA award for excellence in the category of "Public Engagement and Community Planning".

Policy and Legislative Implications

The Karawara POS Masterplan and Collaborative Action Plan documents have been written to be compliant with all relevant policy and legislative requirements at local, state and federal levels.

It is recommended that the proposed procedural policy in relation to the potential closure of selected pedestrian access ways (PAW) and public open space (POS) links, as outlined within the above Council resolution from the August 2012 meeting, be put on hold until project 10 (Test the closure of Pedestrian Access Ways) has been adequately trailed. Successful implementation of project 10 by the City, stakeholders and adjoining residents, in combination with other related projects within the Collaborative Action Plan, may influence the preparation of the procedural policy.

Financial Implications

The budget implication of this Masterplan will be the subject of a further report to Council in 2014 once more detailed analysis has been undertaken.

However the City's immediate start on the 'Walanna Drive Streetscape Project' and 'Karawara Community Herbs' projects has been possible within the current financial year's budget.

Strategic Implications

This report is consistent with the following Directions contained within the City's [Strategic Plan 2013–2023](#):

1. Community

Create opportunities for an inclusive, connected, active and safe community.

2. Environment

Enhance and develop public open spaces and manage impacts on the City's built and natural environment.

4. Places

Develop, plan and facilitate vibrant and sustainable community and commercial places.

Sustainability Implications

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

10.3.7 Submission on the Draft State Aviation Strategy

Location: City of South Perth
Ward: Not applicable
Applicant: Department of Transport
Date: 28 November 2013
Author/ Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

The Department of Transport has advised that the State Aviation Strategy (Draft for Public Comment) was released for public comment on 24 October until 23 December 2013. The Western Australian Local Government Association (WALGA) has prepared a submission for State Council endorsement. WALGA has provided a draft response to the Strategy. It is recommended that the WALGA submission on the draft State Aviation Strategy be endorsed, subject to minor modification.

Officer Recommendation and COUNCIL DECISION

That

- (a) the WALGA submission on the State Aviation Strategy (Draft for Public Comment) be endorsed; subject to:

in relation to item 4 of the State Aviation Strategy, the Local Government sector be added to the first two dot points to ensure that Local Government is consulted in relation to the development of infrastructure at Perth Airport.

CARRIED EN BLOC RESOLUTION

Background

The State Aviation Strategy (Draft for Public Comment) (**Attachment 10.3.7 (a)**) was released for public comment on 24 October until 23 December 2013. A submission has been prepared for the WALGA State Council endorsement. The draft Aviation Strategy was made available City of South Perth Councillors (25 October 2013, No 42/2013) and no comments have been received.

Comment

The only comment in addition to those contained in the WALGA Submission (**Attachment 10.3.7 (b)**) involves the lack of recognition in consulting with the Local Government sector as the following suggests:

Key Actions:

4. To assist in the timely development of infrastructure at Perth Airport, the State Government will:

- *liaise closely with the Commonwealth Government, Perth Airport, the resources industry and the airlines in the development and assessment of a proposal to construct a new parallel runway;*
- *actively engage with Perth Airport, Commonwealth Department of Infrastructure and Transport, Airservices Australia, airlines, resources industry and major regional WA airports in Perth Airport's master planning process;*

It would appear essential that Local Government should be involved in this consultation process, at least from a town planning and noise point of view, and it is recommended that this be added to the response to the WALGA submission to the State Aviation Strategy.

Consultation

The Department of Transport's draft State Aviation Strategy has been released for public comment and was made available City of South Perth Councillors (25 October 2013, No 42/2013) and no comments have been received.

Policy and Legislative Implications

This determination has no policy and legislative implications.

Financial Implications

This determination has no financial implications.

Strategic Implications

This report is consistent with the City's [Strategic Plan 2013–2023](#), Direction 3 - Housing and Land Uses "*Accommodate the needs of a diverse and growing population*".

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#), Strategy T1 – Sustainable Transport (to reduce human impacts on the environment) and Strategy H2 - Major Capital Works & Civic Developments (the facilitation of a more sustainable urban future).

10.4 STRATEGIC DIRECTION 4: PLACES

Nil

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

Nil

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Metropolitan Local Government Reform

Location: City of South Perth
Ward: Not applicable
Applicant: Council
Date: 22 November 2013
Author/Reporting Officer: Cliff Frewing, Chief Executive Officer

Summary

This report seeks Council agreement to formally windup the Joint City of South Perth and Town of Victoria Park Amalgamation Task Force and form a Local Implementation Committee to assist with the facilitation of the change process of local government reform.

This decision is sought in response to advice received by the Department of Local Government and Communities.

Officer Recommendation and COUNCIL DECISION

Moved: Mayor Doherty

Seconded: Councillor Reid

That

- (a) the Joint Task Force formed in May 2013 be formally wound up;
- (b) Council agree to form a Local Implementation Committee (LIC) with equal representation with the Town of Victoria Park and with representation nominated by the City of Canning;
- (c) Council agree that the City of South Perth representatives on the LIC consist of three (3) elected members and the CEO; and
- (d) Council nominate the three (3) members of the LIC as the Mayor Sue Doherty, and two Councillors.

CARRIED (6/2)

Election of two Council representatives for the Local Implementation Committee (LIC)

Nominations received from:

1. Councillor Hawkins-Zeeb
2. Councillor Reid
3. Councillor Trent

Ballot results:

Councillor Hawkins-Zeeb	5 votes
Councillor Reid	5 votes
Councillor Trent	6 votes

Councillor Trent duly elected as a Council representative on the LIC.

2nd Ballot results:

Councillor Hawkins-Zeeb	5 votes
Councillor Reid	3 votes

Councillor Hawkins-Zeeb duly elected as a Council representative on the LIC.

Background

The Department of Local Government and Communities (the Department) has recommended that affected local governments form a Local Implementation Committee (LIC) to assist with the facilitation of the change process of local government reform.

Process to date

The local government reform process has been gathering momentum over the past 4-5 years and has experienced a number of different phases. Most recently:

- the Robson Report recommendations were released in mid-2012; and
- the Governments response to those recommendations was released in mid-2013.

Affected Local Governments were invited to respond to the Government's preferred model by 4 October 2013 and the City responded by this date.

During the reform process, the City has consistently supported the position that an amalgamation with the Town of Victoria Park was the most appropriate course of action to take, if reform was inevitable.

Submissions, in support of amalgamation with the Town of Victoria Park, were made as follows:

- 25 May 2012 – preliminary response to Robson report
- 5 April 2013 – final response to Robson report
- 4 October 2013 – response to Local Government Advisory Board (LGAB) following the Minister's direction.

The submission to the LGAB was a joint response with the Town of Victoria Park. This response was developed by both Local Governments working together, where the work was overseen by a "Joint Taskforce" consisting of three Elected Members and the CEO's of each Local Government. Mayor Doherty, Councillor Hasleby and Councillor Reid were the City of South Perth Representatives.

The submission to the LGAB is currently being considered, and it is expected that an inquiry will be held in early 2014.

The details of the recommendation by the Department to establish a LIC are discussed below. However, if the Council agrees to the formation of the Committee, it is suggested that the Joint Taskforce be wound up.

Comment

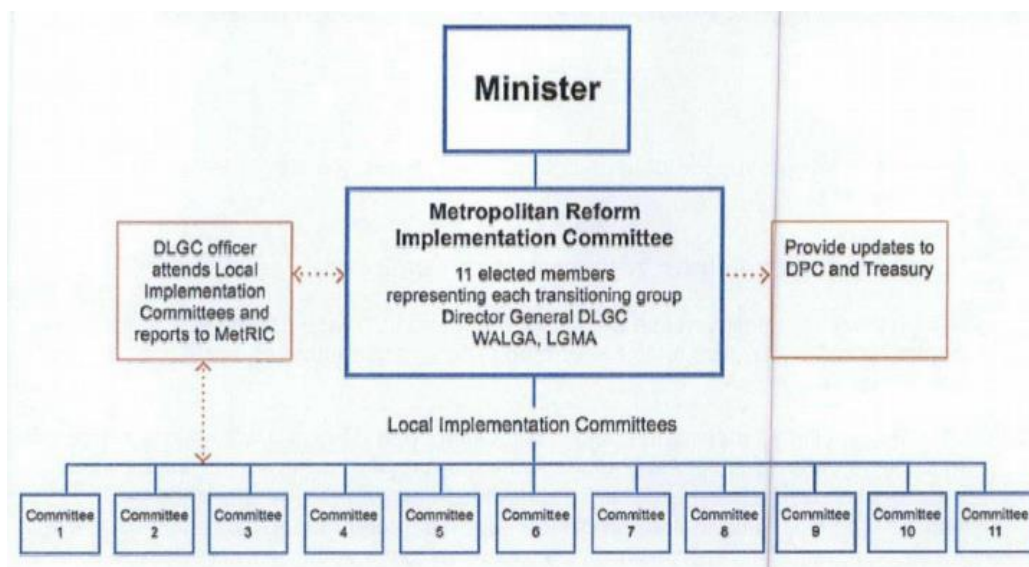
Local Implementation Committee (LIC) Establishment

The Department of Local Government has released details of the preferred framework that it would like adopted during the next phase of the reform process. This involves the creation of a "Local Implementation Committee" for each group of Local governments that are considering a reform proposal.

The Department suggests that representation of the LIC consists of elected members and the CEO of each affected Local Government. The LIC would appoint the Chair to the committee and the chair would represent the group of Local Governments at the "Metropolitan Reform Implementation Committee" (METRIC).

10.6.1 Metropolitan Local Government Reform

The METRIC is a central overseeing coordinating committee which would consist of each LIC chair, representatives from the Department, WALGA and LGMA.



Governing principles of the LIC

Each Local Implementation Committee should observe the following governance principles:

- members will be respectful and cooperative;
- equal representation will be invited from each merging local government;
- decision making will be transparent;
- the Committee's information requirements will be met with accurate and timely data and information; and
- Reporting and communication will be accurate and timely.

Role

The leadership of the Committee is to plan for and deliver the new Local Government organisation. This will include oversight of the detailed steps that will need to be taken for the commencement of the new local government by 1 July 2015.

Its role in overseeing and driving planning and implementation will include such areas as:

- a new organisation structure;
- accommodation rationalisation;
- preparation of delegations:
 - asset identification and valuation
 - workforce planning and staff transfers;
 - awards and agreements harmonisation;
 - data migrations and ICT integration;
 - preparation of a consolidated annual budget;
 - contracts and leases; and
 - harmonisation of rating.

Membership

Membership of the Committee should comprise equal representation from each of the merging local governments. As an example, the Mayor and CEO of each local

10.6.1 Metropolitan Local Government Reform

government could form the core membership. Two elected members could be chosen from each local government where the benefits of additional membership are not outweighed by the increased size of the Committee.

Consideration will also need to be given to those additional people who may attend Committee meetings to provide advice and support to the Committee's operation.

The Town of Victoria Park has advised that it will also be nominating three representatives and the Chief Executive Officer to the Local Implementation Committee.

It is also likely that the City of Canning will be represented on the LIC as a relatively large portion of that City (the area to the north of Leach Highway consisting of approximately 16,500 residents) which under the Government's proposal, will be amalgamated with the merged City of South Perth and Town of Victoria Park.

Chair

Each Local Implementation Committee would appoint a Chair. A Deputy Chair would also be appointed. In general, the Chair should be an elected member from one of the amalgamating local governments. Consideration could also be given to the merits of a rotating or ongoing elected member as the chair. Alternatively an independent person may be preferred.

Decision making

Meeting procedures are to be determined by the Committee. It may be preferable to require that decisions are to be made by absolute majority.

As with the Joint Task Force, regular reports would be prepared on the progress of the LIC and reported back to Council and Elected Members through the *Councillor Bulletin* or by way of a Council Report, as appropriate.

Consultation

As part of the review of the Robson report recommendations and responses to the Minister's preferred option, all residents were provided with a survey document to make comment.

In addition, the local government reform program has been widely advertised and the public have had opportunities to make submissions directly to the Minister of Local Government. Further opportunities to comment on the proposal will be advertised by the LGAB.

Further opportunities will be afforded to the public when the Local Government Advisory Board invites submissions on proposals.

Policy and Legislative Implications

There are no policy or legislative implications at this stage. The Act and Regulations provide details that Local Governments must follow should an amalgamation proposal be supported by both Local Governments.

No legislative support was provided by the Department in relation to the formation of the LIC and its powers are therefore limited to overseeing the implementation of the reform agenda.

Financial Implications

Internal Budget

10.6.1 Metropolitan Local Government Reform

Costs associated with the Local Government Reform initiative are accumulating and, at this stage, there has been no positive indication from the Department of Local Government and Communities or the Minister that the initial grant of \$200,000 will be paid to the City, the Town of Victoria Park or the City of Canning. Similarly, no commitment has been made regarding the overall costs of amalgamation which are likely to run into the millions of dollars.

Total Asset Management

If the City of South Perth and Town of Victoria Park are joined then the assets of the City will form part of a larger local government.

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 Community Plan*”.

This action is also consistent with past Council decisions.

Sustainability Implications

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

10.6.2 Policy P669 Training and Development

Location:	City of South Perth
Ward:	Not applicable
Applicant:	Council
Date:	26 November 2013
Author:	Phil McQue, Manager Governance & Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report considers a recent review of Policy P669 Travel and recommends the adoption of a revised Policy P669 Training and Development. The primary focus of this revised policy is the introduction of an annual training / conference budget allocation for each Elected Member, in line with the adopted 2013/14 Elected Member seminar / conference budget.

Officer Recommendation

Moved: Councillor Reid

Seconded: Councillor Hawkins-Zeeb

That Council adopt Policy P669 Training and Development, shown at Attachment 10.6.2, to come into effect 1 January 2014.

Amended Motion

Moved: Councillor Reid

Seconded: Councillor Cala

That the Officer's recommendation be amended as follows:

That Council adopt Policy P669 Training and Development, shown at Attachment 10.6.2, to come into effect 1 January 2014, **subject to the following amendment:**

That the Policy includes the City funding the AICD annual membership fee of each eligible Councillor outside of the annual Elected Member allocation.

CARRIED (4/3)

COUNCIL DECISION

Moved: Councillor Reid

Seconded: Councillor Hawkins-Zeeb

That Council adopt Policy P669 Training and Development, shown at Attachment 10.6.2, to come into effect 1 January 2014, subject to the following amendment:

That the Policy includes the City funding the AICD annual membership fee of each eligible Councillor outside of the annual Elected Member allocation.

CARRIED (6/1)

Background

The City has a range of strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. In line with best practice principles, a comprehensive review of the Council's policy manual is customarily undertaken annually by the Council during February and March.

10.6.2 Policy P669 Training and Development

With the recent spill of the Council, reduction of elected members and subsequent ordinary election, it is considered appropriate to review the Elected Members Travel Policy in December, with the revised policy to come into effect from the beginning of the 2014 calendar year.

The City encourages Elected Members to attend conferences, seminars and training development programs to ensure their ongoing professional development and acquisition of relevant skills and knowledge to assist in their capacity as Elected Member.

Comment

The City has undertaken a review of Policy P669 Travel with a view to introducing an annual training / conference budget allocation for each Elected Member.

The introduction of a specified allocation for each Elected Member will ensure equity and fairness for all Elected Members in attending seminar, conferences and training programs. It is proposed to provide each Elected Member an annual allocation to attend intra-state and interstate courses and conferences of their choice, ensuring their ongoing professional development in their role and capacity as Elected Member.

It is proposed that the Mayor be provided an annual allocation of \$8,000 and each Elected Member be provided an annual allocation of \$5,000. It is believed that an allocation of this amount would provide each Elected Member the ability to attend at the very minimum one interstate conference and a number of intrastate conferences, seminars and luncheons annually.

The Cities of Stirling and Joondalup have similar policies, with the City of Stirling providing an annual allocation of \$16,000 to the Mayor and \$8,750 to Elected Members and the City of Joondalup providing an annual allocation of \$14,600 to the Mayor and \$6,700 to Elected Members.

In addition to the allocation, it is proposed that the City would continue to fund Elected Members undertaking the Australian Institute of Company Directors course and attending WALGA Week and identified introductory WALGA Courses.

Consultation

The City sought feedback from Councillors as well as researching other metropolitan local government policies.

Policy and Legislative Implications

Meeting fees, allowances and expenses are addressed in sections 5.98 to 5.102 of the *Local Government Act 1995* and Regulations 30 to 34AB of the *Local Government (Administration) Regulations 1996*.

Financial Implications

The 2013/14 budget provides a \$50,000 allocation for Elected Member attendance at conferences and seminars. The proposed policy would provide an allocation of \$48,000 per annum for the Mayor and Elected Member to attend conferences.

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 Community Plan”.

10.6.2 Policy P669 Training and Development

Sustainability Implications

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

10.6.3 New Policy – P680 Electronic Agendas

Location:	City of South Perth
Ward:	Not applicable
Applicant:	Council
Date:	28 November 2013
Author:	Ricky Woodman, Corporate Projects Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

The City has recently moved to providing Elected Members electronic agendas, requiring the provision of iPads for Elected Members. Policy P680 Electronic Agendas has been developed to reflect this new process and procedure.

Officer Recommendation and COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Cala

That Council adopt Policy P680 Electronic Agendas shown at **Attachment 10.6.3**.

CARRIED (7/0)

Background

The City recognises the benefits of digital communications and information sharing. The City has been investigating and researching best practice methods for communicating with Councillors, and more specifically around the agenda / minute distribution process.

The City recently purchased and implemented Dashboard software which allows for the efficient dissemination of meeting documentation to Elected Members. The Dashboard software requires an apple or android platform for end users and the City subsequently purchased a number of iPads for Elected Members and Senior staff. Policy P680 Electronic Agendas has been developed to reflect the new electronic meeting document distribution process.

Comment

From 2014, all Elected Members will be provided their meeting documentation exclusively via the Apple iPads / Dashboard software rather than receiving their documentation in paper format.

There are many advantages with this new electronic process including more timely dissemination of meeting documents to Elected Members, less staff resourcing involved with photocopying, less paper being used and considerable efficiencies being gained from an administrative perspective.

With the electronic agenda's due to become the City's standard business process, Elected Member are required to have iPads to access this meeting documentation. The City has therefore purchased iPads for Elected Members outside Policy P667 Member Entitlements and their communications allowance. The communication allowance is a discretionary allowance provided to Elected members and the provision of the iPad does not fall within it for the reasons outlined above.

In addition to meeting documentation, the City will be providing a suite of other information to Elected Members via the Dashboard/ iPad format in 2014. A further benefit is that the iPad may also be used by the Elected Member for communicating

10.6.3 New Policy – P680 Electronic Agendas

with residents and ratepayers, lodging service requests or other work related purposes.

Users of the City provided iPad-based technology solution are required to acknowledge, understand and respect the underlying iPad, internet and usage philosophy that forms the basis of Policy P680 Electronic Agendas.

Consultation

A copy of the proposed Policy P680 was provided in the Councillors Bulletin in early November.

Policy and Legislative Implications

As previously mentioned, electronic agendas will become the City's standard business practice for meeting document distribution and therefore iPads have been provided to Elected Members outside of the Policy P667 Member Entitlements and the communications allowance.

Financial Implications

The Electronic Agendas project is budgeted for in the 2013/2014 financial year. The costs of this project come from the Financial and Information Services capital expenditure budget.

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 Community Plan*”.

Sustainability Implications

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

10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

Nil

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUEST FOR LEAVE OF ABSENCE – CR LAWRANCE

I hereby apply for Leave of Absence from all Council Meetings for the periods (inclusive):

- 5 - 22 January 2014
- 17 February - 6 March 2014
- 20 - 23 March 2014

Recommendation and COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Cala

That Councillor Lawrance's request for leave of absence from all Council Meetings for the periods

- 5 - 22 January 2014
- 17 February - 6 March 2014
- 20 - 23 March 2014

be approved.

CARRIED (7/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. QUESTIONS FROM MEMBERS

13.1. RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

13.2 QUESTIONS FROM MEMBERS

A table of questions from Members and the responses given can be found in **Appendix 2**.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

14.1 SOUTH PERTH FORESHORE 2013 AND BEYOND

Councillor Hawkins-Zeeb and Councillor Huston sought to move a motion to introduce some additional clauses to a resolution made by Council, in relation to the South Perth Foreshore 2013 and Beyond Project, at the November 2013 Ordinary Council Meeting.

The Mayor advised that this proposal should be put forward for Council consideration as a 'notice of motion' at the February 2014 Ordinary Council Meeting.

15. MEETING CLOSED TO PUBLIC

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Premier's Australia Day Active Citizenship Award – Nominations (Confidential)

Location: City of South Perth
Ward: Not applicable
Applicant: Council
Date: 22 November 2013
Author: Rene Polletta, Youth and Children's Officer
Reporting Officer: Sandra Watson, Manager Community Culture & Recreation

Confidential

This report is confidential in accordance with Section 5.23(2)(b) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following: *the personal affairs of any person*.

Note: *Confidential Report* circulated separately.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15.2.1 Premier's Australia Day Active Citizenship Award – Nominations (Confidential)

COUNCIL DECISION

Moved: Councillor Trent

Seconded: Councillor Hawkins-Zeeb

That, following consideration of the nominations for the:

- 2014 City of South Perth and Premier's Australian Citizen of the Year Award
- 2014 City of South Perth and Premier's Australia Day Active Young Citizen of the Year Award; and
- 2014 City of South Perth and Premier's Australia Day Active Community Group/Event Award

the winners, as presented in the recommendations of the confidential report item 15.1.1 of the December 2013 Ordinary Council Agenda, be approved.

CARRIED (7/0)

16. CLOSURE

The Mayor thanked everyone for their attendance, and wished everyone a safe and blessed Christmas. She then closed the meeting at 9:55 pm.

DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on 25 February 2014.

Signed _____

Chairperson at the meeting at which the Minutes were confirmed.

17. RECORD OF VOTING

10/12/2013 7:07:23 PM

Item 7.1.1

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

10/12/2013 7:08:12 PM

Items 7.2.1 to 7.2.4

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

10/12/2013 7:16:04 PM

En Bloc Motion

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

10/12/2013 7:28:57 PM

Item 10.2.1 – Amended Motion

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

10/12/2013 7:30:10 PM

Item 10.2.1 – Substantive Motion

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

10/12/2013 7:46:29 PM

Item 10.3.1 – Amended Motion

Motion Passed 7/1

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

No: Cr Michael Huston

Absent: Cr Veronica Lawrance

Record of voting

10/12/2013 7:47:38 PM

Item 10.3.1 – Substantive Motion

Motion Passed 7/1

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

No: Cr Michael Huston

Absent: Cr Veronica Lawrance

10/12/2013 7:49:54 PM

Item 10.3.2 – Officer Recommendation

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

10/12/2013 8:03:46 PM

Item 10.3.3 – Alternative Motion

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

10/12/2013 8:15:38 PM

Item 10.3.4 – Amended Motion

Motion Passed 7/1

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent

No: Cr Fiona Reid

Cr Veronica Lawrance

10/12/2013 8:17:17 PM

Item 10.3.4 – Substantive Motion

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

10/12/2013 8:34:39 PM

Item 10.3.5 – Amended Motion

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance

10/12/2013 8:35:15 PM

Item 10.3.5 – Substantive Motion

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance, Casting Vote

Record of voting

10/12/2013 9:10:57 PM

Item 10.6.1 – Officer Recommendation

Motion Passed 6/2

Yes: Mayor Sue Doherty, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Cheryle Irons, Cr Kevin Trent, Cr Fiona Reid

No: Cr Colin Cala, Cr Michael Huston

Absent: Cr Veronica Lawrance

10/12/2013 9:21:15 PM

Item 10.6.2 – Amended Motion

Motion Passed 4/3

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland

No: Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance, Cr Cheryle Irons

10/12/2013 9:21:50 PM

Item 10.6.2 – Substantive Motion

Motion Passed 6/1

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Kevin Trent, Cr Fiona Reid

No: Cr Michael Huston

Absent: Cr Veronica Lawrance, Cr Cheryle Irons

10/12/2013 9:28:45 PM

Item 10.6.3 – Officer Recommendation

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance, Cr Cheryle Irons

10/12/2013 9:29:36 PM

Item 11.1

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance, Cr Cheryle Irons

10/12/2013 9:45:10 PM

Item 15.1.1 – Officer Recommendation

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Michael Huston, Cr Kevin Trent, Cr Fiona Reid

Absent: Cr Veronica Lawrance, Cr Cheryle Irons

APPENDIX I – PUBLIC QUESTION TIME 10 DECEMBER 2013

1. Mario and Michelle Terri, 3 Hurlingham Rd, South Perth Received enquiries 9 December 2013	Response provided by: Mark Taylor, Acting Director Infrastructure Services
<p>It has come to our attention that Lots 198 and 199 near Jubilee St, South Perth are zoned 'Urban' under the Metropolitan Region Scheme but are designated 'Parks and Recreation' under the South Perth Town Planning Scheme No. 6.</p> <p>We request that the City of South Perth take action and approach the WA Planning Commission, Metropolitan Region Scheme or otherwise, to change the zoning from 'Urban' to 'Parks and Recreation' for Lots 198 and 199 to ensure this area is preserved for park, recreation and foreshore activities in the future.</p>	<p>The two Lots are zoned under the TPS6 for 'Parks and Recreation' which provides sufficient protection to ensure the land is preserved for its current use. Under this zoning the Council retains control over the determination of any development applications and the Council must have regard for the purpose of the reserve in making any determination. If the land is rezoned to Parks and Recreation under the Metropolitan Regional Scheme, control will go to the Western Australian Planning Commission and the City will lose control over determination of applications.</p> <p>However, in order to allay public concerns the City can write to the Western Australian Planning Commission requesting that the zoning be amended. The amendment process is not controlled by the City and it will be in the hands of the Commission whether or not the MRS amendment process is initiated.</p>
2. Geoff Defrenne, 24 Kennard St, Kensington Received enquiries 10 December 2013	Response provided by: Vicki Lummer, A/Chief Executive Officer
<p>Member Entitlements</p> <p>Over the last four months I have asked a series of questions regarding policy P667 (Members Entitlements).</p> <p>The response to my questions last month is that the questions were answered in October.</p> <p>I disagree with that statement but that is what is recorded in the minutes.</p> <ol style="list-style-type: none"> 1. Will the city continue with its cover up of making payments for services which are clearly contrary to policy P667? 	<p>As previously advised, the Mayor is provided with additional equipment to allow him / her to appropriately fulfil their role and responsibility in the Office of Mayor.</p>
<ol style="list-style-type: none"> 2. Does the city believe the cover up of the unlawful payments a greater 	<p>Refer answer 1.</p>

transgression than making the payment in itself?	
Item 10.6.3 – P680 Electronic Agendas	
This new policy appears to support an action that is already in place.	Policy P680 relates to the electronic agenda system which comes into effect in 2014, when the trial concludes in December 2013.
3. Is the practice of the administration implement an action before the Council has had the opportunity to vote on the policy or it is put out to the public for comment?	
4. Is policy P680 contradictory to Policy P667 in the supply of a computer, laptop, iPad etc?	No.
5. Is an iPad that looks like a laptop, sounds like a laptop, functions like a laptop in reality a “laptop”?	An iPad is not a laptop, it is a tablet computer.
FOI	
In a recent decision by the FOI Commissioner, the City can now be used as a precedent case regarding compliance or non-compliance with the FOI Act. In that decision, the Commissioner ruled the City had to supply all the relevant documents.	The City has complied with the Freedom of Information Act and provided Mr Jamieson with a schedule of documents as per his Freedom of Information application. An internal review is currently being undertaken as requested by Mr Jamieson.
6. Has the city provided Mr Jamieson with a complete list of all the documents that were subject to the FOI request?	
7. If the city has not provided a list of all the relevant documents, who has the enforcement powers to compel the city to comply?	Refer answer 6.
8. If the city continues to not comply with the FOI Act in the supply of relevant documents, what sanctions or otherwise will be applied to the relevant administration staff?	Refer answer 6.
9. Is it acceptable to the council that all the relevant documents are not supplied as required by law?	Refer answer 6.
ANZAC DAY	
On the 25 April 2014, is the city going to celebrate Australia’s attempted invasion of Turkey ON 25 April 1915.	These questions do not directly relate to the business of the City of South Perth. However, we would like to reiterate that the City’s ANZAC commemorations (planned for 2015) are organised in conjunction with the Returned Services League, and together we will decide how best to mark the occasion.
10. Did Turkey declare war on the United Kingdom in 1914 or 1915?	
11. Was Turkey or the United Kingdom (including Australia) the aggressor in the invasion of Turkey in 1915?	

3. Cecilia Brooke, Unit 8/20 Garden St, South Perth Received enquiries at the 10 December 2013 Ordinary Council Meeting	Response provided by: Vicki Lummer, Acting Chief Executive Officer
<p>On page 46 of the Telstra Response to quote:</p> <p>“They (Council Officers) indicated the light pole solution as the one with the least impact on the park, hence why we have gone down this path”</p> <p>With reference to Council Officers preference for a free standing “high impact” tower on Lot 215 of Sir James Mitchell Park rather than “low impact” antenna’s on the Boatshed Restaurant.</p> <ol style="list-style-type: none"> 1. On whose authority was the preference for a 12 meter “high impact” tower given to Telstra? 2. Why did Council Officers indicate that they preferred a high impact Telstra tower installation above a low impact installation (Maximum height 6.5 meters)? 	<p>The correct terminology for this type of proposal is “Not-Low Impact”.</p> <p>This recommendation was based largely on the Swan River Trust’s need for the facility to not be visually obtrusive in the river environment.</p>

APPENDIX 2 – QUESTIONS FROM MEMBERS 10 DECEMBER 2013

(Questions asked at the 10 December 2013 Ordinary Council Meeting)

Questions from Councillor Trent	Response provided by: Director Financial and Information Services
1. With reference to the AICD course, can you please confirm the cost of the course and the content of the course?	This question was taken on notice
Questions from Councillor Cala	Response provided by: Mayor Doherty
1. I would like to know if we are planning to review and amend our Standing Orders, particularly with regarding to amended or alternative motions? I consider that the Monday prior to the Council Meeting should be the last day on which Councillors should circulate complex amendments to Officer Recommendations, and that our Standing Orders should be looked at to take this into consideration.	The City of South Perth Standing Orders Local Law 2007 will be reviewed in February 2014. I note that our Standing Orders already allow the Presiding Member to request amended motions to be made in writing.
Questions from Councillor Hawkins-Zeeb	Response provided by: Minute Secretary
1. The amendments that I put forward in relation to Item 10.2.1 at the 26 November 2013 Ordinary Council Meeting included a request that we write to Landgate. Can you please check the audio recording of the 26 November 2013 Ordinary Council Meeting to confirm this, and amend the minutes accordingly?	I can advise that the audio recording was checked, at the request of Councillor Huston, and the wording 'write to Landgate' was not part of the final motion that I read out to (and was agreed to by) Councillors.