

# MINUTES

## Ordinary Council Meeting

26 May 2015

To: The Mayor and Councillors

Here within are the Minutes of the Meeting of the City of South Perth Council held Tuesday 26 May 2015 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



CLIFF FREWING  
CHIEF EXECUTIVE OFFICER

29 May 2015



# Our Guiding Values

## **Trust**

Honesty and integrity

## **Respect**

Acceptance and tolerance

## **Understanding**

Caring and empathy

## **Teamwork**

Leadership and commitment

## Disclaimer

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

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

## Further Information

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

- **Council Meeting Schedule**

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

- **Minutes and Agendas**

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

- **Meet Your Council**

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

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

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# 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 26 May 2015.

## **I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Presiding Member opened the meeting at 7.02pm 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.

She then announced Mr Tom Hockley of Allering & Associates would be making a Deputation on Agenda Item 10.0.1 – Canning Bridge Structure Plan – Endorsement to provide an overview of planning provisions relating to the Mt Henry Tavern.

## **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.

### **3.3 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES**

The Presiding Member advised that the Mayor / Council Representatives Activities Report for the month of April will be made available in the **Appendix I** of these Minutes.

## 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
C Irons	Mill Point Ward
K Trent, OAM, RFD, JP	Moresby Ward

### Officers

C Frewing	Chief Executive Officer
V Lummer	Director Development and Community Services
M Kent	Director Financial and Information Services
M Taylor	Director Infrastructure Services
P McQue	Manager Governance and Administration
D Gray	Manager Financial Services
R Kapur	Manager of Development Services
R Bercov	Strategic Urban Planning Adviser
S Kent	Governance Officer

### Gallery

There were approximately 13 members of the public and 1 member of the press present.

## 4.1 APOLOGIES

Nil

## 4.2 APPROVED LEAVE OF ABSENCE

F Reid                      Moresby 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.

The Presiding Member noted that Declarations of Impartiality Interests had been received from:

- Cr V Lawrance in relation to *Agenda Item 10.0.1 Canning Bridge Structure Plan – Endorsement*;
- Cr S Hawkins-Zeeb in relation to *Agenda Item 10.1.2 Community Advisory Groups*;
- Mayor Doherty in relation to *Agenda Item 10.1.2 Community Advisory Groups* and *Item 10.1.1 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth*;
- Cr C Irons in relation to *Agenda Item 10.1.1 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth*; and
- Mr C Frewing in relation to *Agenda Item 10.1.1 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth*.

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 are discussed.

## **6. PUBLIC QUESTION TIME**

### **6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

The Presiding Member advised that the responses to previous public questions taken on notice at the April 2015 Ordinary Council Meeting will be made available in the **Appendix** of these Minutes.

### **6.2 PUBLIC QUESTION TIME: 26 MAY 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 7.06pm.

There being no questions the Presiding Member closed Public Question Time at 7.06pm.

## **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 April 2015**

##### **Officer Recommendation and COUNCIL DECISION**

**Moved:** Councillor K Trent

**Seconded:** Councillor M Huston

That the Minutes of the Ordinary Council Meeting held 28 April 2015 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**



The Presiding Member put that the following Items 7.1.2 - 7.1.6 be carried en bloc.

**7.1.2 Arts Advisory Group Meeting Held: 29 April 2015**

**7.1.3 CEO Recruitment Committee Meeting Held: 30 April 2015**

**7.1.4 Special Electors' Meeting Held: 6 May 2015**

**7.1.5 CEO Recruitment Committee Meeting Held: 13 May 2015**

**7.1.6 Special Council Meeting Held: 20 May 2015**

**Officer Recommendation and COUNCIL DECISION**

**Moved:** Councillor C Irons

**Seconded:** Councillor S Hawkins-Zeeb

That the Minutes of the following meetings be taken as read and confirmed as a true and correct record:

- Arts Advisory Group Meeting Held: 29 April 2015
- CEO Recruitment Committee Meeting Held: 30 April 2015
- Special Electors' Meeting Held: 6 May 2015
- CEO Recruitment Committee Meeting Held: 13 May 2015
- Special Council Meeting Held: 20 May 2015

**CARRIED (8/0)**

## **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.

Officers of the City/Consultants provided Council with an overview of the following:

**Millers Pool and Narrows Foreshore – 5 May 2015**

**Veraison Cultural Optimisation – 5 May 2015**

**#ShapeOurPlace – 18 May 2015**

**Agenda Briefing – 19 May 2015**

**Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor M Huston

**Seconded:** Councillor S Hawkins-Zeeb

That the Notes of the following Briefings be received:

- Millers Pool and Narrows Foreshore – 5 May 2015
- Veraison Cultural Optimisation – 5 May 2015
- #ShapeOurPlace – 18 May 2015
- Agenda Briefing – 19 May 2015

**CARRIED (8/0)**

## 8. PRESENTATIONS

### 8.1 PETITIONS

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

### 8.2 PRESENTATIONS

*Occasions where Awards/Gifts may be accepted by Council on behalf of Community.*  
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 19 May 2015. However, a special 'Request for Deputation' submission was accepted and heard by Council from Tom Hockey of Allering & Associates in relation to Agenda Item 10.0.1 – Canning Bridge Structure Plan – Endorsement.

### 8.4 COUNCIL DELEGATES REPORTS

The Presiding Member put that Items 8.4.1 and 8.4.2 be carried en bloc.

#### 8.4.1 Rivers Regional Council Meeting - 16 April 2015

#### 8.4.2 WALGA South East Metropolitan Zone Meeting - 29 April 2015

##### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor M Huston  
**Seconded:** Councillor S Hawkins-Zeeb

That the Delegates' reports of the Rivers Regional Council meeting held 16 April 2015 and the WALGA South East Metropolitan Zone Meeting held 29 April 2015 be received.

**CARRIED (8/0)**

### 8.5 CONFERENCE DELEGATES REPORTS

#### 8.5.1 Local Government Managers Association - National Congress - April/May 2015

##### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor M Huston  
**Seconded:** Councillor C Cala

That the report on Local Government Managers Association - National Congress - April/May 2015 be received.

**CARRIED (8/0)**

## 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 Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 19 May 2015.

The Chief Executive Officer, Mr Cliff Frewing, confirmed that this was correct.

### ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.0.1 Canning Bridge Structure Plan - Endorsement
- Item 10.1.1 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth.
- Item 10.1.2 Community Advisory Groups and Committees
- Item 10.3.3 Proposed Additions/Alterations to Single House on Lot 16 (No. 33) River Way, Salter Point
- Item 10.3.4 Guideline for Alcohol Outlets
- Item 10.3.5 Amendment No. 47 to TPS No. 6 - Report for final adoption

### 9.1 EN BLOC MOTION

#### **COUNCIL DECISION**

**Moved:** Councillor C Cala

**Seconded:** Councillor C Irons

That the Officer Recommendations in relation to the following Agenda Items be carried en bloc:

- Item 10.3.1 Proposed Single House (Three-Storeys) – Lot 254 (No. 10) River Way, Salter Point.
- Item 10.3.2 Proposed Two Storey Single House. Lot 239 No. 11 Unwin Crescent, Salter Point.
- Item 10.5.1 Tender 3/2015 - Provision of Bulk Kerbside Collection Service
- Item 10.6.1 Monthly Financial Management Accounts - April 2015
- Item 10.6.2 Listing of Payments
- Item 10.6.3 Monthly Statement of Funds, Investments and Debtors at 30 April 2015
- Item 10.6.4 Review of Membership with the Western Australian Local Government Association

**CARRIED (8/0)**

## 10. REPORTS

Councillor V Lawrance declared an Impartiality Interest in *Agenda Item 10.0.1 Canning Bridge Structure Plan - Endorsement*, disclosing that the owner of the Mt. Henry Bridge Tavern was formerly an employee of her husband Jon Lawrance at Winslade & Lawrance and she knows him socially from the past. Cr Lawrance sought Council agreement to remain in the Chamber, consider this matter on its merits and vote accordingly.

Councillor M Huston left the meeting at 7.34pm.

Councillor M Huston returned to the meeting at 7.34pm.

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Canning Bridge Structure Plan - Endorsement

Location:	Canning Bridge Precinct
Ward:	Como Ward and Moresby Ward
Applicant:	Council
File Ref:	D-15-33730
Date:	26 May 2015
Author / Reporting Officer:	Vicki Lummer, Director Development and Community 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:	5.1 Advocate for, implement and maintain integrated transport and infrastructure plans in line with best practice asset management and safe system principles.

#### Summary

- The Canning Bridge Structure Plan has been prepared following extensive engagement with the community.
- The Structure Plan provides for the implementation of the Canning Bridge Precinct Vision which was endorsed by City of South Perth, City of Melville and the Western Australian Planning Commission in 2011.
- The Structure Plan distinguishes six quarters within the precinct and provides Design Guidelines for each of the quarters as well as for the whole precinct. The design guidelines encourage good quality, sustainable development.
- The City of South Perth is mostly impacted by Quarters three, four, five and six.
- The City of Melville is mostly impacted by Quarters one and two.
- The Structure Plan is focussed on transport oriented development recognising the important role of public transport, walking and cycling to, from and within this location.
- The unique location of the Activity Centre is recognised in the Structure Plan and Design Guidelines.
- The Canning Bridge Structure Plan was advertised from 28 October 2014 to 12 December 2014 and strong community support was shown through the advertising.
- There were 48 submissions received (39 in support, 5 neutral and 3 opposed).
- A final structure plan has been prepared after consideration of submissions and

is presented to Council to consider for endorsement.

- Additional bonuses in elements 21 and 22 of the Design Guidelines are difficult to achieve so that any additional height results in a building that is exemplary, achieves design excellence and provides additional community benefits.

### Officer Recommendation

**Moved:** Councillor M Huston

**Seconded:** Councillor G Cridland

That

(A) Council :

- has fully considered the submissions received from stakeholders and the community during the public advertising of the draft Canning Bridge Structure Plan.
- resolves to adopt the updated Canning Bridge Structure Plan as shown in **Attachment (a)**, with the following amendment : at page 40 under the heading of " Bonus Provisions" the following words shall be inserted at the end of the paragraph:  
  
In the M10 quarters of Mt Henry, Davilak and Cassey (those within the City of South Perth), the maximum bonus height is 5 additional storeys.
- Resolves to notify the Western Australian Planning Commission that within the activity centre the Canning Bridge Structure Plan will take effect in place of existing provisions in the City's Town Planning Scheme No.6 upon gazettal of Scheme Amendment No. 47.

(B) All submitters be advised in writing of the Council's resolution.

(C) The City will work with the City of Melville to seek expressions of interest to form a Design Advisory group to consider pre-lodgement advice and advice on development applications as proposed in the structure plan.

(D) The adopted structure plan will be reviewed and updated after a year of operation to address any issues that may arise.

### Amendment to Officer Recommendation

**Moved:** Councillor C Cala

**Seconded:** Councillor S Hawkins-Zeeb

That the Officer's recommendation be amended **as shown and by the addition of the following clauses e, f, g and h:**

That

(a) Council :

- has fully considered the submissions received from stakeholders and the community during the public advertising of the draft Canning Bridge Structure Plan;
- resolves to adopt the updated Canning Bridge Structure Plan as shown in Attachment (a) with the following **amendments:**
  - Under the heading of "Bonus Provisions", the following words shall be inserted at the end of the paragraph:  
"In the M10 quarters of ~~Mt Henry~~, Davilak and Cassey (those within the City of South Perth), the maximum bonus height is 5 additional storeys.";
  - Requirement 18.1 of Element 18 of the Design Guidelines be amended to read as follows:**

“In the M10 and M15 Zones in the quarters of Mt Henry, Davilak and Cassey (those within the City of South Perth), all parking areas other than for visitors or commercial deliveries shall be preferably provided in a basement or if not, then at least concealed within the building behind residential or non-residential floor space.”

- (iii) resolves to notify the Western Australian Planning Commission that within the activity centre the Canning Bridge Structure Plan will take effect in place of existing provisions in the City’s Town Planning Scheme No.6 upon gazettal of Scheme Amendment No. 47.
- (b) All submitters be advised in writing of the Council’s resolution.
- (c) The City will work with the City of Melville to seek expressions of interest to form a Design Advisory group to consider pre-lodgement advice and advice on development applications as proposed in the structure plan.
- (d) The adopted structure plan will be reviewed and updated after a year of operation to address any issues that may arise.
- (e) With respect to the public transport component of the Structure Plan, the City does not support the Cassey Street route for buses leaving the proposed bus station and requests that further work be undertaken to establish a more suitable route.
- (f) With respect to setbacks, in the quarters of Mt Henry, Davilak and Cassey (those within the City of South Perth) that M10 zone be required to have a 3M minimum and 5m maximum front setback (except on the “linking pathways”); and H8 zone and H4 zone be required to have 4M minimum and 6 m maximum front setback.
- (g) Given the special opportunities and features of the Mt Henry Tavern site that is within the Mt Henry Quarter, that special consideration be given to any proposal for this site when assessed under Element 21 and 22 of the development bonus provisions of the Structure Plan.
- (h) The maximum car parking limit in Element 18 and referred to in Element 22 shall not apply to the part of the CBSP area within the City of South Perth.

**CARRIED (8/0)**

Reason for change

The City needs to make a clearer statement in the Design Guidelines other than “encourages” basement car parking or parking sleeved by other uses, to indicate its wishes.

The impact of the proposed bus route is still a major concern and reality. The City should continue to maintain its position on this matter.

Setbacks have a significant impact on the way a development effects the amenity of a surrounding area; particularly front setbacks. Other than for the most intense M15 zone, there is no justification to require or allow buildings to have small street setbacks. Sufficient landscaping is possible with the larger setback and there is a softer connection with the street which still maintains a sub-urban environment rather the strong urban area of M15.

The site of the present Mount Henry Tavern is probably the largest site in the City that is presently under one ownership. It is still largely underdeveloped and offers an opportunity for a significant commercial, community and residential development. Therefore it should be considered in its own right.

**COUNCIL DECISION****Moved:** Councillor C Cala**Seconded:** Councillor S Hawkins-Zeeb

That

(a) Council:

- (i) has fully considered the submissions received from stakeholders and the community during the public advertising of the draft Canning Bridge Structure Plan;
- (ii) resolves to adopt the updated Canning Bridge Structure Plan as shown in Attachment (a) with the following amendments:
  - (A) Under the heading of “Bonus Provisions”, the following words shall be inserted at the end of the paragraph:  
“In the M10 quarters of ~~Mt Henry~~, Davilak and Cassey (those within the City of South Perth), the maximum bonus height is 5 additional storeys.”;
  - (B) Requirement 18.1 of Element 18 of the Design Guidelines be amended to read as follows:  
“In the M10 and M15 Zones in the quarters of Mt Henry, Davilak and Cassey (those within the City of South Perth), all parking areas other than for visitors or commercial deliveries shall be preferably provided in a basement or if not, then at least concealed within the building behind residential or non-residential floor space.”
- (iii) resolves to notify the Western Australian Planning Commission that within the activity centre the Canning Bridge Structure Plan will take effect in place of existing provisions in the City’s Town Planning Scheme No.6 upon gazettal of Scheme Amendment No. 47.
- (b) All submitters be advised in writing of the Council’s resolution.
- (c) The City will work with the City of Melville to seek expressions of interest to form a Design Advisory group to consider pre-lodgement advice and advice on development applications as proposed in the structure plan.
- (d) The adopted structure plan will be reviewed and updated after a year of operation to address any issues that may arise.
- (e) With respect to the public transport component of the Structure Plan, the City does not support the Cassey Street route for buses leaving the proposed bus station and requests that further work be undertaken to establish a more suitable route.
- (f) With respect to setbacks, in the quarters of Mt Henry, Davilak and Cassey (those within the City of South Perth) that M10 zone be required to have a 3M minimum and 5m maximum front setback (except on the “linking pathways”); and H8 zone and H4 zone be required to have 4M minimum and 6 m maximum front setback.
- (g) Given the special opportunities and features of the Mt Henry Tavern site that is within the Mt Henry Quarter, that special consideration be given to any proposal for this site when assessed under Element 21 and 22 of the development bonus provisions of the Structure Plan.
- (h) The maximum car parking limit in Element 18 and referred to in Element 22 shall not apply to the part of the CBSP area within the City of South Perth.

**CARRIED (8/0)**



**Background**

In March 2015 Council considered this matter and resolved:

*“Council defer this item until the review and recommendations for Amendment 46 are complete, at this time Council will have the benefit of this review process and it is hoped Council may have some form of “assessment scale” for the discretionary provisions of the structure plan and be in a better position to make a more informed decision”*

In relation to the timing of referral of the Canning Bridge Structure Plan to another Council meeting, notwithstanding the wording of the March Council resolution, the Council Members’ expectation subsequently changed. The position is explained as follows:

Scheme Amendment No. 46 relates to the South Perth Station Precinct. The Council Members had requested a special briefing on Amendment No. 46, which was held on 8 April. At the end of that briefing there was discussion about how to ‘re-activate’ the Canning Bridge Structure Plan. At that time, the Council Members made it very clear that they wanted this matter back on the Council agenda at the earliest opportunity, due to community concern about the delay in adopting the Structure Plan in its final form. In response, this revised report has been prepared for the May meeting.

The Canning Bridge Precinct Vision was endorsed by the Councils of the City of South Perth and City of Melville in September 2010 and endorsed by the Western Australian Planning Commission (WAPC) and released in July 2011. The location, with proximity to the Canning Bridge train station, excellent bus services, an established commercial precinct, and proximity to the river, the CBD, Murdoch and Curtin University provided for a unique development opportunity.

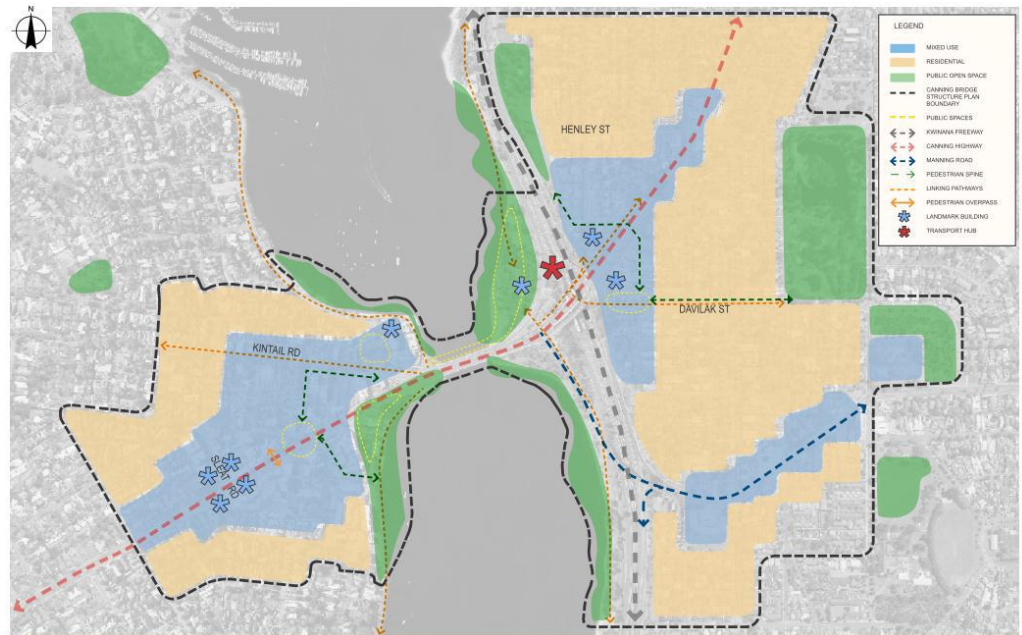
The partnership that was formed to prepare the vision for the precinct between the City of South Perth, the City of Melville and the Western Australian Planning Commission (through the Department of Planning) was extended to include the transport portfolios of State Government including Main Roads WA, Department of Transport and the Public Transport Authority. Members of the partnership met monthly or as required to ensure the progress towards the Structure Plan for this Activity Centre.

Canning Bridge is listed in the State Planning Policy 4.2 “Activity Centres for Perth and Peel” as a District Centre. The uniqueness of the centre is also recognised in Directions 2031 and the Central Metropolitan Perth sub-regional strategy as a planned urban growth area. State Planning Policy 4.2 requires an activity centre structure plan to be prepared for this location.

At the ordinary Meeting of Council on 28 September 2010 the Council resolved to support the Vision for Canning Bridge and endorsed further studies into the various aspects that the Structure Plan includes.



## Site

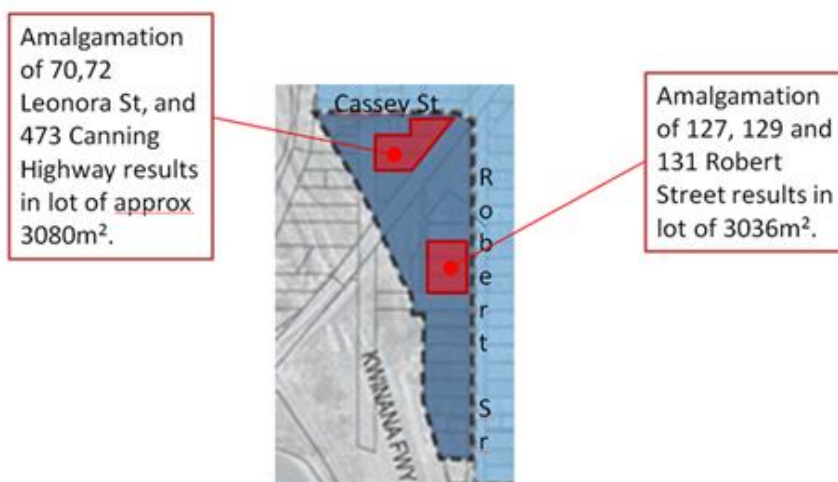


## Comment

A briefing of Council was held on 8 April, however no assessment scale was forthcoming. It is not considered appropriate to have a graded system. It had been suggested that a system could be developed where a particular “community benefit” would earn a particular number of storeys as a bonus. This is not recommended as the area will not require one type of benefit many times over and the assessment process will keep a register of benefits provided, so that they are not duplicated.

In the M10 areas, it is considered that no more than 5 additional storeys is appropriate as a bonus as this is the secondary development area in the precinct (the M15 being the primary) and the height in the M10 should not be dominant over the height and scale of development in the M15 zone. It is recommended that the wording to limit the bonus provisions be included in the structure plan.

The limited area of M15 in the City of South Perth is only likely to allow a maximum of 5 buildings (see diagram below) as the size requirement for bonus provisions is a minimum area of 2600m<sup>2</sup> and given its close proximity to the station there is not considered a need to limit the bonus as recommended for the M10 zone.



Development sites shown for illustrative purposes only, ownership of these lots is fragmented.

It is noted that this precinct and its regulatory framework cannot be directly compared to the South Perth Station Precinct, as suggested in the Council resolution of March, as this precinct will always have a less intense development form due to its distance from the City Centre. In comparison, South Perth Station Precinct due to its neighbouring proximity to the CBD, is considered ideal for greater intensity and a more urban form.

The Joint Development Assessment Panel has already been briefed on this precinct and what is expected from applicants seeking to utilise the bonus provisions of the Structure Plan. The principle that the development proposes benefits which are in proportion to the scale of the bonus has been established and is already in operation in negotiations with developers in the City of Melville.

The Canning Bridge Structure plan (**Attachment (a)**) is presented in two parts:

- Part One is the statutory section which includes the structure plan map, statutory provisions and requirements. The requirements relating to land use, site planning and building design are set out in the Design Guidelines Part I.
- Part Two is used as a reference guide providing background, design basis and intent to support the implementation of Part One.

The structure plan overlaps two local government authorities and emphasises a continuing cooperation between the Councils for development in this activity centre. The individual local planning schemes still relate to the areas within each local government boundary; however they are guided by the structure plan over the whole area.

The Canning Bridge Structure Plan objectives are to:

1. Meet district levels of community need and enable employment, goods and services to be accessed efficiently and equitably by the community.
2. Support the activity centre hierarchy as part of a long-term and integrated approach to the development of economic and social infrastructure.
3. Support a wide range of retail and commercial premises and promote a competitive retail and commercial market.
4. Increase the range of employment within the Canning Bridge Structure Plan area and contribute to the achievement of sub-regional employment self-sufficiency targets
5. Increase the density and diversity of housing in and around the Canning Bridge Structure Plan to improve land efficiency, housing variety and support the facilities in the area.
6. Ensure the Canning Bridge Structure Plan area provides sufficient development intensity and land use mix to support and increase high frequency public transport.
7. Maximise access to and through the Canning Bridge Structure Plan area by walking, cycling and public transport while reducing private car trips.
8. Plan development in the Canning Bridge Structure Plan area around a legible street network and quality public spaces.
9. Concentrate activities, particularly those that generate steady pedestrian activation, within the Canning Bridge Structure Plan area.

These outcomes are supported through the Goals of the Structure plan. The goals are described below

- Consultation

G1 The community continues to be involved in implementation for the Canning Bridge Structure Plan area, through online information and local news. Specific planning applications will be communicated to affected landowners, and the City of Melville and the City of South Perth will have a combined Design Advisory Committee which will include representatives from each Council that consider the quality and contribution of all new development.

- Place activation

G2 The local character, function and strength of each unique 'Quarter' (see section 7) will be built upon in the implementation of the Canning Bridge Structure Plan. Local events, such as markets and concerts, will be encouraged and enabled and the Canning Bridge Structure Plan area will be known as a place to work, live and visit.

G3 Q6 will be a vibrant hub for passengers moving freely and safely between transport types and enjoying the adjacent parklands and river front. The journey to and from the Quarter will be comfortable and memorable.

- Built Form

G4 Canning Bridge Structure Plan area will be a demonstration of quality architecture with a strong focus on built form and public space interaction, providing multiple accommodation, commercial and employment opportunities.

G5 Canning Bridge Structure Plan area will be welcoming to all members of the community and will provide a range of accommodation and recreation options for the variety of cultures, socio-economic groups and age groups which live, work and play in the area.

- Innovation

G6 Developers will be encouraged to provide innovative spaces and places that will benefit the whole community, including areas to access views, Civic uses, open space, recreation and entertainment.

- Accessibility

G7 Canning Bridge Structure Plan area will be developed with consideration of safe, efficient, and universal access to, through and within the diverse activities and facilities of the area.

- Sustainability

G8 Canning Bridge Structure Plan area will be a model for the development of greener buildings, more efficient transport usage, and more sustainable lifestyle options. The local residential community will be encouraged to work in the area or travel via public transport to work and public open spaces will be encouraged horizontally and vertically throughout.

- Crime Prevention

G 9 Canning Bridge Structure Plan area will be active and vibrant and the community who frequent it will feel safe and secure. Design of buildings, spaces and services will contribute to its safe enjoyment at all times of the day and night.

- Environment

G 10 Development of Canning Bridge Structure Plan area responds to its excellent natural attributes, making best use of the river and its adjacent areas for community enjoyment and ongoing education about the local environment.

- Staging and implementation

G 11 Staging of development is considerate of the community impacts of development over time, including transition from lower to higher density development and provision of necessary community infrastructure.

G 12 The Canning Bridge Structure Plan area develops sensitively and carefully over time to ensure that the benefits of development are realised by all members of community.

#### Design Guidelines

The design guidelines have been developed to assist in achieving the following desired outcomes for the area.

- a) The local character, function and strength of each unique 'Quarter' will be celebrated in the implementation of the Canning Bridge Structure Plan.
- b) The centre will be a demonstration of quality architecture with a strong focus on built form and public space interaction, providing multiple accommodation, commercial and employment opportunities.
- c) The centre will be welcoming to all members of the community and will provide a range of accommodation and recreation options for the variety of cultures, socio-economic groups and age groups which live work and play in the area
- d) Developers will be encouraged to provide innovative spaces and places that will benefit the whole community, including areas to access views; Civic uses open space, recreation and entertainment.
- e) The centre will provide for safe, efficient, and universal access to, through and within the diverse activities and facilities of the Canning Bridge Structure Plan area.
- f) Design will be encouraged to be responsive to the size and geometry of the various development sites and to the strategic expectations of the adjacent street and pedestrian networks.

The design guidelines for the Structure plan are set out in a similar form to what is encountered in the R-Codes; a table format with three columns:

- Element which provides a title for each element e.g. Land use, Form and Mass etc.
- Desired Outcomes which represents the qualitative principles against which the decision maker can exercise their judgement to determine a proposal. These are based on the Guiding principles, Objectives and Goals of the Canning Bridge Structure Plan; and
- Requirements which are the quantitative criteria against which a development will be assessed.

The Canning Bridge Structure Plan area has been split into six quarters. (see **Attachment (b))**

The names for the Quarters are suggested as:

- Q1 – Kintail Quarter
- Q2 – Ogilvie Quarter
- Q3 – Cassie Quarter
- Q4 – Davilak Quarter
- Q5 – Mt Henry Quarter
- Q6 – Station Quarter

Within these quarters there are five zones. Not all zones are present in each quarter. The five zones are:

- Mixed Use up to 15 storeys – M15
- Mixed Use up to 10 storeys – M10
- Residential 6-8 Storeys – H8
- Residential up to 4 stories – H4
- Civic – Civic

The Desired Outcomes and Requirements are provided for the whole structure plan area, unless there are specific guidelines for each zone which are then addressed separately in the design guidelines. The guidelines are established as an alternative to the requirements of the R-Codes within the Canning Bridge Structure Plan Area only. Where they are silent on a matter the R-codes will prevail.

The design guidelines centre around the elements of Land Use, Form and Mass, Setbacks, Pedestrian Spines, Canning Highway, Heights, Landmark buildings, Facades, Adaptability, Site Cover, Sustainability, Street edges, Retaining walls, Fences, Public Art, Parking, Servicing, and Safety.

In recognition of the unique location and the desire to see exceptional design and the transformation of the area to provide for community needs, there are also two elements that relate to development bonus provisions based on design considerations and community considerations. These detail requirements must be met to achieve development over the 15 and 10 story limits and include minimum lot sizes, community benefits and provision of affordable housing options.

### **Consultation**

The Draft Structure Plan was advertised for a period of 46 days from Monday 27 October 2014 to Friday 12 December 2014 (Late submissions were received up until 23 December 2014).

49 submissions were received.

31 Support      7 neutral      4 opposition      7 Government

Of all the submissions received, 9 submissions were from the City of South Perth residents/landowners

The Canning Bridge Structure Plan was advertised through:

- an advertorial in local paper,
- press releases,
- email to those who have been involved previously,
- letters to all landowners and occupiers (residents and businesses) in the study area,

- Facebook, and
- notices in Libraries and the Civic Centre.

An information day was also held on Saturday 8 October 2014 at the Canning Bridge Library Lounge and Courtyard. This consisted of rolling power points, static displays of maps and stations where members of the working group and other experts were available to answer questions. This was well attended by over 100 people.

The main issues that were raised in submissions and the response to these issues is summarised in the final report on submissions. (**Attachment (c)**). Actual submissions are located in the Councillor's Lounge.

The key issues raised include:

- Increase development allowances

11 submissions suggested that the proposed development allowances in the Canning Bridge Structure Plan (CBSP) should be increased in various quarters throughout the structure plan. (some of these included a reduction in minimum site area provisions which limit height in certain locations based on site area.) Other submissions requested the zoning areas be extended.

Given that there was not an overwhelming support for the proposed increases it is considered at this time that such changes would require re-engagement with the affected areas. This re-engagement would significantly delay the overall CBSP progress.

- Reducing side setbacks in Element 5: -

Minimum side setbacks of 5m per lot (i.e. 10m at the boundary of two lots) have been queried through submissions, given that towers only require a minimum of 8m separation. It is suggested that this may reduce development capability on narrower lots.

Given that an 8m setback, tower to tower, is allowable, and that 8m is a reasonable setback between developments, it is recommended that this provision be relaxed/amended in the final CBSP.

- Relaxation of minimum landscaping requirement (Element 10)

The CBSP included a requirement to achieve a ratio of 1:1, or 100%, or the site area to be landscaped, where landscaping can include features both green/vegetated and hard (i.e. seating and communal spaces).. Submissions have suggested that the 100% requirement is onerous and may simply result in a number of sub-standard spaces. Vertical walls being included in the calculation is also not well understood and will need to be clearly articulated in the Interpretations of the CBSP.

Whilst it is the intention of the CBSP to create vertical, urban public spaces and plazas given the physical constraints of the area, it is acknowledged that 100% is a significant target to achieve. Examples of similar ratios are rare. For this reason it is recommended that this provision be amended in the final CBSP to require 75%



- Relaxation of sustainability requirement (Element 11 and 21)

The CBSP has intentionally set the bar high. Sustainability in the precinct is measured both for individual development and on innovation in sustainable energy and water initiatives. Upholding the principle of pursuing global best practice is critical to achieve change.

In recognition that the Green Star tool may, in fact, have some provisions which have a counter-productive outcome from a sustainability perspective, it is not recommended that any relaxation of the various star rating levels be included in the final CBSP, however, it is recommended that the provision allow for the application of an equivalent or improved rating system.

- Relaxation of parking requirements (Element 18)

The CBSP has placed a significant restriction on the provision of car parking, providing both a minimum and maximum requirement. Submissions suggest that the maximum requirement may result in apartments entirely without car bays and that this is not achievable in the current development environment. Submissions have suggested a maximum of 2 bays per dwelling.

The CBSP has intentionally set the bar high (or low in this case) to encourage increased public transport use and also to encourage residents to make better use of their local neighbourhood. This will have a flow on effect to the neighbourhood commercial and entertainment sector and see the development of the CBSP area as a vibrant hub sooner. 2 bays per unit is thus considered excessive where public transport is so freely available.

It is therefore recommended that this provision be relaxed/amended in the final CBSP to allow a minimum and maximum number of bays per dwelling size (rather than maximum percentage over and above the minimum), where the maximum number of bays is 1 bay per single bedroom dwellings, 1.5 bays for 2/3 bedroom dwellings and 2 bays for 4 bedroom dwellings or greater.

#### Conclusion

The Canning Bridge Activity Centre Structure Plan provides a framework for the implementation of the Canning Bridge Precinct Vision. The extensive engagement with the community has seen many issues resolved and the inclusion of many measures in the design guidelines and the structure plan to ensure the area is developed to the highest standards. The plan will give the opportunities for an increase in housing, commercial and civic opportunities in the structure plan area to assist the Cities of South Perth and Melville to meet the requirements of Directions 2031 and beyond.

The existing provisions of TPS6 will continue to be operative until scheme amendment No.47 is gazetted. However, upon endorsement by Council any development proposals must also have regard to the Canning Bridge Structure Plan. Council or JDAP where JDAP is the determining authority will then have due regard to the design guidelines in Section 7 of the structure plan when making decisions on development applications within the Canning Bridge Structure Plan area. Under the current scheme there is no discretion permitted on land use or building height.. There is no discretion permitted on building height. The deemed provisions proposed in the new Planning and Development (Town Planning Schemes) Regulations 2014 will automatically allow Structure Plans to form a part of the Scheme from July 1 2015.

**Policy and Legislative Implications**

The provisions, standards and requirements specified under Part One of the structure plan will become a planning policy on endorsement by the City. Town Planning Scheme No.6 provisions will take precedence over the structure plan until such time as scheme amendment No. 47 is gazetted.

**Financial Implications**

There are no financial implications at this stage of the project. The Structure Plan provides for the City to consider upgrading of streetscapes, footpaths and cycling network in and around the centre in future years and identifies funding options including developer contribution scheme and rating schemes. Investment in activity centres is likely to stimulate new private development.

Preliminary investigations into options to fund new community facilities and infrastructure in the Precinct indicate that developer contributions schemes may not be well suited. Developer contribution schemes establish administrative requirements for developers to fund new facilities determined to be required as a result of demands associated with new development. As an existing area, the Canning Bridge Precinct is well provided with facilities and the need for new facilities specifically required in response to new development is difficult to define. Desired facilities may be funded through consideration of alternative and less complex mechanisms such as:

- community benefits negotiated through the development application process; and
- rating mechanisms such as introduction of a "Specified Area Rate"

**Sustainability Implications**

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

**Attachments**

- 10.0.1 (a):** Canning Bridge Structure Plan
- 10.0.1 (b):** Map of Quarters
- 10.0.1 (c):** Report on Submissions



## 10.1 STRATEGIC DIRECTION 1: COMMUNITY

Mayor S Doherty declared an interest in *Agenda Item 10.1.1 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth*, disclosing that she is an honorary member of the Royal Perth Golf Club. Mayor Doherty sought Council agreement to remain in the Chamber, consider this matter on its merits and vote accordingly.

Councillor C Irons declared an interest in *Agenda Item 10.1.1 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth*, disclosing that she is a member of the Royal Perth Golf Club. Cr Irons sought Council agreement to remain in the Chamber, consider this matter on its merits and vote accordingly.

Mr C Frewing declared an interest in *Agenda Item 10.1.1 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth*, disclosing that he is an honorary member of the Royal Perth Golf Club.

### 10.1.1 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth.

Location: Lot 1 Labouchere Road  
Ward: Mill Point Ward  
Applicant: Brad Dawson (General Manager) - Royal Perth Golf Course  
File Ref: D-15-33731  
Date: 26 May 2015  
Author: Trinh Nguyen, Planning Officer  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Trinh Nguyen, Planning Officer  
Strategic Direction: Community -- Create opportunities for an inclusive, connected, active and safe community  
Council Strategy: 1.1 Develop and facilitate services and programs in order to meet changing community needs and priorities.

#### Summary

To consider an application for planning approval for a proposed 24 metre high and 160 metre long safety screen fence to the Royal Perth Golf Course on Lot 1 Labouchere Road, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Fences	TPS6 Clause 6.7

Council does not have delegation from the Western Australian Planning Commission (WAPC) to determine this planning application. As the proposal is located within the Metropolitan Scheme Reserve, Council provides a recommendation to the WAPC for determination.

This matter was initially considered at the February 2015 Council Meeting. The Council resolved as follows:

*“That:*

- a) the Officer’s Recommendation not be adopted and;*
- b) consideration of approval for this item be deferred pending:*
  - i) wider consultation than presently undertaken; and*
  - ii) legal advice be obtained with respect to liability should council choose to refuse the application.”*

This resolution has been enacted and this report is for consideration of the Council.

**Officer Recommendation AND COUNCIL DECISION****Moved:** Councillor K Trent**Seconded:** Councillor M Huston

That

- a) pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* (TPS6) and the *Metropolitan Region Scheme*, Council recommends to the Western Australian Planning Commission that this application for planning approval for a 24 metre high and 160 metre long safety screen fence to Lot 1 Labouchere Road, South Perth (Royal Perth Golf Course) be approved subject to:

**(a) Standard Conditions**

470 retaining walls – if required 660 expiry of approval

**(b) Specific Conditions**

- (i) The approved drawings show that the proposed fence will interfere with existing City trees. The City requires:
- (a) All costs involved in removing the City's trees, to install the fence are to be borne by the Royal Perth Golf Club.
  - (b) All care to be taken to minimise damage to remaining trees.
  - (c) Replacements trees to be planted to replace removed trees.
  - (d) City land must be left in a satisfactory condition.

**(c) Standard Advice Notes**

700A building licence required

**(d) Specific Advice Notes**

- (i) It is the applicant's responsibility to liaise with the City Environment Department to ensure compliance with Condition No. 1 to the satisfaction of the City.

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

- b) the City advise the Royal Perth Golf Club that it is not prepared to fund 50% of the cost to erect the proposed 24 metre high safety fence.

**CARRIED (8/0)****1. Background**

<b>Zoning</b>	None
<b>Density coding</b>	None
<b>Reservation</b>	Parks and Recreation (MRS)
<b>Lot area</b>	336,444 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development Potential</b>	Development which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.
<b>Plot ratio limit</b>	None

The location of the development site is shown below:



2. 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:

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

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

**6. Amenity impact**

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

**Comment**

**(a) Background**

In September 2014, the City received an application for a proposed 24 metre high and 160 metre long safety screen fence on Lot 1 Labouchere Road, South Perth (Royal Perth Golf Course) (the **Site**).

The details of the proposal and planning assessment are discussed in depth in the previous report considered by Council in February 2015, **Attachment (a)**. This report discusses the outcome of further consultation and legal advice obtained as per the resolution contained in **Attachment (a)**.

**(b) Consultation**

An advertisement was published on the Southern Gazette on the 10<sup>th</sup> March 2015 for a total period of 21 days. Additionally, this application was advertised on the City's website for a total period of 21 days. There were no enquiries or comments during this time about the proposal.

**(c) Legal Advice**

With respect to the initial report to Council regarding this matter, Council requested the matter be deferred so that legal advice be sought with respect to liability should Council choose to refuse the application.

The City's Governance Department consulted with the City's Public Liability Insurer with regard to the City's position and liability. The advice received is as follows:

*"Generally speaking if someone is hit by a golf ball, the view is that liability rests with the person who struck the ball. This is supported by legal precedent, Ollier v Magnetic Island Country Club Inc & Shanahan (2003) Queensland Supreme Court 263 (15 August 2003)*

*In circumstances such as this, where you have a lease agreement with the club and a notification of a possible risk, then my view is that risk would remain with the person who strikes the ball and club as the link to the City is a weak one in terms of a legal liability. On that, it is generally accepted that there is risk of golf balls leaving a course and that general knowledge of something does not lead to you being liable for any eventuality that could or may occur."*

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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (h) *Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;*
- (k) *Recognise and preserve areas, buildings and Sites of heritage value; and*
- (l) *Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

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

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

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

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

- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *any other Council Policy of the Commission or any planning Council Policy adopted by the Government of the State of Western Australia;*
- (f) *any planning Council Policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (g) *in the case of land reserved under the Scheme, the purpose of the reserve;*
- (h) *the preservation of any object or place of heritage significance that has been entered in the Register within the meaning of the Heritage of Western Australia Act, 1990 (as amended), or which is included in the Heritage List under clause 6.11, and the effect of the proposal on the character or appearance of that object or place;*
- (i) *the preservation of the amenity of the locality;*
- (j) *all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;*
- (n) *the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;*
- (o) *the cultural significance of any place or area affected by the development;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (q) *the topographic nature or geographic location of the land;*
- (r) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (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.

### **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**

The Presidents of Royal Perth Golf Club, South Perth Cricket Club and Wesley South Perth Hockey Club have all requested financial assistance from the City for the proposal.

The total proposed cost is estimated at \$428,160. The Royal Perth Golf Club has indicated it is willing to fund 50% of the installation cost, and the three presidents will jointly apply to the City of South Perth to assist by contributing the balance of 50%.

In response, the City does not consider it should contribute to an issue that has been created as a result of actions by the Royal Perth Golf Club. This is not considered a financial priority by the City and therefore funding is not included in the draft 2015/16 budget.

**10.1.1 Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth.**

**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**

The proposed removal of the on-site and City trees does have some short term sustainability implications however this is offset as officers recommend replacement trees be planted for the removed trees. Additionally, the proposal is seen to enhance social sustainability by mitigating the risk of injury to people.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions. Accordingly, it is considered that the application should be recommended for approval subject to conditions as per the previous report.

**Attachments**

**10.1.1 (a):** Minutes of February Council Meeting 2015



Mayor S Doherty declared an Impartiality Interest in *Agenda Item 10.1.2 Community Advisory Groups and Committees*, declaring that she is a member of the community Safety and Crime Prevention Group, the Aboriginal Advisory Group and the Inclusive Community Advisory Group. Mayor Doherty sought Council agreement to remain in the Chamber, consider this matter on its merits and vote accordingly.

Councillor S Hawkins-Zeeb declared an Impartiality Interest in *Agenda Item 10.1.2 Community Advisory Groups and Committees*, declaring that she is a member of the Aboriginal Advisory Group. Cr Hawkins-Zeeb sought Council agreement to remain in the Chamber, consider this matter on its merits and vote accordingly.

### **10.1.2 Community Advisory Groups and Committees**

Location:	South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-15-33735
Date:	26 May 2015
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer Phil McQue, Manager Governance and Administration
Strategic Direction:	Community -- Create opportunities for an inclusive, connected, active and safe community
Council Strategy:	1.5 Develop effective processes to listen, engage and communicate with the community.

#### **Summary**

This report provides an update on the Council's Community Advisory Groups and Committees.

#### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor C Cala  
**Seconded:** Councillor V Lawrance

That the Council note the report on the its Community Advisory Groups and Committees.

**CARRIED (8/0)**

#### **Background**

The Council recognises the important role Community Advisory Groups and Committees play in providing advice to the City and the contribution that community members make in the decision-making processes of the City. Policy authorises the Chief Executive Officer to formalise the arrangements for establishing new and reviewing existing advisory groups, including appointment of members.

#### **Comment**

The following status update is provided on the City's Community Advisory Groups and Committees:

##### Sir James Mitchell Park Community Advisory Group (SJMPAG)

This group was established in June 2000 to oversee the implementation of the Sir James Mitchell Park Management Plan, jointly developed with the Swan River Trust. The group has six representatives – three in close proximity to the Park and three from elsewhere in the City. Representatives are selected on merit following a public advertising process, when a member resigns.

The SJMPAG only met once during 2014/2015 financial year as their contribution to the South Perth Foreshore Strategy and Management Plan was completed and the Plan was pending adoption by the City, Swan River Trust and Minister for the Environment.

With the Plan now executed by the Minister for Environment, the City will shortly commence a review of the structure of the SJMPAG as outlined in the Plan.

Community Sustainability Advisory Group (CSAG)

The CSAG was established in 1999 with a maximum of eight community representatives, to provide advice to the City's Sustainability Strategy and objectives.

Membership is for a two year period, with their most recent term expiring in December 2014. The CSAG was placed on hold pending local government reform and the proposed amalgamation with the Town of Victoria Park.

With the reform program now concluded, the CSAG will be re-established with an expression of interest to be placed inviting residents to apply for membership.

Community Safety and Crime Prevention Group (CSCPG)

The CSCPG comprises relevant Councillors and City staff as well as representatives from Kensington Police, South East Metro Police Community Engagement Department, Department of Housing, Curtin University, relevant Community and business Associations and John McGrath MLA.

CSCPG meets three times a year, with meetings discussing community safety issues and the newly adopted Community Safety Plan.

This committee has not been as effective in recent times as it has been due to regular lack of attendance from some of the key members and its role and purpose is in need of review.

Aboriginal Reference Group (ARG)

The ARG comprises the Councillors and City staff as well as up to six representatives from the Aboriginal / Torres Strait Island community and up to four general community representatives. ARG's vision is to facilitate networks and communication between Aboriginal and non-Aboriginal people in the City of South Perth, foster respect and understanding for the Nyungar people and provide support for one another.

ARG meets bimonthly, with meetings based on the City's Aboriginal Engagement Strategy and also assisting with NAIDOC week events.

ARG priorities for 2015/16 include:

- Encourage the use of Aboriginal design/art/names in new buildings and upgrading within the City of South Perth.
- Include Noongar/Bibbulmun history on the history page of the City's website.
- Seek to provide places for ceremonial purposes that reflect and support cultural connections to land.
- Introduce key City staff to the Aboriginal Reference Group. Strengthening communication between City departments and the reference group.
- Encourage the installation of Noongar language signs on areas of importance and significance including parks and reserves.
- Promote positive local Aboriginal stories in the local paper and City publications.



Inclusive Community Advisory Group (ICAG)

ICAG meets bi-monthly and includes representation from Councillors and City staff, Disability Service Commission, Local Area Coordinator and community representation.

ICAG provides advice on the strategy and implementation of the City's Disability Access and Inclusion Plan, with ICAG assisting Disability Awareness Week and also providing a forum on access and inclusion issues within the City.

South Perth Youth Network (SPYN)

SPYN has been in operation since 1990 and currently has eleven members ranging from twelve to eighteen years of age. SPYN contribute to organising community events and activities. SPYN's recent achievements include:

- Australia Day Celebration Zone – Sport & Challenge Zone volunteers
- Different, Not Weird Careers Expo for National Youth Week - volunteers
- Ribbon Wrap Art Installation for Fiesta - volunteers
- Young Writers Awards – volunteers
- Bingo Baking for Manning & South Perth Senior Citizen Centres
- Manning Senior Citizen Centre Xergaming with members
- South Perth Library's Book Week – volunteers
- Spring Clean Out for Southcare – SPYN Initiative
- Lion's Carols at Sunset - volunteers
- Secrets & Dragons Club End of Year Party - volunteers
- Fiesta – Volunteers for Angelo Street Marketplace, Totem Tuesdays & Manning Mayhem
- Manning Hub Place Making – Volunteers
- National Youth Week – Volunteers for Ultimate Hang Library Edition, Ultimate Hang Skate Park Edition & Different, Not Weird Careers Expo

Design Advisory Committee (DAC)

The City's Design Advisory Consultants group (DAC) are not considered to be a Community Advisory Group. The DAC are a specialised group of consultants that are paid to provide professional and technical advice to City Planning Officers in relation to the design of buildings and other related matters.

**Consultation**

This report has been prepared in consultation with City officers who are responsible for the management of Advisory Groups and Committees.

**Policy and Legislative Implications**

Advisory Groups and Committees established referred to in this report are to be distinguished from Committees established under the *Local Government Act 1995*.

**Financial Implications**

The operation and management of Advisory Groups and Committees are considered negligible and provided for within relevant Business Unit budgets.

**Sustainability Implications**

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

**Attachments**

Nil

## **10.2 STRATEGIC DIRECTION 2: ENVIRONMENT**

Nil

## 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

### 10.3.1 Proposed Single House (Three-Storeys) – Lot 254 (No. 10) River Way, Salter Point.

Location:	Salter Point
Ward:	Manning Ward
Applicant:	Birch Group
File Ref:	D-15-33736
Date:	26 May 2015
Author:	Mina Thomas, Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services Mina Thomas, Planning Officer
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

To consider an application for planning approval for a Single House (Three-Storeys) on Lot 254 No.10 River Way, Salter Point.

Council is being asked to consider and determine the application as delegation does not extend to approving applications in this area situated within Precinct 12- Salter Point, in accordance with the City's Strategic Direction 6 "Delegation from Council DC690 Town Planning Scheme No. 6."

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

Element on which discretion is sought	Source of discretionary power
Building setbacks	R-Codes Design Principles 5.1.3 P3.1
Garage width	R-Codes Design Principles 5.2.2 P2
Driveway gradient	Council Policy P350.3 'Car Parking Access, Siting and Design'

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor C Cala

**Seconded:** Councillor C Irons

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Single House (Three Storey) on Lot 254 No.10 River Way **be approved** subject to:

#### (a) Standard Conditions

390	crossover- standards	470	retaining walls- if required
358	crossover- gradient (letter required)	471	retaining walls- timing
410	crossover- affects infrastructure	455	dividing fences- standards
340B	parapet walls- finish from neigh.	456	dividing fences- timing
427	colours & materials- details	550	plumbing hidden
510	private tree	445	stormwater infrastructure
		660	expiry of approval

**(b) Standard Advice Notes**

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

**(c) Specific Advice Notes**

The applicant is advised that:

- (i) The applicant / owner are advised of the need to comply with the City's Engineering Infrastructure department requirements. Please find enclosed the memorandum dated 12 March 2015 to this effect.
- (ii) The applicant / owner are advised of the need to comply with the Swan River Trust requirements. Please find enclosed the memorandum dated 26 February 2015 to this effect.

**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)**

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R 20
<b>Lot area</b>	524 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Permissible land uses, as listed in Table I of TPS6
<b>Plot ratio limit</b>	Not applicable to single dwelling

The location of the development site is shown below:



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

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

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

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

**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**

On 5<sup>th</sup> December 2014, the City received an application for a Single House in a three storey building on a vacant parcel of land at Lot 254 No.10 River Way, Salter Point (the 'Subject Site'). On 13 March 2015, the assessing officer and applicant met to discuss the proposed development and further information was requested to the applicant. Revised drawings were received from the applicant on 20 March 2015.

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

The Site has a frontage to River Way to the north. This section of the street is characterised by single houses. **Figure 1** below depicts the subject site and surrounds:



**(c) Description of the Proposal**

The proposal involves the construction of a 'Single House' (Three-Storey) on the subject site, as depicted in the submitted plans referred to as **Confidential Attachment (a)**.

The proposal generally complies with the *City of South Perth Town Planning Scheme No. 6 (TPS6)*, the R-Codes and relevant Council policies.

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

- Land use – “Single House” is a “P” or “Permitted” land use on the subject site zoned “Residential” (Table 1 of TPS6).
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 6.2.4 to 6.2.6, and Council Policy P350.7 “Fencing and Retaining Walls”).
- Dimensions of car parking bays and access ways (TPS6 Clause 6.3(8) and Schedule 5).
- Open space (R-Codes Clause 6.4.1).
- Solar access for adjoining sites (R-Codes Clause 6.9.1).
- Significant views (Council Policy P350.9 “Significant Views”).
- Building height limit (TPS6 Clause 6.1A).
- Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 “Car Parking Access, Siting and Design”).
- Maximum ground and floor levels (TPS6 Clause 6.10).
- Visual privacy (R-Codes Clause 6.8.1).

The following planning matters, which are considered acceptable, but require further discussion, are discussed below:

- Side setbacks (R-Codes Clause 6.3.1 and Table 2a/2b).
- Garage width (R-Codes 5.2.2)
- Driveway gradient (Council Policy P350.3 ‘Car Parking Access, Siting and Design’)

**(d) Boundary Setbacks**

The proposed wall setbacks generally comply, however the following walls were seen to be non-compliant with the Deemed to Comply section of the R-Codes, but did meet the Performance Criteria requirements therefore considered acceptable.

- Lower Floor Retaining Wall (Western side);
- Lower Floor Retaining Wall (Eastern side);
- Ground Floor Living/ Outdoor/ Dining Room Wall (Western side).

**Lower Floor Retaining Wall (Western side):**

The lower floor retaining wall is setback 1.2 metres from the boundary in lieu of 1.5 metres and therefore the proposed wall does not comply with the setbacks in accordance with Tables 2a/2b of the R-Codes.

As the setbacks did not comply with the Acceptable Development Standards, this part of the application was assessed under the Performance Criteria 5.1.3 P3.1 which is summarised below and seen to comply with all the requirements of this criteria:

**Performance Criteria 5.1.3 P3.1:**

- Reduce impacts of building bulk on adjoining properties;
- Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

Assessment of the proposal against the performance criteria reveals the following:

- The adjoining lot is currently undeveloped and no neighbour’s comments were received regarding this setback variation.



- The proposed 0.6m high retaining wall will result in a negligible impact on the adjoining lot due to a 1.8m fence situated between the two lots.
- There will be no impact on direct sun and ventilation for the adjoining property nor will there be any overlooking or loss of privacy.

In this instance, it is considered that the proposal complies with the Performance Criteria, and is therefore supported by the City.

Lower Floor Retaining Wall (Eastern side):

The proposed retaining wall is setback 1.2 metres from the boundary in lieu of 1.5 metres and therefore does not comply with Tables 2a/2b of the R-Codes.

The applicant has however satisfied all of the Performance Criteria 5.1.3 P3.1 of the R-Codes (listed above). Assessment of the proposal against those criteria reveals the following:

- The retaining wall will have a negligible impact on the adjoining lot.
- The adjoining neighbour did not provide negative comments regarding the variation.
- The proposed 0.6m high retaining wall will result in a negligible impact on the adjoining lot due to a 1.8m fence situated between the two lots.
- There will be no impact on direct sun and ventilation for the adjoining property nor will there be any overlooking or loss of privacy.

In this instance, it is considered that the proposal complies with the Performance Criteria, and is therefore supported by the City.

Ground Floor Living/ Outdoor/ Dining Room Wall (Western side).

This wall is setback 1.2 metres from the boundary in lieu of 1.5 metres and therefore the proposed wall does not comply with Tables 2a/2b of the R-Codes.

The applicant has however satisfied all of the Performance Criteria 5.1.3 P3.1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The adjoining lot is currently undeveloped and no neighbour's comments were received regarding this setback variation.
- The proposed wall has no major openings and therefore no privacy implications on the adjoining lot.
- The setback variation will not impact on the adjoining lot in terms of reduced privacy/ overshadowing/ or building bulk.

In this instance, it is considered that the proposal complies with the Performance Criteria, and is therefore supported by the City.

**(e) Driveway gradient**

Clause 6.10(2) of TPS No. 6 states that the floor level of car parking structures shall be 'calculated to achieve a driveway gradient generally not exceeding 1:12 within 3.6 metres of the street alignment and 1:8 for the remainder of the driveway'.

The proposed drawings indicate that the internal driveway gradient is anticipated to be 1:6.5. This however can be supported with certification from an engineer experienced in the design of vehicles access ways and an acknowledgement from the owner absolving the City of liability from any issues that may arise through the non- standard gradients. Standard condition

358 has been included to require this correspondence prior to the issue of a Building Permit.

**(f) Garage Width**

The R-Codes state that where a garage is located in front or within one metre of the building, the garage door and its supporting structures facing the primary street are not to occupy more than 50 per cent of the frontage at the line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.

The proposed garage and its supporting structures at 10 River Way, Salter Point currently occupies 64% of the lot frontage which make it non-compliant with the Deemed to Comply requirements of the R-Codes.

The design principles offer more leeway to the garage width as it is stated under Clause 5.2.2 P2 of the R-Codes that 'visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors.'

As the garage is partially below street level, the garage is seen as a non-dominant feature of the lot from the street, which improves visual connectivity between the dwelling and the streetscape. The upper storey is more dominant than the garage and this is therefore considered acceptable under the design principles section of the R-Codes as evidenced in the figure below.



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

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

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*



- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *any other Council Policy of the Commission or any planning Council Policy adopted by the Government of the State of Western Australia;*
- (f) *any planning Council Policy, strategy or plan adopted by 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;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development Site;*
- (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;*
- (q) *the topographic nature or geographic location of the land;*
- (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;*
- (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 Advisory Consultants observed that the proposal was an appropriate and good building design for this location and were in favour of the 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 area 1' consultation method, individual property owners and occupiers at Nos. 11 and 10b River Way, Salter Point were invited to inspect the plans and to submit comments during a 14-day period. Owners of 59 and 60 River Way (adjacent the development) were also invited to comment on the proposal; however did not have any objections.

In addition, 'Information Only' notices were sent to the owners of 9 River Way, Salter Point.

During the advertising period, a total of four consultation notices were sent and one written submission was received. The comments of the submitter, together with officer response are summarised below.

Submitters' Comments	Officer's Responses
Objection to the location of the proposed boundary wall due to the height.	The height of the boundary wall was assessed to not be compliant with Council Policy P350.2 'Residential Boundary Walls' as the visual impact of the bulk of the 3.2m high wall was seen to have a negative impact on the owners of 11 River Way. The applicant amended the wall to achieve an average height of 2.7m in lieu of 3.2m to ameliorate impact. The Owners of 11 River Way were shown the amended plans and withdrew their objections. The comment is <b>NOTED</b> .
Our existing residence and entertainment levels are well below street level resulting in a large loss of amenity if proposed residence walls are placed on the boundary.	
Request that the new development have no boundary wall adjoining our property, and that an appropriate set-back be determined by the Council	
The Outdoor Living Room (river end) will restrict views and amenity from our residence. We ask the applicant reduce the internal ceiling height to 3m maximum in lieu of the proposed 4.4m shown on the plans to lessen the impact of the structure.	The building height of the Outdoor Living Room was assessed to comply with section 6.1A of the TPS and therefore the comment is <b>NOT UPHELD</b> .
The roofing material over this area should also be non-reflective to avoid sun/ glare and there should be adequate privacy screening to our pool entertainment area.	Council has requested a material and colour schedule of the proposal to be presented before a building permit is issued. The outdoor living room is adequately screened to limit views into neighbouring properties on either

	side. The comment is <b>NOTED</b> .
The proposed development shows the location of their new outdoor living room well forward of all surrounding houses. Can the Council please review this and determine if the Applicant can be asked to increase their front setback (i.e. from the river) more in keeping with surrounding properties.	The proposal was referred to the Swan River Trust for comments which included encroachment onto sensitive area. The SRT did not raise any concerns regarding the location of the outdoor living room. The comment is <b>NOT UPHELD</b>
All new fencing along the left side of the development site needs to be properly located on the correct boundary survey line (the existing fence is in part old and needs to be replaced). Our garage is set back from the boundary and so a new fence will also need to run in front of the garage wall.	Condition 455 will be placed on the Planning Approval to ensure fencing is aligned in the correct place.  The comment is <b>NOTED</b>

**(c) Internal Administration**

Comments were invited from engineering infrastructure of the City's administration.

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to stormwater and driveway gradient. A copy of the memo from Engineering Infrastructure is included in **Attachment (b)**.

Engineering Infrastructure is generally supportive of the proposal subject to the applicant satisfactorily address issues relating to driveway gradient. This matter is discussed in detail above.

Standard planning conditions have been recommended to address the comments from Engineering Infrastructure.

**(d) External Agencies**

Comments were also invited from the Swan River Trust.

The Swan River Trust provided comments with respect the potential effect of the development upon the Swan River. This agency raises no objections and recommends standard notes be placed on the approval.

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

**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.

**10.3.1 Proposed Single House (Three-Storeys) – Lot 254 (No. 10) River Way, Salter Point.**

**Strategic Implications**

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

***Accommodate the needs of a diverse and growing population.***

**Sustainability Implications**

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

**Conclusion**

While Council’s discretion is being sought with regards to the matters outlined in the body of the report, it is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions and will not have a detrimental impact on the adjoining residential neighbours or streetscape. It is therefore recommended that the proposal be conditionally approved.

**Attachments**

**10.3.1 (a):** Plans of Proposal

**10.3.1 (b):** Engineering Comments

### 10.3.2 Proposed Two Storey Single House. Lot 239 No. 11 Unwin Crescent, Salter Point.

Location: Salter Point  
 Ward: Manning Ward  
 Applicant: Artique Building Pty Ltd T/A Artique Homes  
 File Ref: D-15-33737  
 Date: 26 May 2015  
 Author: Trinh Nguyen, 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 two storey single house on Lot 239 No. 11 Unwin Crescent, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Visual privacy	R-Codes element 5.4.1 PI
Boundary walls	Council Policy P350.2 clause 5

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor C Cala  
**Seconded:** Councillor C Irons

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a two storey single house on Lot 239 No. 11 Unwin Crescent, Salter Point **be approved** subject to:

##### (a) Standard Conditions

210 screening- permanent	470 retaining walls- if required
377 screening- clothes drying	471 retaining walls- timing
390 crossover- standards	455 dividing fences- standards
410 crossover- affects infrastructure	456 dividing fences- timing
393 verge & kerbing works	340B parapet wall- finish from neighbour
625 sightlines for drivers	550 plumbing hidden
660 expiry of approval	445 stormwater infrastructure

##### (b) Standard Advice Notes

700A building permit required	725 fences note- comply with that Act
795B appeal rights- council decision	790 minor variations- seek approval

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

**CARRIED EN BLOC (8/0)**

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	1062 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	2 dwellings
<b>Plot ratio limit</b>	Not applicable

The location of the development site is shown below:



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

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

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

- (a) *Applications in areas situated within Precinct 13 - Salter Point which:*
  - (i) *have been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres; and*
  - (ii) *will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.1A(9) of the Scheme;*
- (b) *Applications on lots with a building height limit of 7.0 metres; having a boundary to River Way; and where the proposed building height exceeds 3.0 metres;*
- (c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies; and*
- (d) *Applications involving the exercise of discretion under Clauses 6.2A or 6.11 of the Scheme.*



**Comment****(a) Background**

In March 2015, the City received an application for a two storey single house on Lot 239 (No. 11) Unwin Crescent, Salter Point (the **Site**).

Following completion of the neighbour consultation and officer assessment of the proposal, a compilation of matters to be resolved was issued to the applicant to address via amended plans or appropriate justification. The drawings referred to in **Confidential Attachment (a)** were received on 15 April 2015 and forms the basis of this recommendation.

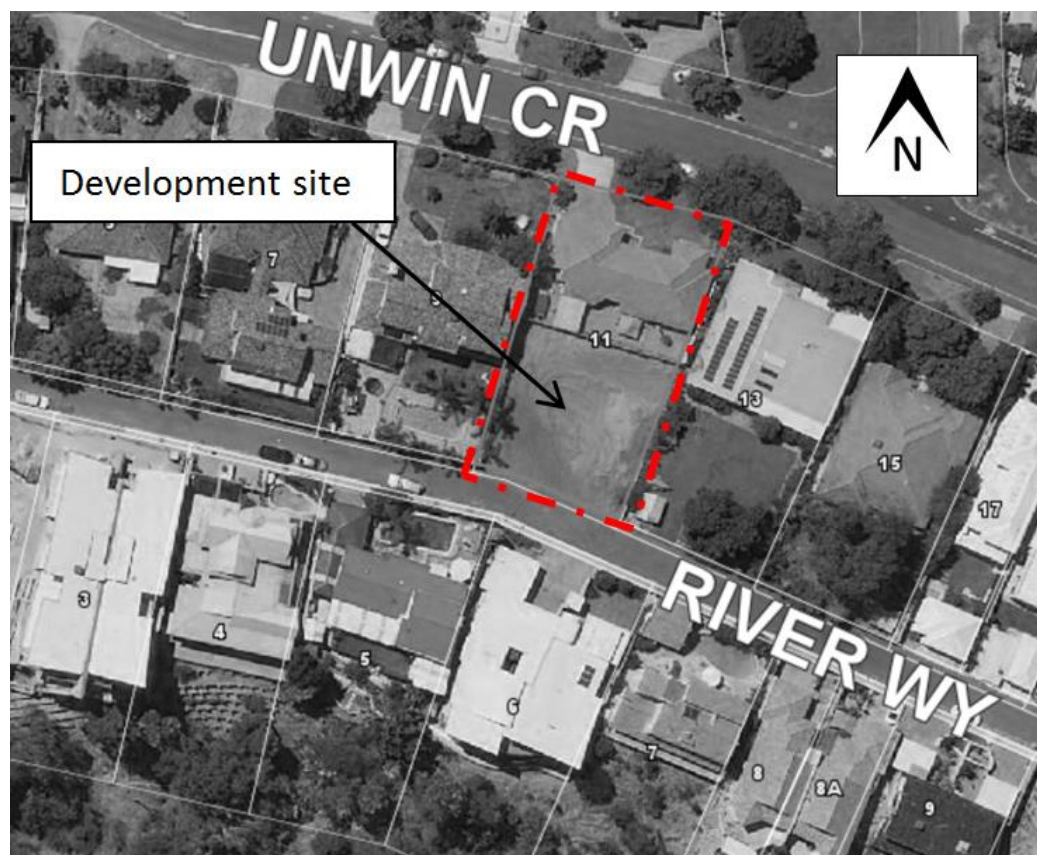
**(b) Existing Development on the Subject Site**

The site has a frontage to Unwin Crescent to the north. The Western Australian Planning Commission (WAPC) approved a subdivision application for the site in December 2014, retaining the existing single storey house facing Unwin Crescent and creating a lot at the rear fronting River Way. This rear lot is the subject of this development application.

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

The site has a frontage to Unwin Crescent. The newly created rear lot has a frontage to River Way to the south. The focus area is characterised by large single residential houses on relatively large lots.

**Figure 1** below illustrated the subject side in the context of its immediate surroundings:





show the relationship of the Site with the surrounding built environment at **Attachment (b)**.

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

- Building height (TPS6 Clause 6.1A);
- Maximum levels (TPS6 Clause 6.10);
- Minimum Ground and Floor Levels (TPS6 Clause 6.9)
- Primary street setbacks (R-Codes Clause 5.1.2 and Table 1);
- Garage setbacks (R-Codes Clause 5.2.1 and Council Policy P350.3 “Car Parking Access, Siting and Design”);
- Street surveillance and fences (TPS6 Clause 6.7, R-Codes Clauses 5.2.3 to 5.2.5, and Council Policy P350.7 “Fencing and Retaining Walls”);
- Building design (R-Codes 5.4 and Council Policy P302 “General Design Guidelines for Residential Development”);
- Vehicular access (R-Codes Clause 6.5.4 and Council Policy P350.3 “Car Parking Access, Siting and Design”);
- Dimensions of car parking bays and accessways (TPS6 Clause 6.3(8) and Schedule 5);
- Side and rear setbacks (R-Codes Clause 5.1.3 and Table 2a/2b);
- Open Space (R-Codes Clause 5.1.4);
- Outdoor living areas (R-Codes Clause 5.3.1); and
- Solar access for adjoining sites (R-Codes Clause 5.4.2).

Officers consider that the proposal complies with the relevant elements of the Scheme, R-Codes and relevant Council policy. There are some site specific considerations, with other significant matters, which require further discussion in this report. These matters include:

- Significant views (Council Policy P350.9 “Significant Views”);
- Visual privacy (R-Codes Clause 5.4.1 and Council Policy P350.8 “Visual Privacy”);
- Boundary walls (Clause 5 of Council Policy P350.2 “Residential Boundary Walls”);
- Council Policy P306 “Development of Properties abutting River Way”

**(e) Significant views**

Council Planning Council Policy P350.9 “Significant Views” at times requires the consideration of the loss of significant views from neighbouring properties.

The applicant advises as follows:

*“I have visited the street, and it can be determined that the proposed residence will have no adverse effect and/or amenity on any adjoining owners/properties to any ‘significant views’, and further we note that the owners of the proposed property currently own and reside in the existing home to the Unwin Crescent portion of the property.”*

The City’s approach is to give balanced consideration to the reasonable expectations of both existing residents and applicants proposing new development. Considering the location of the site relative to the Canning River, it was considered appropriate to consult with the neighbours on either side at No. 9 and No. 13 Unwin Crescent.

There have been no written objections to the loss of views. Additionally, as the proposed development complies with the building height and setback provisions, the proposed the proposed development complies with Council Policy and Scheme provisions.

Given this, officers are satisfied that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed.

**(f) Visual privacy**

The applicant was requested to address either the deemed-to-comply requirements or design principles of the R-Codes (clause 5.4.1 'Visual Privacy') and Council Policy P350.8 'Visual Privacy', via a relevant justification of amended plans, with regard to the Upper Floor (Family) window setback less than 6.0 metres from the eastern boundary. The extent of the encroachment is noted on the applicant's upper floor plan in red (refer **Confidential Attachment (a)**).

The applicant has provided the following comments:

*"I have again visited the site and inspected the rear of adjoining property, being q #13 Unwin Crescent, to determine that the small portion of encroachment for the 6 metre Visual Truncation line from the proposed upper floor Family window, is in an area of close proximity to a rear shed and uninhabited garden area, well clear of any designated outdoor living areas, etc., therefore we consider the proposal to comply with the 'Design Principals' 5.4.1 Visual Privacy of the R Codes, clause P1.1 & P1.2. We indicate the existing shed position on the attached amended site plan in Highlighted in red." (refer **Confidential Attachment (a)**).*

The area overlooked from this window onto the neighbour's property at No. 13 Unwin Crescent is illustrated in the photos below.





It is noted that this area is visible from River Way. There is a covered patio area directly adjacent to the rear of the house, accessible from the family room, setback approximately 20 metres from River Way at No. 13 Unwin Crescent. The neighbour at No. 13 Unwin Crescent has indicated that they have no concerns regarding the extent of overlooking from the proposed upper floor window facing River Way as they have plans to redevelop in the future and this area will most likely be where the driveway would be.

In this instance, the Council is being asked to exercise discretion to approve this upper floor family room window facing River Way under the associated design principles of the R-Codes. Officers consider that this window can be supported under the associated design principles.

**(g) Boundary Wall - ground floor, west, Garage**

The City formally consulted with the affected neighbour at No. 9 Unwin Crescent with regards to the proposed boundary wall. The neighbour did not have any objections in this regard.

The proposed boundary wall is adjacent to a neighbouring outdoor living area. Where this is the case, Council Policy P350.2 restricts the height of the boundary wall to a maximum height of 2.7 metres. The proposed wall is 2.6 metres high hence it complies with this element of the Council Policy

In addition, the permitted setback for boundary walls is 6.0 metres, and the proposed wall setback is 9.7 metres from the front boundary. Therefore, the proposed development complies with this element of the Council Policy.

Finally, the wall has 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;
- No adverse impact on the outlook from the front of the adjoining dwelling or garden if forward of the proposed parapet wall;
- No adverse impact from overshadowing of adjoining habitable room windows or Outdoor Living Areas;
- No significantly adverse impact of bulk on adjoining Outdoor Living Areas; and
- No objections from the neighbour (also see section neighbour consultation).

The applicant has provided the following amenity assessment for officer consideration:

*“Clause P350.2 (a) The proposed boundary wall will not adversely affect the amenity of an adjoining property or the streetscape in relation to the following amenity factors being:*

*(i) streetscape character - as there are existing boundary walls within the streetscape vicinity of a similar nature, and the proposed wall is to be set back approx. 9.7 metres from the street/River Way which will lessen further any impact;*

*(ii) outlook from: (A) the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling - as the proposed boundary wall abuts a rear garden; (B) any habitable room window of an adjoining dwelling - as there are no adjoining property habitable windows in this vicinity.*

*(iii) visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot - as it abuts a grassed/lawn area, well clear of the adjoining property outdoor living area which is situated on the opposing side of the adjoining lot;*

*(iv) amount of overshadowing of a habitable room window, or an outdoor living area, on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the portion of the proposed dwelling which conforms to the R-Codes Acceptable Development setback will overshadow this window or outdoor living area to an equivalent or greater extent than would the proposed boundary wall, which is deemed to comply as per the attached shadow diagram, indicating no ‘adverse effect’ to the adjoining property. – There are no outdoor living areas and or habitable windows within this vicinity therefore the proposed wall is deemed to comply.*

In this instance, it is considered that the proposal complies with the Council Policy, and is therefore supported by the City.

**(h) Development of properties abutting River Way**

Council Policy P306 has specific design requirements for properties abutting River Way; hence it applies to this development. The proposed development is considered compliant with this policy in relation to the requirements for setbacks, visitor parking and fencing.

**(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:

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

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *any other Council Policy of the Commission or any planning Council Policy adopted by the Government of the State of Western Australia;*
- (f) *any planning Council Policy, strategy or plan adopted by 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;*
- (l) *the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development Site;*



- (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;*
- (o) *the cultural significance of any place or area affected by the development;*
- (p) *any social issues that have an effect on the amenity of the locality;*
- (q) *the topographic nature or geographic location of the land;*
- (r) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (s) *whether the proposed access and egress to and from the Site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the Site;*
- (t) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4; 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) 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 property owners at Nos 9 and 13 Unwin Crescent 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). Both owners were consulted in relation to the potential impact on their 'significant views'. Additionally, the property owner at No. 9 Unwin Crescent was consulted in relation to the proposed garage boundary wall (west).

Both owners the owners viewed the plans and submitted emails stating they did not have any formal objections in relation to this proposal.

### 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**

Officers observe that the proposed outdoor living areas have access to the winter sun as it moves from east to west. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

**Conclusion**

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

**Attachments**

**10.3.2 (a):** Development plans (*Confidential*)

**10.3.2 (b):** Site photographs



### 10.3.3 Proposed Additions/Alterations to Single House on Lot 16 (No. 33) River Way, Salter Point

Location: Salter Point  
Ward: Manning Ward  
Applicant: Roberto Santella Design  
File Ref: D-15-33738  
Date: 26 May 2015  
Author: Peter Ng, Planning Officer  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Peter Ng, Planning Officer  
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
Council Strategy: 3.3 Develop and promote contemporary sustainable buildings, land use and best practice environmental design standards.

#### Summary

To consider an application for planning approval for proposed additions/alterations to an existing Single House on Lot 16 (No. 33) River Way, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Lot boundary setback	R-Codes Design Principles 5.1.3 P3.1
Significant views	Policy P350.9 & TPS 6 Clause 6.1A (9)
Visual privacy	R-Codes element 5.4.1 PI

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor S Hawkins-Zeeb

**Seconded:** Councillor C Cala

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 additions/alterations to an existing Single House on Lot 16 (No. 33) River Way, Salter Point **be approved** subject to:

#### (a) Standard Conditions / Reasons

200	screening- amended plans required	470	retaining walls- if required
210	screening- permanent	471	retaining walls- timing
377	screening- clothes drying	455	dividing fences- standards
625	sightlines for drivers	456	dividing fences- timing
425	colours & materials- matching	550	plumbing hidden
660	expiry of approval	445	stormwater infrastructure

#### (b) Specific Conditions / Reasons

Revised drawings shall be submitted incorporating measures designed to prevent overlooking of the adjoining property from the Master suite by either:

- (i) Increasing the sill height to 1600mm above the floor level; OR
- (ii) The use of glass blocks or fixed obscure glass; OR
- (iii) Reducing the size of the window(s) to less than 1 sq. metre in aggregate; OR
- (iv) The deletion of a portion of the Master Suite window major opening.

- (v) The applicant is to survey the lot boundaries in order to establish that the building meets with the proposed setbacks; as well as visual privacy requirements. A survey plan along with a site plan showing the building are to be submitted prior to lodging a building permit application.

**(c) Standard Advice Notes**

700A	building permit required	709	masonry fences require BA
705	revised drawings required	790	minor variations- seek approval
706	applicant to resolve issues	795B	appeal rights- council decision
725	fences note- comply with that Act		

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

**CARRIED (8/0)**

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	734 sq. metres
<b>Building height limit</b>	3.0 metres
<b>Development potential</b>	1 dwelling
<b>Plot ratio limit</b>	Not applicable (minimum 50% open space)

The location of the development site is shown below:



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

### 3. The exercise of a discretionary power

- (a) Applications in areas situated within Precinct 13 - Salter Point which:
  - (i) have been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres; and
  - (ii) will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.2 (2) of the Scheme.
- (b) Applications on lots with a building height limit of 7.0 metres; having a boundary to River Way; and where the proposed building height exceeds 3.0 metres;

### 6. Amenity impact

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

### 7. Neighbour comments

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

### Comment

#### (a) Background

In March 2015, the City received an application for proposed addition and modification of existing building on Lot 16 (No. 33) River Way, Salter Point (the **Site**). Following the officer's assessment and neighbour consultation period, the applicant was sent a letter requesting further information and the current set of drawings, referred to as **Confidential Attachment (a)**, was received on 4 March 2015.

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

The subject site is located at Lot 16 (No. 33) River Way, Salter Point. The existing development on the Site currently features land use of 'Single House' as depicted in the site photographs at **Attachment (b)**.

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

The Site has a frontage to River Way to the west, located adjacent to Single Houses or Grouped Dwellings to the north, east and south and opposite to Grouped Dwellings to the west, as seen in **Figure 1** below:



**(d) Description of the Proposal**

The proposal involves the following works:

- demolition of the existing outbuildings (stores and shed) within the front setback area to open up the front façade to River Way;
- balcony extension/addition (alfresco) at the rear of the existing dwelling with associated privacy screen;
- replacement of existing sliding gate and incorporate a portion of existing solid front fence with breezeblock infill;
- store room and pool addition at undercroft level; and
- internal rooms layout modification and, as depicted in the submitted plans at **Confidential** Attachment (a).

The existing 2 car parking provision with the associated carport roof structure and 2 visitor parking bays remain unchanged.

The site photographs show the relationship of the Site with the surrounding built environment at **Attachment (b)**.

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

- Land Use – 'P' Permitted (TPS6 cl. 3.3 and Table 1);
- Open Space (R-Codes cl. 5.1.4 C4);
- Building Height (TPS6 cl. 6.1A);
- Street Surveillance (R-Codes cl. 5.2.3 C3.1/3.2);
- Outdoor Living Area (R-Codes cl. 5.3.1 C1.1);
- Car Parking Bays (TPS6 cl. 6.3(8), R-Codes 5.3.3 C3.1 and Council Policy P306 cl. 3);
- Minimum Levels (TPS6 cl. 6.9);
- Maximum Levels (TPS6 cl. 6.10(3)/(a)/(b));
- Stormwater Management (TPS6 cl. 6.8(2) and R-Codes cl. 5.3.9 C9);
- Solar Access for Adjoining Sites (R-Codes cl. 5.4.2 C2.1/2.2);
- Essential Facilities (R-Codes cl. 5.4.5 C5.3);
- Trees on the Development Site (Council Policy P350.05); and
- Significant Views (Council Policy P350.09).

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. The following components of the proposed development do not satisfy the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* the *Residential Design Codes of WA 2013 (R-Codes)* and/or Council Policy requirements:

- (i) Lot boundary setback (R-Codes Clause 5.1.3);
- (ii) Significant views (Policy P350.9 & TPS 6 Clause 6.1A (9)); and
- (iii) Visual privacy (R-Codes Clause 5.4.1).

Council is being asked to exercise discretion in relation to these non-compliant aspects of the proposed development.

**(e) Lot boundary setback - First floor, south - overall building bulk**

The proposed wall setbacks generally comply, however the southern part of the existing building bulk walls and proposed balcony are set back 1.60 metres from the southern boundary in lieu of 2.80 metres. Therefore, the proposed development does not comply with Tables 2a / 2b of the R-Codes.

The Applicant has satisfied all of the Design principles 5.1.3 P3.1 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The proposed addition which includes filling in the existing balcony with a wall and hi-lite window to the existing roof structure will further minimising the extent of overlooking;
- These will eliminate any loss of privacy to the adjoining property due to the hi-lite window having a sill level above 1.65m and privacy screen wall for the proposed balcony;
- The proposed addition roof structures have minimal negative amenity impact with regards to direct sun access and ventilation to the adjoining property outdoor living area or major openings. As demonstrated on the submitted plans at **Confidential Attachment (a)**, the additional overshadowing cast by the additional balcony structure is mainly onto adjoining dense vegetation in a fairly steep backyard area; and
- Comment from the neighbour (see section neighbour consultation).

In this instance, it is considered that the proposal complies with the Design principles of the R-Codes, and is therefore supported by the City.

**(f) Significant Views**

Council Planning Council Policy P350.9 (Significant Views) at times requires consideration for the loss of significant views from neighbouring properties.

The neighbouring properties to the west of the subject site currently enjoy views of the Canning River (significant views). Sub-clause 6.1A (9) "Building Height Restrictions in Precinct 13 – Salter Point" of TPS6 seeks to ensure that views of the Canning River from adjoining properties within the Salter Point area are protected where new development is proposed. The provisions of the sub-clause are as follows:

*"In Precinct 13 - Salter Point, on any land which has been assigned a building height limit of 3.0 metres, 3.5 metres or 6.5 metres, a person shall not erect or add to a building unless:*

- (a) *Drawings are submitted showing to Council's satisfaction:*
  - (i) *the location of the proposed building in relation to existing buildings on lots potentially affected with respect to views of the Canning River;*
  - (ii) *the finished floor levels and the levels of the highest parts of those existing and proposed buildings; and*
  - (iii) *sight lines demonstrating that views of the Canning River from any of those existing buildings will not be significantly obstructed.*
- (b) *Notice has been served upon the owners and occupiers of lots potentially affected in relation to views of the Canning River.*
- (c) *Council is satisfied that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed."*

As such, the applicant has provided additional section drawing as depicted in the submitted plans at **Confidential Attachment (a)**. Notices to affected neighbours were issued as per Sub-clause (b) which is covered in



Consultation section of the report. No written objection to the loss of those views has been received by the City.

Therefore, it is considered that the proposed development complies with the Council Policy.

**(g) Visual Privacy**

The required minimum visual privacy setback for bedrooms and studies is 4.5 metres, 6.0 metres for other habitable rooms, and 7.5 metres for balconies. All active habitable spaces meet the minimum visual privacy setbacks, or have effective privacy screening installed, except for the balcony (alfresco) facing east (rear of 21A Salter Point Parade) and Master suite window facing east. Therefore, the proposed development does not comply with the visual privacy element of the R-Codes.

Council discretion - Clause 5.4.1 PI

The applicant has satisfied the visual privacy Design Criteria 5.4.1 PI of the R-Codes and City Policy P350.08 "Visual Privacy". Assessment of the proposal against those criteria reveals the following:

- The balcony extension/addition (alfresco) does not overlook any sensitive areas of the existing adjoining property at 21A Salter Point Parade;
- Due to the topography of the Site, the adjacent property roof is overlooked from the existing pool deck level and existing upper floor balcony. The extension of balcony for the new alfresco has no additional impact on the extent of the adjoining property at 21A Salter Point Parade being overlooked as demonstrated **Site Photo** below taken from existing balcony.



- The primary outlook and focus is the long (horizontal) view to the river and not the immediate view downward into the adjoining properties which are obscured by mature vegetation.

A condition is also recommended to install effective screening to the Master suite window to demonstrate compliance with the required 4.5m minimum visual privacy setback from the northern boundary. The applicant

has advised to City officers that the required screening will be incorporated onto the drawings as part of the Building Permit application.

In this instance, it is considered that the proposal complies with the Design principles and is therefore supported by the City subject to the recommended above condition.

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

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

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

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

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

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

- (a) *the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;*
- (b) *the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;*
- (c) *the provisions of the Residential Design Codes and any other approved Statement of Planning Council Policy of the Commission prepared under Section 5AA of the Act;*
- (d) *any other Council Policy of the Commission or any planning Council Policy adopted by the Government of the State of Western Australia;*
- (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;*



- (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;
- (q) the topographic nature or geographic location of the land;
- (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) 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 No 21A Salter Point Parade, 32 & 34 River Way, and 36, 1/38, 2/38 Sulman Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 9 (nine) consultation notices were sent and 2 (two) submissions were received and their comments with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p>After viewing the plans at the City of South Perth, providing the proposed plans meet the Laws and regulations with regards to set backs and privacy etc we have no issues or comments. Having said this, during the approval process, should council find any area non-conforming in regards to set backs and privacy we wish to be advised.</p> <p>Also we take this opportunity to advise the owners of 33 River Way Salter Point that the brick wall between our 2 properties is encroaching on our land, 34 River Way, Salter Point. Please find attached information about this at the time of us building.</p> <p>If at any time the owners of 33 River Way Salter intend to re design this</p>	<p>The neighbour's comments regarding the encroachment of existing brick fence on the northern boundary have been conveyed to the applicant for their information and action. The applicant advised that the identification of survey boundary will be carried out to commencement of the building works.</p> <p>The comment is <b>NOTED</b>.</p>

<p>area it would need to be placed correctly and on the boundary between both properties.</p>	
<p>With reference to the proposed alterations/renovations to the property at 33 River Way, Salter Point, I would alert you to privacy issues along the adjoining corridor with 32 River Way.</p> <p>The concern I have is that the existing fence height will, most likely, be insufficient when a balcony extension/walkway is added, between a proposed laundry door and the new outdoor, rear, entertaining area on the upper level. New retaining wall/boundary fencing may be required with consultation between the two property owners, at a later date.</p> <p>I would suggest that, in the meantime, a provision/solution needs to be implemented and be integrated into the proposed plans, to right this problem in the present time.</p>	<p>The neighbour's concerns regarding the existing visual privacy will be addressed with the proposed addition.</p> <p>The proposed additions incorporate visual privacy screening on the southern side of the alfresco and no major opening is being proposed on the southern wall. The existing major opening from the kitchen and balcony will be modified without any major opening.</p> <p>Accordingly the proposed additions comply with the visual privacy of the R-Codes.</p> <p>The comment is <b>NOTED</b>.</p>

**(b) Engineering Infrastructure Services Comments**

No comments from external agencies were required for this proposal.

**(c) External Agencies**

No comments from external agencies were required for this proposal.

**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**

This dwelling is designed so that the outdoor alfresco and decking areas will receive northern sun and is considered to be designed appropriately considering sustainability principles.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Provided that the conditions are applied as recommended, it is considered that the application should be conditionally approved.

**Attachments**

**10.3.3 (a):** Attachment A - Plans (*Confidential*)

**10.3.3 (b):** Attachment B - Site Photographs

### 10.3.4 Guideline for Alcohol Outlets

Location:	City wide
Ward:	All
Applicant:	City of South Perth
File Ref:	D-15-33739
Date:	26 May 2015
Author:	Mark Scarfone, Senior Strategic Projects Planner
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Mark Scarfone, Senior Strategic Projects Planner 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

In February 2015, the Western Australian Local Government Association (WALGA) released a document titled Local Government Town Planning 'Guideline for Alcohol Outlets'. The document was produced by WALGA and the Drug and Alcohol Office with the assistance of the planning consultancy, Planning Context. In March WALGA hosted a seminar on this subject to assist local governments to understand and implement the guidelines. As discussed further below, the guideline suggests the starting point for a town planning approach is to frame up an overall strategy for the locality, based on sound research to understand the 'bigger picture'. Without this information regulatory policy will be reactionary and ad hoc, rather than proactive.

At the March Ordinary Council meeting, Council moved a motion relating to alcohol outlets, this is summarised below:

- to require a report to be prepared for the May meeting which provides a strategic approach to the assessment of alcohol outlets; and,
- to adopt an interim policy requiring large format liquor stores to be located in the District Centre Commercial zone only.

This report outlines the process suggested by WALGA and describes the current 'community profile' in relation to alcohol. The report recommends the City of South Perth take a whole of organisation approach to alcohol management, and adopts a policy to guide this. In addition the report recommends specific changes to Town Planning Scheme No. 6 and a new planning policy to guide the assessment of alcohol related outlets in the future.

#### Officer Recommendation

**Moved:** Councillor M Huston

**Seconded:** Councillor S Hawkins-Zeeb

That Council take the following actions:

- (a) Council endorses the following mandate for action: 'The City is committed to supporting a vibrant non-residential zones which mix alcohol and non-alcohol related land uses while at the same time minimising alcohol related harm. A cross organisational approach will be taken to responding to immediate issues such as noise, litter and antisocial behaviour as well as managing the physical availability of alcohol and encouraging planning and design that supports community wellbeing'.

- (b) An Alcohol Management Plan will be prepared to formally recognise the roles and responsibilities of all service areas in managing alcohol. The Alcohol Management Plan will be presented to a future Council meeting for consideration.
- (c) That Council endorse new draft planning policy P317 Licensed Premises (**Attachment (b)**) for advertising for community comment, in accordance with Town Planning Scheme No. 6 Clause 9.6(2), as follows:
  - (i) The Council ... shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft planning policy may be inspected, the subject and nature of the draft planning policy, and in what form and during what period (being not less than 21 days) submissions may be made.
  - (ii) The Council shall review the draft planning policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft planning policy with or without modification, or not to proceed with the draft planning policy.
  - (iii) Following final adoption of a planning policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.
- (d) Initiate a 'Scheme Amendment' to insert relevant definitions Schedule 1 and land uses into Table 1 to give greater control over the permissibility of alcohol outlets in the various zones. The proposed scheme amendment shall be presented to a future Council meeting for formal endorsement and initiation.
- (e) At the appropriate time, review the City's integrated strategic plan, community plan and planning strategy, to ensure these align with the City's commitment to create vibrant places while ensuring that negative impacts associated with alcohol consumption are minimised.

#### **Amendment to Officer Recommendation**

**Moved:** Mayor S Doherty

**Seconded:** Cr G Cridland

That Council accept the amendments to the draft planning policy *P317 Licensed Premises* as shown in the **Appendix 2** of these Minutes.

**CARRIED (8/0)**

#### Reasons

It will strengthen the Policy as well as strengthening the parking impacts and parking interpretation.

#### **COUNCIL DECISION**

**Moved:** Councillor M Huston

**Seconded:** Councillor G Cridland

That Council take the following actions:

- (a) Council endorses the following mandate for action: 'The City is committed to supporting a vibrant non-residential zones which mix alcohol and non-alcohol related land uses while at the same time minimising alcohol related harm. A cross organisational approach will be taken to responding to immediate issues such as noise, litter and antisocial behaviour as well as managing the physical availability of alcohol and encouraging planning and design that supports community wellbeing'.

- (b) An Alcohol Management Plan will be prepared to formally recognise the roles and responsibilities of all service areas in managing alcohol. The Alcohol Management Plan will be presented to a future Council meeting for consideration.
- (c) That Council endorse the new draft planning policy P317 Licensed Premises (**Appendix 2**) for advertising for community comment, in accordance with Town Planning Scheme No. 6 Clause 9.6(2), as follows:
  - (i) The Council shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft planning policy may be inspected, the subject and nature of the draft planning policy, and in what form and during what period (being not less than 21 days) submissions may be made.
  - (ii) The Council shall review the draft planning policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft planning policy with or without modification, or not to proceed with the draft planning policy.
  - (iii) Following final adoption of a planning policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.
- (d) Initiate a 'Scheme Amendment' to insert relevant definitions Schedule 1 and land uses into Table 1 to give greater control over the permissibility of alcohol outlets in the various zones. The proposed scheme amendment shall be presented to a future Council meeting for formal endorsement and initiation.
- (e) At the appropriate time, review the City's integrated strategic plan, community plan and planning strategy, to ensure these align with the City's commitment to create vibrant places while ensuring that negative impacts associated with alcohol consumption are minimised.

**CARRIED (8/0)**

### Background

In February 2015, the Western Australian Local Government Association, released a document titled Local Government Town Planning 'Guideline for Alcohol Outlets'. A copy of this document was available in the Councillor's lounge in the lead up to the Council meeting. The document was produced by WALGA and the Drug and Alcohol Office with the assistance of the planning consultancy, Planning Context. In March WALGA hosted a seminar on this subject to assist local governments to understand and implement the guidelines and it is understood further information sessions are planned. As discussed further below, the guideline suggests the starting point for a town planning approach is to frame up an overall strategy for the locality, based on sound research to understand the 'bigger picture'. Without this information regulatory policy will be reactionary and ad hoc, rather than proactive.

At the March Ordinary Council meeting, Council moved a motion relating to alcohol outlets this is summarised below:

- to require a report to be prepared for the May meeting which provides a strategic approach to the assessment of alcohol outlets; and,
- to adopt an interim policy requiring large format liquor stores to be located in the District Centre Commercial zone only.

The interim policy states:

*Large format liquor outlets are to be located in the District Centre Commercial Zone only, in particular any sites adjacent to residential areas will not be supported for this type of liquor outlet. The following information is to be provided for any liquor outlet planning application (for either on or off premises consumption):*

- *A traffic and parking impact assessment;*
- *A demand assessment;*
- *An amenity assessment taking into account adjoining land uses, and issues including but not limited to noise and patron management; and*
- *A social impact and harm minimisation strategy.*

The aim of this report is to outline the process recommended by WALGA, describe the existing situation in relation to licensed premises in the City of South Perth, and use this information to make recommendations for a whole of organisation approach to alcohol management, as well as recommendations specific to Town Planning.

### **Comment**

Alcohol in its various forms is enjoyed by many Western Australians, and is consumed in a wide variety of social situations and locations, including licenced premises and in the home.

It is acknowledged that well managed alcohol outlets can contribute to entertainment and leisure options in a City, can improve the vitality of an area and contribute to the economy. It is also acknowledged that alcohol misuse has social and economic implications, including anti-social behaviour and poor health. Poorly managed venues can also impact on adjoining residential properties, in terms of noise and littering.

The comment section of this report has been split into a number of sections. It gives details of the process recommended by WALGA in the guidelines, outlines the existing situation in relation to alcohol outlets in the City of South Perth, describes the relationship between the City's strategic documents and alcohol outlets and makes recommendations for consideration by Council.

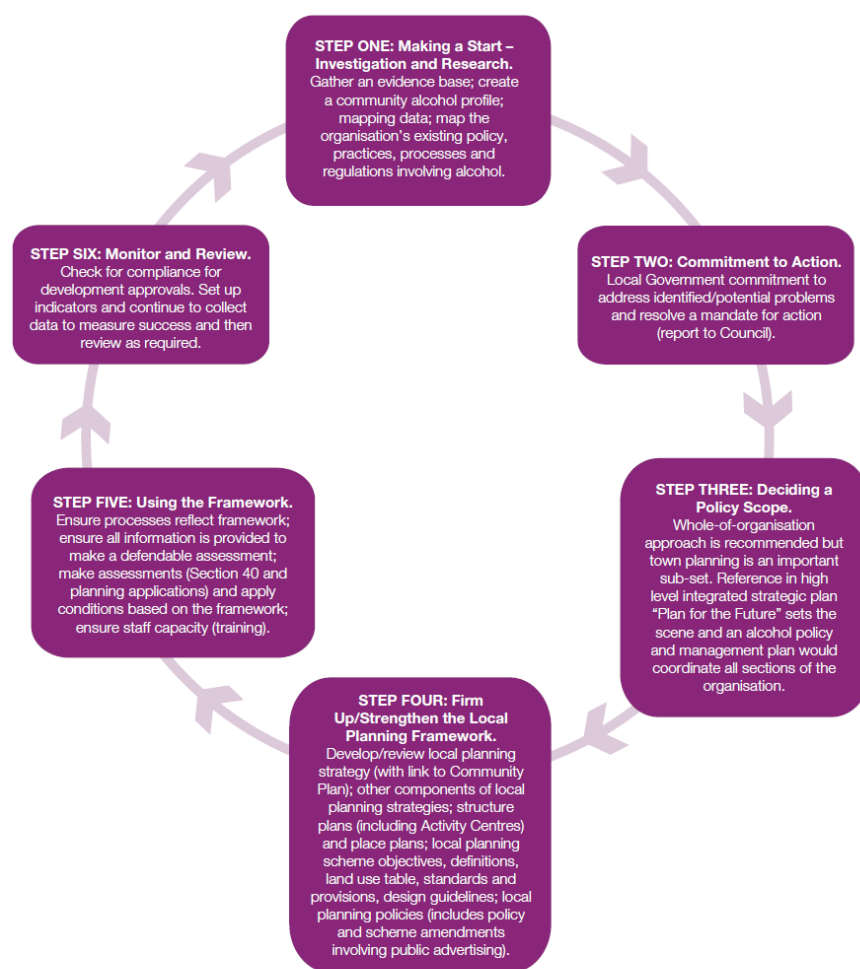
### Guideline for alcohol outlets – recommended approach

The Local Government Town Planning 'Guideline for Alcohol Outlets' (the Guideline), provides detailed comment on the reasons why local governments should take an interest in the way alcohol outlets are controlled, local government responsibilities and spheres of influence, the impacts of alcohol outlets on local government operations, the specific role of local government town planning and the process of applying for a liquor licence. A key message repeated throughout the document is that a strategic approach should be taken to the issue, ensuring that any new requirements or policies are based on the future plans for the locality and relevant research.

The following figures are extracted from the Guideline for ease of reference.

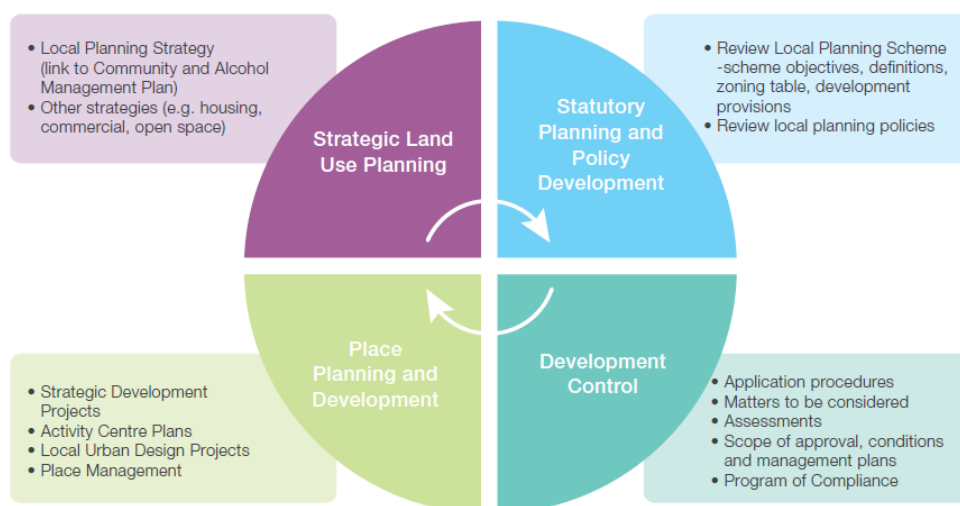
Figure 1 – Process for developing local government town planning approach to alcohol management.





Source: Planning Context, 2013

Figure 2 – Areas of focus for a local government town planning approach.



Section 3 of the 'Guideline for Alcohol Outlets' provides background with regard to the process applicants follow in obtaining a liquor licence, briefly discusses the impacts of alcohol misuse, the potential impact on local government and the role local government has to play. The guidelines acknowledge that there is a complex set of circumstances surrounding the use and control of alcohol, and the role of the planning system is limited. Local government can help to create and action the vision

for a community, and use town planning scheme and policy provisions to control where alcohol outlets are located, operational harmony with surrounding land uses and total numbers.

A number of City of South Perth departments play a role in the assessment and approval of licenced premises including:

1. Planning Services – Assessment of planning applications for premise that sell alcohol for consumption on and off site. Assessment and issue of Section 40 Certificates;
2. Community Services – Manage the consumption of alcohol at City events and at City owned and managed land;
3. Environmental Health services - Assessment and issue of Section 39 Certificates, work closely with Planning Services to assess and apply appropriate conditions to liquor related planning applications;
4. Operations services - Work closely with Planning Services to assess and apply appropriate conditions to liquor related planning applications, maintain adequate lighting, access and landscaping in the vicinity of licensed venues;
5. Ranger services – liaise with Police where required in relation to anti-social behaviour.

There are a wide range of liquor licences which can be obtained from the Department of Racing, Gaming and Liquor including:

- Liquor stores; which sell products for sale off premises
- Tavern/Hotel – sale and supply of liquor and packaged liquor for consumption on and off premises subject to various conditions
- Small bar – sale and supply for consumption on premises only and maximum capacity of no more than 120 people
- Restaurant – generally the sale and supply of liquor ancillary to a meal, however licensees may apply for a licence to serve liquor without a meal.
- Other – including Club, Casino, Nightclub, Producer, Wholesaler, Special Facility

The City of South Perth has a wide variety of licensed premises within its boundaries with the highest concentration being in the Mends Street precinct. It is envisaged that a number of additional licensed premises will be accommodated as the population continues to grow, particularly in mixed use precincts such as the South Perth and Canning Bridge Station precincts.

#### Step 1: Making a Start – Investigation and Research

The first step towards understanding the local situation regarding alcohol issues, is to undertake research and develop a community alcohol profile. A copy of this profile is contained in **Attachment (a) 'Alcohol Profile Master Template'**. The template contains demographic information as well as detailing the type and number of alcohol outlets and the issues related to them.

Key discussion points from the 'Alcohol Profile Master Template' include:

- Population of close to 45,000;
- Exhibits high levels of socio economic advantage in most suburbs;
- City of South Perth located in the South East Metropolitan Region – national sales data indicates per capita consumption is similar to the remainder of the Perth Metropolitan Region. Per capita consumption of alcohol was not available at a detailed suburb or Local government area level;

- Total alcohol related hospitalisation and chronic conditions, lower than the state average;
- Total alcohol related deaths similar to the state rate;
- Approximately 60 licenced premises in the City of South Perth, approximately 20 of which are located on City owned/managed reserves;
- Few alcohol related complaints received, by Environmental Health and Ranger Services in relation to licenced premises in the City of South Perth;
- Data obtained from WA police does not give an insight into the levels of alcohol related crime.
- One of the City's strategic priorities is to facilitate and foster a safe environment for our community. The 2014 Catalyse survey indicates 80% of residents are satisfied with the work the City is doing in this regard with 35% delighted.

As indicated in **Attachment (a) 'Alcohol Profile Master Template'** the City of South Perth has approximately 60 existing liquor licences of varying types. 20 of these liquor licences fall into the club/club-restricted type and are located on City owned/managed reserves, a 'Special Facility licence' has been issued to the licensee at the Collier Park Golf Course. 20 liquor licences are for 'Restaurants', 7 for liquor stores, 6 for hotel/taverns and the remainder for wholesalers, special facilities and a small bar. The suburb of South Perth has the highest number of liquor licences with 33 including a number of wholesalers, clubs, liquor stores and restaurants (see map)

The accumulated data indicates the City of South Perth exhibits similar characteristics to the remainder of the Perth Metropolitan Area in relation to alcohol consumption and harm. It also indicates that licenced premises are not causing negative impacts on the amenity of the area.

#### Strategic Planning

The Strategic Community Plan 2013–2023 is the overarching plan to guide the long term planning of the City of South Perth. The Plan is broad with a long-term focus and strong emphasis on the community's aspirations, priorities and vision for the future. The Integrated Planning and Reporting Framework requires a part review of the Strategic Community Plan every two years and a full review of the Strategic Community Plan every four years. This Strategic Community Plan was developed following extensive community consultation.

Relevant strategic priorities and objectives in the Strategic Community Plan 2013–2023 are as follows:

1. Community - Create opportunities for an inclusive, connected, active and safe community.
  - 1.2 Facilitate and foster a safe environment for our community.
  - 1.3 Create opportunities for social, cultural and physical activity in the City.
3. Housing and Land Uses - Accommodate the needs of a diverse and growing population.
  - 3.1 Develop a Local Planning Strategy to meet current and future community needs, cognisant of the local amenity.
  - 3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery.
4. Places - Develop, plan and facilitate vibrant and sustainable community and commercial places.

- 4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.

These priorities and objectives have an indirect link to alcohol management in the City. They promote and encourage the development of diverse and vital spaces which accommodate a wide variety of land use both alcohol and non-alcohol related. The spaces should attract people and be designed and operated in a manner that allows people to feel safe.

It is envisaged that the Local Planning Strategy, to be prepared in the second half of 2015 and the whole of organisation Alcohol Management Plan, to be presented to a future Council meeting will be more explicit and detail how the City deals with alcohol from an organisational perspective.

#### Step 2 – Commitment to action

As stated above, the accumulated data indicates the City of South Perth exhibits similar characteristics to the remainder of the Perth Metropolitan Area in relation to alcohol consumption and harm. It also indicates that licenced premises are not causing negative impacts on the amenity of the area. It is acknowledged that there are some gaps in the data which has been collected and presented in **Attachment 10.x.x.(b) 'Alcohol Profile Master Template'** particularly in relation to alcohol related litter (including clean-up costs, volume and type) and damage to public assets (property damage including graffiti and landscaped areas). It is also acknowledged that the community has concerns relating to the size and location of new licenced outlets and that further guidance is required.

It is therefore suggested that the Council make commitments as detailed in the recommendation section of this report.

#### Step 3 – Deciding a policy scope

The approach to alcohol management will be different for each local government. A whole of organisation is recommended by WALGA. If the City of South Perth, commits to preparing an 'Alcohol Management Plan', and endorses the separate Town Planning Policy, this will show a desire to take a whole of organisation approach.

#### Step 4 – Firm up/ strengthen the Local Planning Framework.

This step is the main focus of the Guidelines and creates the framework for the assessment and management of alcohol related outlets and related issues. Recommended actions to firm up/ strengthen the local planning framework include reviewing the strategic plan and planning strategy, reviewing the local planning scheme objectives, definitions and land use table, and reviewing local planning policies.

Commitments 3- 5 outlined above are seen as crucial elements to achieve the goal of strengthening the local planning framework.

#### Steps 5 – Using the Framework and Step 6 - Monitor and Review

The actions outlines above will take some time to be implemented, particularly with regard to adopting a planning policy to guide assessment of alcohol outlets and any changes to Town Planning Scheme No. 6. The policy is required to go through a period of community consultation, submissions considered and a report prepared to

Council prior to the policy being finally adopted. With regard to a proposed scheme amendment, the process involved can take many months and the final decision to approve, approve with modification or refuse the scheme amendment lies with the Minister for Planning.

Once the required changes are in place the City can monitor the effectiveness of these, and review them regularly.

### **Actions Required to Fulfil Council's Commitment to Action**

#### **Alcohol Management Plan**

The City will prepare an Alcohol Management Plan to formally recognise the roles and responsibilities of all service areas in managing alcohol. The Alcohol Management Plan will be presented to the July Council meeting for endorsement. In preparing an Alcohol Management Plan, City officers will undertake research into the roles currently performed by each business unit in managing alcohol and consider ways this can be included in the daily operations and strategic functions.

Further analysis will be undertaken to determine how the business units can minimise the adverse impacts of alcohol and contribute to the collection of high quality data. This database will assist in to help build up a clear picture of the impact of licensed premises on the amenity of the locality and may be taken into account in the assessment of a new application for a licenced premises.

#### **Statutory Planning and Policy Development**

There are a number of existing statutory planning tools which can be implemented to assist local governments in the control of licenced premises. These tools include the use of scheme objectives, adoption of policies, defining 'Liquor Store' and 'Small Bar' as a land use and modifying the land use table to accommodate these in the appropriate areas.

At present an application for a liquor store is assessed against the 'Shop' provisions of TPS No.6. There is a recognition that a liquor store does function as a retail outlet however there is also acknowledgement that alcohol is not an ordinary commodity and has the potential to cause harm in the community. In addition, TPS No. 6 does not contain a definition of 'Small Bar', a type of liquor licence which has been available since 2007.

In order for the City of South Perth to have greater control over the location and type of liquor stores and small bars, it is considered appropriate to amend TPS No. 6 to provide definitions of Liquor Store – Large, Liquor Store – Small and Small Bar and to amend Table I - Land Use accordingly.

The draft Planning and Development (Local Planning Scheme) Regulations 2014 provides the following 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 300sq. metres.

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

City officers recommend that council initiate a 'scheme amendment' to insert relevant definitions Schedule 1 and land uses into Table 1 to give greater control over the permissibility of alcohol outlets in the various zones. Other issues to be considered when preparing this report include a review of the objectives and matters to be considered by Council and the car parking requirements for these land uses. A full report on the proposed scheme amendment shall be presented to a future Council meeting for endorsement and initiation.

#### Proposed Planning Policy P317 – Licensed Premises

The attached planning policy aims to provide guidance to applicants and decision makers with regard to licenced premises. The policy will apply to new applications as well as additions and alterations to existing premises.

The proposed policy aims to ensure licensed premises are an appropriate scale, have a minimal impact on the amenity of adjoining land uses and to ensure applicants submit all necessary information with development applications. Following Council's endorsement of the proposed policy City officers will commence the advertising process. A full report on submissions will be presented to a future Council meeting.

#### Consultation

Advertising of the proposed Planning Policy and proposed Scheme Amendment will be undertaken in the manner required by Policy P301 Consultation for Planning Proposals.

#### Policy and Legislative Implications

The commitment to action outlined above results in the creation of an overall Alcohol Management Plan and a specific Town Planning Policy as well as changes to TPS No. 6. In addition it will allow City officers and the decision makers, to take a strategic approach to the assessment of licensed premises.

#### Financial Implications

None.

#### Sustainability Implications

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

#### Attachments

**10.3.4 (a):** Alcohol Profile Master Template

**10.3.4 (b):** Planning Policy P317 'Licensed Premises'



### 10.3.5 Amendment No. 47 to TPS No. 6 - Report for final adoption

Location: City wide  
Ward: All  
Applicant: City of South Perth  
File Ref: D-15-33740  
Date: 26 May 2015  
Author: Mark Scarfone, Senior Strategic Projects Planner  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Strategic Direction: Mark Scarfone, Senior Strategic Projects Planner  
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

Amendment No. 47 to Town Planning Scheme No. 6 (TPS6) proposes to introduce a 'Development' zone and 'Structure Plan' provisions and create a 'Development Area' for the Canning Bridge Structure Plan area. A detailed explanation of the proposal is contained in the Amendment Report, provided as **Attachment (a)**.

At the April 2015 Council meeting, the report on Amendment 47 was deferred 'until such time as the Canning Bridge Structure Plan is considered by Council'. A report on the Canning Bridge Structure Plan has been prepared and has been included on the agenda for the May Council meeting and as such it is considered appropriate to also include the Amendment 47 report.

Amendment No. 47 has been advertised and seventeen submissions were received, including those from service agencies. A bound copy of the submissions was placed in the Councillor's lounge leading up to the April round of meetings, a set will also be sent to the Western Australian Planning Commission for their consideration. The content of the submissions is discussed in detail in the attached report on submissions (**Attachment (b)**), and in the consultation section of this report. The Council now needs to consider the submissions and resolve whether the Amendment should proceed, with or without modifications, or should not proceed.

The recommendation is for the Amendment to be finally adopted by the Council, with minor modifications to the proposed scheme maps and be forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning.

FOOTNOTE: This proposed scheme amendment along with all relevant attachments and a copy of submissions will be forwarded to the Western Australian Planning Commission for consideration. In accordance with the Town Planning Regulations 1967 the Minister for Planning has the ultimate authority to approve the scheme amendment with or without modifications, or refuse it.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor M Huston  
**Seconded:** Councillor S Hawkins-Zeeb

That ....

- (a) the Western Australian Planning Commission be advised that Council recommends that, to the extent stated in the Report on Submissions comprising **Attachment (b)**:
  - (i) Submissions 1.1 to 1.5 supporting Amendment No. 47 be not UPHELD;

- (ii) Submissions 2.1 to 2.3 opposing Amendment No. 47 be partially UPHELD;
  - (iii) Submissions 3.1 to 3.5 opposing Amendment No. 47 be partially UPHELD
  - (iv) Submissions 4.1 to 4.4 from Government agencies be Noted; and
  - (v) Amendment No. 47 proceed with modifications;
- (b) Amendment No. 47 to Town Planning Scheme No. 6 is hereby finally adopted by the Council in accordance with the Town Planning Regulations 1967 (as amended), and the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 47 document (**Attachment (a)**), as required by those Regulations;
- (c) the Report on Submissions (Attachments (b)) containing the Council's recommendations and the Schedule of Submissions containing an assessment of the Submissions (**Attachment (c)**), be adopted and together with a copy of the Submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and for final approval of Amendment No. 47 by the Minister for Planning;
- (d) the submitters be thanked for participating in the process and be advised of the above resolution.

**CARRIED (8/0)**

### Background

At the September Ordinary Council meeting, it was resolved to begin the formal advertising for the Canning Bridge District Structure Plan (CBSP). This advertising process began in late October and finished in mid-December. The report on submissions relating to the draft CBSP was presented to the March Ordinary Council meeting, and at that meeting Council resolved to defer the final adoption of the draft CBSP to allow further investigation into bonus height provisions. In the documentation which supports the draft CBSP the consultants noted that amendments to the City of South Perth and City of Melville Town Planning Schemes will be required prior to this document being operative.

The purpose of Amendment No. 47 is to introduce into Town Planning Scheme No. 6, a 'Development' zone and relevant provisions that will facilitate the creation and operation of 'Structure Plans' for use throughout the district. This is essential to give the CBSP statutory weight and to allow the City to progress with the assessment and determination of development applications in the precinct. The Amendment No. 47 report provides further detail with respect to this amendment. The text of Amendment No. 47 is based on draft Model Scheme provisions provided by the Department of Planning.

At the November 2014, Ordinary Council meeting, Amendment No. 47 was initiated (agenda item 10.3.2).

On 28 November 2014, the Scheme Amendment documents were forwarded to the Environmental Protection Authority (EPA) seeking confirmation that an EPA assessment is not required; and to the Western Australian Planning Commission (WAPC) for information. The EPA clearance was received on 15 December 2015. Subsequently, comments were sought from the community during a 45-day advertising period commencing 3 February and concluding Friday 20 March 2015.

**Comment**

Of the approximately 1500 letters sent to landowners and service agencies only 17 submissions were received. This number reflects the administrative nature of the proposed scheme amendment. Quite a number, of the submissions received, made comments with regard to the provisions of the draft CBSP, and modifications which could be made to this document. These comments are well intentioned however as they do not relate to the proposed Amendment No. 47 provisions, they have not been upheld.

Of the submissions received, 5 indicated support for the proposal, 3 objected to the proposal, 5 neither supported nor opposed the proposal and the remaining 4 were from service agencies. One of the submissions received pointed out that some of the lots shown as being in the CBSP, had not been included in the proposed development area. Another submission requested their clients property be removed from the development area as detailed development standards had been developed by Amendment 34. Both of these submissions have been upheld and the amendment maps modified accordingly.

Amendment 47 provides the legal framework for the creation of development areas and adoption of structure plans in the City of South Perth. The text of Amendment No. 47 is based on draft Model Scheme provisions provided by the Department of Planning. It is recommended that Amendment No. 47, be finally adopted by the Council, with minor modifications to the proposed scheme maps and be forwarded to the Western Australian Planning Commission for final approval by the Minister for Planning.

**Consultation**

Following Council's receipt of confirmation that an EPA assessment was not required, the advertising process commenced on 3 February 2015.

The statutory advertising was undertaken to the extent and in the manner prescribed by the Town Planning Regulations 1967 and the City's Planning Policy P301 'Consultation for Planning Proposals'. The consultation involved the following:

- a period of 45 days, being 3 days longer than the minimum 42-day advertising period;
- approximately 1500 letters and notices sent to landowners within and abutting the Canning Bridge Structure Plan area. Affected service authorities are also included in this number of letters;
- notices and Amendment documents displayed on the City's web site, in the City's Libraries and in the Civic Centre;
- statutory notices published in two issues of the *Southern Gazette* newspaper, being 3 February and 24 February 2015.

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

The submissions and officer responses are contained in the attached Report on Submissions and Schedule of Submissions (**Attachments (b) and (c)**). These documents will be provided to the WAPC for further consideration and for recommendation to the Minister for Planning. After considering the submissions, the Council needs to resolve whether to recommend to the Minister that the Amendment should proceed, with or without modification, or should not proceed. The Minister is responsible for the final determination of the proposal.

### Policy and Legislative Implications

The statutory Scheme Amendment process is set out in the *Town Planning Regulations 1967*. The statutory Scheme Amendment process as it relates to the proposed Amendment No. 47 is set out below, together with actual and estimated dates for each stage of the process:

Stage of Amendment Process	Actual and Estimated Dates
Council resolution to initiate Amendment	25 November 2014
Council adoption of draft Amendment proposals for advertising purposes	25 November 2014
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	28 November 2014
Public advertising period of minimum 42 days	3 February 2015 – 20 March 2015
Council consideration of Report on Submissions	26 May 2015
Referral to WAPC and Planning Minister for consideration, including: <input type="checkbox"/> Report on Submissions; <input type="checkbox"/> Council's recommendation on the proposed Amendment <input type="checkbox"/> Three signed and sealed copies of Amendment documents for final approval	June 2015
Minister's final determination of Amendment and publication in <i>Government Gazette</i>	Not yet known

Following the Council's decision to recommend to the Minister that Amendment No. 47 proceed with or without modifications, three copies of the Amendment document will be executed by the City, including the application of the City Seal. Those documents will be forwarded to the WAPC with the Council's recommendation.

### Financial Implications

As this Amendment has been initiated by the City, all financial costs (administrative and advertising) will be met by the City.

### Sustainability Implications

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

### Attachments

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

## **10.4 STRATEGIC DIRECTION 4: PLACES**

Nil

## 10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

### 10.5.1 Tender 3/2015 - Provision of Bulk Kerbside Collection Service

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-33741
Date:	26 May 2015
Author:	Les Croxford, Management Engineering Infrastructure
Reporting Officer:	Mark Taylor, Acting Director Infrastructure Services Les Croxford, Management Engineering Infrastructure
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:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

#### Summary

This report considers submissions received from the advertising of Tender 3/2015 for the 'Provision of Bulk Kerbside Refuse Collection Services' up to May 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

**Moved:** Councillor C Cala

**Seconded:** Councillor C Irons

That the tender from D & M Waste Management for the 'Provision of Bulk Kerbside Refuse Collection Services' (Tender 3/2015), over a period of supply of three years (9 collections) be accepted at the tender price (ex. GST) of \$1,143,633.

**CARRIED EN BLOC (8/0)**

#### Background

A Request for Tender (RFT) 3/2015 for the 'Provision of bulk kerbside collection services' was advertised in the West Australian on Saturday 14 March 2015 and closed at 2pm Tuesday 31 March 2015.

The RFT is for the supply and management of sufficient plant and labour to undertake the collection services over a 3 year period as defined in the table below. In total there will be 3 collections annually for a total of 9 collections (6 x Green waste & 3 Hard waste) over the 3 years. The contract is for the period August 2015 to May 2018 and does not allow for any extension of time.



TABLE A – Collection Methodology and Dates

## Collection 2015/2016

Collections	Type	From	End
First collection	Green waste	10 August 2015	18 September 2015
Second collection	Hard waste	21 September 2015	13 November 2015
Third collection	Green waste	11 April 2016	20 May 2016

## Collection 2016/2017

Collections	Type	From	End
First collection	Green waste	8 August 2016	16 September 2016
Second collection	Hard waste	19 September 2016	11 November 2016
Third collection	Green waste	10 April 2017	19 May 2017

## Collection 2017/2018

Collections	Type	From	End
First collection	Green waste	21 August 2017	29 September 2017
Second collection	Hard waste	2 October 2017	24 November 2017
Third collection	Green waste	9 April 2018	18 May 2018

All materials collected are transported to a tipping place outside of the City for either processing or disposal. The green waste collection, if not contaminated by non-approved dumping, is effectively an “all in collection service” with the green waste transported direct to the SMRC Canning Vale mulch operations or if necessary another green waste processor. By way of contrast the hard waste collection service requires the collection and transportation of the separated components to various designated locations:

- Metal products (including white goods and household appliances of a recyclable nature) to Auscon Metals Armadale or comparable scrap metal merchant;
- General waste to the WA Landfill Services Transfer Station Kewdale or any other site as nominated by the City;
- E Waste to the Sims Approved Recycling Facility; and
- Mattresses to the Eastern Metropolitan Regional Council (EMRC) facility in Hazelmere or any other site as nominated by the City.

**Comment**

Tender documentation was collected by 14 waste contractors. At the close of the Tender advertising period on the 31 March 2015, five tender submissions had been received from four registered companies (three conforming, one nonconforming and one alternative tender).

Table B - Tender Submissions

Tender Submissions
1. D & M Waste Management
2. KRS Contracting
3. Steann Pty Ltd
4. WA Recycling Services (Western Maze)
5. WA Recycling Services (Western Maze) - Alternative Tender

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 C - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Price	30%
2. Referees & Experience	30%
3. Plant & Staff	20%
4. Collection Methodology	20%
Total	100%

It is recommend that the bid by D & M Waste Management for Tender 3/2015, *Provision of a Bulk Kerbside Collection Service*, for 3 years (9 Collections), be accepted.

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

### Consultation

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

Resource sharing this contract with the Town of Victoria Park was considered during its development, but not taken up, due to the Town having already entered into a contract for similar services.

### 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*
- *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 full cost of the works is reflected in the 2015/2016 operating budget and will be taken into account during formulation of the 2016/2017 and 2017/2018 operating budgets.

**Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This tender will ensure that the City is provided with the best available service to complete a waste service to maximise on the recycling potential of the verge side pickup. 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**

**10.5.1 (a):** Panel Members Recommendation Report (*Confidential*)

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

### 10.6.1 Monthly Financial Management Accounts - April 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-33742
Date:	26 May 2015
Author:	Michael Kent, Director Financial and Information Services
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:** Councillor C Cala

**Seconded:** Councillor C Irons

That ....

- (a) Council adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater);
- (b) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment (a) - (e)** be received;
- (c) the Schedule of Significant Variances provided as **Attachment (f)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (d) the Schedule of Movements between the Adopted & Amended Budget **Attachment (g) & (h)** be received;
- (e) the Rate Setting Statement provided as **Attachment (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. 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) is also provided each month from September onwards. From that date on, this schedule reflects a reconciliation of movements between the 2014/2015 Adopted Budget and the 2014/2015 Amended Budget including the introduction of the unexpended capital items carried forward from 2013/2014.

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 (a) & (b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment (c)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment (d)**
- Summary of Capital Items - **Attachment (e)**
- Schedule of Significant Variances - **Attachment (f)**
- Reconciliation of Budget Movements - **Attachment (g) & (h)**
- Rate Setting Statement - **Attachment (i)**

Operating Revenue to 30 April 2015 is \$49.01M which represents some 100% of the \$49.0M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Parking infringement revenue is 14% under budget whilst meter parking revenues are 6% under budget to date. Remedial action has been determined to begin to address this situation. Financial & Information Services revenues are 1% under budget after receipt of an instalment of the Unified Communications Project grant.

Interest revenues are now 5% above budget expectations for Reserves but 5% under for Municipal funds. Rate revenue now reflects as being slightly ahead of budget as a result of several minor favourable variances.

Planning revenues are now shown as 6% behind budget but this will reverse out in May when some previously quarantined parking in lieu contributions are brought to account. Building Services revenue is 5% ahead of budget. There are favourable timing variances on vehicle trade-ins in the Financial Services and Information Technology areas.

Halls booking revenue is also currently below budget expectations but the full year target may still be attainable. Collier Park Village revenues are on budget with slightly less than budgeted maintenance fees offset by additional rental revenue and interest revenue.

City Environment contributions are in line with budget expectations after an upwards adjustment to reflect the receipt of environmental grant revenue. Nursery revenue from stock revaluations (non-cash item) is 22% below budget. Crossover revenue and third party infrastructure works are both on budget after favourable variances were adjusted in the Q3 Budget Review. Collier Park Golf Course revenues are now on budget.

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

Operating Expenditure to 30 April 2015 is \$41.52M which represents 96% of the year to date budget of \$43.29M. Operating Expenditure shows as 4% under budget in the Administration area. Operating costs are 3% under budget for the golf course and show as 4% 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 and differences in budget phasing.



In the Infrastructure Services operations area, parks maintenance is currently 7% below budget. Streetscape maintenance is currently 2% over budget following a slowing in the previously accelerated program on street verges. Street tree pruning is still ahead of budget but this has been advised as being a timing difference that will reverse out by year end. There are timing differences on maintenance activities relating to drainage sumps and traffic management treatments.

Environmental costs are disclosed as being 13% favourable largely as a result of favourable timing differences on the Perth Water Vision, Birdlife Revegetation and Landcare initiative projects. Overheads currently reflect as being over-recovered for the year to date and will be revised downwards in future months as required. Building maintenance costs for halls and public buildings currently reflect a favourable variance which may partially reverse over the remaining months of the year.

Maintenance activities for road, drains, sump maintenance and street sweeping now reflect a 12% favourable variance at month end but this is considered to be a timing difference and will reverse out as maintenance programs continue to be implemented. The drainage work in particular is expected to accelerate as we get closer to the winter months. Crossover construction costs exceed the current budget - but this is offset by additional revenue attributed to this work.

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 0.7% over the budget allocation for the 214.8 FTE positions approved by Council in the budget process. There are number of factors impacting this, including some staff deferring anticipated leave to meet regular operational responsibilities post reform. The administration is taking all possible steps to see that all current Council initiatives are being respected and progressed. Areas where higher over-expenditures or under expenditures have been identified are currently being investigated and remedial action is being introduced where appropriate.

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

Capital Revenue is disclosed as \$26.03M at 30 April which is very slightly behind the year to date budget of \$26.06M. This value consists largely of land sales proceeds, lease premiums on CPV units leased and infrastructure related grants.

Capital Expenditure at 30 April is \$10.09M representing 69% of the year to date budget of \$14.56M after the inclusion of carry forward projects. The total budget for capital projects for the year is \$18.06M.

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

**TABLE 1 - CAPITAL EXPENDITURE BY DIRECTORATE**

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	700,000	688,531	98%	700,000
Major Community Projects	1,547,300	1,020,859	66%	1,897,300
Financial & Information	556,500	480,417	86%	1,110,000
Develop & Community	575,000	449,953	78%	645,000
Infrastructure Services	10,289,700	6,867,220	67%	12,767,100
Waste Management	510,450	205,271	40%	520,450
Golf Course	378,375	375,758	99%	421,115
UGP	0	0	-%	0
<b>Total</b>	<b>14,557,325</b>	<b>10,088,009</b>	<b>69%</b>	<b>18,060,965</b>

**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 pro-active 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 (e):** Summary of Capital Items
- 10.6.1 (f):** Schedule of Significant Variances
- 10.6.1 (g):** Reconciliation of Budget Movements
- 10.6.1 (h):** Reconciliation of Budget Movements
- 10.6.1 (i):** Rate Setting Statement

### 10.6.2 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-33744
Date:	26 May 2015
Author:	Michael Kent, Director Financial and Information Services
Reporting Officer:	Deborah Gray, Manager Financial Services Michael Kent, Director Financial and Information Services
Strategic Direction:	Deborah Gray, Manager Financial Services 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 April 2015 and 30 April 2015 is presented to Council for information. During the reporting period, the City made total payments by EFT of \$6,558,548.50 and by cheque payment of \$721,423.79 giving total monthly payments of \$7,279,972.29.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor C Cala  
**Seconded:** Councillor C Irons

That the Listing of Payments for the month of April 2015 as detailed in **Attachment (a)**, 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.

**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 is aligned to the City's [Sustainability Strategy 2012-2015](#). This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

**Attachments**

**10.6.2 (a):** Listing of Payments - April 2015

### 10.6.3 Monthly Statement of Funds, Investments and Debtors at 30 April 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-33745
Date:	26 May 2015
Author:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services
Reporting Officer:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial 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:** Councillor C Cala

**Seconded:** Councillor C Irons

That Council receives the 30 April 2015 Statement of Funds, Investment & Debtors comprising:

- |   |                       |
|---|-----------------------|
| • Summary of All Council Funds as per         | <b>Attachment (a)</b> |
| • Summary of Cash Investments as per          | <b>Attachment (b)</b> |
| • Statement of Major Debtor Categories as per | <b>Attachment (c)</b> |

**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.

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 of \$78.67M (\$81.33M last month) compare favourably to \$50.37M at the equivalent stage of last year. Reserve funds are \$23.2M 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 Reserve fund balances show that the Asset Enhancement Reserve is \$21.2M higher as a result of the receipt of major land sale proceeds.

It is important to recognise that the land sale proceeds currently quarantined in the Asset Enhancement Reserve do not represent 'surplus cash' but rather they are part of carefully constructed funding models for a number of future major discretionary capital projects. These funding models are detailed in the City's Long Term Financial Plan.

There are also \$1.3M higher holdings of cash backed reserves to support CPV refundable monies but \$0.5M less for the CPV Reserve after allowing for the year's operating result and capital reimbursements. The Sustainable Infrastructure Reserve is \$0.5M higher whilst the River Wall Reserve is also \$0.8M lower as funds have been deployed to fund major capital works. The Waste Management Reserve is \$0.7M higher. The IT Reserve is \$0.5M higher as funds are quarantined for major technology infrastructure projects in the next year. Various other reserves are modestly changed.

Municipal funds are some \$5.3M higher due to very good rates collections, a strong opening position, cash receipt for the second instalment of the Ray St land sale proceeds and less than anticipated cash draw down for capital works to date.

Excluding the 'restricted cash' relating to cash-backed Reserves and monies held in Trust on behalf of third parties; the cash available for Municipal use currently sits at \$19.0M (compared to \$23.2M last month). It was \$13.7M at the equivalent time in the 2013/2014 year. Details are presented as **Attachment (a)**.

**(b) Investments**

Total investment in money market instruments at month end was \$77.8M compared to \$49.9M at the same time last year. There is a \$5.2M higher level of cash in Municipal investments. Cash backed reserves are \$22.7M 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 (b)**.

Holdings in Westpac Bank have recently been significantly reduced in response to several failures by the institution to accurately and correctly action the City's investment instructions in a timely manner. Whilst it is understood that this was due to 'system errors' in Westpac's banking environment, the City has opted to move its investment funds to more reliable financial institutions until the Westpac system issues are demonstrated to have been satisfactorily resolved. The City was not adversely affected by either the actions of Westpac Bank or by the City's decision to call back investments in line with their maturity dates.

Total interest revenues (received and accrued) for the year to date total \$1.96M. This compares to \$1.50M 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 will re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs.

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 3.36% with the anticipated weighted average yield on investments yet to mature now sitting at 3.11%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 2.00% since the Feb 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 (c)**. Rates collections to the end of April 2015 (after the due date for the final instalment - other than for pensioners and seniors) represent 97.1% of rates levied compared to 97.6% at the same time last year.

The City has maintained a strong rates collection profile following the issue of the 2014/2015 rates notices. There has again been a good acceptance of our rating strategy, our communications strategy and our convenient, user friendly payment methods. Combined with the Rates Early Payment Incentive Scheme (generously sponsored by local businesses), these strategies continue to provide strong encouragement for ratepayers to meet their rates obligations in a timely manner. Claims for reimbursement of pension rebates are once again on par with last year.

#### (ii) General Debtors

General debtors (excluding UGP debtors) stand at \$2.15M at month end (\$1.64M last year). GST Receivable is \$1.0M higher than the balance at the same time last year whilst Sundry Debtors is \$0.7M lower. 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.

#### (iii) Underground Power

Of the \$7.40M billed for UGP Stage 3 project, (allowing for interest revenue and adjustments), \$7.38M was collected by month end with approximately 99.7% of those in the affected area having now paid in full. The remaining 12 property owners have made satisfactory payment arrangements to progressively clear the debt after being pursued by our external debt collection agency.

Residents opting to pay the UGP Service Charge by instalments continue to be subject to interest charges which accrue on the outstanding balances (as advised on the initial UGP notice). It is important to recognise that this is **not** an interest charge on the UGP service charge - but rather is an interest charge on the funding accommodation provided by the City's instalment

payment plan (like what would occur on a bank loan). The City encourages ratepayers in the affected area to make other arrangements to pay the UGP charges - but it is, if required, providing an instalment payment arrangement to assist the ratepayer (including the specified interest component on the outstanding balance).

Since the initial \$4.59M billing for the Stage 5 UGP Project, some \$4.56M (or 99.2% of the amount levied) has already been collected with 98.1% of property owners opting to settle in full. A further 16 or 1.6% who were expected to pay the final instalments on 19 December missed the instalment date. Since December a number of these residual debt amounts have been cleared. 16 property owners are on extended payment arrangements and legal proceedings are being initiated for 1 property owner who has not made any payments to date.

### **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.

### **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**

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

#### 10.6.4 Review of Membership with the Western Australian Local Government Association

Location:	South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-15-33746
Date:	26 May 2015
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Cliff Frewing, Chief Executive Officer Phil McQue, Manager Governance and Administration
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

#### Summary

This report considers the City's membership of the Western Australian Local Government Association, as requested by the Council in March 2015.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor C Cala

**Seconded:** Councillor C Irons

That the Council notes the review of its membership with the Western Australian Local Government Association.

**CARRIED EN BLOC (8/0)**

#### Background

Following a Notice of Motion from Mayor Doherty, the Council resolved in March 2015 *"that the City of South Perth officers conduct a review of the advantages and disadvantages of the City being a member of the Western Australian Local Government Association."*

The Western Australian Local Government Association (WALGA) is a private association, with a vision "to be powerful and influential in representing, supporting and leading local government". WALGA's mission is:

- providing strong representation for Local Government;
- providing strong leadership for Local Government;
- enhancing the capacity of Local Government;
- building a positive public profile for Local Government;
- be built on good governance, autonomy, local leadership, democracy, community engagement and diversity;
- have the capacity to provide economically, socially and environmentally sustainable services and infrastructure that meet the needs of their communities.

WALGA's State Council and decision making structure comprises 24 members, with representation divided evenly between the metropolitan and rural region, despite the majority of Western Australia's population being based in the metropolitan area.

#### **Comment**

The City has been a member of WALGA for many years and receives a varying range of political, representation, financial and capacity building benefits. The City presently provides direct input into the strategic and political leadership of WALGA, via Council representative Cr Reid, who is on WALGA's State Council. Additionally at various times there are forums which the Mayor and/or CEO are invited to participate in issues of a State or Federal nature.

Being a member of State Council also provides an opportunity for members to become members of other associated committees and board, such as Cr Reid being a member of the principle Metropolitan Waste Advisory Committee. This enables the City's views to be presented to this forum and also provides opportunities for information to be provided back to the City which may not otherwise be available.

The City is a member of the South Eastern Metropolitan Zone of WALGA and as a consequence is also able to influence (and frequently does influence) the decisions of the Zone which makes recommendations to the WALGA State Council for consideration. The City has two Councillors, Cr Reid and Cr Hawkins-Zeeb who are presently on the South East Metropolitan Zone.

As a WALGA member, the City is able to lodge motions for consideration and participate on the debate on all motions that are considered at the Annual Meeting of WALGA.

Being a member of WALGA also provides opportunities for elected members to represent the sector by being nominating for membership to sector boards and committees. An example of this is Cr Huston who nominated and was elected to the position of Deputy Member WAPC. These opportunities would not be available if the City was not a member of WALGA.

The City receives weekly news Bulletins from WALGA that provide updates on important industry developments, ie legislation updates, events in the form of seminars etc and vacancies on boards and committees. This type of information would not be easily accessible if the City was not a member of WALGA.

Individual Local Governments are also frequently invited to contribute to matters of topical interest to the industry which form the basis of submissions to Government.

Officers and elected members frequently contact officers from WALGA for informal advice on a range of subjects. This has become more frequent in recent times as the quality of advice from the Department of Local Government is not as good as it once was.

WALGA also offers a comprehensive elected member training program. This may not be made available to elected members of a Local Government that is not a member. At the very least, it would be reasonable that additional fees would apply.

The City of South Perth was very concerned during the recent local government reform process that WALGA did not properly or effectively advocate on behalf of metropolitan local government. These concerns were frequently raised with WALGA at officer and elected member level as it was felt that WALGA was not presenting a strong and united voice for metropolitan local government.



The perceived ineffectiveness and failure of WALGA to effectively advocate and lobby on behalf of metropolitan local government saw the creation of the Councils for Democracy, an break-away lobby group of disaffected Mayors and CEO's, that the City joined (informally) and contributed to.

Despite the concerns by the City of South Perth that WALGA did not effectively represent the sector, there are many financial benefits associated with being a member of WALGA as outlined below by WALGA below.

- Membership provides access to WALGA's extensive range of Preferred Supply Contracts, which carry the assurance of high quality suppliers, full compliance and best value for money.
- Membership provides access to WALGA's Procurement Consultancy Services. This service is of great assistance to the City, most recently providing advice on the request for tender for construction of the Manning Hub (Tender 2/2015). The Service also offers training and mentoring for City procurement staff;
- WALGA has a range of services providing substantial benefits to the City of South Perth, including large-scale financial savings in insurance, road building material related services, telecommunications, advertising and contestable energy.
- Additionally, there are numerous grants and rebates secured by WALGA for Councils in the areas of road funding, biodiversity, waste management, road safety, community recreation and safety.
- Including the savings associated with Local Government Insurance Services, the City of South Perth has received an estimated \$602,526 in quantifiable financial benefits during 2014/15, representing a 996% return on the City's membership subscription for 2014/15 of \$54,952.

Key benefits to the City of South Perth in 2014/15 include:

- Substantial financial rebates from the Association's Group Advertising and Media Services equated to estimated savings of \$20,788 on a year to date expenditure of \$83,153. In 2013/14 with expenditure totalling \$144,486, the City achieved a saving of \$57,794
- Significant financial savings have been achieved in the year to date via the Association's Group Road Building Materials Related Service. With an \$888,944 spend, there is an estimated saving of \$93,339. In 2013/14, expenditure was \$1,319,999 with savings of \$138,600;
- Contestable Energy: With \$48,355 savings on expenditure of \$322,365 in 2013/14, the City has to date achieved an estimated \$51,893 saving on year to date expenditure of \$296,533 in 2014/15;
- Exceptional savings have been achieved in the area of Telecommunications with \$88,791 saved on an expenditure of \$147,985 in 2013/14 and an estimated saving of \$57,248 on the year to date expenditure of \$95,413. These savings represent up to

70% below market rates. These telecommunication savings are also made available to residents of the Collier Park Village, with the provision of reduced rates for local phone calls.

- LGIS – Insurance Services & Risk Management: In 2013/14, membership to WALGA provided a 25% discount representing estimated savings of \$187,114 on \$748,458 expenditure and further provided access to a \$60,932 distribution via the LGIS – Member Experience Account.

### **Summary**

It is clear that there was a large degree of dissatisfaction with WALGA's representational, advocacy and lobbying role during the Local Government reform process. However it is also acknowledged that there was never going to be a common view expressed by all metropolitan local governments on the subject and effective representation was always going to be a difficult challenge for WALGA. It is believed however that there were elements of the State Governments process (equity, openness, funding and a principled approach etc) that could have been lobbied for harder.

Now that the reform process has been abandoned by the State Government, the tensions have relaxed and given the above financial savings, it is recommended that the City continue with its membership of WALGA. There are also opportunities to encourage WALGA to review its key roles in the future to improve its relationship with its members.

### **Consultation**

The City corresponded with WALGA in April 2015 requesting further information outlining the benefits and advantages of the City remaining a member of WALGA. WALGA provide response on 23 April, the details of which are included in this report.

### **Policy and Legislative Implications**

The City is not required by legislation or statute to retain its membership of WALGA.

### **Financial Implications**

There would be significant financial implications as outlined in the above, should the Council wish to withdraw from WALGA membership. The cost of the WALGA subscription for 2014/15 is \$54,952.

### **Sustainability Implications**

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

### **Attachments**

Nil

## 10.7 MATTERS REFERRED FROM THE AUDIT AND GOVERNANCE COMMITTEE

Nil

## 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:

- Mayor Doherty for the period 27 May 2015 – 2 June 2015 inclusive and 14 June 2015 – 17 June 2015 inclusive.
- Cr F Reid for the period 12 June 2015 – 22 June 2015 inclusive.

#### COUNCIL DECISION

**Moved:** Councillor M Huston

**Seconded:** Councillor K Trent

That Leave of Absence be granted to:

- Mayor Doherty for the period 27 May 2015 – 2 June 2015 inclusive and 14 June 2015 – 17 June 2015 inclusive.
- Cr F Reid for the period 12 June 2015 – 22 June 2015 inclusive.

**CARRIED (8/0)**

## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

At this point Cr G Cridland raised a point of order in relation to *Agenda Item 12.1 Dan Murphy's Liquor Store – Liquor Licence* in respect of his position on the Joint Development Advisory Panel (JDAP). He acknowledged that he inadvertently omitted his Declaration of Impartiality Interest in this matter at *Agenda Item 5. Declarations of Interest* and sought acceptance of his Declaration at this point of proceedings. Councillors C Cala and S Hawkins-Zeeb, also being members of the JDAP, acknowledged likewise and declared an Impartiality Interest in *Agenda Item 12.1 Dan Murphy's Liquor Store – Liquor Licence*. The three Councillors disclosed that they are members of the JDAP and sought agreement from Council that they may remain in the Chamber, consider this matter on its merits and vote accordingly.

## 12.1 DAN MURPHY'S LIQUOR STORE - LIQUOR LICENCE

At the Agenda Briefing of 19 May 2015 Mayor Doherty gave notice that at the 26 May 2015 Ordinary Council Meeting she would move the following motion.

### **Motion AND COUNCIL DECISION**

**Moved:** Mayor Doherty

**Seconded:** Councillor M Huston

That

1. the City of South Perth:
  - (a) lodge a submission with the Department of Racing, Gaming and Liquor (DRGL) requesting the Dan Murphy's liquor licence application (for the Como Hotel site) be advertised for public comment, to relevant organisations including the City of South Perth; and
  - (b) engage an appropriate professional, such as a lawyer practising in liquor licensing, to prepare the grounds for an objection so this can be sent to the DRGL following the lodgement of the liquor licensing application, and
  - (c) arrange for a legal review of the JDAP decision on the Dan Murphy's application to be undertaken by a suitably experienced lawyer practising in administrative law and/or planning law, and
2. an allocation of \$30,000 be approved for the purpose of the objection and legal review.

**CARRIED (8/0)**

### REASONS FOR MOTION

The Dan Murphy's Development Application (DAP/14/00542) was approved by the Joint Development Assessment Panel (JDAP) on 17 April 2015.

This was the third time the matter had gone to the JDAP, on each occasion the Council, the community, local and federal politicians expressed their strong opposition to the location of a Dan Murphy's on the Como Hotel site.

The JDAP decision was contrary to a unanimous Council decision, City officers and Main Roads recommendations as well as technical expert reports and is opposed by the local community.

Subject to any appeal or further local government related approvals, the next stage is for the applicant to apply to the DRGL for a liquor licence. This phase of approval is subject to the Liquor Control Act.

A letter has been sent to DRLG requesting the City be advised when an application is lodged for the liquor licence. The City will be watching the Government Gazette for notification in case the DLRG does not notify the City.

While most new liquor licence applications are advertised for public consideration, not all are, and the applicant can ask that it not be. In this instance an existing liquor licence exists for both the Como Hotel and Beer Wine Spirits drive-through bottle shop.

The expertise of a lawyer or similar with considerable liquor licensing experience in responding to an application on behalf of the Council is key to the continued meaningful involvement of the City and community in the process to determine whether the applicant can build and operate a large scale liquor barn on this site.

There appear to be several legal flaws in the JDAP decision.

1. There was no significant difference in the application considered and approved on 17/4/15 from the application considered and refused on 17/2/15. The weight of the technical evidence and submissions were overwhelmingly against the approval on both occasions. With the approval of the application on 17 April, the trust and confidence of the public in the integrity of statutory planning bodies has been destroyed.

Put simply, the application was considered three times with a different outcome arrived at the third hearing despite more cogent evidence opposing the application being before the third hearing and supporting the reasons for refusal of the application (from the outcome of the previous items for refusal at the 2nd JDAP hearing).

2. The JDAP appears to have failed to properly consider the evidence about traffic and parking, with there being 15 reports that dictated the need to have the authors questioned at a hearing. Current and future traffic issues (as a result of the proposed re-development) were ignored and should have been considered.
3. The JDAP approval does not have any regard to the definitive statement by Main Roads about closure of the Canning Highway crossover and the planned future installation of a timed bus embayment.
4. The JDAP reversing its prior ground for refusal about the consequences of alcohol despite an interim policy and unanimous Council support for the rejection of the destination liquor outlet at the Como Hotel which was before the 3rd JDAP hearing.

An allocation should be made from the budget to fund the work at 1. (b). and (c).

#### CEO Comment

This action is consistent with past Council resolutions and no further comment is necessary

## **.13. QUESTIONS FROM MEMBERS**

### **13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE**

At the April 2015 Ordinary Council Meeting there were questions taken on notice. The questions and response provided can be found in the **Appendix**.

### **13.2 QUESTIONS FROM MEMBERS**

Nil.

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

Nil

## **15. MEETING CLOSED TO PUBLIC**

*Under section 5.23 (2) of the Local Government Act 1995 Council may resolve to close the meeting to the public.*

Nil.

## **16. CLOSURE**

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.12pm.



## 17. RECORD OF VOTING

26/05/2015 7:05:40 PM

### **Item 7.1.1 - Confirmation of Minutes - Ordinary Council Meeting Held 28 April 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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:06:55 PM

### **Item 7.1.1-7.1.6 - Confirmation of Minutes – Various Meetings**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:07:49 PM

### **Item 7.2.1 – Receipt of Briefing Notes**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:18:44 PM

### **Item 8.4.1-8.4.2 – Receipt of Council Delegates' Reports**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:19:18 PM

### **Item 8.5.1 – Receipt of Conference Delegates' Report**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:23:31 PM

**Item 9.1 – En Bloc Motion (Items 10.3.1, 10.3.2, 10.5.1, 10.6.1, 10.6.2, 10.6.3 and 10.6.4)**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:42:13 PM

**Item 10.0.1 – Canning Bridge Structure Plan – Endorsement – Amendment to Officer Recommendation**

Motion Passed 8/0

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

Absent: Cr Fiona Reid

26/05/2015 7:42:45 PM

**Item 10.0.1 – Canning Bridge Structure Plan – Endorsement**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:45:15 PM

**Item 10.1.1 – Proposed 24 metre High Safety Screen Fence to the Royal Perth Golf Course. Lot 1 Labouchere Road, South Perth**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:46:18 PM

**Item 10.1.2 – Community Advisory Groups and Committees**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:48:22 PM

**Item 10.3.3 – Proposed Additions/Alterations to Single House on Lot 16 (No. 33) River Way, Salter Point**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:57:28 PM

**Item 10.3.4 – Guidelines for Alcohol Outlets – Amendment to Officer Recommendation (Policy P317)**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:57:59 PM

**Item 10.3.4 – Guidelines for Alcohol Outlets**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 7:59:13 PM

**Item 10.3.5 – Amendment No. 47 to TPS No. 6 – Report for final adoption**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 8:00:16 PM

**Item 11.1 – Requests for Leave of Absence**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

26/05/2015 8:09:52 PM

**Item 12.1 – Motion: Dan Murphy’s Liquor Store – Liquor Licence**

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 Cheryle Irons, Cr Kevin Trent

Absent: Cr Fiona Reid

## APPENDIX



### APPENDIX I: MAYOR'S ACTIVITY REPORT – APRIL 2015

Date	Activity	Attendee(s)
Thursday, 30 April	Open Riverside Collective Art Exhibition	Mayor Sue Doherty
	Meeting re citizenship ceremonies	Mayor Sue Doherty + Manager Development and Community Services + Civic Functions & Ceremonies Officer
	Meeting amalgamation - Joseph Poprzeczny	Mayor Sue Doherty
Wednesday, 29 April	WALGA: SEMZ Meeting	Mayor Sue Doherty & Manager Governance & Administration & Cr Sharron Hawkins-Zeeb
	Meeting Mal Dempsey	Mayor Sue Doherty
Tuesday, 28 April	April Council meeting	Mayor Sue Doherty
	Mayor/CEO weekly meeting	Mayor Sue Doherty + Cliff Frewing
Saturday, 25 April	ANZAC Day 100 <sup>th</sup> Anniversary ceremony	Mayor Sue Doherty + Crs Glenn Cridland, Kevin Trent, Fiona Reid, Veronica Lawrance, Colin Cala, Michael Huston & Sharron Hawkins-Zeeb
Friday, 24 April	South Perth Primary School Anzac Day service	Mayor Sue Doherty & Cr Trent
	Youth Theatre - Maree Grayden	Mayor Sue Doherty
Thursday, 23 April	CEO Recruitment Committee Meeting	Mayor Sue Doherty & Committee Members
	Meeting Steve Irons	Mayor Sue Doherty
	Meeting Melville Mayor	Mayor Sue Doherty & Russell Aubrey
	Finance meeting with Director Financial & Information Systems	Mayor Sue Doherty & Mike Kent

Date	Activity	Attendee(s)
	Meet residents re Dan Murphy's	Mayor Sue Doherty
Wednesday, 22 April	Briefing - Updated LTFP	Mayor Sue Doherty
	Manning Primary School Anzac Day Commemorative Service	Mayor Sue Doherty
Tuesday, 21 April	April Council Briefing	Mayor Sue Doherty
	Meeting to Discuss Culture Optimisation within the Council and Administration	Mayor Sue Doherty + Cliff Frewing
	South Perth Senior Citizens Anzac Day lunch	Mayor Sue Doherty + Cliff Frewing
	Mayor/CEO meeting	Mayor Sue Doherty + Cliff Frewing
Monday, 20 April	Arts Advisory Group Meeting	Mayor Sue Doherty + CEO, & Crs Colin Cala
	Hub Training	Mayor Sue Doherty
Sunday, 19 April	City of Subiaco afternoon tea – Dadour Amendment	Mayor Sue Doherty
Saturday, 18 April	Canning World Arts Exchange Gallipoli Voices	Mayor Sue Doherty
Friday, 17 April	JDAP Dan Murphy's application for the Como Hotel	Mayor Sue Doherty & Crs Glenn Cridland, Colin Cala, & Sharron Hawkins-Zeeb
Wednesday, 15 April	Finbar Briefing	Mayor Sue Doherty
	Southcare's Annual Awards	Mayor Sue Doherty
Tuesday, 14 April	Ernest Johnson Complex Master plan - Implementation Progress Briefing	Mayor Sue Doherty
	Manning Hub Tenders Briefing	Mayor Sue Doherty
	Interview with ABC - Scott Rollinson	Mayor Sue Doherty
	Mayor/CEO weekly meeting	Mayor Sue Doherty
Monday, 13 April	Aboriginal Reference Group meeting	Mayor Sue Doherty
	CEO Evaluation meeting with Chair CEO Recruitment Committee	Mayor Sue Doherty & Cr Michael Huston
	Meeting with Save the Peninsula Group re 74 Mill Point Road	Mayor Sue Doherty
Friday, 10 April	Old Mill Theatre	Mayor Sue Doherty
	Lunch with CEO Canning	Mayor Sue Doherty
	Mayor Meet the Community	Mayor Sue Doherty



<b>Date</b>	<b>Activity</b>	<b>Attendee(s)</b>
	ANZAC Day discussion	Mayor Sue Doherty & Cliff Frewing & Cr Kevin Trent
Wednesday 8 April	Briefing: Development Controls in South Perth Station Precinct	Mayor Sue Doherty
	Lobbying Opportunities in Canberra	Mayor Sue Doherty + Cliff Frewing
	Today Tonight Interview re 74 Mill Point Road	Mayor Sue Doherty
Tuesday, 7 April	Mayor/CEO weekly meeting	Mayor Sue Doherty & Cliff Frewing
Friday 3 – Monday 6 April	Easter break	
Thursday, 2 April	Pool feasibility study discussion	Mayor Sue Doherty, Vicki Lummer, Sandra Watson, Jennifer Hess
	Southcare Inc – Community Partners meeting	Mayor Sue Doherty + Cliff Frewing

### **Council Representatives' Activity Report**

<b>Date</b>	<b>Activity</b>	<b>Attendee(s)</b>
Wednesday 29 April – Friday 1 May	2015 LGMA National Congress & Business Expo	Cr Fiona Reid
Saturday, 25 April	Town of Victoria Park Anzac Day service	Crs Fiona Reid & Michael Huston
Saturday, 18 April	South Perth Lawn Tennis Club championships & presentation of trophies	Deputy Mayor, Glenn Cridland
Thursday, 16 April	Rivers Regional Council meeting	Crs Kevin Trent and Colin Cala
Monday, 13 April	Citizenship ceremony	Deputy Mayor, Glenn Cridland
Wednesday, 1 April	Neighbourhood Watch meeting	Cr Kevin Trent

## APPENDIX 2: ITEM 10.3.4 – GUIDELINE FOR ALCOHOL OUTLETS – POLICY P317



### Policy P 317 'Licensed Premises'

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

#### POLICY OBJECTIVES

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

#### POLICY SCOPE

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

#### POLICY BACKGROUND

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

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

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

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

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

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Policy Number: P317  
Council Adoption: 26 May 2015  
Reviewed/Modified:

Relevant Council Delegation:  
Relevant Delegation: DC690  
Relevant Management Practice:

## POLICY STATEMENT

### Assessment criteria

#### 1. Land use and permissibility

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

##### Definitions

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

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

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

##### Land Use permissibility table for Liquor Store and Small Bar

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

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

#### 2. Location and design

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

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

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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;

- 1) Number of patrons.
- 2) Proposed hours of operation;
- 3) A full set of drawings including site plan, existing and proposed floor plans and elevations;
- 4) An area plan providing details of the distribution and mix of land uses within 100m of the premises; including other licensed premises and residential properties;
- 5) An Impact Assessment Report under clause 7.6 of TPS6, including an assessment of the proposal on the amenity of the surrounding area. This Impact Assessment Report should include a cumulative impact assessment where; there are three (3) or more licensed premises within a 100m radius or 15 or more licensed premises within a 500m radius. For guidance in the preparation of a cumulative impact assessment applicants are encouraged to refer to Western Australian Local Government Association *Local Government Town Planning Guidelines for Alcohol Outlets*;
- 6) 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;
- 7) A public interest assessment prepared as per the requirements of the Department of Racing Gaming and Liquor; and
- 8) Any other plan or information the City may reasonably require to enable the application to be determined, including but not limited, a Traffic Impact Assessment and Noise Impact Assessment prepared by an appropriately qualified independent professional.
  - (i) A traffic and parking impact assessment, including predicted future cumulative traffic impacts, will generally be required for all premises proposing on-premises consumption of alcohol and for large liquor stores. Parking requirements are to be assessed at the rates set out under Clause 4 of this policy and are to include all uses, whether existing or proposed on a site.
  - (ii) Noise assessments will generally be required for any premises operating outside the hours of 9am–6pm or which include live music.

#### 3.2 Alteration of existing Licensed Premises

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

#### 3.3 Festivals and temporary events

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

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#### 4. Car and Bicycle Parking Requirements

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

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

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

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## APPENDIX 3: ITEM 6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

1. Ken Manolas, 193 Mill Point Road Received 30 March 2015	Response provide by Vicki Lummer, Director Development and Community Services
1. Would Council consider arranging a Schedule of large events for Sir James Mitchell Park to be circularised to nearby residents 3 months in advance to ensure they have adequate notice so residents are aware of parking constraints and noise so as to have an option not to arrange private personal functions for that particular day/evening? It is possible residents could on the same day/evening have engagements, weddings, birthdays - 21st etc. which would be impacted by large events from noise, parking and closure of streets.	The City could arrange for a list of large events to be posted on the website around 3 months in advance so residents have warning of such events.
2. Marcia Manolas, 193 Mill Point Road Tabled at the Council Meeting	Response provide by Mark Taylor, Acting Director Infrastructure Services
<p><i>[Preamble] How and where has Council designated and highlighted the resumed lots in accordance with the Resumption Orders Gazetted in 1934 and 1940 in accordance with the November 2013 Resolution.</i></p> <p><i>Points: c) Existing land titles be reviewed to ensure they reflect their original intention of foreshore recreation and to be designated for that purpose use only.</i></p> <p><i>h) ensure that all existing policy documentation be altered to reflect the aforementioned issue and referred to a future Council meeting for approval.</i></p>	
<p>1. So how and where has Council reflected the original intention of resumed land?</p> <p><i>Reference material [para-phrased]</i></p> <p>(a) <i>South Perth Foreshore Strategy and Management Plan – passed in September 2014, pages 91, 92 and 93 do not highlight or designate the Certificate of Titles of the resumed land comprising Sir James Mitchell Park for the purpose of use being Swan River Improvements and Foreshore Recreation grounds at South Perth</i></p> <p>(b) <i>Vision ahead document – does not highlight the resumed lots in accordance with the resumption orders nor reflect the resumption order condition purpose of use.</i></p> <p>(c) <i>Public Open Space Policy – does not state anywhere in the details relating to Sir</i></p>	<p>(a) The South Perth Foreshore (SPF) Strategy and Management Plan outlines the original intention of the resumed land in Appendix 03 'Post-European Settlement History – Historical Development &amp; Land Use', under the sub-heading 'Resumption of Land and Development of Reserves / Public Open Space and Other Foreshore Uses' (Pg. 71).</p> <p>(b) The Vision Ahead Document is a visioning document which pre-dates the SPF Strategy and Management Plan. This is not a document for detail. It contains high level City wide strategy discussion.</p> <p>(c) The Public Open Space Strategy also pre-dates the SPF Strategy and Management Plan and contains strategies for public open space use and</p>

<i>James Mitchell Park, the resumed land lots – resumed in 1934 and 1940 with the specific condition of use.</i>	<p>improvements throughout the City. This is not a document of detail to the extent that it would contain information about resumed land on the foreshore.</p> <p>The SPF Strategy and Management Plan is the definitive document for matters concerning the foreshore. The level of detail, including resumed land details, currently included in this document is appropriate for a publicly available document. Readers wanting more detail about the resumed lands on the foreshore can either approach the City and/or Landgate.</p>
<b>3. Geoff Defrenne, 24 Kennard St, Kensington Tabled at the Council Meeting</b>	<b>Response provide by Vicki Lummer, Director Development and Community Services</b>
<i>[Preamble] I have just checked the Intra-maps after reading the article on “skyscraper battles” in this week’s Gazette. The Mayor is quoted as saying “the development is not a result of poor planning. Residents have had the opportunity to be involved and contribute to the amendment”. That is all very fine. The intra-maps quotes the building height for the Lot as 25m.</i>	
1. Could the City please explain how a 29 storey building could be built where there is a 25 metre height limit?	A 29 storey building can be considered using Town Planning Scheme No.6, Schedule 9, Table B.
2. In consulting during the amendment process has the city or council been deceptive in printing maps with a 25 metre height limit when in reality the minimum height for a 29 storey building is 25 metres?	No, the amendment documentation advertised for public comment included the relevant text, explaining the provisions, as well as the plans.
3. Where a Town Planning map says “building height 25 metres” is it reasonable to assume a building height is limited to 25 metres?	N/A - as answered in 2, above.
4. Will any of these buildings showing merit be “world class” and become tourist attractions in their own right?	This is unknown.
5. Will these “Tourist attractions” create more traffic problems with tourist buses parking in Mill Point Rd?	This is unknown, but considered unlikely.



## APPENDIX 4: RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE - 28 APRIL 2015

1. Councillor F Reid	Response provide by Vicki Lummer, Director Development and Community Services
<p>In relation to Question 3, asked by Terry Hogan regarding the proposed development at 74 Mill Point Road.</p> <p>The question was:</p> <p><i>“Related to the previous question: The water table on the peninsula is about 1 meter below the surface. A recent residential construction project close to 74 Mill Point Road had to abandon its plans to build below ground because of an inability to dispose of toxic water infiltration during construction. Subsequently the car park was built above ground. Predictably the same waste water problem will occur with the proposed project at 74 Mill Point Road. Will the developers then be allowed to construct all 5 levels of car park above ground without public consultation and formal approval?”</i></p>	
<p>1. If such a change was necessary, i.e. to construct all 5 levels of the car park above ground, would they need to reapply ‘as a significant change’, and would further public consultation be required?</p>	<p>If an amended development application was received that was considered to significantly alter the design and have an impact on the locality, it would be advertised for public comment.</p>
2. Councillor K Trent	Response provide by Mark Taylor, Acting Director Infrastructure Services
<p>Asked in relation to Councillor Cridland’s Motion 12.1 Request to progress urgently the amendment to metropolitan region scheme reservation for Canning Highway</p>	
<p>1. Can you please advise how many timed bus stops there are within the City of South Perth, and specifically on Canning Highway?</p>	<p>There are 36 timed stops within the City. Timed stops are used to ensure buses remain true to the timetable i.e. buses depart the stop at or after the designated time. Five stops are located on Canning Highway with two of the stops within the Canning Bridge Bus to Train interchange. Two of the remaining three are in-bound and located at Coode Street (embayed bus bay) and before Norton Street (in lane). The third is out-bound and located mid block between Barker and Alston Avenues (in lane).</p>

## 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 23 June 2015.

Signed \_\_\_\_\_  
Presiding Member at the meeting at which the Minutes were confirmed