


MINUTES

Ordinary Council

25 August 2015

To: The Mayor and Councillors

Here within are the Minutes of the Meeting of the City of South Perth Council held Tuesday 25 August 2015 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



MICHAEL KENT
ACTING CHIEF EXECUTIVE OFFICER

28 August 2015



Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

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

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

Further Information

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

- **Council Meeting Schedule**

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

- **Minutes and Agendas**

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

- **Meet Your Council**

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

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Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 25 August 2015.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 7.01pm and welcomed everyone in attendance. She then 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 Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member requested that all electronic devices be turned off or on to silent. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 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"

The Presiding Member then gave her permission for the Administration to record proceedings of the Council meeting.

3.2 PUBLIC QUESTION TIME FORMS

The Presiding Member advised the public gallery that Public Question Time forms are available in the foyer and on the City's website for anyone wanting to submit a written question. The Presiding Member referred to Clause 6.7 of the Standing Orders Local Law 'Procedures for Question Time' and stated 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.

3.3 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Presiding Member advised that the Mayor / Council Representatives Activities Report for the month of July 2015 were attached to the back of the Agenda.

4. ATTENDANCE

Mayor S Doherty (Presiding Member)

Councillors

C Cala	Manning Ward
S Hawkins-Zeeb	Manning Ward
G Cridland	Como Ward
V Lawrance, JP	Como Ward
M Huston	Mill Point Ward (until 8.55pm)
K Trent, OAM, RFD, JP	Moresby Ward
F Reid	Moresby Ward (until 9.37pm)

Officers

M Kent	Acting Chief Executive Officer / Director Financial and Information Services
V Lummer	Director Development and Community Services
M Taylor	Director Infrastructure Services
G Eves	Acting Manager Governance and Administration
D Gray	Manager Financial Services (until 9.37pm)
R Bercov	Strategic Urban Planning Adviser (until 9.37pm)
R Kapur	Manager of Development Services (until 9.37pm)
S Kent	Governance Officer

Gallery

There were approximately 33 members of the public and no members of the press present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

C Irons Mill Point Ward

5. DECLARATIONS OF INTEREST

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

Declarations of Impartiality Interest were received from:

- Mayor Doherty in relation to Agenda Item 10.3.3 Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington and Item 10.5.1 Black Spot Program; and
- Cr G Cridland in relation to Agenda Item 12.3 Engagement of a Quantity Surveyor - Independent Evaluation of DA for Proposed Child Care at 55 Thelma Street, Como.

The Presiding Member advised that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* these Declarations would be read out immediately before the Items were discussed.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the July 2015 Ordinary Council Meeting there were questions taken on notice. The questions and answers were provided in the Minutes of the July 2015 Ordinary Council Meeting.

6.2 PUBLIC QUESTION TIME: 25 AUGUST 2015

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

The Presiding Member then opened Public Question Time at 7.05pm.

Note: Written Questions submitted prior to the meeting were provided in a PowerPoint presentation for the benefit of the public gallery.

Written Questions received prior to the meeting were heard from:

- Mr Greg Benjamin of 42 Norfolk Street, South Perth; and
- Mr Ken Manolas of 193 Mill Point Road, South Perth

At 7.21pm the Presiding Member called for a motion that Public Question Time be extended for a further 5 minutes to accommodate those who had not yet asked their questions.

MOTION TO EXTEND PUBLIC QUESTION TIME AND COUNCIL DECISION

Moved: Cr S Hawkins-Zeeb
Seconded: Cr K Trent

CARRIED (8/0)

Cr G Cridland left the Chamber at 7.26pm and returned at 7.27pm.

Written Questions received prior to the meeting were then heard from:

- Ms Vicki Redden of 14/63 Mill Point Road, South Perth; and
- Mr Harry Anstey of 21 River View Way, South Perth.

The Presiding Member closed Public Question Time at 7.32pm.

A table of questions received and answers provided can be found in the **Appendix** of these Minutes.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIFFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 28 July 2015

7.1.2 CEO Recruitment Committee Meeting Held: 29 July 2015

7.1.3 Special Ordinary Council Meeting Held: 4 August 2015

7.1.4 Audit and Governance Meeting Held: 19 August 2015

Officer Recommendation AND COUNCIL DECISION

Moved: Cr V Lawrance

Seconded: Cr M Huston

That the Minutes of the meetings as listed under Item 7.1 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

At this point Cr M Huston raised a concern of misrepresentation in relation to the CEO Recruitment Committee meeting held 29 July 2015 and the Special Ordinary Council meeting held 4 August 2015 which gave Cr M Huston and Mayor Doherty the authority to negotiate the final conditions and remuneration package and contract with the successful CEO application, Mr Geoff Glass. Prior to the meeting Mayor Doherty and Cr Huston held discussions to come up with an appropriate package.

Cr M Huston outlined an agreement made between himself and Mayor Doherty in relation to the negotiation process and due to the fact that Cr M Huston may be late to that meeting (as he could not attend at the designated time but would attend as soon as he could) that he would agree with whatever outcome Mayor Doherty and Mr Geoff Glass negotiated.

Cr M Huston raised concern that it had been suggested that he had attended the meeting late and requested that it be put on the public record that he did not attend the meeting "late" but attended, as the texts and emails between Mayor Doherty and Cr M Huston will show, exactly when he said he would attend and in fact closed the negotiations with Mr Glass.

Cr M Huston requested that the following be on the public record:

"I did not attend that meeting late. I attended that meeting exactly when I said I would attend and that I had previously advised you at the time when I would be able to get to that meeting and we had previously agreed how to go about the negotiations bearing in mind that I may not be able to get there and I went to the extent of saying, given that situation may arise I would agree with whatever outcome you would have negotiated in my absence– as it turns out I was able to be there and finalise the negotiations. So I think it is entirely incorrect and entirely unfair that you suggested to my fellow Councillors that I came to the meeting late – I did not and it is a misrepresentation of what occurred on the evening".

Mayor S Doherty publically apologised for any offence she may have caused and asked for this to be recorded in the Minutes.

7.2 BRIEFINGS

The following Briefings 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 - 18 August 2015

Officers of the City presented background information and answered questions on items to be considered at the August 2015 Ordinary Council Meeting at the Agenda Briefing held 18 August 2015.

Attachments

7.2.1 (a): Agenda Briefing - 18 August 2015 - Notes .

Officer Recommendation AND COUNCIL DECISION

Moved: Cr K Trent

Seconded: Cr F Reid

That the Notes of the Agenda Briefing held on 18 August 2015 be noted.

CARRIED (8/0)

8. PRESENTATIONS

8.1 PETITIONS

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

Prior to consideration of Item 8.1.1, Cr G Cridland raised a point of order, being that he lives in Thelma Street, approximately 50 metres from the subject site of the petition. Cr G Cridland advised he believed he had no interest to declare but for his view of the perceived interest being on the public record. In addition, Cr G Cridland took the opportunity to declare an Impartiality Interest in relation to Item 12.2, again a site on Thelma Street being the subject matter. Cr G Cridland lives 3 houses away from the subject site.

8.1.1 Request for Cul-De-Sac - Thelma Street between Canning Highway and Axford Street, Como

A petition was received on 28 July 2015 from Mr Harry B Goff of 1/62 Thelma Street, Como together with 43 signatures requesting the creation of a cul-de-sac as follows. The text of the petition reads:

"We, electors who live nearby, in and around Thelma St between Canning Highway and Axford St, request that the City take action to cause the section of Thelma St between Canning Highway and Axford St to become a cul de sac as is already planned by Main Roads."

Attachments

8.1.1 (a): Petition

Officer Recommendation AND COUNCIL DECISION

Moved: Cr F Reid

Seconded: Cr K Trent

That the petition received 28 July 2015 from Mr Harry B Goff of 1/62 Thelma Street, Como together with 43 signatures be received and forwarded to the Director Infrastructure Services for consideration.

CARRIED (8/0)

8.2 PRESENTATIONS

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

Nil.

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 Agenda Briefing of 18 August 2015.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Rivers Regional Council - Special Council Meeting - 30 July 2015

A report summarising the Rivers Regional Council - Special Council Meeting - 30 July 2015 is attached.

Attachments

8.4.1 (a): Rivers Regional Council (RRC) - Special Council Meeting - 30 July 2015 - Delegates' Report .

Officer Recommendation AND COUNCIL DECISION

Moved: Cr K Trent

Seconded: Cr C Cala

That the report summarising the Rivers Regional Council - Special Council Meeting - 30 July 2015 be received.

CARRIED (8/0)

8.5 CONFERENCE DELEGATES REPORTS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member 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, Mr Michael Kent, that all the report items were discussed at the Agenda Briefing held on 18 August 2015.

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)
- Item 10.3.3 Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington
- Item 10.4.1 Amendment No. 50 to Town Planning Scheme No. 6 - New Definitions and Land Use Provisions for Licensed Premises
- Item 10.5.1 Black Spot Program
- Item 10.6.4 Planning Policy P317 'Licensed Premises' - Final Adoption Following Community Consultation

9.1 EN BLOC MOTION

Recommendation AND COUNCIL DECISION

Moved: Cr K Trent
Seconded: Cr M Huston

That the officer recommendations in relation to the following agenda items be carried en bloc:

- Item 10.3.2 Proposed Change of Use from Single House to Consulting Rooms (Skin Cancer Clinic) - Lot 8 (No. 417) Canning Highway, Como
- Item 10.6.1 Monthly Financial Management Accounts - July 2015
- Item 10.6.2 Statement of Funds, Investments and Debtors at 31 July 2015
- Item 10.6.3 Listing of Payments
- Item 10.6.5 Tender 4/2015 "Disposal of Inert Waste"
- Item 10.6.6 Tender 7/2015 "Provision of Truck Mounted Sweeping Services"
- Item 10.6.7 Tender 8/2015 "Replacement of Concrete Slab Paths with Poured Insitu Concrete Footpaths"
- Item 10.6.8 Tender 11/2015 "Provision of Plumbing Services"

CARRIED (8/0)

10. REPORTS

Note: The Presiding Member advised that the Reports would be considered in a different order than appears on the Agenda. The Items were considered in the following order: 10.3.3, 10.3.1, 10.6.4, 10.4.1 then 10.5.1.

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

Location:	All land between Richardson and Darley Streets to the south and east, and Scott Street and Frasers Lane to the north
Ward:	Mill Point Ward
Applicant:	Council
File Ref:	D-15-56496
Date:	25 August 2015
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery.

Summary

The purposes of Amendment No. 46 are to :

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

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

Amendment No. 46 has been advertised for public submissions and a total of 41 submissions were received. Submitters have expressed a variety of concerns with the proposals. In response to the submissions, it is recommended that the Council recommend to the Minister for Planning that Amendment No. 46 be approved with modification to the extent described in the Report on Submissions comprising **Attachment (a)** to this report.

Officer Recommendation

Moved: -
Seconded: -

That:

- (a) the Western Australian Planning Commission be advised that Council recommends that:
 - (i) Submissions 1.1, 1.2 and 1.3 supporting the proposed Amendment No. 46 be UPHELD;
 - (ii) Submission 1.4 conditionally supporting the proposed Amendment No. 46 be NOT UPHELD;
 - (iii) Submissions 2.1 to 2.8 opposing certain Table A development requirements and Table B Performance Criteria in proposed Amendment No. 46 be PARTIALLY UPHELD to the extent indicated in

- the Report on Submissions;
- (iv) Submissions 3.1 to 3.5 inclusive, opposing exclusion of certain properties from the Special Design Area, be NOT UPHELD;
 - (v) Submissions 4.1 to 4.17 inclusive, opposing Amendment No. 46 as height controls are considered inadequate, be PARTIALLY UPHELD.
 - (vi) Submissions 5.1 to 5.5 inclusive, opposing certain provisions in Amendment No. 46 be GENERALLY NOT UPHELD.
 - (vii) Submissions 6.1 and 6.2 from government departments be UPHELD.
 - (viii) Amendment No. 46 to the City of South Perth Town Planning Scheme No. 6, be adopted with modification to the extent identified in **Attachment (c)**;
- (b) the Council of the City of South Perth under the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by deleting Schedule 9 and inserting the modified Schedule 9A in its place.
 - (c) the Council hereby authorises the affixing of the Common Seal of Council to three copies of the MODIFIED Amendment No. 46 document comprising **Attachments (b) and (c)**, as required by those Regulations;
 - (d) the Report on Submissions (**Attachment (a)**) and Schedule of Submissions containing the Council's recommendations, a copy of the submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for determination of the Submissions and for final determination of Amendment No. 46 by the Minister for Planning;
 - (e) the Western Australian Planning Commission be advised that, owing to the strength of concern expressed by some of the submitters regarding the effectiveness of the existing special provisions applicable to the South Perth Station Precinct, the Council will be engaging a consultant to conduct a review of those provisions and the geographic extent of the precinct, in preparation for a new Scheme Amendment proposing more substantial changes.
 - (f) the submitters be thanked for their contribution to Amendment No. 46 and they be advised that:
 - (i) the Council will be considering more substantial modifications to the development controls in the South Perth Station Precinct, for implementation by way of a new Scheme Amendment; and
 - (ii) as part of the process towards implementing the new Scheme Amendment, there will be further community engagement.

LAPSED FOR WANT OF A MOVER

ALTERNATIVE MOTION

Moved: Cr C Cala
Seconded: Cr S Hawkins-Zeeb

That:

- a) the Officer's Recommendation not be adopted; and
- b) the council resolves that:
 - (i) Submissions I(a) and I(b) supporting the further development of South Perth and the provision of a train station be NOTED; submission I(c) proposing an extension to the Station Precinct be NOT UPHELD

10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

- (ii) Submission 1(d) conditionally supporting the proposed Amendment No. 46 be UPHELD to the extent indicated in the Report on Submissions;
- (iii) Submission 2(a) be NOT UPHELD
Submission 2(b) be NOT UPHELD
Submission 2(c) be NOT UPHELD
Submission 2(d) be NOT UPHELD and all of the proposed modifications to Element 6 in Table A be NOT SUPPORTED (or at least be subject to readvertising)
Submission 2(e) be NOT UPHELD
Submission 2(f) be PARTIALLY UPHELD to the extent indicated in the Report on Submissions
Submission 2(g) be UPHELD to the extent indicated in the Report on Submissions
Submission 2(h) be NOT UPHELD to the extent indicated in the Report on Submissions
Submission 2(i) be PARTIALLY UPHELD to the extent indicated in the Report on Submissions
Submission 2(j) be PARTIALLY UPHELD to the extent indicated in the Report on Submissions
Submission 2(k) be UPHELD to the extent indicated in the Report on Submissions
Submission 2(l) be UPHELD in that it seeks to delete the proposed modifications to Element 6 in Table A. The graduated performance standards reinforce the notion that the Council has no issue with the height potential of the special design area. Until such time as the City has the opportunity to re-assess the community's expectations now they have been more informed of what is possible, it would be premature to establish any new assessment scale.
- (iv) Submission 3(a) proposing the inclusion of all properties in the Special Design Area, be NOT UPHELD;
Submission 3(b) proposing the inclusion of specified properties be NOT UPHELD but include the modification to the overshadowing design consideration as outlined by the Independent Consultant;
Submission 3(c) proposing the inclusion of certain lots in the SDA be NOT UPHELD;
Submission 3(d) proposing the inclusion of certain lots in the SDA be NOT UPHELD
- (v) Submissions 4.1 to 4.17 inclusive, opposing Amendment No. 46 as height controls are considered inadequate, be UPHELD and include from the Report on Submissions where the Independent Reviewer agrees with Council, then the officer response and Independent Reviewer's is the same. Report on Submissions the changes to proposed sections (b), (c) (i), (iii) and (iv), (d) (i) but only if there are objective definitions of "exceptional, sensitive and sophisticated" architectural design, (ii), (iii), (v) to (viii) inclusive, as it is highly

debatable whether performance criteria will make this any clearer.

Item (d) (iv) should be rejected because the traffic analysis review that is presently being undertaken by GHD needs to be undertaken in advance of development to determine the capacity of the traffic network assuming maximum possible development; item (e) to be supported.

- (vi) Submission 5 (a) be UPHeld to the extent indicated in the Report on Submissions, and UPHOLD any comments made in relation to the removal of the Peninsula end of Mill Point Road from the SDA as it is acknowledged in Council's response to be "distinctly different from other parts of the Precinct" .

Submission 5 (b) be NOT UPHeld.

Submission 5 (c) be NOT UPHeld.

Submission 5 (d) be NOT UPHeld.

- (vii) Submissions 6 (a) from Main Roads WA be UPHeld in particular noting the recommendation that:

Before proceeding further with this Amendment a robust traffic impact assessment must be undertaken to determine the likely impacts on the existing road network. This assessment must consider the following:

- *The precinct being constructed to its maximum potential i.e. greater than 60 metres above permitted building heights.*
- *Labouchere Road / Freeway Access Road to determine what, if any, future land requirements there may be to allow for the 'bus queue jump' lane.*
- *Further intensity of commercial development by including service industry and shops in the various sub-precincts.*

The Traffic and Access Study that is currently being reviewed by GHD can be done in parallel to Amendment 46 and the work undertaken by a planning consultant in regard to the scheme. It will form part of any recommendations made to council

- (viii) Submission 6 (b) be NOTED.

- c) For the following reasons, it be recommended to the Minister for Planning that Amendment 46 be readvertised:
- (i) The scope of the originally advertised amendment being more than a mere rectification of anomalies;
 - (ii) There being unannounced substantial proposed changes in the originally advertised amendment to the objectives of the scheme, with the effect of changing the emphasis from a precinct being a business location with a limited level of residential development to provide passive surveillance, to one where residential development will predominate; The changes to the plot ratio required for conforming and non-conforming plot sizes allows a greater proportion of residential to that of commercial. This will in effect change a primary objective of the precinct to create sufficient commercial activity in the precinct to provide a compelling case for a train station. This change in emphasis deserves informed public consultation;;

10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

- (iii) The nature of advertising of the scheme amendment which led to a misunderstanding by residents of the full implications of the present scheme provisions and the proposed amendment 46 with respect to bonus height provisions and setback requirements. Community response following recent JDAP decisions, would indicate that the manner in which Amendment 46 and 25 have been explained, has not conveyed to the majority of residents a clear enough picture of what was possible under the Scheme. Should this have occurred it would seem clear that there would have been a greater number of submissions, following consultation;
- (iv) Bonus height provisions still remain subjective and leave an uncertainty to a final outcome Amendment 46 reinforces the notion that contrary to the views of the community that height of itself is not a planning issue, but rather the aesthetic and environmental quality of a development and introduces an expanded performance criteria for the assessment.
- (v) The recognition that the section of Mill Point Road north of Judd Street, which forms part of the area known as the Peninsula is distinctly different from other parts of the Precinct and should be removed from the Special Design Area.
- (vi) The need as outlined by Main Roads WA that before proceeding with this Amendment or any changes that would facilitate potentially significant changes in residential density, a robust traffic impact assessment must be undertaken to determine the likely impacts on the existing road network. Though this work is currently being undertaken by the City, the results need to be complete before any new assessment process is developed in the granting concessions.
- (vii) That owing to the strength of concern expressed by the community at public meetings and in submissions, regarding the nature and basis for special bonus height provisions and setback requirements, that it would be premature to proceed with Amendment 46 in its current form until such time as the Amendment was re-advertised with the Council's proposed further modifications to allow the City to have a more complete overview of community expectations for the Precinct. The current amendment outlines the City's expectations in dealing with special bonus height and setback requirements, but does not appear to outline the community's expectations.
- (viii) At the time of initiating Amendment 46, Council itself was not fully aware of the full implications of the provisions, but has been bound by the amendment process to not introduce any significant departure from the amendment as advertised. In re-advertising the amendment, the council will have the opportunity to revisit aspects that they are presently unable to do.
- (ix) The submitters be thanked for their contribution to Amendment No. 46 and they be advised that Council has recommended to the Minister for Planning that Amendment 46 be re-advertised.

Reasons

The report refers to the purpose of the Amendment being to “rectify the identified anomalies/ ambiguities in the existing special provisions for the South Perth Station Precinct”, and to strengthen existing performance criteria relating to building height variations”. However the proposals veer away from an original objective of the Scheme which was to create sufficient commercial activity in the

precinct to provide a compelling case to the State Government to provide a train station. The originally advertised amendment contemplated relaxing the ratio of commercial to residential (driven by commercial reality) but this departure from the original objectives requires a re-advertising of the Amendment. Further proposed modifications from Council have removed some of the changes on the basis of the anticipated community response to a widening of the discretion to increase heights but the case for and against any change to the Scheme objectives needs to be put clearly to the public.

Also the proposed amendment assumes that the strengthening of performance criteria relating to building height variations is the central issue to any opposition to height, rather than height itself and the need for a defined structural modeling and strategy for the Precinct. Post the submission period, (submissions on Amendment 46 had closed before the public awareness campaign in relation to the development at 74 Mill Point Road) it has become apparent that these views are not shared by a majority of the community. In fact, following the advertising of Amendment 46 for public submissions and the lodgment of several Development Applications, it is clear that there was and is significant uncertainty within the community and council alike, on the extent of developments permitted under the Scheme and the way in which the Scheme has been applied. . It would be unwise to progress Amendment 46 until these issues are resolved through a re-advertising process.

At 7.59pm the Presiding Member called for a motion to extend Cr C Cala's speech 'for' the Alternative Motion for a further 5 minutes.

MOTION TO EXTEND DURATION OF SPEECH

Moved: Cr K Trent

Seconded: Cr M Huston

CARRIED (8/0)

At 8.20pm the Presiding Member called for a motion to suspend Standing Orders to allow open discussion on the Alternative Motion.

MOTION TO SUSPEND STANDING ORDERS

Moved: Cr M Huston

Seconded: Cr G Cridland

CARRIED (8/0)

At 8.39pm the Presiding Member called for a motion to resume Standing Orders.

MOTION TO RESUME STANDING ORDERS

Moved: Cr M Huston

Seconded: Cr V Lawrance

CARRIED (8/0)

AMENDMENT TO THE ALTERNATIVE MOTION

That part b) of the Alternative Motion be replaced with b) below, incorporating those reasons as listed in part c) of the Alternative Motion (with the removal of part (ix)), to read as follows:

Moved: Cr F Reid

Seconded: Cr M Huston

That:

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

proposed further modifications to allow the City to have a more complete overview of community expectations for the Precinct. The current amendment outlines the City's expectations in dealing with special bonus height and setback requirements, but does not appear to outline the community's expectations.

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

CARRIED (8/0)

The Amendment then became the substantive.

COUNCIL DECISION

Moved: Cr C Cala
Seconded: Cr S Hawkins-Zeeb

That:

- a) the Officer's Recommendation not be adopted;
- b) the Item be held over pending a workshop of Council on the form and content of advertising for the revised Scheme Amendment 46 of the Town Planning Scheme No. 6, for a Report be brought back to the October 2015 Ordinary Council Meeting for recommendation to the Minister for Planning for re-advertising, for the following reasons:
 - (i) The scope of the originally advertised amendment being more than a mere rectification of anomalies;
 - (ii) There being unannounced substantial proposed changes in the originally advertised amendment to the objectives of the scheme, with the effect of changing the emphasis from a precinct being a business location with a limited level of residential development to provide passive surveillance, to one where residential development will predominate; The changes to the plot ratio required for conforming and non-conforming plot sizes allows a greater proportion of residential to that of commercial. This will in effect change a primary objective of the precinct to create sufficient commercial activity in the precinct to provide a compelling case for a train station. This change in emphasis deserves informed public consultation;
 - (iii) The nature of advertising of the scheme amendment which led to a misunderstanding by residents of the full implications of the present scheme provisions and the proposed amendment 46 with respect to bonus height provisions and setback requirements. Community response following recent JDAP decisions, would indicate that the manner in which Amendment 46 and 25 have been explained, has not conveyed to the majority of residents a clear enough picture of what was possible under the Scheme. Should this have occurred it would seem clear that there would have been a greater number of submissions, following consultation;
 - (iv) Bonus height provisions still remain subjective and leave an uncertainty to a final outcome Amendment 46 reinforces the notion that contrary to the views of the community that height of itself is not a planning issue,

10.3.1 **Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)**

but rather the aesthetic and environmental quality of a development and introduces an expanded performance criteria for the assessment.

- (v) The recognition that the section of Mill Point Road north of Judd Street, which forms part of the area known as the Peninsula is distinctly different from other parts of the Precinct and should be removed from the Special Design Area.
- (vi) The need as outlined by Main Roads WA that before proceeding with this Amendment or any changes that would facilitate potentially significant changes in residential density, a robust traffic impact assessment must be undertaken to determine the likely impacts on the existing road network. Though this work is currently being undertaken by the City, the results need to be complete before any new assessment process is developed in the granting concessions.
- (vii) That owing to the strength of concern expressed by the community at public meetings and in submissions, regarding the nature and basis for special bonus height provisions and setback requirements, that it would be premature to proceed with Amendment 46 in its current form until such time as the Amendment was re-advertised with the Council's proposed further modifications to allow the City to have a more complete overview of community expectations for the Precinct. The current amendment outlines the City's expectations in dealing with special bonus height and setback requirements, but does not appear to outline the community's expectations.
- (viii) At the time of initiating Amendment 46, Council itself was not fully aware of the full implications of the provisions, but has been bound by the amendment process to not introduce any significant departure from the amendment as advertised. In re-advertising the amendment, the council will have the opportunity to revisit aspects that they are presently unable to do.

CARRIED (8/0)

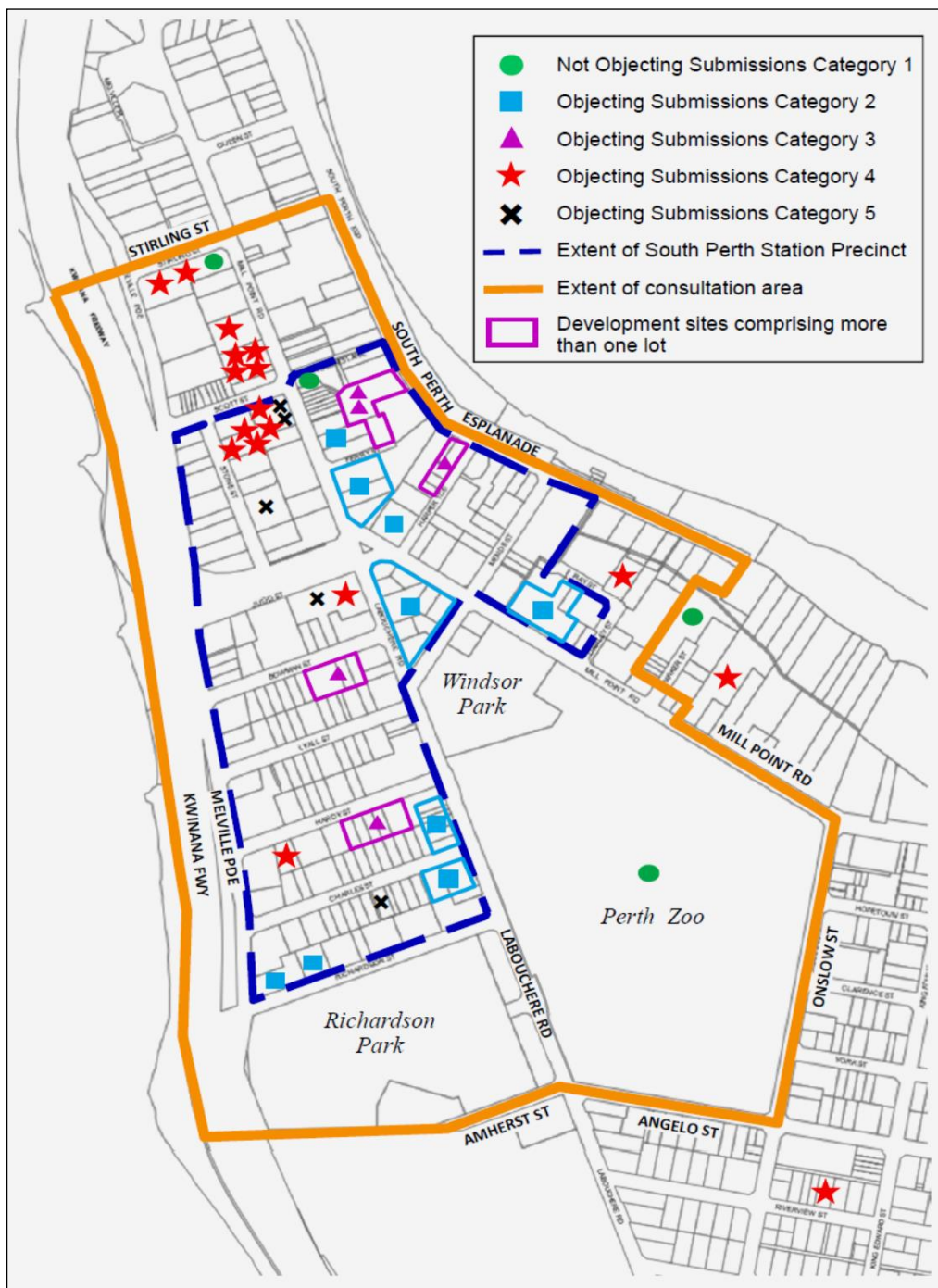
Background

This report includes the following attachments:

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

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

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



Comment

Forty-one submissions were received, two being from government agencies.

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

Consultation

(a) Community consultation

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

10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

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

The draft Amendment was advertised in the manner described below:

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

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

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

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

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

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

10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

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

1. Submissions 1.1 to 1.4: NO OBJECTION to Amendment No. 46
 - (a) Total support.
 - (b) Supports Amendment to promote case for train station.
 - (c) Supports Amendment - extend precinct to Parker Street.
 - (d) Supports Amendment – particularly Design Consideration 4 in Table B: Performance Criteria.
2. Submissions 2.1 to 2.8: OPPOSING development requirements in Table A; and performance criteria in Table B
 - (a) Oppose constraints on discretionary power to permit variations from Table A development requirements.
 - (b) Oppose constraints on residential development in Element 3 of Table A.
 - (c) Oppose 'gross floor area' method of specifying parking ratios in Element 9 of Table A.
 - (d) Oppose wording of Table B, Design Consideration 1 performance criterion relating to minimum lot area and frontage.
 - (e) Oppose Table B, Design Consideration 7 performance criterion relating to maximum parking ratios.
 - (f) Oppose Table B, Design Consideration 7 performance criterion relating to Green Star energy-efficiency rating.
 - (g) Oppose Table B, Design Consideration 7 performance criterion relating to 'Adaptable Housing'.
 - (h) Oppose Table B, Design Consideration 7 performance criterion relating to 'Affordable Housing'.
 - (i) Oppose Table B, Design Consideration 7 requiring end-of-trip facilities for visiting cyclists.
 - (j) Oppose omission of Table B, Design Consideration 7 performance criterion relating to provision of public car parks.
 - (k) Oppose limitation on degree of choice in Table B, Design Consideration 7 optional performance criteria.
 - (l) Oppose new structure of Table B, introducing graduated scale of increasingly demanding performance criteria.
3. Submissions 3.1 to 3.5: OPPOSING exclusion of certain properties from Special Design Area
 - (a) Requests extension of Special Design Area to include all properties in South Perth Station Precinct.
 - (b) Requests extension of Special Design Area to certain lots in Bowman and Hardy Streets.
 - (c) Requests extension of Special Design Area lots in South Perth Esplanade and Ferry Street.
 - (d) Requests extension of Special Design Area to lots in Harper Terrace cnr South Perth Esplanade.
4. Submissions 4.1 to 4.17 OPPOSING Amendment No. 46 as height controls considered inadequate
5. Submissions 5.1 to 5.5 OPPOSING certain provisions
 - (a) Requests 4.0 metre setback from Mill Point Road north of Judd Street; no parking bays visible from streets.
 - (b) Objection to proposed train station.
 - (c) Requests 4.0 metre setback from Charles Street; increased side setback for podium; standard measuring where height limit is 25 metres.
 - (d) Requests increased requirement for on-site parking.

10.3.1 **Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)**

6. Submissions 6.1 and 6.2 Government submissions

- (a) Main Roads.
- (b) Western Power.

(b) Consultation with City's lawyers

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

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

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

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

(c) Review by external Planning Consultant

At its June 2015 meeting, the Council resolved to appoint a planning consultant to review the City Officer's Report on Submissions and all related documents, to assist Council in its assessment of the officer's report and recommendations. Four consultants have been invited to submit a quotation for this project. When the appointed consultant has submitted his / her report, it will also be placed on the agenda for the Council meeting.

Policy and Legislative Implications

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

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

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

10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

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

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

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

Financial Implications

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

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012-2015](#). The proposed Amendment No. 46 will enable the special provisions applicable to the South Perth Station Precinct to operate more effectively.

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

10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

Future New Scheme Amendment

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

Having advertised the draft Amendment without major modifications apart from those in the revised Table B 'Performance Criteria', this particular Scheme Amendment cannot now be used as the instrument for introducing substantial changes such as reducing the geographic extent of the Special Design Area where building height variations may be approved; inserting absolute height limits for the Special Design Area; or widespread increases to setbacks from any lot boundaries. Otherwise, the modified Amendment proposals would need to be widely advertised again, to provide an opportunity for the lodging of submissions on the modified proposals. This would significantly delay implementation of the many beneficial changes in Amendment No. 46. In any event, it would not be appropriate to make substantial changes without the backing of proper research and investigation into the implications of the changes. While being mindful of the preceding comments, in relation to the desired future character of the South Perth Station Precinct, the Council wants a deeper review to be undertaken regarding the special provisions applying to that precinct. That review is expected to lead to recommendations for more substantial changes. Any substantial changes would then be incorporated into another Scheme Amendment. In relation to this deeper review, at the 20 May 2015 special meeting, the Council resolved as follows:

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

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

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

- Should the extent of the South Perth Station Precinct be changed?

10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

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

10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

- Should a Development Contributions Plan be introduced and if so, what infrastructure should the DCP relate to?

Conclusion

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

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

Attachments

- 10.3.1 (a):** Amendment 46 Report on Submissions
10.3.1 (b): Amendment 46 As Advertised
10.3.1 (c): Amendment 46 Modified After Considering Submissions

At 8.55pm Cr M Huston left the Chamber and did not return.

10.3.2 Proposed Change of Use from Single House to Consulting Rooms (Skin Cancer Clinic) - Lot 8 (No. 417) Canning Highway, Como

Location: Como
Ward: Como Ward
Applicant: Samantha Covarr
File Ref: D-15-56811
Lodgement Date: 20 August 2015
Date: 25 August 2015
Author: Erik Dybdahl, Statutory Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

Summary

To consider an application for planning approval for a proposed Change of Use from Single House to Consulting Rooms on Lot 8 No. 417 Canning Highway, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Minimum Lot Size prescribed by Table 4 of the TPS6	Clause 7.8(1)(a)(i)

Officer Recommendation AND COUNCIL DECISION

Moved: Cr K Trent
Seconded: Cr M Huston

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6 (TPS6)* and the *Metropolitan Region Scheme*, this application for planning approval for a proposed Change of Use from Single House to Consulting Rooms on Lot 8 No. 417 Canning Highway, Como **be approved** for the following reasons:

(a) Standard Conditions

507 street tree- protect & retain	508 landscaping approved & completed
390 crossover- standards	445 stormwater infrastructure
354 car bays- maintained	352 car bays- marked and visible
625 sightlines for drivers	660 expiry of approval
427 colours & materials- details	355 Landscape Screening of Car Bays
455 Front fencing standards	

(b) Specific Conditions

- (i) In accordance with Table 4 of the City's Town Planning Scheme a maximum of 2 practitioners are permitted to operate and consult within the approved consulting rooms.
- (ii) All employee and client vehicles shall be parked on-site within the approved parking bays at all times.
- (iii) Days and hours of operation shall be limited to:
8:00AM – 6:00PM Monday to Friday
8:00AM – 12:00PM Saturday
Closed Sunday
- (iv) All signage is to be non-reflective

(c) Standard Advice Notes

700A	building permit required	766	landscaping- general standards
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 that:

- (i) The applicant is advised of the need to comply with any requirement of the City's Infrastructure Services as listed in the memorandum attached to this approval, dated 14th July 2015.
- (ii) It is the applicant's responsibility to liaise with the City's Environmental Health Section to ensure satisfaction of all of the relevant requirements, with regard to:
 - (A) To ensure any medical waste is disposed of appropriately
 - (B) Noise Generally- All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*;
- (iii) The abovementioned days and hours of operation above were proposed by the applicant and agreed upon by the City.
- (iv) The development shall include landscaping which shall be designed, developed, completed and maintained to a standard considered by the City to be outstanding, as described in clause 6.14 (1) of *Town Planning Scheme No. 6*.

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

CARRIED EN BLOC (8/0)

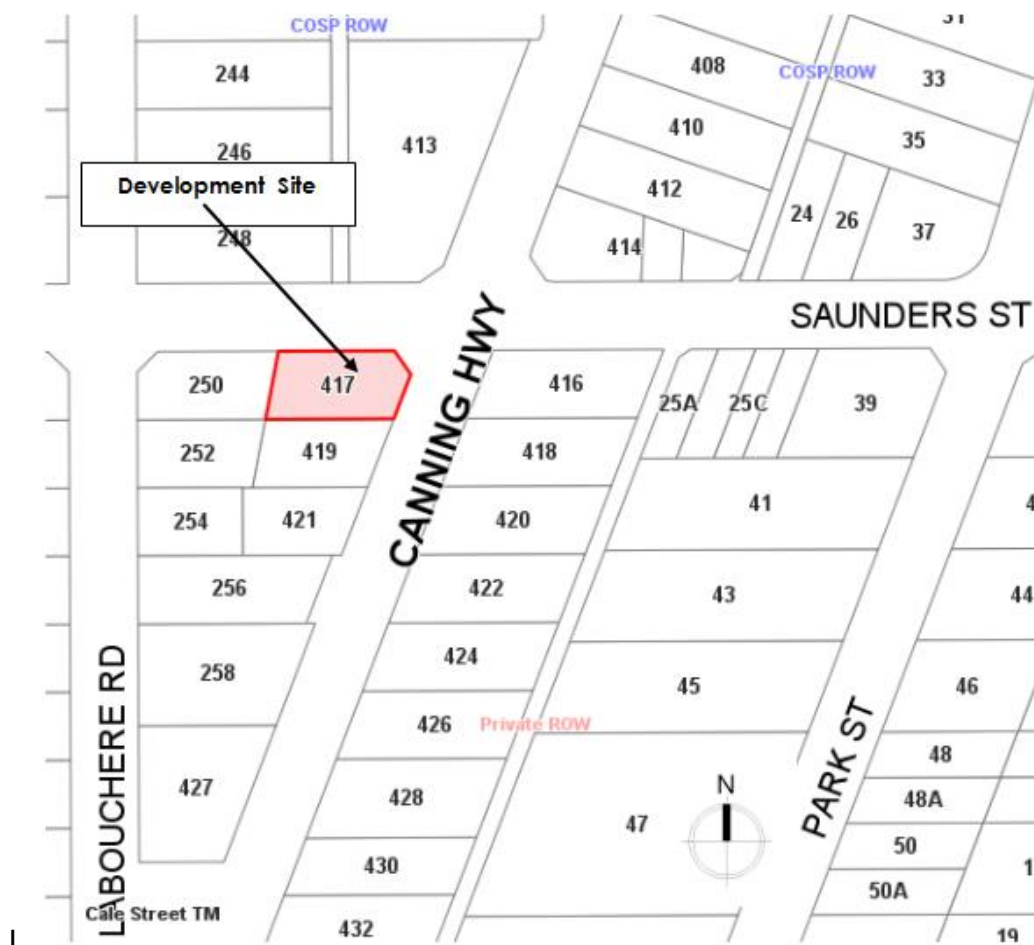
10.3.2 Proposed Change of Use from Single House to Consulting Rooms (Skin Cancer Clinic) - Lot 8 (No. 417) Canning Highway, Como

Background

The development site details are as follows:

Zoning	Residential
Density coding	R40
Lot area	774sq. metres
Building height limit	7.0 metres
Development potential	3.5 (3.0) dwellings
Plot ratio limit	0.6

The location of the development site is shown in **Figure I** 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:

I. Specified uses

- (g) Non-residential “DC” uses within the Residential zone;

Comment

(a) Background

In July of 2015, the City received an application for proposed Change of Use from a Residential Single House to Consulting Rooms on Lot 8 No. 417 Canning Highway, Como. The subject land is zoned Residential (density coding of R40) under the City of South Perth TPS6. ‘Consulting Rooms’ are a ‘DC’ use (discretionary with consultation) in the Scheme’s zoning table. ‘DC’ uses may be approved by Council after suitable neighbourhood consultation has taken place.

10.3.2 Proposed Change of Use from Single House to Consulting Rooms (Skin Cancer Clinic) - Lot 8 (No. 417) Canning Highway, Como

Provisions for non-residential uses within residential zones are contained within Table 4 of the City's Town Planning Scheme No. 6 and evaluation of the proposal has been done in accordance with these requirements.

(b) Existing Development on the Subject Site

The existing development on the Site currently features an older, single residential dwelling and outbuilding as depicted in *demolition/existing site and floor plan* contained within **Attachment (A)**.

(c) Description of the Surrounding Locality

The Site is located on a corner with primary frontage to the western side of Canning Highway and a secondary frontage and vehicular access from Saunders Street. The site is surrounded predominantly by low to medium density residential dwellings (R20 – R60) and located within proximity to highway commercial zonings along Canning Highway, as depicted in **Figure 2** below:



The applicant's covering letter (**Attachment B**) lists 10 other consulting room land uses, located along Canning Highway within South Perth and while many of the sites have different zoning to the proposed, many of the sites similarly about residential uses and/or are located on residential zoned lots.

(d) Description of the Proposal

The proposal involves minor demolition of portions of the existing development on site, internal modifications to the existing dwelling to suit the proposed use as well as the addition of 9 Car Bays (including 1 disabled) at the rear of the site and a disabled bathroom addition to the rear of the dwelling as depicted in the *proposed site and floor plan* of **Attachment (a)**.

10.3.2 Proposed Change of Use from Single House to Consulting Rooms (Skin Cancer Clinic) - Lot 8 (No. 417) Canning Highway, Como

The proposed Consulting Rooms are to be in the form of a skin cancer clinic offering associated consulting and treatment for local and regional residents by qualified doctors specialising as skin cancer physicians. The applicant's covering letter, **Attachment (b)**, describes the proposal in more detail

The following components of the proposed development do not satisfy the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* and Council Policy requirements:

- (i) TPS6 Table 4 – 'Development Requirements for Non-Residential Uses in Residential Zones' – Specifically, the prescribed minimum lot size for the 'Consulting Room' use of 900m².

The proposal complies with the all Scheme provisions and relevant Council policies, with the exception of the abovementioned non-complying aspect. This non-compliant aspect along with other significant considerations, are to be discussed below.

(e) Minimum Lot Size – TPS6 Table 4 'Consulting Rooms' Provisions

Table 4 of the TPS6, prescribes that Consulting Rooms when proposed within residential zones should have a minimum lot size of 900m². The subject site has a lot size of 774m² representing a 14% shortfall in the required site area. The rationale for requiring a minimum lot size of 900m² is to ensure that there is sufficient space to accommodate the Consulting Room use, operation and any associated development without resulting in conflict with adjoining residential uses.

The proposed floor plan demonstrates that the complete consulting room practice will be contained within an approximate gross floor area of 154m², occupying only 19.9% of the total site, which allows for the associated development of 9 car and 3 bicycle bays to be adequately provided on site as per scheme requirements. Clause 7.8(1)(a)(i) of the City's TPS6 allows council to approve variations to prescribed minimum lot areas where deemed appropriate. As the proposal satisfies all other requirements of TPS6 Table 4 it is considered that the site, despite a minor variation to the minimum lot size, is appropriately sized to facilitate the use without causing inconvenience or negative amenity impacts upon adjoining and nearby land uses.

(f) Car Parking

While it is noted the car parking provision is provided in accordance with the requirements of TPS6 Table 6, as parking is a primary concern for non-residential land uses it is important to be discussed. Table 6 of the TPS6 prescribes a parking requirement for consulting rooms as follows:

1 bay per every 19m² of gross floor area with a minimum of 6; plus 1 for every person employed on the premises.

As such, with a gross floor area of 146m² (not including the disabled toilet/end of trip facilities) and two permanent staff, the car bay requirement as per the scheme results in being 9.7 (10) bays. When City Policy P315 'Car Parking Reductions for Non-Residential Development' is applied a 15% reduction in the requirement is granted due to the proximity of the property to high frequency bus routes along canning highway and therefore the final car bay requirement is deemed to be 8.25. The 15% reduction was deemed appropriate to apply to the skin cancer clinic use due to the fact it is not expected staff or patients will be unable to catch public transport to the clinic as may be the case for a

10.3.2 Proposed Change of Use from Single House to Consulting Rooms (Skin Cancer Clinic) - Lot 8 (No. 417) Canning Highway, Como

General Practitioner where patients are sick or injured. As per the proposed plans, **Attachment (a)**, a total of 9 car bays are provided on site including 1 disabled bay; therefore satisfying the parking requirements of the City's TPS6 Table 6 and Local Policies.

Besides satisfying scheme requirements, when considering the expected parking requirement for the specific practice, it is assumed 2 bays should be required for the staff and then it is expected only an additional 2 bays would be required, one for the patient in consultation and the other for the patient waiting. Even if an additional future practitioner is employed, as discussed in **Attachment (b)**, an additional bay for the staff member and potentially another 2 patient bays would be required, taking the total requirement to 8 and still under the number of bays being proposed.

Revised plans were requested of the applicant to address some minor parking layout and bay dimension issues which have been provided and deemed compliant as per the latest revision of plans, **Attachment (a)**. The City's Infrastructure Services also provided commentary on a range of aspects including parking and while generally supportive did raise one minor concern as follows:

Exiting from parking bays 8 & 9, detailed as parallel to the side (west) boundary, will be problematic under most circumstances and will inevitably result in a reversing movement to Saunders Street. While the use of the verge area for a right angled parking area is not supported for the reasons offered, the reversing movement from the crossing is of less concern and would remain consistent with other crossings in the immediate vicinity.

The memorandum was forwarded to the applicant when received so the applicant could address any specific issues raised by the Officer. The applicant has since provided revised plans further to the Infrastructure and Planning commentary, including the removal of the proposed verge bays and minor alterations to on-site parking bay dimensions to meet Australian standards, as per **Attachment (a)**. Given these latest revisions, the City is satisfied and supportive of the parking provision and layout for the intended use.

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

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

- (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;*
- (l) *Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (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;*
- (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;*

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

2.

Consultation

(i) 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 within 150 metres of the property were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 17 consultation notices were sent and despite several residents coming in to view the plans, their concern was that a major redevelopment of the site was proposed but once shown the minor nature of additions and modifications, no formal submission(s) were lodged by those consulted.

(j) Internal Administration

Comments were invited from Engineering Infrastructure and Environmental Health, of the City's administration.

The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating to car parking and traffic generated from the proposal. This section raises no objections to the proposal generally but has provided some comments within a memorandum (**Attachment (c)**) which is to be attached to this approval, as referred to in the recommended Important Notes.

The Environmental Health section provided comments with respect to waste, advising the applicant of the requirement to dispose of any medical waste appropriately as advised in the recommended Important Notes.

Accordingly, planning conditions and/or important notes are recommended/not required to respond to the comments from the above officer(s).

10.3.2 Proposed Change of Use from Single House to Consulting Rooms (Skin Cancer Clinic) - Lot 8 (No. 417) Canning Highway, Como

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2013-2023 which is expressed in the following terms:

Accommodate the needs of a diverse and growing population.

Sustainability Implications

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.

3.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions and it is not expected to have a detrimental impact upon adjoining residential neighbours nor have streetscape implications as significant redevelopment of the site is not proposed. Provided that the conditions and important notes are applied as recommended, it is considered that the application should be conditionally approved.

Attachments

- 10.3.2 (a):** Revised Plans of the Proposal - Proposed Change of Use (Single House to Consulting Rooms) - Lot 8 (No. 417) Canning Highway, Como
- 10.3.2 (b):** Applicants Covering Letter - Proposed Change of Use (Single House to Consulting Rooms) - Lot 8 (No. 417) Canning Highway, Como
- 10.3.2 (c):** Infrastructure Services Comment - Proposed Change of Use (Single House to Consulting Rooms) - Lot 8 (No. 417) Canning Highway, Como

Prior to consideration of the following Item, Mayor S Doherty read aloud her Interest in the matter as declared at Item 5:

"I declare that the owner and operator of the shop on Lot 2 (No. 10) Moresby Street, Kensington is my hairdresser. It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly."

10.3.3 Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington

Location: Kensington
 Ward: Moresby Ward
 Applicant: Philip Stejskal Architecture
 File Ref: D-15-57306
 Lodgement Date: 21 August 2015
 Date: 25 August 2015
 Author: Peter Ng, Planning Officer
 Reporting Officer: Vicki Lummer, Director Development and Community Services
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population
 Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

Summary

To consider an application for planning approval for Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land uses	TPS6 clauses 3.3-3.4 and Table 1
Plot Ratio	TPS 6 Table 3 & clause 7.8(1)
Car parking bay numbers	TPS 6 Table 6 & clause 7.8(1)
Landscaping	TPS 6 Table 3
Boundary walls	Policy P350.02
Solar Access for Adjoining Sites	R-Codes 5.4.2
Visual Privacy	R-Codes 5.4.1

Officer Recommendation AND COUNCIL DECISION

Moved: Cr F Reid
Seconded: Cr K 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 Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington **be approved** subject to:

(a) Standard Conditions

427	colours & materials- details	455	dividing fences- standards
377	screening- clothes drying	456	dividing fences- timing
393	verge & kerbing works	340B	parapet walls- finish from neigh.
625	sightlines for drivers	550	plumbing hidden
660	expiry of approval		

(b) Specific Conditions

- (i) Stormwater Design shall be submitted for approval by the City's Infrastructure Services section prior to the submission of a building permit application. (Refer to Advice Note 1).

(c) Standard Advice Notes

700A	building permit required	709	masonry fences require BA
795B	appeal rights- council decision	790	minor variations- seek approval

(b) Specific Advice Notes

- (i) The applicant is advised of the need to liaise comply with any relevant requirements of the City's Infrastructure section; please see the memorandum dated 2 April 2015 attached to this approval. The applicant is also required to liaise closely with the City's Engineering Infrastructure Services in relation to the stormwater design requirements.
- (ii) With reference to City's Environmental Health memorandum dated 15 May 2015, all mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act, 1986 and Environmental Protection (Noise) Regulations 1997. Particular attention need be given to the placement of the air-conditioning unit so as to not cause a noise nuisance to surrounding premises including similar future developments.
- (iii) The 2 car parking bays as indicated on the approved site plan to comply with the requirements of clause 6.3(10)(c) of Town Planning Scheme No. 6 and the ROW which is being used as service lane shall remain clear at all times.

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

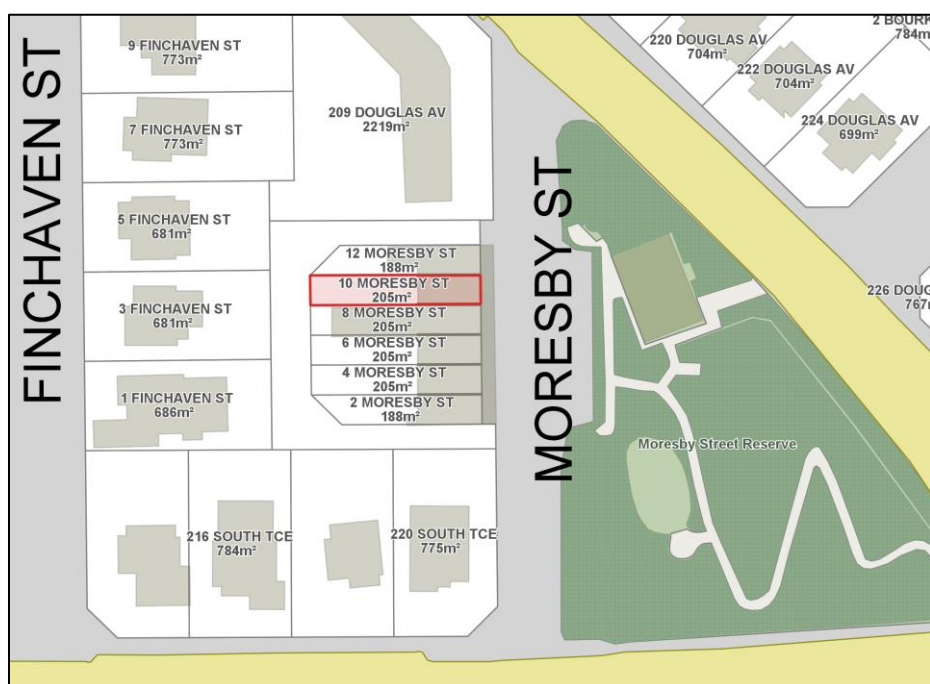
CARRIED (7/0)

Background

The development site details are as follows:

Zoning	Local Commercial
Density coding	R50
Lot area	205 sq. metres
Building height limit	7.0 metres
Development potential	4 dwellings and/or permissible non-residential land uses
Plot ratio limit	0.5

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

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

7. Neighbour comments

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

Comment

(a) Background

In March 2015, the City received an application for Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington (the **Site**).

The applicant has subsequently submitted revised plans in response to the officer's assessment. The ground storey has been modified to incorporate common service access from the front shop to the rear ROW.

(b) Existing Development on the Subject Site

The existing development on the site is a single storey building that currently features land uses of "Shop" with outbuilding (single garage), as depicted in the site photographs in **Attachment (c)**.

(c) Description of the Surrounding Locality

The Site has a frontage to Moresby to the east, located adjacent to a row of local commercial shops to the north and south, as seen in **Figure I** below:



(d) Description of the Proposal

The proposal involves the demolition of the existing outbuilding (garage) and the construction of detached Two-Storey Dwelling & Roof Terrace on the rear of the Site, as depicted in the submitted plans at **Attachment (b)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment (c)**. The applicant's letter in **Attachment (a)**, describes the proposal in more details.

The proposal complies with the Scheme, the R-Codes and relevant Council policies with the exception of the remaining non-complying aspects and other significant matters, all discussed below.

(e) Compliant / Non-Compliant Elements

The proposal generally complies with the Scheme, the R-Codes and relevant Council policies.

The following elements of the proposal are observed to be compliant with the City's planning requirements:

- Land Use (TPS6 cl. 3.3-3.4 and Table 1);
- Street Setback (TPS6 cl. 5.1 and Table 3);
- Building Height Limit (TPS6 cl. 6.1A);
- Street Surveillance (R-Codes cl. 5.2.3);
- Outdoor Living Area (R-Codes cl. 5.3.1);
- Landscaping (TPS6 clause 7.8(1) & Table 3);
- Vehicular Access (R-Codes cl. 5.3.5);
- Minimum Levels (TPS6 cl. 6.9);
- Maximum Levels (TPS6 cl. 6.10);
- Stormwater Management (TPS6 cl. 6.8(2) and R-Codes cl. 5.3.9);
- Utilities and facilities (R-Codes cl. 5.4.5); and
- Significant Views (Council Policy P350.09).

10.3.3 **Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington**

These elements are not discussed further in this report. Standard conditions and/or advice notes are recommended. The remaining non-complying aspects, with other significant matters, are all discussed below. Council is being asked to exercise discretion in relation to these non-compliant aspects of the proposed development.

- Plot Ratio (TPS6 Table 3 & clause 7.8(1));
- Car Parking bays (TPS 6 Table 6 & clause 7.8(1));
- Landscaping (TPS 6 Table 3 clause 7.8(1));
- Boundary walls (Policy P350.02);
- Solar Access for Adjoining Sites (R-Codes cl. 5.4.2); and
- Visual Privacy (R-Codes cl. 5.4.1).

(f) Plot Ratio

A plot ratio of 0.5 is prescribed within Table 3 of TPS No. 6 for Non-Residential Uses in Non-Residential Zones within the Local Commercial zone. The proposed plot ratio is 0.83 which represents a departure from the prescribed plot ratio outlined within the planning framework.

Council discretion- cl. 7.8.1

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

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

As a response to the above sub-clause, the Applicant submits the opinion that the proposed plot ratio can be supported based on the following grounds:

- i) *The site is serviced by an existing 6m wide bitumised laneway;*
- ii) *The increase in plot ratio is requested to accommodate a type of residential dwelling, which seeks to revitalise and populate an otherwise utilitarian laneway;*
- iii) *The increase is sought to facilitate the transition of local residents from large Kensington home to a dwelling more suitable tailored to the coming phase of their lives. The proposal allows them to co-locate with an income source (their current place of trade) without diminishing the functionality of either;*
- iv) *The proposal takes currently under-utilised space and converts it into highly useful space that will contribute to the life (and surveillance) of the laneway.*

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

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

10.3.3 Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington

Development to the west and south ranges from single storey to two storey Single house. Development to the north is also varied with large scale two storey residential building owned by Department of Housing.

The design and scale of the proposed building is considered to reflect its location with Local Commercial Centre with medium residential density of R50. Furthermore, its proposed location tucked behind the existing row of Moresby Street terraced commercial lots will not be highly visible from the street.

TPS No. 6 prescribes 7.0m building height limit with 1.5m street setback and nil side setbacks. The maximum wall height of the proposed development is 6.7m. The proposal is considered to satisfy the setback requirements with street setback of 1.5m from the ROW and nil side setback.

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

The plot ratio or building mass proposed will not have a direct impact on the occupiers of the development or inhabitants of the locality. Accordingly, it is considered that the size of the building will not have an undue adverse impact on the existing terraced shops.

The City officers observed that the proposal represents a significant improvement on the amenity and safety of ROW which is inactive especially after business hours. It will not compromise the desired amenity of the locality in terms of land use and streetscape interface. Its design concept is highly commended by the Design Advisory Consultants and considered to be a good model for infill development.

The objectives of the Scheme and for the precinct

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

It is considered that the proposed development is in accordance with the principles of orderly and proper planning. The proposal also provides enhanced activation of ROW and therefore is supported from the City.

(g) Car parking

The proposed development incorporates retention of existing development (shop), removal of existing single garage and new residential addition. The car parking has been calculated as follows:

1. There is an existing car bay provided on the site for the existing Shop.
2. The existing single garage at the rear of the Shop is being removed and this section of the existing building will form part of the new dwelling.
3. The required number of car bays is listed in the table below:

Land Use	Bays Required	Bays Proposed	Variation	Comments
Shop (existing)	1			Existing Shop is retained.
Dwelling	2			2 bays based upon using the 2 + bedroom dwelling in Location B standards (R-Codes cl. 5.3.3).
Total	3	2	-1	

4. The above table calculation requires 3 car bays on site, with 2 car bays provided on site, a shortfall of 1 car bay.

There are 36 car bays within the local commercial centre for the 6 commercial tenancies and 2 car bays for the exclusive use of existing approved office located at the rear of 8 Moresby Street. Based on current TPS 6 car parking requirement, the existing uses for the 6 commercial premises require a total of 33 car bays. A search on City's record also revealed that the single garage addition to the existing shop on the subject site was approved in April 2006.

The removal of single garage on the subject site can be accommodated by the existing car bays within the local commercial centre as there are sufficient car bays to cater for the existing shop as well as other uses within the local commercial centre. As demonstrated on the drawings submitted, the proposed dwelling addition will accommodate double garage within the development site.

The existing Moresby Street Hall used periodically by community groups which requires prior booking with the City of South Perth. Bookings record obtained from the City's Community Centre revealed that there are 9 organisations use the hall throughout the week including weekend.

The hall is usually occupied in the morning from Monday to Saturday between 9.00am to 12pm for playgroup and children ballet classes except for Sunday from 10.30am to 1.00pm for church ministry. The other community groups also occupy the hall after business hours from 5.30pm to 9pm throughout the week.

The diverse range of land uses in the locality provides opportunity for reciprocal parking between uses. For example, the existing restaurant (*Pinto Thai Restaurant*) at 2 Moresby Street operates for 3 hours during weekdays lunch hours from 11.30am to 2.30pm and from 4.30pm to 9.30pm in the evening.

The table below illustrates a typical weekly operation hours and its likely car parking demand within the Moresby Street Commercial centre and Moresby Street Hall.

No.	Address	Use	Car bays required	Opening Hours			
				8.00am	12.00pm	4.00pm	8.00pm
1	2 Moresby St	Restaurant	14		11.30am - 2.30pm	4.30pm - 9.30pm	
2	4 Moresby St	Shop	3	8.00am - 4.00pm			
3	6 Moresby St	Shop	3		8.00am - 4.00pm		
4	8 Moresby St	Café	7	8.00am - 4.00pm			
5	10 Moresby St	Shop + New Dwelling	3 + 2		8.00am - 4.00pm		
6	12 Moresby St	Shop	3		8.00am - 4.00pm		
7	Moresby St Hall	Civic Use	Not specified	8.00am - 12.00pm			5.30pm - 9.00pm

Based on the above, the opening hours of the restaurant which requires the most amount of (14) car bays in the Moresby local commercial centre is staggered with the morning peak hour occupancy of the Moresby Street Hall.

10.3.3 Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington

The existing café at 8 Moresby St, *Hoopla Espresso* opens on Monday to Friday 7am to 3pm and Saturday 7am to 2pm. Its opening hour is considered complementary to the Moresby Street Hall occupancy. Therefore, the diverse range of land uses in the locality will offer reciprocal parking between uses, i.e. café and patrons may also visit more than one business during their trip.

Accordingly, the 1 car bay shortfall for the existing is not anticipated to pose a detrimental impact upon the surrounding locality and is supported by the City's officers.

(h) Landscaping

The Deemed to Comply provisions of the R-Codes prescribe that 40% of the site be left as open space. The assessment of this matter is considered difficult for mixed use developments as it applies to residential developments only. In addition, TPS 6 Table 3 prescribes that 10% of the land area associated with non-residential developments be set aside for landscaping. Again, this assessment is difficult given the proposal is a mixed use development.

Overall, 10.2% (21m²) of the site is to remain as open space which meets with TPS 6 Table 3. The residential component should meet with the minimum 40% open space is (84.4m²) of the Site as required under Clause 5.1.4 of the R-Codes. The proposed open space is 23.7% (50m²) and therefore, does not comply with the open space element of the R-Codes.

The proposed 50m² calculation is based on the ground floor surface of the landscaping, first floor courtyard as well as the open flat roof terrace. The central courtyard and roof terrace provide opportunities for residents to use the external space of the dwelling for outdoor activities.

The development is considered to satisfy the Design principles under Cl. 5.1.4 P4 of the R-Codes in that the development allows access to natural sunlight for the dwelling, allows appropriate open space for residents and results in building bulk that is considered appropriate in the context of the desired intent and built form of the commercial locality.

The development is considered to satisfy the Design principles under Cl. 5.1.4 P4 of the R-Codes and is supported.

(i) Boundary Wall

Under Council Policy P350.2, a proposed boundary wall will not be approved where the City considers that such wall would adversely affect the amenity of an adjoining property or the streetscape.

The proposed boundary walls are located on both side boundaries due to the narrow lot (6.1m) width of the site. Additionally, the proposal is consistent with Table 3 of TPS No. 6, permitting nil side setbacks within the local commercial zone for mixed development.

Accordingly, the proposed development with nil side setbacks is considered appropriate in the context of the desired intent within the Moresby Street local commercial precinct.

10.3.3 Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington

The applicant has also submitted written justification and shadow diagrams demonstrating that the proposal will not adversely affect amenity of adjoining properties. As demonstrated in **Attachment (a)**, the applicant is seeking support of the proposal on the following basis:

- i) *The adjoining properties are commercial;*
- ii) *Overshadowing does not adversely impact any outdoor living areas;*
- iii) *The overall height of the proposal boundary wall has been kept well below the 7.0m maximum at 5.5m typically, with only minor sections that project beyond this. The elements that extend to the proposal height maximum of 6.5m are a) roof b) open balustrading to the roof terrace.*
- iv) *The proposal has been designed to diminish the bulk and scale of the boundary walls through articulation of the design into three layers, being a) the blockwork base, b) the white rendered elevated box, and c) the set-in roof form/ balustrades.*
- v) *The proposal does not impact on the streetscape as it is located on a rear laneway; and*
- vi) *The proposal is not proximate to any existing residential dwellings.*

Southern boundary Wall

The adjoining lot to the south of the subject site contains single storey office. There are existing windows on the northern elevation and a double casement door (door with window panels) on the western elevation facing the 2 car bays and ROW. As depicted on site photograph below, the northern wall is set back 1.0m from the northern boundary allowing service access to the front shop and bins storage areas for both front premises.

The proposed boundary wall will not impact on the existing streetscape character. The existing ROW is currently being used as service lane as depicted in **Attachment (c)** – Photos. Therefore, it is observed that the proposed boundary wall will not have negative impact on the streetscape.

The approved plan (dated April 2008) reveals that the north elevation of adjoining southern office has 2 window openings for internal passage to the office rooms. These are not considered as habitable room windows. Under Schedule 1 – Definition of TPS 6, ‘habitable room’ is defined as:

“(a) in relation to residential dwellings, has the same meaning as given to it in and for the purpose of the Residential Design Codes; or
(b) in relation to any non-residential building or part of a building, means a room or space occupied frequently or for extended periods by staff or visitors, and excludes the areas of any lobbies, lift shaft, stair, toilet, bathroom, kitchen, lunch room, store area, storage room, plant room, passage and any rooms not having a major opening or any area within the building used for parking of vehicles or for vehicular access.”

The impact of the overshadowing from the proposed boundary wall is discussed further below in the Section J - Solar Access to Adjoining Sites.

Accordingly, the proposed southern boundary wall does not negatively impact the amenity of adjoining southern property and therefore is supported by the City.



Photo 1 - Existing office at rear of 8 Moresby Street

Northern boundary wall

As illustrated on the Site Photo 2 below, the existing laundromat backyard is currently being used as a drying yard and storage. There is no impact of bulk outlook from adjoining outdoor living area or habitable room windows. The proposed boundary wall which is located on the southern boundary of 12 Moresby Street will not restrict sun access into the property.

The proposed boundary walls are consistent with the existing local commercial shops with zero side setbacks and provide continuity to the existing terrace shop streetscape.

Based on the above, the proposed boundary walls have been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in this element of the Council Policy:

- No effect on the existing streetscape character. The proposed boundary walls are located at the rear of ROW;
- No outlook from the front of the adjoining dwelling or garden;
- No impact of bulk on adjoining Outdoor Living Areas; and
- No overshadowing of adjoining habitable room windows or Outdoor Living Areas.

In this instance, it is considered that the proposal complies with the Council Policy, and is therefore supported by the City; however conditions on the finished form of the boundary walls are recommended.

(j) **Solar Access for Adjoining Sites**

The Deemed-to-comply provisions relating to R50 coded properties allow up to 50% overshadowing of an adjoining property lot area.

In accordance to R-Codes definition, the adjoining property referred to as any lot on residential property. In this case, the overshadowing that will result equates to 85.5% (176m²) of the adjoining property (8 Moresby St), which is zoned as Local Commercial with approved ‘Shop’ and ‘Office’ uses.

10.3.3 Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington

The narrow configuration of the subject east-west orientated site is acknowledged. As outlined above, there is a single storey office on the neighbouring southern lot. The majority of the window openings to the office are located along the northern elevation.

These windows are located 1.0m from the common boundary. Any two storey residential development with required side setback and compliant with building height requirements will overshadow these adjoining windows.

Additionally, based on the planning approved drawings dated April 2008 these window openings are to an internal passage and therefore are not considered as habitable room windows. Nevertheless, any loss of amenity to access natural lighting for an office use is considered less critical in comparison to residential habitable room or outdoor living area. It is expected that artificial lighting sources are provided to ensure working conditions are appropriate to the nature of the work place.

While the proposed overshadowing exceeds the permissible limit by 35.5 percent, it is noted that this additional overshadowing will primarily be over the existing roof of the adjoining commercial property, 1.0m wide common service access and 2 car bays as demonstrated in the **Attachment (b) - Overshadowing Plans**. The adjoining property has no solar collectors installed.

For these reasons, officers consider that the proposal complies with the above provision and recommend approval.

(k) Visual Privacy Setback

The required minimum visual privacy setback for Bed Room 2 to the east is 4.5 metres, and the proposed visual setback is 3.0 metres.

The proposed roof terrace overlooks onto adjoining commercial property on the north and south of the development site. Therefore the proposed development does comply with the Visual privacy element of the R-Codes.

The Applicant has satisfied the visual privacy Deemed-to-comply Criteria 5.4.1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- No direct overlooking of major openings, active habitable spaces and/or outdoor living areas of adjoining commercial properties. Archive search on southern adjoining property (8 Moresby Street – Café/ Office) reveal that there is no sensitive area within the cone of vision and obstructed by extensive adjoining roof cover.
- Site visit confirms that the adjoining property (12 Moresby Street – Laundromat) backyard comprises of non-sensitive area such as drying yard and outbuilding as depicted in Photo 2 below;
- The primary outlook and focus is the long (horizontal) view to City skyline and not the immediate view downwards into the adjoining properties; and
- Not upheld comments from the neighbour (see neighbour consultation).



Photo 2 - Existing drying yard and shed at rear of 12 Moresby Street

Overlooking Plans in **Attachment (b)** demonstrated that the 7.5m cone of vision is well outside any other residential properties in the area.

In this instance, it is considered that the proposal complies with the Deemed-to-comply, and is therefore supported by the City.

- (I) **Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6**
 In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (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;*

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

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

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

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

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

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

The design of the proposal was considered by the City's Design Advisory Consultants (DAC) at their meeting held in April 2015.

The Design Advisory Consultants were favourable towards this concept and considered it to be a good model for infill development. The Advisory Consultants had only complimentary comments on its building design.

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos. 2, 4, 6, 8 & 12 Moresby Street, No. 209 Douglas Avenue and Nos. 1, 3, & 5 Finchaven Street were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 10 consultation notices were sent and 3 submissions were received, 2 conditionally supporting and 1 against the proposal. The comments of the submitters together with officer response are summarised below.

Submitters' Comments	Officer's Responses
<u>Stormwater disposal</u> All water disposal to be within 10 Moresby Street legal lot boundaries.	The proposal is to comply with Stormwater Drainage Design Requirement. Refer to Engineering Infrastructure comments. The comment is NOTED .
<u>Structures on boundary</u> All structures to be contained within 10 Moresby Street boundaries.	The applicant is to survey the lot boundaries in order to establish the boundaries on site and to ensure the proposed structures will be constructed entirely within the legal boundaries. The comment is NOTED .
<u>Overshadowing</u> Address the extensive overshadowing onto 8 Moresby Street which exceeds the permitted 50% of site area of 8 Moresby.	Refer to body of the report under section Solar Access for Adjoining Sites. The comment is NOTED .
<u>Local Commercial Zone</u> The proposed dwelling being allowed in a Local Commercial zone.	The proposed land use of Mixed Development is classified as a 'D' (Discretionary) land use in Table 1 of TPS No.6. The comment is NOTED .
<u>Plot Ratio</u> A dwelling being permitted to be built at the back of a shop on a small lot with Plot Ratio of 0.5	The plot ratio or building mass proposed will not have a direct impact on the occupiers of the development or inhabitants of the locality. Accordingly, it is considered that the size of the building will not

	have an undue adverse impact on the existing terraced shops. Refer to body of the report under section Plot Ratio. The comment is NOTED .
<u>Visual Privacy</u> The third floor open roof terrace on the proposed dwelling will completely overlook our outdoor living and working area of 12 Moresby Street.	Visual privacy concern is covered in body of the report under section Visual privacy. The comment is NOT UPHELD .
<u>Boundary wall</u> The large boundary two storey concrete wall will have a great impact on our open outlook from our yard and will completely block out light and overshadow our small yard.	The boundary walls have incorporated different materials and surfaces to ameliorate the effect of a double storey boundary wall. No overshadowing will impact on the adjoining northern property. Refer to body of report under section Boundary wall. The comment is NOT UPHELD .
<u>Architectural projections</u> We opposed to any projections extending into our property (ROW).	The proposal has been amended to remove projections beyond the boundary. The comment is NOTED .
<u>Car parking access</u> Parking problems will be created by the extra vehicles needing to park at the proposed development. Insufficient turning space into the ROW and exit is close to the corner of the ROW creating a blind spot.	Refer to body of the report under section Engineering Infrastructure section. Amended design reflects 1.5m street setback providing visual truncation as required. The comment is NOTED .
<u>Waste and Service access</u> Their delivery trucks will cause further problem because delivery vehicles will no longer able to access the back entrance of the hairdressing salon because of the new dwelling.	Application has been referred to the Environmental Health Services department for comment and amended design has addressed the concern. The comment is NOTED .
Please note that we now fully support the proposed (amended) development plans; as the most significantly impacted residential neighbour (privacy etc). Please pass on our thanks and support to the proponent and the architect (as relevant) for their consideration and a high quality design. Really hoping it gets built.	The comment is NOTED .

More detailed applicant's responses to the neighbours' comments are provided as **Attachment (d)**.

(c) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking and traffic, arising from the proposal. This department has provided comments on access and stormwater. These comments are as follows:

(i) *Access - Access to the property from the constructed ROW to the rear of the lot would not be an issue however egress will be much more difficult simply because there is no side vision of the ROW for exiting drivers to see other vehicles operating within the ROW. The garage has a setback of about 1 metre.*

Considering Policy P350.7 requires a 1.5 metre by 1.5 metre triangular corner truncation any driver exiting the garage will not be able to see or be seen by the driver of another vehicle until they are well outside of the lot. Clearly the obligation is on the driver exiting the garage to ensure it is safe to proceed. In the absence of an appropriate corner truncation area, well placed "external use" concave mirrors should be required.

(ii) *Stormwater Drainage Design Requirements - The development is located within the South Perth Drainage Precinct and classified as a Type 2 Residential Building as defined in Policy P354 (Stormwater Drainage Requirements for Proposed Buildings) and Management Practice M354.*

Notwithstanding that an existing soak well system may exist on site the adequacy of the system must be verified against contemporary design standards. The sizing and number of soak wells required will be determined by a Hydraulics Engineer or similar having calculated the effective impervious area. The designer must be mindful of the general requirement that all storm water falling on the site is to be contained and disposed on site.

Sufficient storage is required to cater for the short duration high intensity storm event, although the designer will need to satisfy themselves that the longer duration but less intense event can be of greater concern considering the low infiltration rate into the subsoil.

A separate Stormwater disposal application is required to detail all conditions relating to the design and installation of the soak wells, as well as a Certification from the designer that the treatment satisfies contemporary standards and/or the requirements of the Management Practice.

Amended drawings were submitted to the City on 10 July 2015, reflecting the proposed garage setback 1.5m from the street boundary. The design changes provide 1.5m by 1.5m visual truncation for safe exit into the ROW as required under City's Policy 350.07.

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Manager, Engineering Infrastructure.

(d) Other City Departments

The Environmental Health Services department was invited to comment on a range of environmental health issues, arising from the proposal. This department has provided comments on water management and bin closure and noise. These comments are as follows:

(i) *Waste Management & Bin Enclosure - This development will restrict bin access/egress for the placement of bins. The only option for the existing shop to put bins out is to wheel the bins through the shop. I have spoken to the owner of the hair dressing establishment in question about this and I have been informed that it will not pose a problem to wheel the 240l bins through this shop.*

Bin collection currently occurs in the lane behind the shop and must continue from this location for the proposed dwelling and for the shop, unless Council notifies otherwise, although this is problematic for the contractor due to cars parking in the laneway, restricting vehicle access. Bulk rubbish collection cannot be provided to the residential premise for both green waste and hard waste as there is no placement suitable.

(ii) *Noise - All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act, 1986 and Environmental Protection (Noise) Regulations 1997. Particular attention need be given to the placement of the air-conditioning unit so as to not cause a noise nuisance to surrounding premises including similar future developments.*

Following the above concern, design changes in regards to bin access from shop to rear ROW was requested. These details were subsequently provided by the applicant and were referred to the Environmental Health Services department to comment upon and the amended design has addressed the above concern.

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Environmental Health Services department.

(e) External Agencies

No comments from external agencies have been received.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2013-2023 which is expressed in the following terms:

Accommodate the needs of a diverse and growing population.

10.3.3 Proposed Two-Storey Dwelling & Roof Terrace Additions To Shop on Lot 2 (No. 10) Moresby Street, Kensington

Sustainability Implications

Noting the constraints posed by the tight narrow site, the officers observe that outdoor living areas at the ground level as well as on the roof top have been provided that have access to winter sun. Accordingly, 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 not expected have a detrimental impact on adjoining residential neighbours or streetscape but will enhance activation to the ROW. Provided that the conditions are applied as recommended, it is considered that the application should be conditionally approved.

Attachments

- 10.3.3 (a):** Applicant's Cover Letter
- 10.3.3 (b):** Building Plans
- 10.3.3 (c):** Site Photos & Perspective
- 10.3.3 (d):** Submission Response

10.4 STRATEGIC DIRECTION 4: PLACES

10.4.1 Amendment No. 50 to Town Planning Scheme No. 6 - New Definitions and Land Use Provisions for Licensed Premises

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-15-56516
Date:	25 August 2015
Author:	Mark Scarfone, Senior Strategic Projects Planner
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy:	4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.

Summary

At the May 2015 Ordinary Council meeting, Council resolved to take a number of actions in relation to the ongoing management of alcohol related activities in the City of South Perth. Action (d) states:

initiate a 'Scheme Amendment' to insert relevant definitions into Schedule 1 and land uses into Table 1 to give greater control over the permissibility of alcohol outlets in the various zones.

Further investigation by City officers reveals the Car and Bicycle Parking ratios contained in Table 6 also require review as a part of the Scheme Amendment process.

It is recommended that the Scheme Amendment process be initiated and the draft Amendment No. 50 proposals be endorsed to enable them to be advertised for public comment.

Officer Recommendation

Moved: Cr F Reid

Seconded: Cr G Cridland

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 introducing the new land uses of 'Liquor Store – Small, Liquor Store – Large and Small Bar, inserting relevant definitions, and modifying the land use permissibility table and car and bicycle parking ratios accordingly.
- (b) the Report on Amendment No. 50 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising **Attachment (a)**, be adopted;
- (c) in accordance with section 81 of the Planning and Development Act 2005, Amendment No. 50 be forwarded to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986;
- (d) Amendment No. 50 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 50 be implemented in accordance with the

Town Planning Regulations 1967 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. 50:

"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."

Amendment to Officer Recommendation

Moved: Cr K Trent

Seconded: Mayor S Doherty

The zoning land use (Table 1) to encompass the new definitions adopted this evening in Policy P317 as the new definitions that will go out for consultation – remove discretion D and replace with DC.

CARRIED (7/0)

The amendment then became the substantive.

COUNCIL DECISION

Moved: Cr F Reid

Seconded: Cr G Cridland

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 introducing the new land uses of 'Liquor Store – Small, Liquor Store – Large and Small Bar, inserting relevant definitions, and modifying the land use permissibility table and car and bicycle parking ratios accordingly.
- (b) the Report on Amendment No. 50 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising **Attachment (a)**, be adopted;
- (c) in accordance with section 81 of the Planning and Development Act 2005, Amendment No. 50 be forwarded to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986;
- (d) Amendment No. 50 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 50 be implemented in accordance with the Town Planning Regulations 1967 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. 50:

"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 (7/0)

Background

This report includes **Attachment (a)**, being Draft Amendment No. 50 Report and amending text.

At the March Ordinary Council meeting, it was resolved to initiate a Scheme Amendment to give the City greater control over the permissibility of licensed premises. Refer to the minutes of the March Ordinary Council meeting for the full text of this resolution.

The purpose of Amendment No. 50 to Town Planning Scheme No. 6 (TPS6), is as follows:

1. To insert three new definitions into Schedule I of TPS6, these being 'Small Bar', Liquor Store – Small, and Liquor Store – Large;
2. To amend the definition of 'Shop' in Schedule I of TPS6 to exclude the sale of alcohol;
3. To amend Table I 'Zoning – Land Use' to encompass these new definitions; and
4. To amend Table 6 – 'Car and Bicycle Parking' to include these new definitions.

Comment

Under the provisions of TPS6 an application for a liquor store is considered under the 'Shop' definition and land use provisions. While liquor stores have a similar function to a 'Shop' in that they offer goods for sale via a retail outlet, it is recognised that some members of the community consider alcohol is not an ordinary commodity, as it has the potential to cause negative impacts within the community. Liquor stores also range in size from a small corner store type of facility, to a drive through service, to a large facility.

As detailed further in the Amendment No. 50 Report (**Attachment (a)**), the proposed definitions of 'Liquor Store – Large' and 'Liquor Store – Small' allow the City to consider an application for a 'Liquor Store' separately from a 'Shop'. It also ensures the new land uses are assigned to all zones with an appropriate level of permissibility and discretion. Given the changes outlined above, it is proposed to modify the definition of 'Shop' to exclude 'Liquor Stores' (Large and Small).

In 2007, changes to the Liquor Control Act (1988) introduced a new licence 'Small Bar' for which there was not a standard definition in the Model Scheme Text or local planning schemes. The full definition of 'Small Bar' is contained in Amendment No. 50 Report (**Attachment (a)**) however put simply it is a premises which can accommodate a maximum of 120 patrons and can only sell liquor for consumption on the premises.

By amending TPS6 to insert the definition of a 'Small Bar' and update the land use table accordingly there is an opportunity to ensure these are confined to appropriate zones and an adequate level of discretion is available.

It is important to note the proposed definitions are consistent with those contained in the draft 'Planning And Development (Local Planning Schemes) Regulations 2015' (inclusive of the Model Scheme Text) to be gazetted in September 2015.

Finally it is proposed to amend Table 6 – Car and Bicycle parking to take into account the new definitions – 'Liquor Store – Small', 'Liquor Store – Large' and 'Small Bar'. This will ensure that upon gazettal of this amendment, all relevant car and bicycle parking provisions are located in the same Table.

The draft Planning Policy P317 'Licensed Premises', which is the subject of a separate report in this agenda, currently contains provisions regarding land use and car and bicycle parking. It is envisaged that once Amendment No. 50 is gazetted, P317 will be reviewed to remove these references as well as undertaking any other changes deemed necessary at the time.

Consultation

Neighbour and community consultation requirements are contained in the *Town Planning Regulations* 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. 50 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	25 August 2015
Council adoption of draft Amendment proposals for advertising purposes	25 August 2015
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	Early September 2015
Public advertising period of not less than 42 days	October 2015
Council consideration of Report on Submissions	December 2015
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 	December 2015
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

Financial Implications

As this Amendment has been initiated by the City, all financial costs (administrative and advertising) incurred during the course of the statutory Scheme Amendment process will be borne by the City.

Strategic Implications

This matter relates to Strategic Direction 4 "Places" identified within Council's Strategic Community Plan 2013-2023 which is expressed in the following terms: 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](#).

Attachments

10.4.1 (a): Amendment No. 50 Report

Prior to consideration of the following Item, Mayor S Doherty read aloud her Interest in the matter as declared at Item 5:

"I declare that I live at 11 Birdwood Avenue – 200 metres from the corner of Canning Highway and Birdwood Avenue which has been identified in the Black Spot Program. It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly."

10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

10.5.1 Black Spot Program

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-54592
Date:	18 August 2015
Author:	Les Croxford, Management Engineering Infrastructure
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Infrastructure and Transport -- Plan and facilitate safe and efficient infrastructure and transport networks to meet the current and future needs of the community
Council Strategy:	5.2 Provide and maintain a safe, efficient and reliable transport network based on safe system principles.

Summary

A schedule of projects has been prepared in accordance with the guidelines for consideration of funding in the National and State Black Spot Programs 2016-17. The closing date for metropolitan submissions had been set at 31 July 2015 but was extended to the 28 August 2015 (closing date for regional submissions). Some local governments had expressed confusion over the closing date as the original advice in April from Main Roads did not clarify the segregation between the Metropolitan and Regional positions and have sought an extension of time.

The City submitted three projects for assessment under the program in accordance with the original timetable (i.e. 31 July 2015) and now seeks endorsement of the action.

Officer Recommendation

Moved: Cr S Hawkins-Zeeb

Seconded: Cr C Cala

That the three locations nominated and included in the submission for funding under the National and State Black Spot Programs 2016-17 be endorsed.

AMENDED MOTION

Moved: Cr K Trent

Seconded: Cr F Reid

That the Officer's Recommendation be amended to add a part (b) as follows:

That:

- a) the three locations nominated and included in the submission for funding under the National and State Black Spot Programs 2016-17 be endorsed; and
- b) prior to the approved work being carried out temporary barriers be installed

10.5.1 Black Spot Program

where the permanent concrete medians will be installed to assess the impact of traffic flow in the surrounding local streets - the study to last six (6) months.

Reasons

- When the medians were extended to prevent right hand turns into and from Brandon Street and Hovea Terrace there was concern expressed from local residents that the increase in traffic would impact on residents in First Ave and Vista Street. Banksia Tce already had a median installed at the crest on Canning Hwy
- Motorists who miss the right hand turn at Douglas Ave will either turn right at Collins St and then use Vista St or King or Market St to travel easterly, impacting on the residents in those streets.
- During peak periods motorists wishing to turn right at Berwick St can find the right turn pocket at Berwick St full with vehicles stretching back into the centre lane of Canning Highway, inhibiting the flow along Canning Hwy
- Vehicles wishing to turn right at Dyson St, finding the path blocked by the median will turn left and then turn right at Salisbury St and right at Darling St to turn right again to re-enter Canning Hwy on the Riverside of Canning Hwy from Dyson St.
- There will be a transfer of the traffic and accidents from the Birdwood/Canning intersection to Hobbs/ Canning Hwy.
- The potential for a rat run to develop using the Campbell Ave intersection with Canning Hwy.
- South Tce already suffers as traffic from Curtin, most evenings it takes 4 or 5 light changes before a right turn can be achieved at Canning and South Tce
- The median at Saunders will increase the volume of traffic on Park St wishing to a right turn gain access to Canning Hwy at Barker Ave
- The outcome will be rat runs as motorists attempt beat the objective of the medians.

CARRIED (7/0)

COUNCIL DECISION

Moved: Cr S Hawkins-Zeeb

Seconded: Cr Colin Cala

That:

- a) the three locations nominated and included in the submission for funding under the National and State Black Spot Programs 2016-17 be endorsed; and
- b) prior to the approved work being carried out temporary barriers be installed where the permanent concrete medians will be installed to assess the impact of traffic flow in the surrounding local streets - the study to last six (6) months.

CARRIED (7/0)

10.5.1 Black Spot Program

Background

The National and State Road Safety Black Spot Program is a Commonwealth and State Government initiative administered by Main Roads Western Australia (MRWA). The program targets road locations where crashes are occurring and aims to fund cost effective, safety oriented projects by focusing on locations where the highest safety benefits and crash reductions can be achieved.

The success of a Black Spot project being awarded funding is solely judged on a Benefit/Cost basis with an identified "Benefit Cost Ratio" (BCR) being formulated as part of the submission process and in this structure the three nominated projects have a very high chance of receiving funding.

Comment

Based on the set criteria three (3) intersection locations have been identified as warranting treatment. The three locations are:

- Canning Highway at Birdwood Avenue;
- Canning Highway at Dyson Street; and
- Canning Highway at Saunders Street.

Each of the intersection locations recorded a high number of unprotected right turn movements to or from Canning Highway resulting in a high incidence of "right/thru" and "rear end" crashes. Rear-end crashes are significantly over-represented at all locations and medical casualties are over-represented at the Dyson Street location.

To have the locations assessed under the program a treatment that secures the most advantageous BCR has been used proposed. However previous experience demonstrates that while a project may receive external funding, for a number of reasons it might later be identified as not an acceptable or preferred solution for the wider community or Council.

The treatment option that provided the most advantageous benefit to cost ratio was the elimination of the right turn movement off Canning Highway (or into Canning Highway from the intersecting street) by extending the central raised median on the highway across the intersection.

The following Table is a summary of the three locations:

Location	Treatment Cost	BCR	Total Crashes	Property Only Crashes	Casualty Crashes
Birdwood Avenue	\$80,000	4.54	11	4	7
Dyson Street	\$60,000	9.74	26	7	19
Saunders Street	\$50,000	7.34	17	3	14

The solutions above could be seen as interim measures until the upgrade works as detailed in the Canning Highway Road Reservation Review Study commissioned by the Department of Transport and finalised in 2012 are finally implemented. It is widely understood that the upgrade works will not be progressed by Main Roads in the medium term. The proposed treatments are not in accord with the detail of the Review and the agreed position of Council but true to the intent of the adopted plan i.e. to control right turn movements off the Highway and to eliminate right turn movements onto the highway from the intersecting streets except at the existing light controlled intersections.

10.5.1 Black Spot Program

Council at its June 2012 Meeting resolved amongst other things to support in principle the Canning Highway Road Reservation Review as detailed in the Final Planning Report dated 10 January 2012. The Council also supported the view that:

“additional right turn opportunities must be provided at Canning Highway in order to facilitate better connectivity and traffic efficiency within the district. Providing limited opportunities for motorists to exit Canning Highway via a side road or turn from a side road onto Canning Highway will only lead to:

- *the limited number of signalised intersections becoming congested and ineffective to the free movement of traffic;*
- *motorists becoming frustrated, thereby electing to use residential streets as thoroughfares to avoid inefficient traffic signals, perceived traffic delays, and difficulties experienced accessing Canning Highway; and*
- *Canning Highway becoming an impenetrable barrier for motorists wanting to travel in a north-south direction (i.e. crossing one side of Canning Highway to the other).”*

To date there has been no response from the Department of Transport on this expressed view.

For East Bound (Canning Bridge to Causeway) the intersections detailed in the Review Plans to be retained as controlled right turn movements i.e. a right turn lane within the central median, are:

- Cale Street – right turn from Highway to travel south east in Como;
- Bessell Avenue - right turn from Highway to travel south east in Como;
- Campbell Avenue - right turn from Highway to travel east in Kensington; and
- Dyson Street - right turn from Highway to travel east in Kensington.

In the reverse direction (Causeway to Canning Bridge) the intersections to be retained as controlled right turn movements are:

- Brandon Street - right turn from Highway to travel north in South Perth;
- Hensman Street - right turn from Highway to travel west in South Perth;
- Comer Street - right turn from Highway to travel west in Como; and
- Saunders Street - right turn from Highway to travel west in Como.

All other movements at these locations along with every other intersection (not already closed or the cul-de-sac proposed for Thelma Street) would be limited to left in and left out only.

Two of the three locations identified for the Black Spot program are locations where turning right off Canning Highway in one direction would be accommodated in the final plan i.e. Saunders Street to travel west and Dyson Street to travel east. While it would be possible to undertake the additional works to facilitate the one direction right turn movement (albeit without the safety of the turning lane) and achieve much of the benefits as provided by the raised median closure the cost would be greater and the resultant BCR lower.

Consultation

There has been no stakeholder engagement for the works proposed under this Black Spot program. The opportunity does exist through the consultation phase to explore the alternative treatment for the intersections of Dyson Street and Saunders Street with Canning Highway that are more closely aligned to the Reservation Review. It should be noted however that an amended treatment may not receive the funding allocation due to the lower BCR or that additional funds would be made available through the program for the alternative treatments.

10.5.1 Black Spot Program

Policy and Legislative Implications

There are no Policy or Legislative Implications in respect to this application.

It is however consistent with the intent of the Declaration for Road Safety. To support the City's active role in road safety and ongoing commitment to the guiding principles of the *Towards Zero, the Western Australian road safety strategy 2008-2020* Council at its November 2012 meeting resolved to declare its support for road safety by becoming a signatory to the Declaration for Road Safety (refer Attachment 10.5.1(a) of the Ordinary Council Meeting of November 2012) .

Financial Implications

The Application is for the Financial Year 2016/2017 and consideration would need to be given to its inclusion into the Capital Works Budget 2016/17.

Strategic Implications

This Program compliments the City's Strategic Community Plan and Corporate Business Plan 2015 – 2019 - Infrastructure and Transport and in particular: Strategic Objective 5.2 – *“Advocate for, provide and maintain a safe, efficient, and reliable transport network based on safe system principles”*.

Sustainability Implications

The appropriate management of the local road system is extremely important to ensure that it meets the current and future traffic, transport and road safety needs of the community.

Sustainability Implications

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

Attachments

Nil.

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Monthly Financial Management Accounts - July 2015

Location:	City of South Perth
Ward:	N/A
Applicant:	Council
File Ref:	D-15-56497
Date:	25 August 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan.

Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then presented to Council with comment provided on the significant financial variances disclosed in those reports.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr K Trent

Seconded: Cr M Huston

That ...

- Council adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater);
- the monthly Statement of Financial Position and Financial Summaries provided as **Attachment 10.6.1(a) - (e)** be received;
- the Schedule of Significant Variances provided as **Attachment 10.6.1(f)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- the Schedule of Movements between the Adopted & Amended Budget **Attachment 10.6.1(g) & (h)** not be presented for July 2015;
- the Rate Setting Statement provided as **Attachment 10.6.1(i)** be received.

CARRIED EN BLOC (8/0)

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget.

10.6.1 Monthly Financial Management Accounts - July 2015

The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report reflects the structure of the budget information provided to Council and published in the Annual Management Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control - reflecting the City's actual financial performance against budget targets.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns.

This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) will be provided each month from September onwards. From that date on, the schedule will reflect a reconciliation of movements between the 2015/2016 Adopted Budget and the 2015/2016 Amended Budget including the introduction of the unexpended capital items carried forward from 2014/2015.

A monthly Statement of Financial Position detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting this statement on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments 10.6.1(a) & 10.6.1(b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment 10.6.1(c)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment 10.6.1(d)**
- Summary of Capital Items - **Attachment 10.6.1(e)**

10.6.1 Monthly Financial Management Accounts - July 2015

- Schedule of Significant Variances - **Attachment 10.6.1(f)**
- Reconciliation of Budget Movements - **Attachment 10.6.1(g) & (h)**
- Rate Setting Statement - **Attachment 10.6.1(i)**

It is important to recognise that, as at reporting date, the June 2015 financial statements have not yet been finalised. There will continue to be appropriate professional year-end balance sheet adjustments and asset valuation adjustments etc up until the audit of the City's accounts. Whilst this does not affect the Operating Accounts for the 2015/2016 year; the Balance Sheet will necessarily be affected because the 'opening balances' carried forward into this year are added to the current year movements in these accounts. The relevant Balance Sheet accounts will be adjusted where appropriate - meaning that the July Balance Sheet will necessarily contain some accounting estimates or unadjusted balances at this time.

Operating Revenue to 31 July 2015 is \$40.02M which represents some 100.3% of the \$39.89M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Interest revenues are 25% above budget expectations for the month overall - 41% over for Reserves and on budget for Municipal funds. Rate revenue reflects as being slightly ahead of budget as a result of the receipt of a late interim rate schedule after the final rates modelling was done.

Planning revenues are shown as 11% ahead of budget - but planning fees are well below budget expectations for the month. The favourable result comes after WALGA refunded a prior year \$25,000 contribution to a heritage fund that was never accessed. Building Services revenue is on budget - but an under budget license fee result was offset by a higher than expected material on verge fee received for the Harper Terrace development.

Recreation facility revenues are above budget expectations due to a higher level of activity. Collier Park Golf Course revenues are currently 12% ahead of budget after a very strong performance in July.

Comment on the specific items contributing to the revenue variances may be found in the Schedule of Significant Variances **Attachment 10.6.1(f)**.

Operating Expenditure to 31 July 2015 is \$3.33M which represents 91% of the year to date budget of \$3.64M. Operating Expenditure shows as 8% under budget in the Administration area. Operating costs are 5% under budget for the golf course and show as 10% under in the Infrastructure Services area.

Other than the differences specifically identified in the Schedule of Significant Variances, the variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers or minor cost savings on various line items.

In the Infrastructure Services operations area, variances at the end of July relate to delayed starts to maintenance programs as programs are progressively implemented. These are expected to reverse out in future months as the programs are more comprehensively implemented.

Fleet operations show a favourable variance in terms of actual cash costs - but an under recovery against jobs. This situation will be monitored and retrospectively adjusted as required in future until a longer term solution to the challenges of setting plant charge rates can be developed.

10.6.1 Monthly Financial Management Accounts - July 2015

As would be expected in any entity operating in today's economic climate, there are some budgeted staff positions across the organisation that are necessarily being covered by agency staff (potentially at a higher hourly rate). Overall, the salaries budget (*including temporary staff where they are being used to cover vacancies*) is currently around 6.2% under the budget allocation for the 219.9 FTE positions approved by Council in the budget process. There are number of factors impacting this, including some vacant positions and the implementation of the new EBA salaries scale.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment 10.6.1(f)**.

Capital Revenue is disclosed as \$0.08M at 31 July which is very slightly ahead of the year to date budget of \$0.07M.

Capital Expenditure at 31 July is \$0.52M representing 134% of the year to date budget of \$0.39M (before the inclusion of carry forward projects). The total budget for capital projects for the year is \$33.52M.

The table reflecting capital expenditure progress versus the year to date budget by directorate will be presented from October onwards once the final Carry Forward Works were confirmed (after completion of the annual financial statements).

Consultation

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration's financial management. It also provides information about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 34.

Financial Implications

The attachments to the financial reports compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of variances which in turn promotes dynamic and prudent financial management.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Financial reports address the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising proactive identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

Attachments

- 10.6.1 (a): Statement of Financial Position
- 10.6.1 (b): Statement of Financial Position
- 10.6.1 (c): Summary of Non Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d): Summary of Operating Revenue & Expenditure - Infrastructure Service

10.6.1 Monthly Financial Management Accounts - July 2015

- 10.6.1 (e):** Summary of Capital Items
- 10.6.1 (f):** Schedule of Significant Variances
- 10.6.1 (g):** Schedule of Movements between the Adopted & Amended Budget
- NOT PRESENTED FOR JULY 2015
- 10.6.1 (h):** Schedule of Movements between the Adopted & Amended Budget
- NOT PRESENTED FOR JULY 2015
- 10.6.1 (i):** Rate Setting Statement .

10.6.2 Statement of Funds, Investments and Debtors at 31 July 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-56498
Date:	25 August 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan.

Summary

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates & Debtors.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr K Trent

Seconded: Cr M Huston

That Council receives the 31 July 2015 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment 10.6.2(a)**
- Summary of Cash Investments as per **Attachment 10.6.2(b)**
- Statement of Major Debtor Categories as per **Attachment 10.6.2(c)**

CARRIED EN BLOC (8/0)

Background

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves.

10.6.2 Statement of Funds, Investments and Debtors at 31 July 2015

As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles.

Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end are \$72.06M which compares favourably to \$43.60M at the equivalent stage of last year. Last month, total funds were \$73.42M.

Municipal funds represent \$12.28M of this total, with a further \$59.15M being Reserve Funds and the balance of \$0.63M relate to monies held in Trust. The Municipal Fund balance is some \$6.2M higher than last year - of which approximately \$4.0M relates to works carried forward from the previous year.

Reserve funds are \$22.4M higher overall than the level they were at the same time last year - largely as a result of receiving the sale proceeds from the Civic Triangle site when settlement was effected in September 2014.

The 2015/2016 Budget foreshadowed the consolidation of the City's cash reserves down into 15 Reserves rather than the previous 24. In July 2015, this consolidation was effected with the transfer of funds from the Future Municipal Works Reserve and Future Building Works Reserve into the Major Community Facilities Reserve; from the Parks and Streetscapes Reserve into the Reticulation & Pump Reserve; and from the Paths and Transport Reserve into the Sustainable Infrastructure Reserve.

The Reserve fund balances show that the Major Community Facilities Reserve is \$24.6M higher than at the same time last year. This is due to the receipt of land sale proceeds and is also due to the \$3.3M consolidation of other smaller reserves into this reserve (as foreshadowed in the 2015/2016 Budget). It is important to recognise that the land sale proceeds currently quarantined in the Major Community Facilities Reserve do not represent 'surplus cash' but rather they are part of carefully constructed funding models for future major discretionary capital projects. These funding models are detailed in the City's Long Term Financial Plan.

The Sustainable Infrastructure Reserve is \$0.9M higher than at July last year due to the consolidation of reserves as noted above, whilst the Technology Reserve is also \$0.5M higher when compared to last year as funds are quarantined for major technology infrastructure projects in the next year. The Plant Replacement Reserve is \$0.4M lower. The River Wall Reserve is \$1.3M lower as funds have been deployed to fund major capital works. Various other reserves are modestly changed.

In relation to the Quarantined Reserves, there are \$0.6M higher holdings of cash backed reserves to support CPV refundable monies due to the timing of outgoing

versus ingoing resident transactions but \$0.2M less for the CPV Reserve after allowing for the year's operating result and capital reimbursements.

The Waste Management Reserve is \$0.5M higher than last year and the Golf Course Reserve is \$0.3M higher after allowing for last year's operating results.

Details are presented as **Attachment 10.6.2(a)**.

(b) Investments

Total investment in money market instruments at month end was \$67.9M compared to \$42.3M at the same time last year. There is a \$3.1M higher level of cash in Municipal investments. Cash backed reserves are \$22.4M higher as discussed above.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year.

Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is dynamically monitored and re-balanced as trends emerge.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment. Analysis of the composition of the investment portfolio shows that all of the funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently no investments in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Department of Local Government Operational Guidelines for investments.

All investments currently have a term to maturity of less than one year - which is considered prudent both to facilitate effective cash management and to respond in the event of future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are required to be within the 25% maximum limit prescribed in Policy P603. At month end the portfolio was within the prescribed limits. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment 10.6.2(b)**.

Interest revenues (received and accrued) for the year total \$0.17M. This compares to \$0.12M at the same time last year despite the historically low interest rates. The prevailing interest rates appear likely to continue at current low levels in the short to medium term.

Investment performance will be closely monitored given recent interest rate cuts to ensure that we pro-actively identify secure, but higher yielding investment opportunities, as well as recognising any potential adverse impact on the budget closing position. Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs.

10.6.2 Statement of Funds, Investments and Debtors at 31 July 2015

Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is 2.98% with the anticipated weighted average yield on investments yet to mature now sitting at 2.95%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 1.75% since the May RBA decision.

(c) Major Debtor Classifications

Effective debtor management to convert debts to cash is an important aspect of good cash-flow management. Details are provided below of each major debtor category classification (rates, general debtors & underground power).

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment 10.6.2(c)**. Rates collections to the end of July 2015 represent 9.80% of rates collectible (excluding pension deferrals) compared to 7.55% at the same time last year.

The City expects to maintain a strong rates collection profile following the issue of the 2015/2016 rates notices, but collection statistics are not really valid until after the due date for the first instalment (26 August). To date, there has been a good acceptance of our rating strategy, communications strategy and our convenient, user friendly payment methods. These strategies continue to provide encouragement for ratepayers to meet their rates obligations in a timely manner.

(ii) General Debtors

General debtors stand at \$1.22M at month end (\$1.45M last year). Last month debtors were \$2.40M - but \$1.3M worth of GST Receivable was received in July this year. Most other Debtor categories are at fairly similar levels to the previous year.

Continuing positive collection results are important to effectively maintaining our cash liquidity and these efforts will be closely monitored during the year. Currently, the majority of the outstanding amounts are government & semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

Consultation

This financial report is prepared to provide evidence of the soundness of the financial management being employed by the City whilst discharging our accountability to our ratepayers.

Policy and Legislative Implications

The cash management initiatives which are the subject of this report are consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report - as is the DOLG Operational Guideline 19.

10.6.2 Statement of Funds, Investments and Debtors at 31 July 2015

Financial Implications

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the collectability of debts.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

Attachments

- 10.6.2 (a):** Summary of All Council Funds
- 10.6.2 (b):** Summary of Cash Investments
- 10.6.2 (c):** Statement of Major Debtor Categories .

10.6.3 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-56499
Date:	25 August 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework comprising a 10-year financial plan, four-year corporate plan, workforce plan and asset management plan.

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 July 2015 and 31 July 2015 is presented to Council for information. During the reporting period, the City made total payments by EFT of \$5,783,382.33 and by cheque payment of \$996,919.32 giving total monthly payments of \$6,780,301.65

Officer Recommendation AND COUNCIL DECISION

Moved: Cr K Trent
Seconded: Cr M Huston

That the Listing of Payments for the month of July 20 15 as detailed in **Attachment 10.6.3**, be received.

CARRIED EN BLOC (8/0)

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation cannot be individually debated or withdrawn.

Reflecting contemporary practice, the report records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party.

For instance, an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non-creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services. These transactions are of course subject to proper scrutiny by the City's auditors during the conduct of the annual audit.

In accordance with recent feedback from Council Members, the attachment to this report has been modified to recognise a re-categorisation such that for both creditors and non-creditor payments, EFT and cheque payments are separately identified. This provides the opportunity to recognise the extent of payments being made electronically versus by cheque. The payments made are also now listed according to the quantum of the payment from largest to smallest - allowing Council Members to focus their attention on the larger cash outflows. This initiative is expected to facilitate more effective governance from lesser Council Member effort.

Consultation

This financial report is prepared to provide financial information to Council and the administration and to provide evidence of the soundness of financial management being employed. It also provides information and discharges financial accountability to the City's ratepayers.

10.6.3 Listing of Payments

Policy and Legislative Implications

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

Financial Implications

This report presents details of payment of authorised amounts within existing budget provisions.

Sustainability Implications

This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

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

Attachments

10.6.3 (a): Listing of Payments .

10.6.4 Planning Policy P317 'Licensed Premises' - Final Adoption Following Community Consultation

Location:	Not applicable
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-56514
Date:	25 August 2015
Author:	Mark Scarfone, Senior Strategic Projects Planner
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

Summary

At the Ordinary Council Meeting held on 26 May 2015, Council endorsed draft Planning Policy P317 'Licensed Premises' for advertising for community comment. The required period of advertising is now complete and 26 submissions were received.

Of the 26 submissions received 19 offer full support for the proposed policy. The remaining seven (7) submissions offer qualified support with suggested modifications to improve the operations of the policy. The consultation section of this report provides a summary of issues raised in these 7 submissions and provides recommendations relating to the issues raised.

The Council now needs to resolve whether the policy should be finally adopted, with or without modification, or should not proceed. City Officers recommend draft Planning Policy P317 'Licensed Premises' be finally adopted by Council with modifications.

Officer Recommendation

Moved: Cr K Trent
Seconded: Cr G Cridland

That:

- (a) Under the provisions of Clause 9.6 of the City of South Perth Town Planning Scheme No. 6, the modified Policy P317 'Licensed Premises' contained in **Attachment (a)** be adopted; and
- (b) the submitters be thanked for their participation in this process and advised of the Council's resolution above.

AMENDED MOTION

Moved: Cr S Doherty
Seconded: Cr F Reid

That the Policy as listed as Attachment (a) on the Agenda be replaced with the version within the **Appendix** of these Minutes (as per tracked change). There is no change to the Officer Recommendation.

Reasons

Policy P317 is important as it will ensure applications for new licensed premises and additions to licensed premises are submitted with the relevant information to enable a thorough assessment.

The proposed amendments I am seeking endorsement from Council in respect to relate to removing 'D' (discretionary) throughout the document and replacing any "D' (discretionary) uses to require 'DC' (discretionary with consultation). If this amendment is endorsed by Council, I propose that Amendment No. 50 to Town Planning Scheme No. 6 – New Definitions and Land Use Provisions for Licensed Premises, Table 1 'Zoning – Land Use' to Encompass these New Definitions will also remove 'D' (discretionary) and replace with 'DC' (discretionary with consultation). Also in relation to discretion, I propose the removal of the words "minor/temporary" in Point 3.2(b) Alternation of existing Licensed Premises as the use of these words in my view are subjective.

Under Point 3.1(d) New Licensed Premises the reference to Area 2 consultation has been removed as the Council tonight will be considering a review of Planning Policy P301 – Consultation for Planning Proposals. The inclusion of consultation within 500m of proposed premises reflects that we hear our community want to know what is happening in relation to changes in their area.

Other changes in the Policy reflect the components referred to by a community member who spoke at last week's Agenda Briefing which in my view added value to this Policy.

The Amendment then became the substantive:

COUNCIL DECISION

Moved: Cr K Trent

Seconded: Cr G Cridland

That:

- (a) Under the provisions of Clause 9.6 of the City of South Perth Town Planning Scheme No. 6, the modified Policy P317 'Licensed Premises' contained in **the Appendix** of these meetings be adopted; and
- (b) the submitters be thanked for their participation in this process and advised of the Council's resolution above.

CARRIED (7/0)

Background

At the Ordinary Council Meeting held on 26 May 2015, Council resolved to undertake a number of actions, including the endorsement of Draft Planning Policy P317 'Licensed Premises' (P317) for community consultation. The objectives of P317 are as follows:

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

P317 was advertised for public comment between 9 June and 3 July 2015. 26 submissions were received. Of the 26 submissions received 19 offer full support for the proposed policy. The remaining seven (7) submissions offer qualified support with suggested modifications to improve the operations of the policy. The content of these submissions is discussed in detail in the Consultation section of this report.

Comment

P317 has been developed in order to ensure applications for new licensed premises and additions to licensed premises are submitted with all relevant information to enable a thorough assessment. In addition, P317 will provide guidance to landowners, applicants and City officers with regard to land use permissibility and car parking requirements, while formal changes to the TPS6 provisions are being pursued.

In addition to advertising the proposed policy for public comment, City officers have discussed the proposed policy with a representative from WALGA on an informal basis to ensure the policy aligns with WALGA's expectations in this regard.

The submissions received are generally supportive of the proposed policy, however some submissions consider the policy should be made more stringent to minimise alcohol related harm to school children, vulnerable community members and nearby residential land uses. While the City is understanding of the concerns raised by submitters in this regard, it is not proposed to substantially modify the proposed policy because the draft policy contains provisions that appropriately deal with such issues. P317 requires an applicant to submit a range of documents including a Public Interest Assessment, an Operational Management Plan and Cumulative Impact Assessment along with the development application. These documents will therefore require an applicant to identify the context in which it is operating, the location of any sensitive land uses and take measures to minimise the impact of the premises.

In response to submissions, the following modifications are proposed to P317:

- Minor changes to the policy background section to clarify the relationship between this policy and other relevant legislation and approvals;
- Modification to the numbering in Clauses 3.1 and 3.2 to clarify operations;
- Modification of provisions relating to Cumulative Impact Assessments and the information to be provided by the applicant;
- Car parking requirements for 'Small Bar' to align with those for Tavern and Hotel being 1 bay per 3m² of public floor space;
- Insertion of additional references to legislation, local laws, policies, and key documents; and
- Minor formatting and text revisions to the advertised policy so as to further clarify the intent of the policy.

Consultation

The statutory advertising was undertaken to the extent and in the manner prescribed by Clause 9.6 of TPS6 and the City's Planning Policy P301 'Consultation for Planning Proposals'. The consultation involved the following:

- notices and proposed planning policy displayed on the City's web site, in the City's Libraries and in the Civic Centre;
- notices published in two issues of the Southern Gazette newspaper, being 9 and 16 June 2015.

During the advertising period, 26 submissions were received. Of the 26 submissions received, 19 wholly support the Amendment proposal and 7 support the policy with modifications. A full copy of the submissions is contained in **Confidential Attachment (b)**.

As stated above submissions 1 – 19 contained in **Confidential Attachment (b)** support P317. As these submissions do not propose any changes to draft Policy P317, these are not discussed further below. Submissions 20 – 26 support the proposed policy, however they suggest modifications to the policy in order to improve its operation. A summary of these submission, as well as an officer comment is contained in the paragraphs below. Unless otherwise stated, P317 is not recommended to be modified in response to these submissions.

Submitter Comment	Officer Comment
<p>Submission 20 – Resident Garden Street, South Perth</p> <p><i>20.1 Only Small Liquor Stores should be considered within the City and consideration should be given so that minimal impact of adjoining residential properties.</i></p>	<p>The comment is partially upheld. P317 restricts 'Liquor Store – Large' to the District Centre Commercial zone, where a wide range of retail outlets is already accommodated, including full line supermarkets. This ensures this type of use will have minimal impact on adjoining land uses, in terms of traffic and noise. It is not considered desirable to ban this type of outlet from the City completely. However where a new licensed premises is proposed or where additions are proposed to an existing licensed premises an applicant will be required to demonstrate how the impact on nearby residential properties will be minimised.</p>
<p>Submission 21 – Residents Association</p> <p><i>21.1 We note the Policy's inconsistencies with TPS6 when compared with Taverns, Hotels and Nightclubs. The policy could use the DC classification for this aspect</i></p>	<p>The comment is not upheld. P317 indicates 'Liquor Store – Small' and 'Small Bar' are considered 'DC' land uses in all zones other than the District Centre Commercial and Mends Street Commercial zones where they are 'D' uses. The District Centre Commercial zone contains a wide range of commercial development, while the Mends Street Commercial zone is located within the activity centre known as the South Perth Station Precinct. These zones are less sensitive to new non-residential development and therefore a 'D' classification is appropriate.</p>
<p><i>21.2 In considering a proposed licensed premises there should be consideration given to the social and health impact rather than just the commercial context.</i></p>	<p>The comment is partially upheld. P317, requires an applicant to submit a range of documents including a Public Interest Assessment, an Operational Management Plan and Cumulative Impact Assessment along with the application. These documents will require an applicant to identify the context in which the proposed licensed premises or additions is operating, identify the location of any sensitive land uses and describe the intended measures to minimise the impact of the premises.</p>

Submitter Comment	Officer Comment
<p>Submission 22 – Resident of Boongala Close, Karawara</p> <p>22.1 <i>Only 'small liquor stores' should be considered in effect banning 'large liquor stores'</i></p>	<p>Refer to officer comment under Submission 20.1. This approach is not supported.</p>
<p>22.2 <i>Desirable to clarify the 'amenity impact' to include social and health implications as well as the impact of proposal on existing businesses.</i></p>	<p>Refer to officer comment under Submission 21.2. P317 requires the applicant to take into consideration social and health implications of the proposal to some extent. The impact of the premise on the financial viability of other businesses is not a valid town planning consideration and is not supported.</p>
<p>Submission 23 – Waverley Street Resident (1)</p> <p>23.1 <i>Under TPS6 the parking requirement for a 'Hotel' or 'Tavern' land use is 1 bay per 3m² of public floor space. A Small Bar operates in a similar manner to these land uses and as such the parking requirement should be the same. A restaurant which is granted approval to serve alcohol without a meal should also provide parking at this rate.</i></p>	<p>The submitter's comment is partially upheld. The operation of a 'Small Bar' is not dissimilar to a 'Tavern' or 'Hotel' use and therefore the car parking requirements will also be similar. Applying a flat ratio of 1 bay per 3m² of public floor space will ensure officers and applicants do not have to make arbitrary distinctions between standing and seated floor space, ensuring consistent assessment of parking requirements. P317 does not propose to modify the parking requirements for a 'Café/Restaurant'.</p> <p>It is recommended P317 <u>be</u> modified in this regard.</p>
<p>Note: The Submitter's comments regarding reductions in parking requirements grouped together.</p> <p>23.2 <i>Reductions in parking requirements should not be granted lightly. The proximity to residential areas, the nature of residential streets, the cumulative impact of parking including existing business must all be objectively assessed.</i></p> <p>23.3 <i>To qualify for a reduced car parking requirement due to proximity to bus stops, buses should be running during the entire operating hours.</i></p> <p>23.4 <i>Extended trading permits shall not be granted unless the bus timetable provides service for all opening hours.</i></p>	<p>The comments are not upheld. When an application for planning approval is received an assessment of the car parking requirements will take place having regard to the provisions of Clause 6.3 and Table 6 of TPS6, P317 and P315 'Car Parking Reductions for Non-Residential Development. It is not considered appropriate to include additional provisions regarding the reduction of car parking requirements in this policy.</p>
<p>23.5 <i>A Noise Management Plan submitted</i></p>	<p>The comment is partially upheld. P317</p>

Submitter Comment	Officer Comment
<i>by the applicant should include details on details such as noise from the premises, mechanical noise and glass recycling noise.</i>	requires the submission of an 'Operational Management Plan' all applications for new licensed premises, including provisions relating to noise management, rubbish disposal and deliveries. A Noise Management Plan may be required at the City's discretion and would be required, where a new licensed premises is close proximity to residential land uses.
23.6 <i>City officers should take into consideration the amenity clauses of its scheme, particularly with respect the car parking and litter.</i>	The comment is partially upheld. P317 is to be considered in addition to existing provisions of TPS6.
23.7 <i>Public consultation should be in line with the requirements of the Department of Racing Gaming and Liquor. A sign on site, mail out to residents and businesses within 200 metre radius of the proposal, and consultation period extended to 28 days.</i>	The comment is partially upheld. P317 requires a Public Interest Assessment (PIA) to be submitted as part of an applications for new licensed premises or for significant modifications to an existing licensed premises. The PIA is required to be prepared as per the requirements of DRGL. These requirements include amongst other things, a letter drop to residents and businesses within a 200 metre radius of the proposed premises as well as notification of the owners/proprietors of all listed facilities within a two kilometre radius. When the development application is received the City undertakes community consultation, in accordance with the City's policy P301 'Consultation for Planning Proposals'. At the discretion of the Director of Development and Community Services or CEO, depending on the scale and intensity of the proposal, wider consultation than specified in P301 may be required.
23.8 <i>All documents submitted as a part of the application should be made available to view – preferably on-line.</i> 23.9 <i>Full details of the applicant should be made available during the public consultation period.</i>	The comments are partially upheld. The City has the capacity to publish Development Application drawings and supporting materials on the City's website. This is common practice for all new DA's. The applicant details will be published as a part of the online material, however the applicant may be different from the future operator of the licensed premises.
23.10 <i>Impact of the proposal on children, and the vulnerable should be considered. Where a liquor license is sought within 500m of a school, child care centre or community group, the onus should be on the applicant to</i>	The comment is partially upheld. The policy objectives aim to ensure that the type and scale of licensed premises is appropriate, having regard to the locality, as well as to minimise the impact of the proposal on the surrounding residential

Submitter Comment	Officer Comment
<p><i>prove these groups will not be adversely impacted. Input from health, welfare and community groups such as Southern Metropolitan Health Service and South Care should be obtained to determine if approval is appropriate and if so what additional restrictions are required.</i></p>	<p>and non-residential properties (including schools or other sensitive land uses). The applicant will be required to submit a number of documents in support of the proposed premises, including a Public Interest Assessment and Operational Management Plan, which detail how the proposal will operate in harmony with the surrounding premises. The decision-maker, being the Local Government or Joint Development Assessment Panel, will be required to take into consideration the impact for the proposal on the amenity of the locality in terms of traffic, noise, parking and other 'planning' matters before issuing a planning approval. The final decision to grant the liquor license is made by the DRGL under the provisions of the Liquor Control Act 1988, the intent of which is stated below.</p> <p>The Liquor Control Act 1988 regulates the sale, supply and consumption of liquor, the use of premises on which liquor is sold and the services and facilities provided in conjunction with, or ancillary to the sale of liquor in order to minimise harm or ill-health caused to people due to the use of liquor.</p>
<p>Submission 24 – Community member and social service worker</p> <p><i>24.1 Policy should be amended to include reference to minimising the impact on children and take into consideration location of schools, child care and the like.</i></p>	<p>Refer to Officer response under 23.10</p>
<p><i>24.2 Applicants should be held accountable to their Public Interest Assessments both by DRGL and the City of South Perth.</i></p>	<p>The comment is partially upheld. As required by Policy P317, an applicant will be required to lodge a PIA along with the development application lodged with the City. A condition of planning approval can be imposed to ensure ongoing compliance with the PIA. The City cannot direct the actions of the DRGL in this regard, however it is noted one of the functions of this department is to regulate the sale, supply and consumption of licenced premises, which would also include compliance actions.</p>
<p><i>24.3 A more equitable platform for community objections should be developed.</i></p>	<p>The comment is partially upheld. Where a Development Application is received and advertised for public comment, objections are treated confidentially, giving objectors confidence to raise concerns. It is</p>

10.6.4 Planning Policy P317 'Licensed Premises' - Final Adoption Following Community Consultation

Submitter Comment	Officer Comment
	understood that objectors to the liquor licence do not receive the same confidentiality however this process is outside the scope of this policy.

<p><u>Submission 25 – Waverly Street, South Perth Resident (2)</u></p> <p>Note: This submission is 10 pages long and contains detailed information particularly with regard to Environmental (Noise) Regulations. The main points are summarised below and a full copy of the submission is contained in Confidential Attachment (b).</p> <p>25.1 <i>Policy scope should be amended to clearly indicate the applications is being considered in accordance with the Liquor Control Act and summarise the provisions of relevant legislation, such as Liquor Control Act, Town Planning Scheme No. 6.</i></p>	<p>The comment is not upheld. The policy background section states that, in addition to gaining planning approval, the applicant is required to obtain a liquor licence under the provisions of the Liquor Control Act 1988. It is not considered appropriate to summarise these documents in this policy as it will add unnecessary length and complexity.</p>
<p>25.2 <i>Policy statement should be amended to provide a summary of the relevant Clauses of TPS6 and Environmental (Noise) Regulations 1997.</i></p>	<p>The comment is not upheld. The provisions of these documents will continue to apply to licensed premises. The policy augments the requirements of TPS6 and applicants will be required to comply with the relevant sections of the Environmental (Noise) Regulations 1997 on an ongoing basis. Inclusion of a summary of these requirements in the policy is not considered appropriate as it will add unnecessary length and complexity.</p>
<p>25.3 <i>Potential for licensee to use a bottle crushing machine and for glass waste collection to occur after 9:00am to ensure this aspect of the venue management can comply with the relevant legislation.</i></p>	<p>The comment is not upheld. This is a potential solution for applicants to consider in the context of their application. As noted above, in Officer Comment 23.5, an applicant will be required to demonstrate how the premises will be managed to minimise impacts on surrounding landowners, and may be required to provide a Noise Impact Assessment.</p>
<p>25.4 <i>The City should adopt a policy to ensure all non-residential properties, provide visually permeable window security at all times.</i></p>	<p>The comment is partially upheld. City officers consider that there is merit in the proposal however as the provisions relate to all non-residential properties, this concept should not be adopted as part of P317 'Licensed Premises'. The City's Planning Policies are currently under review and this issue will be considered as a part of that process.</p>
<p>25.5 <i>Cumulative Impact Assessment Reports should be provided with each development application.</i></p>	<p>The comment is upheld. City officers have discussed this issue with a representative from WALGA and consider there is merit in requiring applicants for all new licensed premises to provide a</p>

	<p>Cumulative Impact Assessment. The assessment should map the location of all licensed premises within 500 metres, and for each, describe the license type, hours of operation, number of patrons, entertainment provided and any other relevant information. The assessment should then demonstrate how the proposed venue fits within this context and any measures to be undertaken to ensure there is not a negative impact on the locality. The map should also show the location of sensitive land uses within 500m and the methods to be incorporated to minimise any potential harm.</p> <p>P317 'Licensed Premises' shall be modified in this regard.</p>
25.6 <i>Extent of consultation for should be increased to align with the requirements of the Liquor Control Act 1988 – applicant to undertake letter drop to all residents, businesses and organisations within a 200 metre radius of the subject site.</i>	Refer Officer comment regarding 23.7.
25.7 <i>Following assessments should be included in P317 – Public Interest, Parking and Traffic, Noise Impact, Waste Management, Operational, Building Act, Health Act, Food Act and a checklist should be included in the policy.</i>	The comment is partially upheld. Draft Policy P317 contains provisions relating the majority of the assessments. Compliance with the relevant Building Act, Food Act, and Health Act is outside the scope of this planning policy and therefore these are not included.
25.8 <i>Amendment is required to the numbering in Draft Clause 3.2 required to clarify operations.</i>	<p>The comment is upheld. This comment relates to a drafting error.</p> <p>P317 'Licensed Premises' shall be modified in this regard.</p>
25.9 <i>Amendment to Clause 4 of P317 required to refer to Clause 6.3(4) of TPS6.</i>	The comment is not upheld. Draft P317 refers directly to the provisions of Clause 6.3 of TPS6.
25.10 <i>Legislation/Local Law Requirements and Other Relevant Policies/Key Documents sections should updated to refer to a number of other legislative and policy requirements.</i>	The comment is partially upheld. The submitter suggests a number of additional reference documents to be listed at the end of P317. The majority of these suggested reference documents are outside of the 'Planning' framework and must be complied with in order for a proponent to begin operations. For example a premises must comply with the provisions of the <i>Building Act 2011</i> ,

	<p>however this is not assessed as a part of the planning process. It is considered appropriate to direct applicants to the relevant policies and procedures of the DRGL and as such, this reference has been added.</p> <p>P317 'Licensed Premises' be modified in this regard.</p>
<p>Submission 26 – Waverly Street, South Perth Resident (3)</p> <p>Note: This submission is 8 pages long and contains detailed information particularly with regard to the impact of alcohol on children and the availability of alcohol to under-age children. The main points are summarised below and a full copy of the submission is contained in Confidential Attachment (b).</p> <p>26.1 <i>The proposed Land Use permissibility table including Small Bar and Liquor Store should be completely revised to have regard to the location of school zones and day care facilities.</i></p>	<p>The comment is not upheld. The proposed Land Use permissibility table has been prepared being mindful of the fact that licensed premises are most appropriately located in a non-residential zone. The proposed uses are designated as being 'D' or 'DC' uses as described by Clause 3.3 of TPS6. These classifications indicate the use is not permitted unless Council exercises its discretion having regard to relevant Scheme provisions, planning policies and neighbour consultation (where required). Policy P317 requires the applicant to provide additional information in support of the application, including details of nearby sensitive land uses and the methods to be used to ensure these are not negatively impacted. As stated in the submission under-age children generally obtain alcohol from their parents or friends' parents, while a certain percentage of children acquire alcohol from licensed premises directly. These issues are outside the scope of this policy and are not issues which can be controlled by local government.</p>
<p>26.2 <i>Children should be encouraged walk to school, they should not have to take alternative routes and means in order to avoid licensed premises.</i></p>	<p>The comment is not upheld. A number of schools in the City of South Perth are located adjacent to, or in close proximity to commercial zoned land. These commercial precincts offer a range of businesses including café/restaurant, shops (including liquor stores), tavern/hotel and others. The presence of these uses should not deter a child from walking to school.</p>
<p>26.3 <i>Impacts of second hand smoke on the area.</i></p>	<p>The comment is not upheld. Second-hand or passive smoking is an issue are outside the scope of this policy. If there is a desire to see parts of the City designated as 'smoke free' this should be raised with elected members.</p>

<p>26.4 <i>The City must apply its own policy to determine parking requirements in consultation with surrounding landowners. The availability of taxi and bus services should not be relied upon simultaneously to reduce the amount of on-site parking.</i></p>	<p>The comment is not upheld. Refer officer comments regarding submission 23.2 – 23.4. The availability of taxis does not result in a parking reduction under P315.</p>
<p>Note: the Submitter's comments regarding consultation are grouped together.</p> <p>26.5 <i>There should be no discretionary decisions made by the City without consultation. The City has shown itself to be incapable of properly consulting with residents, protecting resident's amenity, calculating car parking requirements, determining appropriate cash in lieu amounts or representing the views and wishes of residents.</i></p> <p>26.6 <i>The City should re-evaluate its concept of consultation and at the minimum extend this to all those consulted under the Liquor License Act.</i></p> <p>26.7 <i>All proposed licensed premises should be advertised with a sign on site, detailing the proposed land use, details should also be on the City's website and the Peninsular Magazine.</i></p>	<p>The comments are not upheld. The majority of licensed premise development applications are automatically subject to community consultation. In addition, most decisions are made at a public forum such as a Council meeting, giving objectors the opportunity to make verbal deputations to Council Members. Refer to Officer Comments regarding 23.7 for response to 26.6 and 26.7.</p>
<p>26.8 <i>There is no Clause 3.1(a),(b),(c). All changes to licensed premises shall be advertised to residents in a 200metre radius.</i></p>	<p>The comment is partially upheld. This is an error in drafting and shall be rectified. With regard to minor alterations and additions, the impact is likely to be minimal and as such, wide-ranging consultation is not necessary.</p>
<p>26.9 <i>Outdoor licensed areas should be assessed having regard to the impact on surrounding residential areas.</i></p>	<p>The comment is partially upheld. Proposed sub-clause 2.f) of P317 requires the decision-maker to take into consideration the impact of proposed outdoor areas on the amenity of residential areas.</p>
<p>26.10 <i>Section 39 Certificates should not be issued until all license conditions, restrictions and noise regulations have been met.</i></p>	<p>The comment is not upheld. A Section 39 certificate is issued when all relevant Environmental Health requirements have been met. This is not an appropriate instrument to require compliance with planning conditions.</p>

<p>26.11 <i>The undertakings made in an applicant's Public Interest Assessment should become conditions of the Planning Approval, therefore preventing the applicant from providing one PIA to the City and another to the DRGL.</i></p>	<p>The comment is partially upheld. In accordance with Policy P317, an applicant will be required to lodge a PIA along with the development application lodged with the City. A condition of planning approval can be imposed to ensure ongoing compliance with the PIA. The City cannot prevent an applicant from making changes to the PIA when it is submitted to the DRGL, however the application would still be required to adhere to the provisions within the original PIA in order to comply with the relevant condition of planning approval.</p>
<p>26.12 <i>Councillors and other decision makers declaring conflict of interest should be required to leave Chambers during consideration of a licensed premises.</i></p>	<p>While agreeing with the submitters comment, in principle, in the context of Policy P317, the comment is not upheld. Regulations regarding decision-makers responsibilities in relation to conflict of interest are contained in other pieces of legislation. This is outside the scope of this policy.</p>
<p>26.14 <i>City of South Perth should hold a meeting with those who lodged a petition regarding the 'Angelo Street bar' as these residents have become familiar with the liquor licence objection process and the City could learn a lot from the petitioners experiences.</i></p>	<p>The comment is not upheld. The comment is considered to be outside the scope of P317 'Licensed Premises'. Council Members may wish to make necessary arrangements to hold this meeting.</p>
<p>26.15 <i>There have been a number of violations of the license conditions by the recently approved 'Angelo Street bar' since it opened for business. The City should investigate these breaches and find out what has changed since its undertakings of February 2014.</i></p>	<p>The comment is not upheld. This is outside of the scope of P317. In any event, City officers are unaware of any 'planning compliance' matters relating to the recently approved small bar on Angelo Street.</p>
<p>26.16 <i>Adults have a choice as to where they drink, children have no say in being exposed to alcohol outlets in places they play, learn and walk. The City of South Perth should assist in changing our drinking culture rather than perpetuating it.</i></p>	<p>The comment is partially upheld. P317 'Licensed Premises' requires additional information to be provided along with a development application as well as requiring the decision maker to consider a wider range of issues in order to meet the policy objectives.</p>

Policy and Legislative Implications

Planning Policy P317 "Licensed Premises" (Attachment 10.x.x(a)) has been prepared and advertised for public comment in accordance with TPS No. 6 Clause 9.6(2).

Financial Implications

Nil.

Sustainability Implications

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

10.6.4 Planning Policy P317 'Licensed Premises' - Final Adoption Following Community Consultation

Attachments

- 10.6.4 (a):** Tracked Changes version - Planning Policy P317 Licensed Premises - modified after neighbour consultation
- 10.6.4 (b):** Submissions on P317 'Licensed Premises' (*Confidential*)

10.6.5 Tender 4/2015 "Disposal of Inert Waste"

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-56693
Date:	25 August 2015
Author	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

Summary

This report considers submissions received from the advertising of Tender 4/2015 for the 'Removal and Disposal of Inert Waste' for a three year period to August 2018 with optional one year subject to performance.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr K Trent

Seconded: Cr M Huston

That the tender from Capital Recycling for the 'Removal and Disposal of Inert Waste' (Tender 4/2015) be accepted for an estimated value of \$587,271 excl. GST over a three year period, with an optional additional year at the discretion of the City.

CARRIED EN BLOC (8/0)

Background

A Request for Tender (RFT) 4/2015 for the 'Removal and Disposal of Inert Waste' was advertised in the West Australian on Saturday 6 May 2015 and closed at 2:00pm Tuesday 22 May 2015.

The RFT is for the removal and recycling of waste as appropriate prior to disposal at a landfill site licensed by the Department of Environment Regulation. The contract is for three years with an option to extend for a further one year at the discretion of the City. The contract is a schedule of rates tender based on a series of fixed price schedules for the first year and subject to CPI increases in years two and three.

Comment

At the close of the Tender advertising period on the 22 May 2015, five tender submissions had been received from experienced and competent transport contractors with at least two having had experience at reprocessing inert waste as a recycled product. All of the tender submissions conformed to the tender conditions and specifications.

10.6.5 Tender 4/2015 "Disposal of Inert Waste"

Table A - Tender Submissions

Tender Submissions	
1.	Barak Transport Australia
2.	Brajkovich Demolition and Salvage (WA) Pty Ltd
3.	Perth Bin Hire
4.	All Earth Group
5.	Capital Recycling

The tenders were reviewed by an Evaluation Panel (Panel) and assessed according to the qualitative criteria outlined in the RFT and listed below in Table B:

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Skills and Experience	30%
2. Demonstrated Understanding	10%
3. Resources	25%
4. Sustainability	5%
5. Price	30%
	100%

It is recommended that the tender from Capital Recycling for the 'Removal & Disposal of Inert waste' (Tender 4/2015) be accepted, over a period of supply of three years, with an option for a further year, based on contractor performance.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment 10.6.5(a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - *Purchasing and Invoice Approval*
- Policy P607 - *Tenders and Expressions of Interest*

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept: annual tenders to a maximum value of \$200,000 (exclusive of GST).

The general Conditions of Contract forming part of the Tender Documents states among other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*

10.6.5 Tender 4/2015 "Disposal of Inert Waste"

- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Financial Implications

The cost of the annual works is reflected in the annual operating budget and will be taken into account during formulation of the 2016/2017 and 2017/2018 operating budgets.

Strategic Implications

The report is consistent with the City's [Strategic Community Plan 2015–2025](#) 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 tender will ensure that the City is provided with the best available service to complete the works identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable services.

Attachments

- 10.6.5 (a):** Panel Report - Tender 4/2015 "Disposal of Inert Waste"
(Confidential)

10.6.6 Tender 7/2015 "Provision of Truck Mounted Sweeping Services"

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-15-56695
Date:	25 August 2015
Author / Reporting Officer:	Les Croxford, Manager Engineering Infrastructure Mark Taylor, Director Infrastructure Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

Summary

This report considers submissions received from the advertising of Tender 7/2015 for the 'Provision of Truck Mounted Sweeping Services' for a three year period with a one year option at the discretion of the City.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr K Trent
Seconded: Cr M Huston

That the tender from Enviro Sweep for the 'Provision of Truck Mounted Sweeping Services' (Tender 7/2015) be accepted for an estimated value of \$1,034,493 excl. GST over a three year period, with a one year option at the discretion of the City.

CARRIED EN BLOC (8/0)

Background

A Request for Tender (RFT) 7/2015 for the 'Provision of Truck Mounted Sweeping Services' was advertised in the West Australian on Wednesday 6 May 2015 and closed at 2:00pm Friday 22 May 2015.

The RFT is for the supply of labour and equipment to undertake the sweeping of streets, car parks, precincts, and special commercial zones including the disposal of all sweeping material for a three year period. The contract is a schedule of rates tender based on three annual fixed price schedules. The contract is for a three year period with an option to extend for a further one year at the discretion of the City.

Comment

At the close of the Tender advertising period on the 22 May 2015, three tender submissions had been received from competent contractors, all of whom conformed to the tender conditions and specifications.

Table A - Tender Submissions

Tender Submissions	
1.	Enviro Sweep
2.	Veolia Environmental Services
3.	Austra Environmental Services

The tenders were reviewed by an Evaluation Panel (Panel) and assessed according to the qualitative criteria outlined in the RFT and listed below in Table B:

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Skills and Experience	30%
2. Sustainability	10%
3. Resources	30%
4. Price	30%
	100%

It is recommended that the tender from Enviro Sweep for the 'Provision of Truck Mounted Sweeping Services' (Tender 7/2015) be accepted, over a period of supply of three years with an optional further year at the discretion of the City.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment 10.6.6(a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- *Policy P605 - Purchasing and Invoice Approval*
- *Policy P607 -Tenders and Expressions of Interest*

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Exclusive).

The general Conditions of Contract forming part of the Tender Documents states amongst other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*

10.6.6 Tender 7/2015 "Provision of Truck Mounted Sweeping Services"

- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Financial Implications

The cost of the annual works is reflected in the annual operating budget and will be taken into account during formulation of the 2016/2017 and 2017/2018 operating budgets.

Strategic Implications

The report is consistent with the Cities [Strategic Community Plan 2015–2025](#) 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 tender will ensure that the City is provided with the best available service to complete to complete the works identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance of the City's sweeping program.

By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable services.

The service will strengthen the City's Engineering Infrastructure team by ensuring that they have access to a wide range of sweeping services at competitive rates.

Attachments

- 10.6.6 (a):** Panel Report - 7/2015 "Provision of Truck Mounted Sweeping Services" (*Confidential*)

10.6.7 Tender 8/2015 "Replacement of Concrete Slab Paths with Poured Insitu Concrete Footpaths"

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-56696
Date:	25 August 2015
Author / Reporting Officer:	Les Croxford, Manager Engineering Infrastructure Mark Taylor, Director Infrastructure Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

Summary

This report considers submissions received from the advertising of Tender 8/2015 for the 'Replacement of Existing Concrete Slab Footpaths' with poured in-situ concrete footpaths for the period to June 2018 with the option of a one year extension at the discretion of the City.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr K Trent
Seconded: Cr M Huston

That the tender from Dowsing Concrete for the 'Replacement of Existing Concrete Slab Footpaths with Poured in-situ Concrete Footpaths' (Tender 8/2015) be accepted for an estimated value of \$535,850 excl. GST, for a three year period with a one year option at the discretion of the City.

CARRIED EN BLOC (8/0)

Background

A Request for Tender (RFT) 8/2015 for the 'Replacement of Existing Concrete Slab Footpaths with Poured in-situ Concrete Footpaths' was advertised in the West Australian on Wednesday 6 May 2015 and closed at 2:00pm Friday 22 May 2015.

The RFT is for the supply of all plant, labour and materials to remove and replace existing concrete slab footpaths with poured in place concrete footpaths. The contract is for a three year period with an option to extend for a further one year at the discretion of the City. The contract is a schedule of rates tender based on three annual fixed price schedules.

Comment

At the close of the Tender advertising period on the 22 May 2015, nine tender submissions had been received from suitably skilled and experienced contractors all of whom conformed to the tender conditions and specifications.

Table A - Tender Submissions

Tender Submissions
1. Dowsing Concrete
2. Cobblestone Concrete
3. Axiis Contracting Pty Ltd
4. Nextside Pty Ltd
5. Remote Civils Australia
6. ATM Civil Pty Ltd
7. Cambridge Civil Pty Ltd
8. SuperCivil
9. Contraflow Pty Ltd

The tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria outlined in the RFT and listed below in Table B:

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Skills and Experience	30%
2. Resources	25%
3. Sustainability	5%
4. Price	40%
	100%

It is recommended that the submission from Dowsing Concrete for Tender 8/2015, *Replacement of existing concrete slab footpaths with poured in-situ concrete footpaths* be accepted over a period of supply of three years with an optional further year at the discretion of the City.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment 10.6.7(a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- *Policy P605 - Purchasing and Invoice Approval*
- *Policy P607 -Tenders and Expressions of Interest*

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Exclusive).

10.6.7 Tender 8/2015 "Replacement of Concrete Slab Paths with Poured Insitu Concrete Footpaths"

The general Conditions of Contract forming part of the Tender Documents states amongst other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Financial Implications

The cost of the annual works is reflected in the annual operating budget and will be taken into account during formulation of the 2016/2017 and 2017/2018 operating budgets.

Strategic Implications

The report is consistent with the City's Strategic Community Plan 2015–2025 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 tender will ensure that the City is provided with the best available service to complete the works identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance of the City's footpath network.

By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable services.

Attachments

- 10.6.7 (a):** Panel Report - Tender 8/2015 "Replacement of Concrete Slab Paths with Poured Insitu Concrete Footpaths" (*Confidential*)

10.6.8 Tender 11/2015 "Provision of Plumbing Services"

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-56697
Date:	25 August 2015
Author / Reporting Officer:	Gil Masters, Building and Asset Coordinator Mark Taylor, Director Infrastructure Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

Summary

This report considers submissions received from the advertising of Tender 11/2015 for the 'Provision of Plumbing Maintenance Services' up to August 2018.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

That the tender from AAA Hillarys Plumbing & Gas for the 'Provision of Plumbing Maintenance Services' (Tender 11/2015) be accepted for an estimated value of \$287,455 excl. GST, over a three year period, with an option to extend the contract for a further year at the City's discretion.

CARRIED EN BLOC (8/0)

Background

A Request for Tender (RFT) 11/2015 for the 'Provision of Plumbing Maintenance Services' was advertised in the West Australian on Saturday 4 July 2015 and closed at 2:00pm on Tuesday 21 July 2015.

The RFT is for the supply of labour and materials to undertake the maintenance of plumbing and gas within the City. The contract is for the period August 2015 to July 2018 with an option with a one year option at the discretion of the City. The contract is a schedule of rates tender based on a fixed price schedule for the three year period.

Comment

Tender documentation was collected by 19 interested contractors to carry out the plumbing and gas maintenance works. At the close of the Tender advertising period on the 21 July 2015, nine tender submissions had been received from the registered companies all of whom three conforming to the tender conditions and specifications.

Table A - Tender Submissions

Tender Submissions
1. AAA Hillary Plumbing & Gas
2. Swift Flow Plumbing & Gas Pty Ltd
3. Majestic Plumbing Pty Ltd
4. CPD Group Pty Ltd
5. Boeing Plumbing
6. Ace Plus
7. Rowson's Plumbing Services
8. Charter Plumbing & Ga
9. Australian Utility Services

The tenders were reviewed by an Evaluation Panel (Panel) and assessed according to the qualitative criteria outlined in the RFT and listed below in Table C:

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Industrial relations and safety record.	5%
2. Works record and experience	5%
3. Inventory of Safety Equipment	10%
4. Demonstrated ability to perform on time and in accordance with standards and the specifications.	10%
5. Demonstrated availability of resources and equipment to complete works as detailed in the schedules.	10%
6. Price	60%
	100%

It is recommended that the bid by AAA Hillarys Plumbing & Gas Tender I1/2015, *Provision of Plumbing Maintenance Services for 3 years* be accepted.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment 10.6.8(a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

Policy and Legislative Implications

Section 3.57 of the Local Government Act (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- *Policy P605 - Purchasing and Invoice Approval*
- *Policy P607 -Tenders and Expressions of Interest*

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST exclusive).

10.6.8 Tender I1/2015 "Provision of Plumbing Services"

The general Conditions of Contract forming part of the Tender Documents states amongst other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Financial Implications

The cost of the annual works is reflected in the annual operating budget and will be taken into account during formulation of the 2016/2017 and 2017/2018 operating budgets.

Strategic Implications

The report is consistent with the Cities Strategic Community Plan 2015–2025 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 tender will ensure that the City is provided with the best available service to complete all plumbing maintenance services to ensure that the City’s buildings are maintained to their optimum operational capabilities. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable services.

Attachments

- 10.6.8 (a):** Panel Report - Tender I1/2015 "Provision of Plumbing Services"
(Confidential)

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUESTS FOR LEAVE OF ABSENCE

The following Members hereby apply for Leave of Absence from all Council Meetings as follows:

- Cr C Irons for the period 23 August 2015 – 3 September 2015 inclusive; and
- Cr F Reid for the period 2 September 2015 – 4 September 2015 inclusive

Recommendation AND COUNCIL DECISION

Moved: Cr K Trent

Seconded: Cr S Hawkins-Zeeb

That Leave of Absence be granted to:

- Cr C Irons for the period 23 August 2015 – 3 September 2015 inclusive; and
- Cr F Reid for the period 2 September 2015 – 4 September 2015 inclusive

CARRIED (7/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 PROPOSED NEW PRACTICE - JOINT DEVELOPMENT ASSESSMENT PANEL (JDAP) MEETINGS

At the 18 August 2015 Agenda Briefing, Mayor S Doherty gave notice that at the 25 August 2015 Ordinary Council meeting she would move the following motion.

Motion AND COUNCIL DECISION

Moved: Cr S Doherty

Seconded: Cr G Cridland

That Council implements the following practice in relation to the Joint Development Assessment Panel (JDAP) meetings:

1. All Form 1 Responsible Authority Reports (RAR's) are to be considered by Council either by a scheduled meeting of Council, or via a Special Council Meeting prior to the relevant JDAP meeting;
2. Form 2 and SAT RARs to be considered by Council on a "call in" basis.
3. A Special Council Meeting is to be convened to consider any Responsible Authority Reports currently being assessed that will be considered by the JDAP in September; and
4. Should the Regulations in relation to Development Assessment Panels be amended, that Council revisit this practice.

CARRIED (7/0)

REASONS FOR MOTION

Even though the Council has complete confidence in its 2 representatives to the JDAP, it would give greater weight to the case for and against the RAR if was seen to represent the majority view of the whole Council.

This new practice would enable the whole of Council to take ownership of the matter under consideration by the JDAP. For example, our TPS has an emphasis on the protection of amenity and convenience. Amenity is essentially a matter of community interest, and there is fundamental logic in allowing elected local government Councillors the responsibility of protecting amenity through the decision-making process on development applications.

The proposed Notice of Motion offers the opportunity for the community and the Applicant to present their case at Council Meetings which are held in the evening. JDAP meetings are held during the day, and evenings would be a more convenient time for members of the community to attend. It is important for the community to have a sense that they are in some way involved or capable of being involved in the planning decision-making processes which can radically affect their community, and the amenity of their locality.

The proposed process through this Notice of Motion shows the Council wants to be the conduit through which the RAR goes through to the JDAP and it is timely in light of proposed applications in the City for this to occur to ensure that the fundamental element of community representation in statutory planning in WA since its commencement in 1928 (with the Town Planning and Development Act 1928 (TP & D Act 1928)) is recognised.

Mayor S Doherty

ACTING CEO / OFFICERS COMMENTS

In order to properly consider this matter, Council should have regard to the information produced by DAP.

The DAP Code of Conduct clause 2.1.2 States :

2.1.2 A local government member of a DAP is not bound by any previous decision or resolution of the local government in relation to the subject-matter of a DAP application. In such a situation, the member is not prevented from voting for a decision that is the same as the local government's. However, the member must exercise independent judgment, and consider the application on its planning merits, in deciding how to vote.

The FAQ document states:

21. Can a local government in Council alter the r.12 responsible authority report as prepared by the relevant professional planner?

This is not encouraged, although the views of Council may still be relevant and can be submitted as a separate submission to the DAP. As stated in the publication 'Making Good Planning Decisions' at clause 4.5.3(b): "It should be noted that a DAP application report is NOT a resolution of the relevant local government's council – it is the professional opinion of the local government's planning officer who assessed the application. It is improper for Councillors of a local government to influence the planning officer's report in any way. If the local government wishes to make a statement regarding an application before a DAP, it should do so by making a submission."

The r.12 report is primarily concerned with providing the DAP with technical data. The views of a Council may also be relevant, especially in providing information of a public interest nature and community concern. However, the DAP is best assisted if both sets of

information are submitted separately, otherwise there is the real danger of confusing the DAP members.

Finally, it is worth remembering that cl.10.2 of the Standing Orders require: "A DAP is to invite the CEO of the responsible authority preparing a responsible authority's report for a development application to attend, or to send a representative to, a DAP meeting at which the application is to be determined."

Therefore, it is likely that a CEO (and/or the author of the report) will attend the DAP meeting and be required to explain the r.12 report, including if any alterations are made by Council.

Whilst the actions required for the notice of motion can be implemented, the reasons given in the motion are concerning for the following reasons :

1. As noted above the local government DAP members are required to exercise their own independent judgement on each matter and cannot be "representing the majority view" as suggested.
2. There is concern that the community may believe that as the Council is dealing with the application at a Council meeting, the Council can make the decision, or that the Council can make the RAR recommendation to the DAP. This is not the case, which is quite clear at the moment because the Council is not involved. Deputations made to the Council meeting will further promote this idea, whereas the deputation made to the DAP should be where the focus lies.

Both the Cities of Mandurah and Melville have a process whereby DAP applications can be "called in" by elected members. Other local governments that send the RARs to their Council for consideration are Fremantle and Rockingham.

Mandurah

- The City has adopted a practice of sending a memo to Elected Members which allows them to 'call in' a DAP application if they so wish. Sufficiently large scale developments are automatically sent to the Council for consideration.
- If not 'called in', then the report is endorsed by the City with regular updates provided to the Council detailing the progress of an application.
- If the Council's recommendation differs from that of the officers', it is made clear in the report that the report carried the Officers independent professional assessment and the Appendix to the report carried the Council's recommendation.

Melville

- When a DAP DA is received Elected members are notified in the Elected Members Bulletin (EMB)
- This is followed with a brief presentation to a regular Elected Members briefing session
- After advertising a summary of submissions and some advice as to when the RAR is due to be submitted to the JDAP is provided to the elected members.
- At that point Elected Members have the opportunity to request that the RAR is referred to a meeting of the Council for INFORMATION only. If there are no submissions in response to advertising, then that signifies the end of the process in that case.
- If an RAR is called up and there isn't a suitable regular meeting for it to be referred, then a Special Meeting is set up
- If the Council are not in agreement with the recommendation of the RAR, then confirmation of that is provided to the JDAP. Note that the views of the Council do not affect the planning recommendation in the RAR.

Council should also be aware that DAP reports come in more than one format:

- A Form 1 – Responsible Authority Report for a DAP application
- A Form 2 – Responsible Authority report for amending or cancelling a DAP development approval
- Appeals to the State Administrative Tribunal

It is considered that differentiation needs to be made between the Form 1 reports and others. Accordingly a “call in “ arrangement will be set up similar to that used at the City of Mandurah, to allow elected members to have sufficient information regarding the Form 2 or appeals before choosing whether or not those RAR’s should be presented to a Council meeting.

As Council is aware, the timing of the DAP applications are governed by the DAP regulations. The timeframes cannot be altered and so Council consideration of the RAR s will have to be made within the appropriate timeframe. To this end, reports may miss the Agenda Briefing and go directly to the Ordinary Council meeting or may require special Council forums to consider them.

Financial Implications

Whilst the costs associated with this initiative are not prohibitive, Council needs to be cognisant of those costs associated with preparing reports, calling meetings outside the regular meeting cycle and attendance at meetings including technology, support and catering costs that would flow from introducing this initiative.

12.2 REVIEW OF PLANNING POLICY P301 - 'CONSULTATION FOR PLANNING PROPOSALS'

At the 18 August 2015 Agenda Briefing Cr F Reid gave notice that at the 25 August 2015 Ordinary Council meeting she would move the following motion.

Motion AND COUNCIL DECISION

Moved: Cr F Reid

Seconded: Cr G Cridland

That:

- (a) Planning Policy P301 – 'Consultation for Planning Proposals' be comprehensively reviewed and a report be provided to Council in December 2015; and
- b) Recommendations from the comprehensive review be brought to Council in the form a revised P301 and the revised Policy be recommended to Council for community consultation at the February 2016 Ordinary Council meeting

CARRIED (7/0)

REASONS FOR MOTION

1. It is likely that in the future there will be an increasing number of development applications in certain areas of the City of South Perth for multiple dwellings, grouped dwellings, more than 2 storey and medium to high density developments, this policy needs to be reviewed to ensure it is reflective of the changing development context.
2. The City of South Perth is in a period of transition and growth and it is important that we involve our community as widely as possible so that the outcomes of this growth benefit the community as a whole.
3. The City of South Perth's residents changing and increasing expectations to be consulted with and informed about changes to their Community. It is important that Council has Policies that meet and reflect these Community expectations, not just the minimum standards required.
4. Whilst there have been some minor changes to the Policy in 2011 and 2012 and it was reviewed in March 2015 there have been no significant changes to the Policy since June 2009. It is timely to review this Policy to ensure it meets not only the current requirements of orderly planning and community consultation but also increasing community expectations into the future.
5. The motion allows sufficient time for there to be a comprehensive review of the Policy, which has far reaching application, and appropriate time for consideration by the newly elected Council.

Councillor F Reid.

CEO COMMENT

- P301 covers the full spectrum of planning proposals including development applications, amendments to TPS6, planning policies and subdivisions. It is a comprehensive policy and the last major review occurred in 2009.

- Since that time there have been changes to relevant legislation including the R-Codes and the introduction of DAP's, electronic versions of the drawings are uploaded by the City. Further, the new Regs to be gazetted in September may remove the need for DA's for single houses.
- Previous Council resolutions require neighbours to be 'informed' in respect of DA's in R15 and R20 areas and for extended neighbour consultation to occur in the South Perth Station Precinct (all DA's in the South Perth Station Precinct are advertised by means of letters to individual owners within 150 m of the site (area 2)). These factors all should be taken into consideration in a review of the policy;
- Part I of the matrix prescribes the minimum consultation requirements for development applications (DAs) and specifies where DAs do not require consultation. For example:
 - 1.2.1 Higher density adjacent to lower density – Area 2, mail and sign on site, 21 day consultation period:
 - 1.2.3 Non – Residential with impact - Area 2, mail and sign on site, 21 day consultation period:
 - 1.2.7 Buildings 9.0 m high or higher – Area 1, mail, 14 day consultation period:
 - 1.2.9 Large number of dwellings (over 10) – Area 1, mail, 14 days

Community consultation for the main growth areas such as South Perth Train Station, Canning Bridge Structure Plan area has been very comprehensive and taken place over a number of years. A recent example, the Canning Highway #ShapeOurPlace study has involved two community workshops, a social media campaign as well as traditional mail correspondence. Further consultation with landowners in this area will be required prior to any changes being made to the planning scheme. This ensures the community has every opportunity to be involved in the vision and ultimate development of the area.

In summary, a comprehensive review is not considered unreasonable and is possible within the timeframe proposed. The process for review of the policy will include community consultation, once Council has endorsed the draft revision to the policy.

Prior to consideration of the following Item, Cr G Cridland read aloud his Impartiality Interest in the matter as declared at Item 8.1:

"I declare that I live on Thelma Street – 3 hours from the subject site. It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly."

12.3 ENGAGEMENT OF A QUANTITY SURVEYOR - INDEPENDENT EVALUATION OF DA FOR PROPOSED CHILD CARE AT 55 THELMA STREET, COMO

At the 18 August 2015 Agenda Briefing Cr F Reid gave notice that at the 25 August 2015 Ordinary Council she would move the following motion.

Motion AND COUNCIL DECISION

Moved: Cr F Reid
Seconded: Cr V Lawrance

That a quantity surveyor be engaged by the City of South Perth to provide a certified independent evaluation of development application for a proposed Child Care at 55 Thelma St, to determine the application's eligibility to be determined by the Development Assessments Panel (DAP).

CARRIED (7/0)

REASONS FOR MOTION

1. The original application to City of South Perth Council in April 2015 was valued at 1.5 million, yet the largely unchanged development application being bought to the Development Assessment Panel (DAP) has increased by over 33%.
2. Even if the 'similar' development at Success is used as a comparison and justification of the increased costs the development at 55 Thelma St, the costs for the Success development are still under the \$2,000,000 threshold required for consideration by DAP.
3. Concern that underestimated costs cited in the Success development relate to alterations to the design after the contract (ie the \$140,000 was a standard builders variation fee), not an underestimation of costs. If the developer had not made a late decision and changed the contracted design there would have been no late fee.
4. It is incumbent upon Council to exercise due diligence and ensure development applications meet DAP requirements for consideration and that the DAP process is not misused to avoid consideration and determination by Council.

Councillor F Reid.

CEO COMMENT

The Department of Planning, Planning Bulletin 93/2013 states "Where a local government is not satisfied that the estimated cost is a reasonable estimate of the proposed development; it may require the applicant to provide additional information to justify the cost."

The applicant has been requested to provide additional information in this instance and has provided the following documents :

- *Justification letter from our Client;*
- *Development plans for the recently completed Success "Child Day Care Centre"; and*
- *A cost breakdown report for the Success "Child Day Care Centre".*

In summary, the applicant has advised :

- The expected cost of our project in Success (which is the same size as the subject project), was underestimated by about \$140,000.

- We didn't include Landscaping in our original cost estimate.
- We didn't include complete Fitout works in our original cost estimate.
- This building is a more complicated design compared with Success.
- The fitout will be of a higher standard than Success.

Item	Success Childcare Centre		55 Thelma St Estimate
	2014 Estimation	Actual Cost	
Base Building Works	\$1,509,998	\$1,650,039	\$1,750,000
Landscaping		\$222,000	\$230,000
Fitout (Curtains, Telecoms, Pinboards, Extra Cupboards, White Goods, Tables, Chairs)		\$70,000	\$70,000
Higher quality of finish			\$50,000
Extra costs to changes of the plan			\$70,000
Actual Total		\$1,942,039	\$2,170,000

The estimated cost of development, in addition to the above should also include the cost of demotion of the existing building on the property and the site works. The demolition would be approximately \$12000 to \$15000.

The City has received some quotes for a quantity surveyor to do the work required by the motion and they range from \$3630 (\$3,300.00 plus GST) to \$8,250 (\$7500 plus GST).

Given the above information, it is considered that a quantity surveyor is not required to confirm the cost of development in this instance as the officers are satisfied with the estimated cost.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

At the July 2015 Ordinary Council Meeting there was one question taken on notice. The question and answer provided were made available in the Appendix of the August 2015 Agenda .

13.2 QUESTIONS FROM MEMBERS

Nil.

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

Nil.

At this point the Presiding Member called for a motion that the meeting be closed to the public to allow consideration of the following confidential Items.

MOTION TO CLOSE THE MEETING TO THE PUBLIC

Moved: Cr K Trent
Seconded: Cr V Lawrance

That the meeting be closed to the public to allow consideration of confidential Items.

CARRIED (7/0)

At 9.37pm those members of the public in the Gallery vacated the Chamber.

At 9.37pm Cr F Reid left the Chamber and did not return.

15. MEETING CLOSED TO PUBLIC

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

Reports regarding these matters were circulated separately to Councillors.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Manning Community Hub - Proposed Land Acquisition and Disposal

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

Location:	Manning
Ward:	Manning Ward
Applicant:	City of South Perth
File Ref:	D-15-57305
Date:	25 August 2015
Author:	Katie Breese, Governance Project Officer
Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy:	4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.

Officer Recommendation AND COUNCIL DECISION

Moved: Cr S Hawkins-Zeeb

Seconded: Cr C Cala

That Council:

- (a) approve the sale of Lot 802 Conochie Crescent, Manning to Mobster Nominees Pty Ltd as Trustee for the Cabernet Trust (Michael O'Brien) for the negotiated disposal price of \$1,620,000 (excl. GST);
- (b) approve the purchase of Lot 10, 23 Welwyn Avenue from Michael O'Brien (as Trustee for the Shiraz Trust) for the negotiated purchase price of \$520,000 (excl. GST);
- (c) authorise the Chief Executive Officer to give statutory public notice of the proposed disposition of Lot 802 Conochie Crescent, Manning;
- (d) consider a further report to Council in the event that submissions are received during the public submission period; and
- (e) authorise the Mayor and Chief Executive Officer to execute the relevant transfer of land documentation for Lot 802 Conochie Crescent, Manning in the event that no submissions are received during the public submission period.

CARRIED (6/0)

15.1.2 Review of the Metropolitan Central Joint Development Assessment Panel Decision (DAP/14/00542) - Proposed Dan Murphy's Liquor Store Como

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (d) as it contains information relating to "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"*

Location: 243 Canning Highway, South Perth
Ward: Como Ward
Applicant: N/A
File Ref: D-15-56500
Date: 25 August 2015
Author / Reporting Officer: Vicki Lummer, Director Development and Community Services
Strategic Direction: Governance, Advocacy and Corporate Management -
- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy: 6.5 Advocate and represent effectively on behalf of the South Perth community.

Officer Recommendation

Moved: Cr S Hawkins-Zeeb
Seconded: Cr C Cala

That Council note the legal advice from K M Pettit SC and not proceed with legal action in regard to the Joint Development Assessment Panel's approval of the Dan Murphy's liquor store development application.

LOST (6/0)

MOTION AND COUNCIL DECISION

Moved: Cr G Cridland
Seconded: Mayor S Doherty

That:

- a) Council note the legal advice from K M Pettit SC and proceed with legal action in regard to the Joint Development Assessment Panel's approval of the Dan Murphy's liquor store development application; and
- b) There be allocated funding of \$130,000 from the Budget Surplus for this purpose.

Reasons

1. the community and council have, without demur, indicated their opposition to this particular type of development in this for compelling and cogent reasons relating to road safety, traffic, parking, social impact and amenity.
2. The Council is perturbed by, and unable to comprehend or discern a justifiable rationale or basis for, the 3rd JDAP decision which overturned the 2 previous JDAP decisions to refuse this application.
3. The council is concerned that relevant matters may not have been appropriately considered by the JDAP.
4. The Council can either give up and simply accept this JDAP decision which is

grossly adverse to the interests of local residents and the South Perth community or show leadership and take action to challenge it.

5. The legal action is complementary to, and consistent with, the strong approach taken by the Council to an alcohol policy and implementing the consequential town planning scheme amendments.
6. After having carefully considered the possible outcomes from the legal action including taken and considered proper advice in advance of making a decision on commencing proceedings, a decision to not proceed with the legal action would be to fail to carry through logical next step of the implementation of the city's new alcohol policy and to let down the residents of the City of South Perth.

CARRIED (6/0)

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

The Presiding Member called for a motion to re-open the meeting to the public.

MOTION TO RE-OPEN THE MEETING TO THE PUBLIC

Moved: Cr K Trent
Seconded: Cr V Lawrance

That the meeting be re-opened to the public to allow for the public reading of the resolutions of Items 15.1.1 and 15.1.2.

CARRIED (6/0)

At 9.56pm members of the public returned to the Gallery.

Ms Sharron Kent, Governance Officer, read aloud the resolutions of Items 15.1.1 and 15.1.2 which were considered no longer confidential.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.59pm

17. RECORD OF VOTING

25/08/2015 7:21:08 PM

Extension of Public Question Time

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

25/08/2015 7:32:15 PM

7.1 Acceptance of Minutes

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

25/08/2015 7:36:23 PM

7.2.1 Agenda Briefing - 18 August 2015

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

25/08/2015 7:39:24 PM

Petition: 8.1.1 Request for cul-de-sac - Thelma Street between Canning Highway and Axford Street, Como

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

25/08/2015 7:40:20 PM

Receive Delegates' Report: 8.4.1 Rivers Regional Council - Special Council Meeting - 30 July 2015

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

25/08/2015 7:44:45 PM

En Bloc Motion

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

25/08/2015 7:59:01 PM

Motion to Extend Duration of Speech: 10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct (to rectify anomalies)

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

25/08/2015 8:20:08 PM

Motion to Suspend Standing Orders

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

25/08/2015 8:39:48 PM

Motion to Resume Standing Orders

Motion Passed 8/0

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

Absent: Cr Glenn Cridland, Cr Cheryle Irons

25/08/2015 8:52:59 PM

Amendment to the Alternative Motion: 10.3.1 Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct

Motion Passed 8/0

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

Absent: Cr Cheryle Irons

25/08/2015 9:01:08 PM

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

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:01:32 PM

Item 10.4.1 Amendment No. 50 to Town Planning Scheme No. 6 - New Definitions and Land Use Provisions for Licensed Premises

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:07:09 PM

Amended Motion: 10.5.1 Black Spot Program

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:08:50 PM

10.5.1 Black Spot Program

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:09:10 PM

10.6.4 Planning Policy P317 'Licensed Premises' - Final Adoption Following Community Consultation

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:10:03 PM

Leave of Absence Requests

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:16:06 PM

Motion for which Previous Notice has been Given: 12.1 Proposed New Practice - Joint Development Assessment Panel (JDAP) Meetings

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:17:20 PM

Motion for which Previous Notice has been Given: 12.2 Review of Planning Policy P301 - 'Consultation for Planning Proposals'

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:34:20 PM

Motion for which Previous Notice has been Given: 12.3 Engagement of a Quantity Surveyor - Independent Evaluation of DA for Proposed Child Care at 55 Thelma Street, Como

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:36:18 PM

Motion to Close the Meeting to the Public

Motion Passed 7/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons

25/08/2015 9:38:12 PM

15.1.1 Manning Community Hub - Proposed Land Acquisition and Disposal

Motion Passed 6/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons, Cr Fiona Reid

25/08/2015 9:50:07 PM

15.1.2 Review of the Metropolitan Central Joint Development Assessment Panel Decision (DAP/14/00542) - Proposed Dan Murphy's Liquor Store Como

Motion Not Passed 0/6

No: Mayor Sue Doherty, Cr Colin Cala, Cr Sharron Hawkins Zeeb, Cr Glenn Cridland, Cr Veronica Lawrance, Cr Kevin Trent

Absent: Cr Michael Huston, Cr Cheryle Irons, Cr Fiona Reid

25/08/2015 9:55:34 PM

Motion – Cr Cridland: 15.1.2 Review of the Metropolitan Central Joint Development Assessment Panel Decision (DAP/14/00542) - Proposed Dan Murphy's Liquor Store Como

Motion Passed 6/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons, Cr Fiona Reid

25/08/2015 9:56:00 PM

Motion to Re-Open the Meeting to the Public

Motion Passed 6/0

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

Absent: Cr Michael Huston, Cr Cheryle Irons, Cr Fiona Reid

APPENDIX ONE

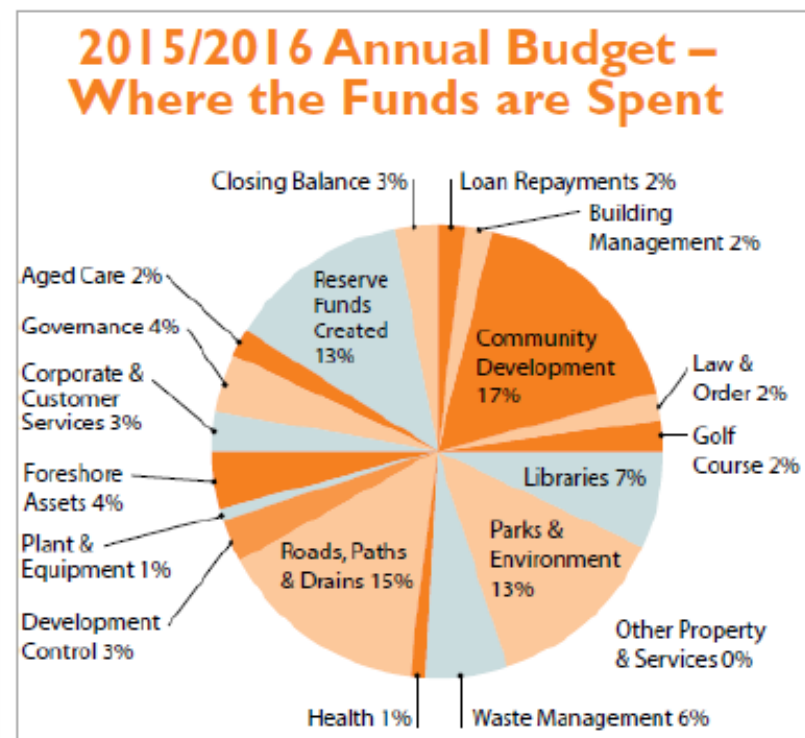
6.2 QUESTIONS RECEIVED PRIOR TO THE MEETING: 25 AUGUST 2015

1. Mr Greg Benjamin of 42 Norfolk Street, South Perth
Received 7 August 2015

Response provided by: Acting Chief Executive Officer and
Director Financial and Information Services, Michael Kent

[Preamble –Greg Benjamin]

Budget Year End	COSP Local Govt Rate	Local Govt Rate Increase	CPI per ATO	CPI Increase		LGR/CPI
YE 30 June 2006	6.8250		85.9			
YE 30 June 2007	7.0650	3.52%	87.7	2.10%	Actual	1.68
YE 30 June 2008	7.4000	4.74%	91.6	4.45%	Actual	1.07
YE 30 June 2009	6.0000	GRV Incr	92.9	1.42%	Actual	N/A
YE 30 June 2010	6.3500	5.83%	95.8	3.12%	Actual	1.87
YE 30 June 2011	6.7250	5.91%	99.2	3.55%	Actual	1.66
YE 30 June 2012	5.9325	GRV Incr	100.4	1.21%	Actual	N/A
YE 30 June 2013	6.2350	5.10%	102.8	2.39%	Actual	2.13
YE 30 June 2014	6.5473	5.01%	105.9	3.02%	Actual	1.66
YE 30 June 2015	6.0700	GRV Incr	107.5	1.51%	Actual	N/A
YE 30 June 2016	6.3098	3.95%		2.50%	F'Budget	1.58



Whilst I don't agree with everything our State Premier says, I do agree with recent criticism of local government rates increases. Excluding the often sizeable benefit to the City of South Perth (COSP) of increases in Gross Rental Value (GRV) every 3 years (about 10% to 30%, less LGR

adjustments, in each of 2009, 2012 and 2015), the above table shows that in 6 of 7 budget years (2007, 2010, 2011, 2013, 2014, 2016), Local Government Rate (LGI) increases have increased by more than 50% above the rate of inflation (per Consumer Price Index (CPI) or Federal Budget 2015/2016). In 2007 it was 68%, in 2010 it was 87%, in 2011 and 2014 it was 66%, and in 2016 it is expected to be 58%. In 2013 Local Government Rates increased by more than twice the rate of inflation (LGR Increase 5.10% vs CPI Increase 2.39%). The extra sting for ratepayers is that these rates increases keep on cumulating one year after another!

Each year, the City of South Perth in its newsletter of rates increases, provides a pie chart (shown above) which shows the annual budget of where funds are expected to be spent. The pie chart does not explain \$ increases compared to last year.

[Preamble – Acting Chief Executive Officer and Director Financial and Information Services, Michael Kent]

Before responding to Mr Benjamin’s specific questions, it is important to address three important matters raised through his questions - since the questions appear to be based on comments from the Premier that do not fully reflect the true situation:

- The principles underpinning the financial sustainability of local governments
- The validity of CPI as a benchmark to measure local government rate increases against.
- Understanding what actually drives increases in rates.

The WA state government has, through the introduction of the Integrated Planning & Reporting Framework (IPRF), placed considerable emphasis on the financial sustainability of local governments and on encouraging alignment between the services and facilities that local governments plan to deliver to the community - and their financial capacity to deliver them.

In the state government’s independent assessment of the City’s finances (pre-reform) the City was one of several local governments identified as needing a greater rating effort to be financially sustainable into the future. This is also reflected in the fact that the only one of the IPRF Key Financial Indicators that the City does not meet or beat the industry benchmark is the Operating Surplus Ratio - the one most affected by rating effort!

The Department of Local Government’s own guidelines on rating procedures state that rates should not just increase the previous year’s rates by a % but rather that the amount required to be raised from rates should be derived through the process known as the ‘Rate Setting Statement’.

This process is explained on Page 1.03 of the City’s Annual Budget in narrative form - and the resulting financial statement is presented on Pages 2.04 to 2.06 of that document.

As can be seen from this statement, the rate setting process is a structured and balanced process to ensure that local governments have financial capacity to deliver what they plan to do.

There are also regulations in place that prevent a local government from 'over-rating'. The results of this rate setting process may or may not reflect CPI - but any alignment is more likely coincidental rather than intended.

The proper 'rate setting process' (as noted above) carefully considers not only what is required to maintain the 'status quo' in terms of service delivery, but it also considers what funding will be available for asset maintenance and the creation of new community facilities or upgrades to existing ones. That capital funding is unlikely to ever be provided through a CPI style increase in rate revenues.

CPI is a measure of the increase in the cost of goods and services determined using a typical household 'basket of goods' that includes among other things: food (such as bananas and baked beans), tobacco, clothing and footwear, household appliances, medical services, holiday travel and education - many of which having no relevance to local government.

Cost drivers that are relevant to local government include:

Description	Pricing Authority	Current Year Inc.	Previous 5 Year Inc.	CPI - 6 Year Aggregate
Electricity - General Use	WA State Govt.	4.5%	32.5%	37.0%
Electricity - Street Lighting	WA State Govt.	7.5%	43.4%	50.9%
Water Usage	WA State Govt.	6.0%	73.7%	79.7%
Vehicle Registration	WA State Govt.	3.0%	11.7%	14.7%
WATC Loan Guarantee Fee	WA State Govt.	600%	100%	700.0%
Waste Levy #	WA State Govt.	1.4%	96.4%	97.8%
Emergency Services Levy	WA State Govt.	10.1%	36.3%	46.4%
Fuel & Petroleum Products*	Market / Govt.	See discussion below		
Fines Enforcement (FER)	WA State Govt.	12.0%	8.4%	20.4%
Labour Costs	Labour Market	See discussion below		

Non Residential Construction	Market	TBA	10.8%	TBA
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The Waste Management Levy will increase another 23.1% over the next 3 years.

* Fuel cost impact is much broader than just fleet & machinery running costs as it impacts on the cost of rubbish collection services (a multi-million dollar contact each year) and roadworks (which rely on bituminous products). Over the past decade, the price of petroleum and diesel in Perth has been extremely volatile.

Over the 6 year period for which price increase data is shown, the aggregate CPI was **11.7%**.

As is clearly demonstrated above, many of the drivers of cost increases for local government are goods and services that do in fact get 'priced' by the state government.

You will also observe that almost all of the state government priced item cost increases do not bear much relationship with CPI. Generally they are much higher than CPI - so the Premier's comments about local government rates increases would appear to not reflect proper recognition of the impact of these increases.

Labour costs are also a major component of local government operations. Local government has, for much of the past decade, had to compete with a booming mining industry to attract and retain staff. It has also had to resource new services that have been 'shifted down' from other levels of government and it has had to fund statutory increases in superannuation guarantee levies and heightened training and safety costs. The long-term trend of changes in the Consumer Price Index (CPI) and WA Wage Price Index, show that changes in wages consistently remain higher than CPI. As shown in the table below, the annual percentage change in the WA Wage Price Index remained above the annual percentage change in CPI for the entire 10 year period between 2005 and 2015, apart from 2013/2014.

Annual Percentage (%) Change in CPI and WA Wage Price Index

Year	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Consumer Price Index	4.00%	2.10%	4.45%	1.42%	3.12%	3.55%	1.21%	2.39%	3.02%	1.51%
WA Wage Price Index	5.70%	4.70%	5.80%	5.20%	3.30%	3.90%	4.30%	4.00%	2.80%	2.20%

Lastly, from 2015/2016, Financial Assistance Grants (FAGs) which comprise general purpose assistance grants and untied local roads grants are frozen for the next three years - and will not even reflect CPI or population increases.

The Australian Local Government Association estimate that this is equal to approximately:

- \$96 million of FAG provision for essential local services and infrastructure in local communities in 2015/2016 (Australian Local Government Association, 2015).
- \$200 million in FAGs increase will be foregone in 2015/2016
- \$321 million will be foregone in 2017/2018
- In total, \$925 million will be lost in FAGs over the next four years.

As demonstrated in the preceding discussion, there are many factors that influence rate revenue changes. CPI alone is not an appropriate basis on which to determine the quantum of local government rates increases.

The rate increase should only be determined after a carefully considered rate setting process (which balances the organisation's financial capacity against community aspirations, desired service levels and asset management considerations) has occurred. This should always be done having regard to the financial sustainability of the local government into the future.

It is for the reasons stated above that 'Rate Capping' (where state government determines a maximum % rates increase) is not a suitable or sustainable approach either. Despite its populist appeal – it's naïve simplicity does not properly consider and balance community aspirations, desired service levels or sound asset management principles in a sustainable fashion.

I. In the interests of accountability and transparency, and in accordance with management reporting in most well run businesses, can the City of South Perth provide a Summary of 2015/2016 Budget Expenditure for each of the Areas (eg Aged Care, Libraries, Parks & Environment, Reserve Funds Created etc), with \$ Budget 2015/2016 compared to \$ Actual 2014/2015, together with \$ and % increases for each Area, and where applicable, a good explanation of why % increases are above expected CPI increases?

The City's statutory budget (publicly available on the City website) includes comparison between the new year budget, the previous year actual costs and the previous year budget in several different formats. The statutory component is found in Section 2 of the Annual Budget (Refer Pages 2.01 to 2.31). This is supported by approximately 50 further pages of supporting schedules including narrative and prior year comparative figures.

	<p>The City also includes the information that is being requested in publicly available monthly financial reports to Council (Agenda items 10.6.1 to 10.6.3 every month). It also publicly reports variances between budget and actual results in proactive budget reviews every quarter - and it includes narrative in its annual report explaining the differences between intended results and actual results.</p> <p>These are considered to be the appropriate formats for reporting this information – rather than the voluntarily created, unaudited and summarised Budget snapshot newsletter - which is simply to explain the current budget in a summarised form. In comparison to most of our local government peers, the City’s budget newsletter provides a higher level of disclosure than many local government peers.</p> <p>To suggest that the City is not accountable or transparent in its financial disclosures is not considered to be either accurate or substantiated.</p>
<p>2. In future years, can a similar Summary be provided in the annual budget newsletter sent to City of South Perth ratepayers with their Rates Notice?</p>	<p>The requested information is (as described above) already disclosed and readily accessible to the public, however the City will explore opportunities to convey some further explanations in the Budget Newsletter.</p>

2. Mr Ken Manolas of 193 Mill Point Road, South Perth Received 24 August 2015	Response provided by: Director Development and Community Services, Vicki Lummer
<p>1. Many years ago when HIGH RISE DEVELOPMENT LIKE HIGH TOR, WINDSOR TOWERS, were built in South Perth, the residents clearly indicated to the City of South Perth Council that they did not want this type of high rise development and the town planning scheme was amended. Why has Council now within its Town Planning Scheme South Perth Station Precinct - Special Control Area introduced high rise development 29-39 storeys without surveying the whole of South Perth.</p>	<p>The Town Planning required for a Greater Metropolitan City of 3.5 million people is very different to the planning at the time these developments were approved and constructed. When the Town Planning Scheme amendment which introduced these provisions into the scheme was advertised, it was open for any resident of the City to make submissions. The amendment was freely available on the City's web site and advertised in the local paper.</p>
<p>2. When the City of South Perth is considering changes to Town Planning Scheme No. 6, Amendment 46, why was the survey area restricted to the Station Street precinct and not extended to the whole of the Mill Point Ward especially when these changes will have a high impact on the lifestyle, amenity and traffic for all the people of South Perth. (parking, entering freeway and enjoying the facilities in and our around Mends St. precinct) (1352 letters/notices mailed to all landowners within the South Perth Station Precinct and to owners of properties on the perimeter outside the precinct, were only consulted)</p>	<p>Amendment 46 does not introduce the provisions which allow great development potential. These provisions are already in the Town Planning Scheme, hence Amendment 46 which seeks to correct unclear wording and also introduce stricter requirements and great community benefits for larger buildings, will not have a high impact on the amenity of all people in South Perth. Amendment 46 has no impact on traffic other than to require greater detail from developers when seeking approval. Changes to parking requirements proposed in amendment 46 will provide for less cars in the precinct and hence lessen the impact on the greater city.</p>

3. Ms Vicki Redden 14/63 Mill Point Road, South Perth Received 24 August 2015	Response provided by: Director Development and Community Services, Vicki Lummer
<p>1. In view of the litigation currently pending in the Supreme Court of WA which calls into question the scope of the JDAP's powers to approve high rise residential developments under the Town Planning Scheme 25, shouldn't the Councillors request that the City of South Perth administration not include in their reports to Development Assessment Panels, any recommendations for approval of development applications which would be inconsistent with the interpretation of the Town Planning Scheme out forward by residents in the pending judicial review challenge in relation to the development at 74 Mill Point Road?</p>	<p>The Council is guided in its interpretation of the Town Planning Scheme by its professional officers and advice received from time to time, legal or otherwise. The planning reports presented to DAP are consistent with that advice. Sometimes individuals challenge the interpretations made, however, given the consistent interpretation of the scheme since April 2014, which has been applied to a significant number of developments, it would not be in the interests of orderly and proper planning to now change that interpretation with no additional basis.</p>
<p>2. Given the "ambiguities and inconsistencies" that have risen from the interpretation of SCA1 in Scheme6 by JDAP - wouldn't it be advisable that council develop a policy which very specifically describes how and at what level discretion is applied under the Town Planning Scheme - for example some councils have a limit of 10% that can only be applied in awarding a bonus or concession.</p>	<p>Scheme amendment 46 seeks to limit the level of discretion (in regard to height) that can be applied in certain circumstances. It is worded to ensure additional requirements are provided by the applicant in order to achieve higher levels of discretion in relation to height. The current scheme does not have these requirements, and there is less guidance on how to apply height discretions. This is one of the reasons that amendment 46 has been developed and is so important to the City.</p>
<p>3. In reading the original research and documentation surrounding the development of the Station Precinct Plan there were statements such as "The Precinct Plan could result in: 120,000 m2 of commercial floor space, employment for 4,300 workers, 950 dwellings and an additional 1,700 people among other facts. Given that in the last 12 months there has been approval for *850 dwellings already!! .. *just in the apartments that have been advertised. Do the city planners have any idea of when the limits of traffic and new dwellings will be met and what the consequential</p>	<p>The development of the South Perth station precinct is not a 5 or 10 year plan, it is planning for the next 40 to 50 years. However, due to the fragmented land ownership, some properties in the precinct may never be redeveloped to the potential offered by the Town Planning Scheme. The precinct is designed as a public transport precinct. It is already well serviced by bus, it has the ferry and in time the City believes that the train station will add</p>

social impacts of overloading the current infrastructure will be?

to the public transport options. Restricting the number of carbays in the precinct, as proposed in amendment 46 will also put a finite limit of the number of cars in the precinct. The City's long term financial plan provides to invest back into the public realm infrastructure in the precinct. The area has high amenity and is ideal as a vibrant mixed use location, with a mix of residents. This will be the social impact of the precinct.

4. Mr Harry Anstey of 21 River View Street, South Perth Received 25 August 2015	Response provided by: Director Development and Community Services, Vicki Lummer
<p>[Preamble] Regarding Agenda Items 10.3.1, 10.4.1 and 12.2 - Councillors, why are we in this position?</p> <p>They are not new items but they seem to stumbling along.</p> <p>WHY? Why is Council finding it so hard to address and resolve the concerns?</p> <p>If you take a step back and look at each of these items and the way they have been processed some basic issues become apparent. - I hope you will allow me to explain with examples of exactly what I have noticed. (These are lay comments, I am not a town planner nor lawyer) State and Federal legislation is structured in Acts and Regulations The Act is a concise statement “this is allowed or not”. The function of the Regulations is to clarify the intent, providing Guidance for the application of the Act. If these 2 documents are not rigorously constructed then the document, or documents, can become unwieldy.</p> <p>Local Government Town Planning is similarly structured with a Town Planning Scheme and supporting Policies. Policies provided Guidance to clarify how the Scheme is intended to be applied. The Guidance is an essential part of considering a development which is not exactly that defined under the Scheme. It is obviously a crucial aspect if independent assessment is to understand how the City intended the Scheme to be applied, to interpret or to adjudicate, such as DAP and SAT.</p> <p>Consider Item 10.3.1. This Amendment 46 is to “Rectify anomalies and ambiguities in Schedule 9 and strengthen criteria for building height variations”. Haven’t these problems arisen from the lack the supporting Policy? The discrepancy between what was provided to residents to comment on in Drafting Amendment 25 and the allowances included in the Scheme are not currently defined. There was to be a Policy, which would normally provide guidance of the intent.</p> <p>Legal opinion has been provided to Councillors about the lack of the Policy, the guidance. Are the comments received relevant to clarifying whether a Guidance document might help resolve interpretation of the TPS? Or is the advice intended to cover the Officer’s failure to complete the Policy? The advice does not appear to be proactively seeking a solution as to how the TPS can be applied when there are terms/allowances within the document which are new, not defined.</p>	

Let's consider how Amendments are presented to Councillors. Is it really efficient to have separate documents to consider, to try to compare? Why not use the tracking facility of the Word Processor to clearly identify each and every change from the original to that proposed? Wouldn't that enable anyone to read one document, see and understand the implications of each change? No confusing technical "black art"? (I believe the DAP Commissioners have commented as well?)

Amendment to the Policy 317, Item 10.4.1, has similar issues. Why does the author consider it appropriate to add the word "sensitive" and qualify land uses in Clause 3.1 (d) (i) A? How is this additional, new word clarifying the intent? I shall come back to this in Item 12.2, in just a moment, if I may?

Similarly in Clause 3.2 (a) the interpretation of "minor or temporary" alteration is not defined, it is a discretionary aspect. How do Officers achieve their interpretation? Is it the same as that of Councillors? Why is Clause 3.2 really relevant, when Clause 3.3 would appear to also address "temporary" events?

Perhaps Councillors are recognising where I am coming from? It is essential that each word in these documents adds to the clarity, the intent. If it fails the test of adding value, then it is likely to confuse or lessen the application or the intent. - I learnt this as the KIS rule – "keep it simple". An economist might recognise it as a cost/benefit?


Item 12.2 is the potential integral part of these examples. The Policy defines the rationale for Consultation. The Councillor's reasons for the comprehensive review are justified. The issues which have arisen from Amendment 25 and Policy 317/ Dan Murphy are glaring examples of the failure to clarify current requirements. Couldn't this Policy P301, with some minor updates, clarify the City's serious intent to improve guidance, to address some of these anomalies via its Objectives, Definitions and Notification Areas? Does it have to be so hard to move forward? Couldn't it be this simple?

<p>1. Can I ask for assurance that the City will cease to be publically portrayed as supporting certain development concepts which are known to be inconsistent with resident sentiments? - I refer specifically to presentations made to the Urban Development Institute and the Property Council.</p>	<p>These questions were received at 4.50pm and taken on notice. The responses will be made available in the Agenda of the September 2015 Ordinary Council Meeting.</p>
<p>2. Can I ask each of you (officers & Councillors) to carefully consider these issues? I hope you recognise my comments are intended to be constructive</p>	<p>These questions were received at 4.50pm and taken on notice. The responses will be made available in the Agenda of the</p>

to your deliberations and to help find a way to progress.	September 2015 Ordinary Council Meeting.
3. Can I also ask that each of you (officers & Councillors) all work as a team to proactively find solutions for our City?	These questions were received at 4.50pm and taken on notice. The responses will be made available in the Agenda of the September 2015 Ordinary Council Meeting.

APPENDIX TWO

10.6.4 MODIFIED PLANNING POLICY P317 'LICENSED PREMISES'



Strategic Direction No. 3
Housing and Land Use

Policy P317 'Licensed Premises'

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

POLICY OBJECTIVES

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

POLICY SCOPE

This Policy applies to all development applications and Section 40 certificates issued by the City under the *Liquor Control Act 1988*, relating to new and existing licensed premises.

POLICY BACKGROUND

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

This policy 'Licensed Premises' outlines the information to be provided by the applicant when applying lodging an application for planning approval for a 'licensed premises' and the matters to be considered by the decision maker when making a determination. The policy does not influence the decision-making processes of the Department of Racing, Gaming and Liquor (DRGL) or the decision making of the City in relation to Environmental Health and Building Requirements.

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

A 'liquor store' currently falls within the definition of a 'Shop' under the provisions of TPS6. A 'small bar', is a type of liquor licence introduced in 2007 by the *Liquor Control Act 1988* (the Act). This type of liquor licence is available to venues with an operating capacity of less than 120 people. TPS6 does not recognise 'small bar' as a discreet land use. For the purpose of this policy, in recognition of the potential impact of these land uses on the adjoining land uses, Liquor Stores, both Small and Large and Small bars are to be treated as 'D' (discretionary), 'DC' (discretionary with consultation) or 'X' (prohibited) uses in the respective zones indicated in the Table 1 below.

For all licensed premises, in addition to obtaining development approval under of TPS6, applicants are required to obtain a liquor licence from the DRGL prior to commencing operations. The sale, supply and consumption of alcohol is regulated by the Act. Under the provisions of the Act, Section 39 and 40 certificates are required to be obtained from the City. The Section 40 certificate confirms that the proposed use will comply with all relevant requirements of TPS6. The Section 39 Certificate confirms the premises or proposed premises can comply with all relevant Environmental Health and Building requirements. The *Liquor Control Act 1988 – A Guide For Local Government* provides detailed information regarding the liquor licensing process and local government involvement.

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POLICY STATEMENT

Assessment criteria

1. Land use and permissibility

Applications for a Liquor Store or Small Bar will be assessed having regard to the following land use definitions and land use as per Table 1 below. All other applications for licensed premises including Hotel, Tavern, Café/Restaurant will be assessed having regard to the relevant definitions and land use permissibility contained in TPS6.

Definitions

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

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

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

Table 1 - Land Use Permissibility Table for Liquor Store and Small Bar

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

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

2. Location and design

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

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

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3. → Development Application Process

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

3.1 → New Licensed Premises

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

- a. → Maximum number of patrons;
- b. → Proposed hours of operation;
- c. → A full set of drawings including site plan, existing and proposed floor plans and elevations;
- d. → An Impact Assessment Report (IAR) under Clause 7.6 of TPS6, including an assessment of the proposal on the amenity impact on the surrounding area as per Area 2 consultation of the City Policy P304 within 500m of the premises. This IAR is to include:
 - (i) → A Cumulative Impact Assessment (CIA) prepared by an appropriately qualified person which at a minimum contains the following:
 - A. → A map depicting all licensed premises the distribution and mix of land uses (including mixed & residential premises, schools and day care centres) and available car parking within a 500m radius;
 - B. → Describe the operations of the other licensed premises in terms of license type, number of patrons, hours of operation, entertainment options;
 - C. → An Operational Management Plan, detailing measures to minimise the impact of the licensed premises on the adjoining properties. Matters to be addressed, include noise management, rubbish disposal and collection, deliveries, security, complaint management and reporting procedures and patron control;
 - D. → Measures to be undertaken to ensure there is not a negative cumulative impact on the amenity of the area. For guidance in the preparation of a cumulative impact assessment applicants are encouraged to refer to the Western Australian Local Government Association Local Government Town Planning Guidelines for Alcohol Outlets;
 - E. → A Traffic and Parking Impact Assessment, prepared by an appropriately qualified person including predicted future cumulative traffic impacts. This is required for all premises proposing on premises consumption of alcohol and for large liquor stores. Parking requirements are to be assessed at the ratios set out under Clause 4 of this policy and are to include all uses, whether existing or proposed on a site.
 - F. → A Noise Impact Assessment prepared by an appropriately qualified person. This is required for any premises operating outside the hours of 9am–6pm or which include live music. Noise assessments shall take into consideration adjacent land uses as well as the cumulative impact of other licensed premises within 500m of the subject site.
- e. → A Public Interest Assessment prepared as per the requirements of the Department of Racing, Gaming and Liquor; and
- f. → Any other plan or information the City may reasonably require to enable the application to be determined.

3.2 → Alteration of existing Licensed Premises

- a) → Where an application involves minor/temporary changes to existing licensed premises, the details required in Clause 3.1 a., b., c. and d. shall be provided; and
- b) → For all major additions and alterations, including an ongoing extension to trading hours, to licensed premises located adjacent to mixed or residential development all information required in Clause 3.1 shall be provided.

3.3 → Festivals and temporary events

- a) → Development approval under TPS6 is not required for a festival or one-off event such as extended trading times, additional patrons and extended boundaries of the licensed area.

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However, before proceeding with such events, the owner of the premises must obtain written approval from the City's Chief Executive Officer and ensure all relevant approvals are obtained from the City's Building, Environmental Health and Infrastructure Services departments.

4. → Car and Bicycle Parking Requirements

Car and bicycle parking for Liquor Store - 'Large', Liquor Store - 'Small' and Small Bar shall be provided as per the Table 2.

→ Table 2 – Parking Requirements

Uses	Minimum Required Parking Bays	
	Cars	Bicycles
Liquor Store - 'Large'	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and/or visitors
Liquor Store - 'Small'	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and/or visitors
Small Bar	1 per 3m ² of public floor space used as bars, lounges, dining and function areas, beer gardens and areas used predominantly for games.	1 per 25m ² of bar floor area. 1 per 100m ² of lounges, dining and function areas, beer gardens and areas used predominantly for games.

Car parking for all other licensed premises including Hotel, Tavern and Café/Restaurant shall be provided as per Table 6 of TPS6. Clauses 6.3, 6.3A and 6.4 of TPS6 and policy P315 Car Parking Reductions for Non-Residential Development continue to apply although payment of cash in lieu of 'deficit bays' under Clause 6.3A would not generally be supported for large format liquor stores or to cater for the provision of alternative parking in or directly adjoining residential areas.

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

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

LEGISLATION/ LOCAL LAW REQUIREMENTS

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

OTHER RELEVANT POLICIES/ KEY DOCUMENTS

City of South Perth Planning Policies
Local Government Town Planning Guideline for Alcohol Outlets (Western Australian Local Government Association)
The Liquor Control Act 1988 – A Guide For Local Government (Department of Racing, Gaming and Liquor)
Pamphlets and Self-Assessment Checklists for Licensees (Department of Racing, Gaming and Liquor)

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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 Tuesday 22 September 2015.

Signed _____
Presiding Member at the meeting at which the Minutes were confirmed