

# MINUTES

## Ordinary Council Meeting

26 April 2016

To: The Mayor and Councillors

Here within are the Minutes of the Ordinary Council meeting of the City of South Perth Council held Tuesday 26 April 2016 in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

29 April 2016



# 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 City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 26 April 2016.

## 1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 6.02pm 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.

## 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 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 'Recording of Proceedings'.

She then gave her permission for the Administration to record proceedings of the Council meeting and requested that all electronic devices be turned off or on to silent.

### 3.2 PUBLIC QUESTION TIME FORMS

The Presiding Member advised the public gallery that Public Question Time forms are available in the foyer for members of the public who wish to submit a written question.

### 3.3 ACTIVITIES REPORT MAYOR AND COUNCIL REPRESENTATIVES

The Presiding Member advised that the Mayor's and Council Representatives' Activities Report for the month of March can be found in the Appendix of the Agenda.

## 4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

### Councillors

Jessica Black	Como Ward
Colin Cala	Manning Ward
Sharron Hawkins-Zeeb	Manning Ward
Travis Burrows	Mill Point Ward
Fiona Reid	Moresby Ward
Cheryle Irons	Moresby Ward
Ken Manolas	Mill Point Ward

### Officers

Geoff Glass	Chief Executive Officer
Vicki Lummer	Director Development and Community Services
Michael Kent	Director Financial and Information Services
Mark Taylor	Director Infrastructure Services (from 6.16pm)
Phil McQue	Manager Governance and Administration
Rajiv Kapur	Manager of Development Services
Rod Bercov	Strategic Urban Planning Adviser
Sharron Kent	Governance Officer
Zoe Cornish	Marketing Coordinator
Maria Noakes	Communications Officer

### Gallery

There were approximately 80 members of the public and 1 member of the media present.

## **4.1 APOLOGIES**

Nil

## **4.2 APPROVED LEAVE OF ABSENCE**

Glenn Cridland Como 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 advised that Declarations of Interest had been received in relation to *Agenda Item 10.0.1 Modified 'Complex' Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct. Second Report on Submissions (Item 7.0.1 27 October 2015 Council Meeting)* from Councillor Travis Burrows, Councillor Jessica Black and Councillor Fiona Reid.

In accordance with the *Local Government (Rules of Conduct) Regulations 2007* the Presiding Member advised that these Declarations would be read out immediately before Item 10.0.1 was considered.

## **6. PUBLIC QUESTION TIME**

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

The Presiding Member advised that at the Ordinary Council meeting held 22 March 2016, public questions were received *prior* to the meeting and taken on notice – the questions and responses provided were made available in the Minutes of the March 2016 meeting. Questions were also raised *at* the meeting and taken on notice – the questions and responses provided can be found in **Appendix One** of this meeting.

At the Special Council meeting held 20 April 2016, public questions were raised at the meeting and taken on notice – the questions and responses provided will be made available in the Minutes of the May 2016 Ordinary Council meeting.

## 6.2 PUBLIC QUESTION TIME: 26 APRIL 2016

*Public Question Time is operated in accordance with Local Government Act Regulations and the City's Standing Orders Local Law.*

The Presiding Member advised the meeting 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 heard first.

The Presiding Member then opened Public Question Time at 6.06pm.

No written questions were received either prior to or at the meeting.

The Presiding Member then closed Public Question Time at 6.06pm.

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council meeting Held: 22 March 2016

#### 7.1.2 CEO Evaluation Committee meeting Held: 30 March 2016

#### 7.1.3 Special Council Held: 20 April 2016

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

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the Minutes of the Ordinary Council meeting held 22 March 2016, the CEO Evaluation Committee meeting held 30 March 2016 and the Special Council meeting held 20 April 2016 be taken as read and confirmed as a true and correct record.

**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.*

#### 7.2.1 Agenda Briefing - 19 April 2016

Officers of the City presented background information and answered questions on items to be considered at the April Ordinary Council Meeting at the Agenda Briefing held 19 April 2016.

#### **Attachments**

7.2.1 (a): Notes - Agenda Briefing - 19 April 2016 .

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

**Moved:** Councillor Jessica Black

**Seconded:** Councillor Travis Burrows

That the Notes of the Agenda Briefing held 19 April 2016 be noted.

**CARRIED (8/0)**

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

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

A petition was received on 15 April 2016 from:

- Meheroop Chopra of 3 Anthus Corner, Waterford;
- Vincent White of 20 Anthus Corner, Waterford; and
- Daniel McQuillan of 2 Anthus Corner, Waterford

together with 32 signatures raising an objection to allow three-storey multiple dwellings with semi-basement at Lot 146 (No. 6-16) Anthus Corner, Waterford.

The text of the petition can be found at Appendix Two of the Agenda.

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

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the petition received 15 April 2016 from

- Meheroop Chopra of 3 Anthus Corner, Waterford;
- Vincent White of 20 Anthus Corner, Waterford; and
- Daniel McQuillan of 2 Anthus Corner, Waterford

together with 32 signatures raising an objection to allow three-storey multiple dwellings with semi-basement at Lot 146 (No. 6-16) Anthus Corner, Waterford, be forwarded to the Director Development and Community Services for consideration.

**CARRIED (8/0)**

### **8.2 PRESENTATIONS**

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

Nil.

### **8.3 DEPUTATIONS**

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

Deputations were heard at the Agenda Briefing of 19 April 2016.

### **8.4 COUNCIL DELEGATES REPORTS**

Nil.



## 8.5 CONFERENCE DELEGATES REPORTS

Nil.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 19 April 2016. The Chief Executive Officer confirmed that this was correct and added that a late report (at Agenda Item 10.6.6 'Review of Development Assessment Panels – South East Metropolitan Zone') was requested by Councillor Fiona Reid at the Agenda Briefing of 19 April 2016, which seeks Council's consideration of a recommendation seeking the Western Australian Local Government Association's support advocating the abolition and/or reform of Development Assessment Panels.

### ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.0.1 Modified 'Complex' Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct. Second Report on Submissions (Item 7.0.1 27 October 2015 Council Meeting)
- Item 10.3.4 Proposed Policy P318 South Perth Station Precinct Application Requirements

## 9.1 EN BLOC MOTION

### **MOTION AND COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Cheryle Irons

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

- Item 10.3.1 Proposed Local Development Plan for Lot 240 No. 57 Swanview Terrace, South Perth
- Item 10.3.2 Proposed Three (3) Storey Single House. Lot 810 (No. 46) River Way, Salter Point.
- Item 10.3.3 Proposed Retrospective Boundary Fence. Lot 48 (No. 150) Lockhart Street, Como & Lot 49 (No. 8) Wooltana Street, Como
- Item 10.3.5 Proposed Addition of Use Not Listed (Gaming). Lot 253 No. 243 Canning Highway, South Perth.
- Item 10.6.1 Monthly Financial Management Accounts - March 2016
- Item 10.6.2 Statement of Funds, Investments and Debtors at 31 March 2016
- Item 10.6.3 Listing of Payments
- Item 10.6.4 Budget Review for the Period ended 31 March 2016
- Item 10.6.5 Capping of Pensioner Rebate
- Item 10.6.6 Review of Development Assessment Panels - South East Metropolitan Zone
- Item 10.7.1 Recommendations from the CEO Evaluation Committee Meeting – 30 March 2016

**CARRIED (8/0)**

## 10. REPORTS

Prior to consideration of Item 10.0.1 Modified 'Complex' Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct. Second Report on Submissions (Item 7.0.1 27 October 2015 Council Meeting), the Presiding Member read aloud the Declarations of Interest received from Councillors Black, Burrows and Reid, as follows:

### Councillor Travis Burrows

*"I wish to declare an impartiality interest in Agenda Item 10.0.1 Amendment 46 on the Council Agenda for the Ordinary Council meeting of 27 April 2016.*

*I declare that I am an employee of John Holland, who in the future may tender for the construction of a building that may be considered by the Development Assessment Panel, particularly in relation to the South Perth Train Station Precinct. It is not reasonable to expect that the matter will, if dealt with by the Council in a particular way, result in a financial gain, loss, benefit or detriment for either myself or John Holland as defined in section 5.60A of the Local Government Act 1995. However, I believe my employment with John Holland is sufficient to constitute an impartiality interest under regulation 11 of the Local Government (Rules of Conduct) Regulations.*

*It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly."*

### Councillor Jessica Black

*"I wish to declare a financial interest in Agenda Item 10.0.1 Amendment 46 on the Council Agenda for the Ordinary Council meeting of 27 April 2016.*

*I declare that I am an employee of TPG Town Planning, Urban Design and Heritage who have a financial interest in the proposed amendment.*

*It is my intention to vacate the Council Chamber before the Item is discussed and voted on."*

### Councillor Fiona Reid

*"I wish to declare an impartiality interest in Agenda Item 10.0.1 Amendment 46 on the Council Agenda for the Ordinary Council meeting of 27 April 2016.*

*I declare that my parents have purchased a unit within the subject site.*

*It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly."*

At 6.17pm Councillor Jessica Black vacated the Chamber.

## 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

### 10.0.1 Modified 'Complex' Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct. Second Report on Submissions (Item 7.0.1 27 October 2015 Council Meeting)

Location:	South Perth Station Precinct comprising all land between Richardson and Darleys Streets to the south and east, and Scott Street and Frasers Lane to the north
Ward:	Mill Point Ward
Applicant:	Council
File Ref:	D-16-28375
Date:	26 April 2016
Author:	Rod Bercov, Strategic Urban Planning Adviser
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.1 Develop a new Local Planning Strategy and a new Town Planning Scheme to meet current and future community needs, cognisant of the local amenity.

#### Summary

Amendment No. 46 to the City's Town Planning Scheme No. 6 was initiated at the October 2014 Council meeting. The original purposes the Amendment were:

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

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

On 27 October 2015, after considering public submissions on the originally advertised version of Amendment No. 46, the Council decided to invite comments on the following significant modifications to the Amendment:

- Reduction in extent of the Special Design Area;
- Creation of absolute height limits in the Special Design Area for buildings higher than the 'basic' height limits;
- Increased street setbacks for Bowman, Charles and Hardy Streets except for lots in the Special Design Area, and for the northerly portion of Mill Point Road; and
- Mandatory 1.5 minimum non-residential plot ratio.
- Maximum 10% variation from minimum lot area and frontage for a site to be eligible for consideration of building height above the 'basic' height limit;

The first three modifications listed above represent significant departures from the original intentions for the precinct. These modifications have radically changed the purposes of Amendment No. 46. In its re-advertised form, the primary purposes of Amendment No. 46 are now:

- to introduce far more restrictive building height limits and street setbacks; and
- to increase the proportion of non-residential floor space in future buildings.

As well as implementing significant modifications, the Council still intends to proceed with the majority of the originally advertised minor changes and the strengthening of the performance criteria relating to building height variations.

'Second-round' community comments have been invited on the five significant modifications to the originally advertised version of Amendment No. 46. A total of 882 submissions were received. These are discussed in the 'Consultation' section of this report and in the attached 'Report on Submissions'. Having considered the numerous 'supporting' and 'opposing' submissions received following the 'second-round' advertising of the five significant modifications, it is recommended that the Council recommend to the Minister for Planning that Amendment No. 46 be approved **with modifications** to the extent described in the Report on Submissions comprising **Attachment (a)** to this report.

### **Officer Recommendation**

**Moved:** -

**Seconded:** -

That:

- (a) the Western Australian Planning Commission be advised that Council recommends that:
  - (i) in respect of the proposed significant modification relating to the reduction in the geographic extent of the Special Design Area –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be UPHELD to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be NOT UPHELD to the extent that they oppose this modification;
  - (ii) in respect of the proposed significant modification relating to the introduction of absolute height limits within the Special Design Area –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be UPHELD to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be NOT UPHELD to the extent that they oppose this modification;
  - (iii) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in Bowman, Charles and Hardy Streets –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be NOT UPHELD to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be PARTIALLY UPHELD to the extent that they oppose this modification;
  - (iv) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in the northerly portion of Mill Point Road –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be UPHELD to the extent that they support this modification; and

- (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be NOT UPHELD to the extent that they oppose this modification;
- (v) in respect of the proposed significant modification relating to the introduction of a mandatory 1.5 minimum non-residential plot ratio –
  - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be NOT UPHELD to the extent that they support this modification; and
  - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be UPHELD to the extent that they oppose this modification;
- (vi) in the Special Design Area, in respect of the proposed significant modification relating to the introduction of a maximum 10% variation from minimum lot area and frontage for a site to be eligible for consideration of an increase in building height above the limit shown on Plan 3 'Building Heights' of Schedule 9A –
  - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be UPHELD to the extent that they support this modification; and
  - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be NOT UPHELD to the extent that they oppose this modification;
- (vii) in respect of comments relating to matters not related to the advertised significant modifications, Submissions 4.1 to 4.246 be NOT UPHELD.
- (viii) Amendment No. 46 to the City of South Perth Town Planning Scheme No. 6, be adopted **with modifications** to the extent identified in the Report on Submissions (**Attachment (a)**);
- (b) the Council of the City of South Perth under the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme to the extent identified in the modified 'Complex' Amendment No. 46 text (**Attachment (d)**);
- (c) the Council hereby authorises the affixing of the Common Seal of Council to three copies of the MODIFIED Amendment No. 46 document comprising a consolidation of **Attachments (b), (c) and (d)**;
- (d) the Report on Submissions (**Attachment (a)**) and Schedule of Submissions containing the Council's recommendations, a copy of the submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for determination of the Submissions and for final determination of Amendment No. 46 by the Minister for Planning;
- (e) the submitters be thanked for their contribution to Amendment No. 46 and they be advised that:
  - (i) the Council will be considering other possible modifications to the development controls in the South Perth Station Precinct, for implementation by way of a new Scheme Amendment and / or policies; and

- (ii) as part of the process towards implementing the new Scheme Amendment and / or policies, there will be further community engagement.
- (f) when dealing with the next Scheme Amendment for the South Perth Station Precinct, the following issues be considered for possible inclusion:
  - (i) further height control; and
  - (ii) submitters requested changes not related to the advertised significant modifications to Amendment No. 46.

#### **LAPSED FOR WANT OF A MOVER**

Councillor Colin Cala then moved an Alternative Motion as follows in red:

#### **ALTERNATIVE MOTION**

**Moved:** Councillor Colin Cala

**Seconded:** Mayor Sue Doherty

That:

- (a) the Officer's recommendation not be adopted; and
- (b) the Western Australian Planning Commission be advised that Council recommends that:
  - (i) in respect of the proposed significant modification relating to the reduction in the geographic extent of the Special Design Area –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
  - (ii) in respect of the proposed significant modification relating to the introduction of absolute height limits within the Special Design Area –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
  - (iii) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in Bowman, Charles and Hardy Streets –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;

- (iv) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in the northerly portion of Mill Point Road –
  - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
  - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
- (v) in respect of the proposed significant modification relating to the introduction of a mandatory 1.5 minimum non-residential plot ratio –
  - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
  - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
- (vi) in the Special Design Area, in respect of the proposed significant modification relating to the introduction of a maximum 10% variation from minimum lot area and frontage for a site to be eligible for consideration of an increase in building height above the limit shown on Plan 3 'Building Heights' of Schedule 9A –
  - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
  - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
- (vii) in respect of comments relating to matters not related to the advertised significant modifications, Submissions 4.1 to 4.246 be **NOT UPHELD**.
- (viii) the Report on Submissions (**Attachment (a)**) be revised and designated as **Replacement Attachment (a)** to reflect the Council's changes from the officer's recommendations as identified in the further modified Amendment No. 46 text comprising **Replacement Attachment (d)**; and
- (ix) Amendment No. 46 to the City of South Perth Town Planning Scheme No. 6, be adopted **with modifications** to the extent identified in the Report on Submissions (**Replacement Attachment (a)**);
- (c) the Council of the City of South Perth under the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme to the extent identified in the modified 'Complex' Amendment No. 46 text (**Replacement Attachment (d)**);
- (d) the Council hereby authorises the affixing of the Common Seal of Council to three copies of the MODIFIED Amendment No. 46 document comprising a consolidation of **Attachments (b), (c) and Replacement Attachment (d)**;



- (e) the revised Report on Submissions (**Replacement Attachment (a)**) and Schedule of Submissions containing the Council's recommendations, a copy of the submissions and three executed copies of the amending documents **including Replacement Attachment (d)**, be forwarded to the Western Australian Planning Commission for determination of the Submissions and for final determination of Amendment No. 46 by the Minister for Planning;
- (f) the submitters be thanked for their contribution to Amendment No. 46 and they be advised that:
  - (i) the Council will be considering other possible modifications to the development controls in the South Perth Station Precinct, for implementation by way of a new Scheme Amendment and / or policies; and
  - (ii) as part of the process towards implementing the new Scheme Amendment and / or policies, there will be further community engagement.
- (g) when dealing with the next Scheme Amendment for the South Perth Station Precinct, the following issues be considered for possible inclusion:
  - (i) further height control; and
  - (ii) submitters' requested changes not related to the advertised significant modifications to Amendment No. 46.
- (h) **The Western Australian Planning Commission be advised that, in order to provide a firm foundation underpinning the next Scheme Amendment for the South Perth Station Precinct and the related policies, Cardno Planning Consultants have been engaged to conduct appropriate investigations. When submitting the final Amendment No. 46 documents, the Commission be informed of the Council's intended time line for receiving the Cardno final report and for implementing the next Scheme Amendment.**

#### Reasons for Alternative

##### **I. Provision I Objectives of Special Control Area I**

With the proposed removal of the discretion in Element 3.5: Plot Ratio and Land Use Proportions to reduce the plot ratio from 1.5 to 1.0 where Council is satisfied that the development meets the intent of Guidance Statement (a), there is no longer any practical need to have a guidance statement. However it is important to have in the Scheme Text a clear objective for the Special Control Area. The proposed revised part (a) of the Objectives, goes further than its previous broad statement by adding the guidance statement that was removed from 3.5.

The importance of this objective cannot be overstated as it was the one advertised and discussed over quite some time culminating in the preparation of a Precinct plan and further a report prepared by Allarding and Associates for Amendment 25.



*“A vibrant attractive business location featuring a rich choice of employment, public transport options, pedestrian friendly tree-lined streets and also including reminders of South Perth's heritage.”*

Further, when outlining the principles that will be employed to achieve this vision, the Allering Report says:

- A dynamic mix of office, retail and other non-residential land uses, providing an attractive employment centre that is supported by residential development and public transport; and
- A limited level of additional residential development to provide passive surveillance and to support the local services and street level activity.

The present guidance statement in Element 3 of TPS6 reflects this objective and a recent Supreme Court ruling upheld this intent.

- (a) *With the exception of the South Perth Esplanade and Stone-Melville Sub-Precincts, any comprehensive new development should consist of predominantly non-residential uses to ensure the precinct consolidates its role as an employment destination.*

What is clearly apparent in the Allering Report, is that any residential component was intended to be only complementary to the development of the Precinct as an employment generator. With the loss of this guidance statement in Element 3, it is necessary to strengthen part (a) of Provision 1 Objectives of the Special Control Area.

## **2. Element 3: Plot Ratio and Land Use Proportions**

Considering the submissions in relation to Element 3.2 regarding all comprehensive new development in this Sub-Precinct requiring a minimum plot ratio of the non-residential component of 1.5, it is considered that this figure may be unreasonable given the proposed additional setbacks. The figure of 1.0, as is required under the present Scheme, is considered appropriate.

However, on sites in the Special Design Area, referred to in Element 3.5, it is proposed to remove the discretion whereby Council, but in reality the Joint Development Assessment Panel have the ability to lower the non-residential plot ratio from 1.5 to 1.0. This discretion has led to Table B being used in a manner that is far beyond the scope of the Precinct Vision and Community endorsement of Amendment 25 as discussed under Provision 1 Objectives of Special Control Area 1.

## **3. Element 6: Special Design Area**

With respect to Element 6: Special Design Area, it is proposed to maintain the advertised position of the Council regarding the extent of variations above the height limit designated on the Scheme map. This would mean that for Element 6.2 (b) (i) (C), there would be a maximum height of 55 metres and for Element 6.2(b) (ii) (C), there would be a maximum height of 80 metres. This removes the ability to approve unlimited height in the 25 metre zone and the 41 metre zone.

The Council should maintain its position on this matter for several reasons:

- (a) Firstly, to provide the ability to have unlimited height in both the areas on Plan 3, designated as 25 metre and 41 metre removes the integrity and relevance of the Map. This is a fundamental flaw of Map 3 at present, as the SDA overrides the relevance and rationale of where the higher area on Map 3 is placed. The report by Allering and Associates provides the background to why this height map is the way it is. The quote from 3.3.2 of the Report demonstrates this.

*“A substantial increase in height and built form will be encouraged in this sub-precinct. Along Melville Parade (south of freeway entry/exit ramp), building heights of 41 metres will be permitted to create an impressive frontage to the Precinct as seen from Kwinana Freeway and capitalise on the views of the Swan River. The array of taller buildings along Melville Parade, which wraps around to address Judd Street, will define a strong western and northern edge to the sub-precinct.”*

Further, in clause 3.8:

*“The main height emphasis in the Precinct will be along Melville Parade (south of freeway entry/exit point), Judd Street and part of Mill Point Road in order to establish a strong framework of built form along the Precinct’s “front door” and to address the regional movement corridor of the Kwinana Freeway and Southern Suburbs Rail Line.”*

However this apparent contradiction in the Scheme is not something we can address in this Scheme Amendment, but should be followed up as part of a review process for the Precinct. However, in accepting the officers recommendation, is to perpetuate the existing anomaly.

- (b) The second issue is proper and orderly planning. Criticism from some submitters has been levelled at those opposed to height restrictions on the basis that the matter of height is subjective and one person’s opinion is as good as another. However any government, whether Local, State or Federal has the responsibility of planning for the future. In order to do this there is a need for population statistics to establish what infrastructure and community services will be required. Having a Town Planning Scheme that provides no basis for establishing the final number of occupants and workers in an area is not good governance. While the earlier work undertaken in the Allering Report was aimed at establishing this objective, the current and proposed scheme amendment makes this very difficult if not impossible. An important plank for the development of the Precinct was the introduction of a developer contribution scheme. This has become virtually impossible because the City has no clear final outcome, therefore is unable to levy a contribution that reflects future needs. While state government agencies have expressed concern on this matter in there submissions, the City still appears to be ignoring the implications of an indeterminate outcome by suggesting that unlimited height may still be approved subject to meeting certain criteria that is more directed towards amenity and quality.

- (c) Thirdly, the subjectivity of table B has been an issue in providing an appropriate assessment of a Development Application. The fact is, that the existing criteria under the Scheme and even that being proposed under the re-advertised Amendment 46, are more or less just good practice and marketing. The graduated assessment scale being recommended goes some way to providing guidance, but to grant unlimited height for the sake of a few additional criteria being met within the 25 metre and 41 metre zone has no sound planning basis and ignores the issues discussed in points one and two.

#### 4. Element 7: Relationship to the Street

With respect to Element 7: Relationship to the Street, it is acknowledged that while Bowman, Charles and Hardy Street may not be considered to be in the same category as those other streets recommended to have a 4 metre setback, the setback should be greater than those streets identified to be in the Special Design Area. This intent was obviously lost in the development of Amendment 25 as this is not what the Scheme outlines now. Clause 3.1 of the Allering Report provided the following guideline for assessing future planning.

*"Creating street environments that are appropriate to the human scale as well as being comfortable, interesting and safe. Window and door openings will create 'eyes on the street' for passive surveillance. The busier and more open streets are designated as 'Special Design Areas' including; buildings situated on those streets will have a 3 to 4 storey high podium abutting the street boundary to maintain an appropriate scale which reflects the greater significance of those streets. On some streets, the podium is to be setback 4 metres, in order to maintain a more local and pedestrian scale to the street edge."*

And, further in clause 3.3.2:

*"The local streets within this sub-precinct (Bowman, Lyall, Hardy and Charles Streets) will have a slightly quieter and more leafy character than the streets that frame the sub-precinct (Melville Parade, Judd Street, Richardson Street and Labouchere Road), and as such, there may be less pressure to establish a strong street edge with nil front setbacks."*

A 2 metre front setback from the street boundary for Bowman, Hardy and Charles Street is a compromise to the re-advertised Amendment 46. This will still allow a continuity of the street edge at the same time softening the edge and providing greater space for street tree canopies. Together with the reduced plot ratio, this should address the concern expressed by some submitters who own small sites.

With respect to Element 7.5.1, where a development is considered to not adversely affect the amenity of an existing adjoining property or where that property will in all likelihood be developed in the immediate future, it is considered that a hard edge with the street boundary should be not less than 50% of the site frontage and not more than 60% of the frontage. This change in emphasis will address the concern expressed by those opposed to a nil setback due to the visual impact of a 'canyon-like' affect this can have. A more articulated edge will still maintain the urban character and street canopies will provide the desired street continuity.

Some submissions have identified a situation where a development can adversely affect the amenity of an existing adjoining property where that property has no prospect of redevelopment for some indeterminate time into the future because of its relatively recent construction and or site value ratio. To address this issue it is proposed to require a minimum setback of two thirds the setback of the adjoining building to a maximum of 4 metres.

#### 5. Element 8: Side and Rear Setbacks

With respect to Element 8.1(b), where a development can adversely affect the amenity of an existing adjoining property or by the obstruction of light and adequate ventilation between buildings where that property has no prospect of redevelopment for some indeterminate time into the future because of its relatively recent construction and or site value ratio, it is believed that rather than leave the proposed discretionary clause to determine an appropriate setback, there needs to be direction provided. It is proposed to have a minimum of 2 metres when the maximum podium height is 9 metres and a minimum of 3 metres when the podium height is greater than 9 metres. To not compromise this clear area, no balconies shall intrude into the setback.

Mayor Sue Doherty then, with the agreement of Councillor Colin Cala moved the following Amendment to the Alternative Motion:

#### AMENDMENT TO THE ALTERNATIVE MOTION AND COUNCIL DECISION

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Colin Cala

That a further recommendation (i) be added as follows:

- (i) That the Council request an urgent meeting with the Minister for Planning to convey and clarify the Council's position in regards to Amendment 46.

**CARRIED (7/0)**

Councillor Fiona Reid then proposed the following Amendments to the Alternative Motion, each considered individually:

#### AMENDMENT TO THE ALTERNATIVE MOTION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That the Alternative Motion be amended at *Provision 1 Objectives of Special Control Area 1* in Replacement Attachment (d) as follows shown in **blue**:

The objectives of the development controls for Special Control Area 1 – South Perth Station Precinct are to:

~~(a) promote:~~

~~(i) predominantly non-residential land use within the precinct to provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;~~

~~(ii) more intensive non-residential land use in developments to ensure the precinct consolidates its role as an employment~~

~~destination; and~~

~~(iii) increased residential population;~~

- (a) promote more intensive commercial land use to support the increased residential population, provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;

#### Reasons for Amendment to Alternative

#### I. Provision I Objectives of Special Control Area I

As discussed in the Officers Recommendation this modification supports Precinct Objectives (a) and (b), without being onerously restrictive, effectively limiting redevelopment and rejuvenation in the Special design Area, and ensuring there is not a significant over supply of (vacant) commercial floor space:

- (a) *promote more intensive commercial land use to support the increased residential population, provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station, and*
- (b) *create a precinct that offers commercial office space, cafes, restaurants, hotels and tourist accommodation."*

With the proposed retention of the discretion in Element 3.5: Plot Ratio and Land Use Proportions to reduce the plot ratio from 1.5 to 1.0 where Council is satisfied that the development meets the intent of Guidance Statements, continues to support the objective of the Precinct plan and the report prepared by Allering and Associates for Amendment 25:

*"A vibrant attractive business location featuring a rich choice of employment, public transport options, pedestrian friendly tree-lined streets and also including reminders of South Perth's heritage." and the principles that will be employed to achieve this vision "A dynamic mix of office, retail and other non-residential land uses, providing an attractive employment centre that is supported by residential development and public transport"*

The present guidance statement in Element 3 of TPS6 reflects this objective and the recent Supreme Court ruling upheld the intent of those objectives, demonstrating that when correctly assessed and applied the intent of the Scheme is protected.

The level of employment provided by retail/commercial development is not determined by Plot Ratio but by the nature and purpose of the proposed development.

#### **AMENDMENT REVOKED BY COUNCILLOR FIONA REID**

#### **AMENDMENT TO THE ALTERNATIVE MOTION AND COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That the Alternative Motion be amended as shown in **blue**:

- (b) (v) in respect of the proposed significant modification relating to the introduction of a mandatory 1.5 minimum non-residential plot ratio –

(A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they support this modification; and

- (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **UPHELD** to the extent that they oppose this modification;
- (viii) the Report on Submissions (**Attachment (a)**) be revised and designated as **Replacement Attachment (a)** to reflect the Council's changes from the officer's recommendations as identified in the further modified Amendment No. 46 text comprising **Amended Replacement Attachment (d)**
- (c) the Council of the City of South Perth under the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme to the extent identified in the modified 'Complex' Amendment No. 46 text (**Amended Replacement Attachment (d)**);
- (d) the Council hereby authorises the affixing of the Common Seal of Council to three copies of the MODIFIED Amendment No. 46 document comprising a consolidation of **Attachments (b), (c) and Amended Replacement Attachment (d)**;
- (e) the revised Report on Submissions (**Replacement Attachment (a)**) and Schedule of Submissions containing the Council's recommendations, a copy of the submissions and three executed copies of the amending documents including **Amended Replacement Attachment (d)**, be forwarded to the Western Australian Planning Commission for determination of the Submissions and for final determination of Amendment No. 46 by the Minister for Planning;

and as shown in **blue** at *Table A: Development Requirements for Comprehensive New Development (Element 3: Plot Ratio and Land Use Proportions – 3.5)* in Replacement Attachment (d):

~~3.5 On sites in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, the plot ratio of the non-residential component shall be not less than 1.5.~~

**3.5 On sites in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, the plot ratio of the non-residential component shall be not less than 1.5 unless the Council approves a lower non-residential plot ratio to a minimum of 1.0, where satisfied that the development meets the intent of Guidance Statement (a).**

#### Reasons for Alternative

Considering the submissions in relation to Element 3.2 regarding all comprehensive new development in this Sub-Precinct requiring a minimum plot ratio of the non-residential component of 1.5, it is considered that this figure may be unreasonable given the proposed additional setbacks. The figure of 1.0, as is required under the present Scheme, is considered appropriate.

**LOST (2/5)**

#### **AMENDMENT TO THE ALTERNATIVE MOTION AND COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That the Alternative Motion be amended as shown at *Table A: Development Requirements for Comprehensive New Development (Element 6: Special Design Area – 6.2)* in Replacement Attachment (d) shown in **blue**:



6.2 On land in the Special Design Area, where comprehensive new development has a plot ratio of more than 3.0 and satisfies:

- (a) Development Requirement 6.1(a) or 6.1(b); and
- (b) all Performance Criteria in Table B for Design Considerations 1 to 7 inclusive;

the Council may approve a variation above the height limit applicable to the development site as shown on Plan 3. In such a case, the maximum permissible building height is determined by satisfaction of the minimum number of Table B Performance Criteria for Design Consideration 8 specified below:

- (i) Where Plan 3 shows a Building Height Limit of 25 metres –
  - (A) 5 Performance Criteria : 35 metres; or
  - (B) 7 Performance Criteria : 40 metres; or
  - ~~(C) all Performance Criteria : 55 metres.~~
  - (C) 9 Performance Criteria : 55 metres.
  - (D) all Performance Criteria : 80 metres.
- (ii) Where Plan 3 shows a Building Height Limit of 41 metres –
  - (A) 5 Performance Criteria : 50 metres; or
  - (B) 7 Performance Criteria : 60 metres; or
  - ~~(C) all Performance Criteria : 80 metres.~~
  - (C) 9 Performance Criteria : 80 metres.
  - (D) all Performance Criteria : 110 metres.

#### Reasons for Amendment

With respect to Element 6: Special Design Area, it is proposed to maintain the advertised position of the Council regarding the extent of variations above the height limit designated on the Scheme map, with an additional height limit if all 11 elements are met by the proposed development. This would mean that for Element 6.2 (b) (i) (D), there would be a maximum height of 80 metres and for Element 6.2(b) (ii) (D), there would be a maximum height of 110 metres. This removes the ability to approve unlimited height in the Special Design Area (SDA), whilst allowing for exceptional development on those sites most suited to high rise.

*“The main height emphasis in the Precinct will be along Melville Parade (south of freeway entry/exit point), Judd Street and part of Mill Point Road in order to establish a strong framework of built form along the Precinct’s “front door” and to address the regional movement corridor of the Kwinana Freeway and Southern Suburbs Rail Line.”*

The inclusion of an additional absolute height limit allows for substantial and reasonable height in the SDA, whilst providing certainty for proper and orderly planning, to determine what further infrastructure and community services will be required.

Councillor Fiona Reid’s Amendment to the Alternative Motion was then put.

**LOST (3/4)**

Councillor Colin Cala with the support of Mayor Sue Doherty put that the word “all” in 6.2 (i)(c) and (ii)(c) be replaced with the number “9” for the reason that the advertised amendment included “9” (not “all”) as follows in red:

- (i) Where Plan 3 shows a Building Height Limit of 25 metres –
  - (C) 9 ~~all~~ Performance Criteria : 55 metres.
- (ii) Where Plan 3 shows a Building Height Limit of 41 metres –
  - (A) 5 Performance Criteria : 50 metres; or
  - (B) 7 Performance Criteria : 60 metres; or
  - (C) 9 ~~all~~ Performance Criteria : 80 metres.

Councillor Colin Cala's Alternative Motion as amended then became the substantive (note the Replacement Attachments (a) and (d) referred to in the Alternative Motion can be found in the **Minutes Attachments**):

### **COUNCIL DECISION**

**Moved:** Councillor Colin Cala

**Seconded:** Mayor Sue Doherty

That:

- (a) the Officer's recommendation not be adopted; and
- (b) the Western Australian Planning Commission be advised that Council recommends that:
  - (i) in respect of the proposed significant modification relating to the reduction in the geographic extent of the Special Design Area –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
  - (ii) in respect of the proposed significant modification relating to the introduction of absolute height limits within the Special Design Area –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
  - (iii) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in Bowman, Charles and Hardy Streets –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
  - (iv) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in the northerly portion of Mill Point Road –
    - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
    - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;



- (v) in respect of the proposed significant modification relating to the introduction of a mandatory 1.5 minimum non-residential plot ratio –
  - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
  - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
- (vi) in the Special Design Area, in respect of the proposed significant modification relating to the introduction of a maximum 10% variation from minimum lot area and frontage for a site to be eligible for consideration of an increase in building height above the limit shown on Plan 3 'Building Heights' of Schedule 9A –
  - (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be **UPHELD** to the extent that they support this modification; and
  - (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be **NOT UPHELD** to the extent that they oppose this modification;
- (vii) in respect of comments relating to matters not related to the advertised significant modifications, Submissions 4.1 to 4.246 be **NOT UPHELD**.
- (viii) the Report on Submissions (**Attachment (a)**) be revised and designated as **Replacement Attachment (a)** to reflect the Council's changes from the officer's recommendations as identified in the further modified Amendment No. 46 text comprising **Replacement Attachment (d)**; and
- (ix) Amendment No. 46 to the City of South Perth Town Planning Scheme No. 6, be adopted **with modifications** to the extent identified in the Report on Submissions (**Replacement Attachment (a)**);
- (c) the Council of the City of South Perth under the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme to the extent identified in the modified 'Complex' Amendment No. 46 text (**Replacement Attachment (d)**);
- (d) the Council hereby authorises the affixing of the Common Seal of Council to three copies of the MODIFIED Amendment No. 46 document comprising a consolidation of **Attachments (b), (c) and Replacement Attachment (d)**;
- (e) the revised Report on Submissions (**Replacement Attachment (a)**) and Schedule of Submissions containing the Council's recommendations, a copy of the submissions and three executed copies of the amending documents including **Replacement Attachment (d)**, be forwarded to the Western Australian Planning Commission for determination of the Submissions and for final determination of Amendment No. 46 by the Minister for Planning;
- (f) the submitters be thanked for their contribution to Amendment No. 46 and they be advised that:

- (i) the Council will be considering other possible modifications to the development controls in the South Perth Station Precinct, for implementation by way of a new Scheme Amendment and / or policies; and
  - (ii) as part of the process towards implementing the new Scheme Amendment and / or policies, there will be further community engagement.
- (g) when dealing with the next Scheme Amendment for the South Perth Station Precinct, the following issues be considered for possible inclusion:
- (i) further height control; and
  - (ii) submitters' requested changes not related to the advertised significant modifications to Amendment No. 46.
- (h) The Western Australian Planning Commission be advised that, in order to provide a firm foundation underpinning the next Scheme Amendment for the South Perth Station Precinct and the related policies, Cardno Planning Consultants have been engaged to conduct appropriate investigations. When submitting the final Amendment No. 46 documents, the Commission be informed of the Council's intended time line for receiving the Cardno final report and for implementing the next Scheme Amendment.
- (i) That the Council request an urgent meeting with the Minister for Planning to convey and clarify the Council's position in regards to Amendment 46.

**CARRIED (7/0)**

### Background

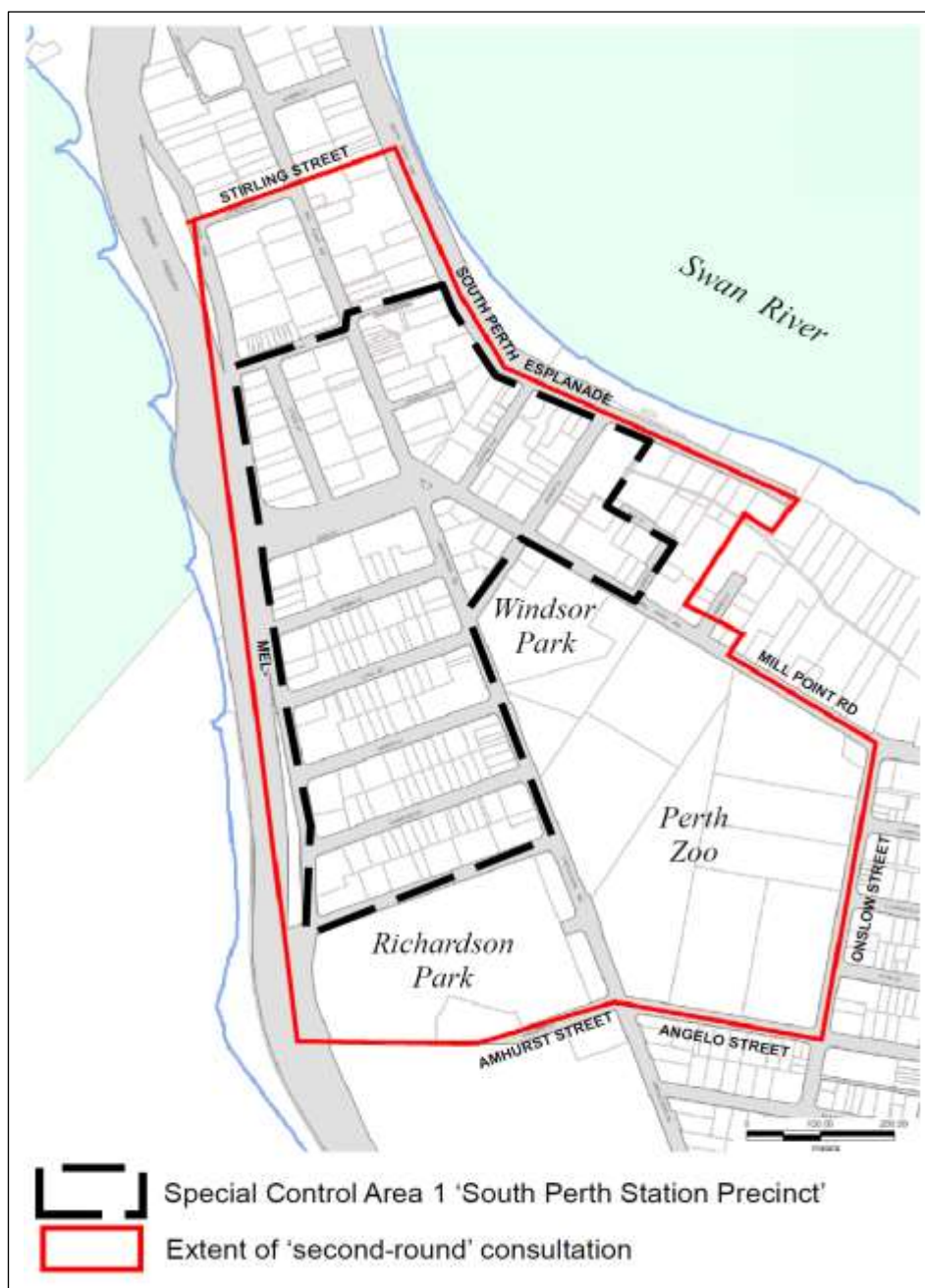
This report includes the following attachments:

- **Attachment (a)** Report on Submissions on significant modifications ('second-round' advertising)
- **Attachment (b)** Original Amendment No. 46 report and draft Amendment text endorsed for 'first-round' advertising
- **Attachment (c)** Amendment No. 46 text incorporating significant modifications endorsed for 'second-round' advertising
- **Attachment (d)** Further modified Amendment No. 46 text incorporating Council's recommendations following 'second-round' advertising

At its 27 October 2015 meeting, after having considered the 'first-round' submissions on the original Amendment No. 46 proposals, the Council decided to invite 'second-round' submissions on the five significant modifications to the Amendment set out in the 'Summary' section above.

The advertised significant modifications to the original Amendment proposals are fully described and explained in the Report on Submissions (**Attachment (a)**).

The land affected by Amendment No. 46, being the whole of the South Perth Station Precinct, is identified on the map below:



The map also shows the extent of community consultation undertaken by the City by means of individually addressed letters mailed to landowners. The extent of consultation was the same for both the original and for the second-round advertising processes. Submissions were also invited by various other methods, as discussed further in the 'Consultation' part of this report and in the Report on Submissions (**Attachment (a)**).

#### Comment

During the second advertising period (3 November 2015 to 5 February 2016) a total of 882 submissions were received. The attached Report on Submissions (**Attachment (a)**) discusses the submissions fully, and contains a recommendation on each.

All of the 'second-round' submissions have been placed in bound volumes (two copies of each) in the Council Members' lounge and will be forwarded to the Minister for Planning along with the Council's recommendations.

**Consultation**

Following the Council decision to initiate Amendment No. 46, on 7 November 2014 the draft Amendment No. 46 was forwarded to the Environmental Protection Authority (EPA) for assessment. The EPA advised on 17 November 2014 that no environmental assessment was required, clearing the way for 'first-round' public advertising, which commenced on 27 January 2015 and concluded on 13 March 2015 (46 days).

During the 'first-round' advertising period, a total of 41 submissions were received. The comments made in these submissions are still valid and have resulted in suggested modifications to the Amendment text. In this report, comments in both the 'first-round' and the 'second-round' submissions have been considered and have contributed to the final recommendations.

In response to the 'first-round' submissions, on 27 October 2015 the Council resolved to invite further submissions on the five significant modifications to Amendment No. 46 referred to above.

The significant modifications were advertised in the manner described below:

- 102-day advertising period (including one week's 'grace' after closing date), being 60 days longer than the 42-day minimum;
- 1352 letters / notices mailed to all landowners within the South Perth Station Precinct and to owners of properties on the perimeter, outside the precinct;
- 30 letters / notices mailed to architects, town planners and developers known to have an interest in the precinct;
- 10 letters / notices mailed to potentially affected Government agencies;
- Notices published in the 3 November and 17 November 2015 issues of the Southern Gazette newspaper;
- Notices and documents displayed on the City's web site, in the City's Libraries and in the Civic Centre.
- Information Session in City of South Perth Community Hall on 3 December 2015 to assist interested people in the preparation of written submissions. In addition to the verbal and PowerPoint presentation, handout sheets were provided, explaining how to lodge submissions. Approximately 60 members of the public attended.
- Publicity article on City's website on 19 January 2016.
- 'Your Say South Perth' facility on the City's website for lodging submissions. (Note: A total of 266 people used this facility to lodge their submissions or to register for attendance at the 3 December Information Session.)

The table below, extracted from the attached Report on Submissions, shows the broad nature of the submissions received.

Support proposed significant modifications	368	(41.7% of total)
Oppose proposed significant modifications	262	(29.7% of total)
Partially support and partially oppose significant modifications	6	(0.7% of total)
Comments not related to re-advertised significant modifications	246	(27.9% of total)
<b>Total submissions</b>	<b>882</b>	<b>(100%)</b>

**10.0.1 Modified 'Complex' Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct. Second Report on Submissions (Item 7.0.1 27 October 2015 Council Meeting)**

In the Report on Submissions, the submitters' comments are grouped into the following categories:

1. Submitters' general comments on significant modifications
2. Reduction of Special Design Area
3. Creation of absolute height limits
4. Increased street setbacks in certain streets
5. Mandatory 1.5 minimum non-residential plot ratio
6. Maximum 10% variation from minimum lot area and frontage
7. Submissions not related to advertised significant modifications
8. Additional minor text improvements to Schedule 9A

**Policy and Legislative Implications**

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

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

The Scheme Amendment will have the effect of inserting a new Schedule 9A in place of the existing Schedule 9 in order to rectify minor anomalies / ambiguities in the existing special provisions for the South Perth Station Precinct; and strengthen existing performance criteria relating to building height variations. The Amendment will also make a number of significant modifications in relation to those which were advertised for 'second-round' community comments.

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

The Scheme Amendment process is set out below, together with a date for each stage. The stages which have been completed, including the consideration at the 26 April 2016 Council meeting, are shaded:

<b>Stage of Amendment Process</b>	<b>Date</b>
Council decision to initiate Amendment No. 46	28 October 2014
Council adoption of draft Amendment No. 46 Report and Scheme Text for advertising purposes	28 October 2014
Referral of draft Amendment No. 46 documents to EPA for environmental assessment, and to WAPC for information	7 November 2014
Receipt of EPA comments advising that no environmental assessment or conditions are required	17 November 2014
First public advertising period of 46 days	27 January to 13 March 2015
Electors' Meeting	6 May 2015
Special Council Meeting to consider the motions passed at the 6 May Electors' meeting	20 May 2015



Council deferral of decision on Report on Submissions on Amendment No. 46	25 August 2015
Council Members' Workshop	8 September 2015
Council's further deferral of decision on Report on Submissions	13 October 2015
Council decision to re-advertise significant modifications to Amendment No. 46	27 October 2015
Second public advertising period of 95 days (submissions accepted for one further week after closing date)	3 November 2015 to 5 February 2016
Council's final decision on Amendment No. 46 provisions after considering 'second-round' submissions on significant modifications	26 April 2016
Referral to WAPC and Minister for consideration of: <ul style="list-style-type: none"> <li>All of the 'first-round' and 'second-round' submissions</li> <li>First Report on Submissions and first Schedule of Submissions</li> <li>Second Report on Submissions relating to significant modifications and second Schedule of Submissions</li> <li>Council's recommendation on proposed Amendment No. 46</li> <li>Three signed and sealed copies of the modified Amendment documents for the Minister's final determination</li> </ul>	Within four weeks of 26 April 2016 Council meeting
Minister's final determination of Amendment No. 46	End of August 2016 (90 days under the Regulations)
Publication of Notice of the Minister's final approval of Amendment No. 46 in <i>Government Gazette</i> and <i>Southern Gazette</i> newspaper	Not yet known

### Financial Implications

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

### Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

### Sustainability Implications

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

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

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

**Conclusion**

In the attached Report on Submissions (**Attachment (a)**), significant modifications to Amendment No. 46 are recommended, together with a very large number of minor modifications. The significant modifications relate to:

- Reduction in the extent of the Special Design Area north of Judd Street;
- For properties north of Judd Street which will no longer be eligible for any building height variation, changing the applicable height limit from 25 metres to 41 metres to provide some variety in 'built form' and opportunities for views;
- Requiring development in the remaining parts of the Special Design Area to meet **all** of the Table B performance criteria to be eligible for consideration of building height above 40 metres (where the 'basic' height limit is 25 metres) or 60 metres (where the 'basic' height limit is 41 metres).
- Revised wording for Table B Performance Criterion 8(i) to broaden the scope of possible land uses benefiting the wider community, not just Child Day Care Centres.
- A 4-metre street setback for Mill Point Road properties north of Judd and Harper Terrace.
- For all properties where a 'zero' street setback is prescribed, introducing new provisions to much more sensitively ensure that the amenity of adjoining properties is protected, while also maintaining the viability of redevelopment for the affected properties.
- In the case of an 'under-sized' lot in the Special Design Area which cannot be amalgamated with another lot, confining the allowable shortfall in lot area and frontage to a maximum of 10%, for the site to be eligible for any building height variation.

In combination, the many intended modifications to the special development requirements which apply in the South Perth Station Precinct will be beneficial. They will improve the performance of the existing requirements and the 'built outcome' in the precinct.

In relation to land remaining in the Special Design Area (generally south of Judd Street), the Council has obtained submitters' comments on the proposed absolute height limits. Many submitters support this proposal, with a strong focus of their comments being the area north of Judd Street which is now recommended to be subjected to fixed, non-discretionary height limits through the reduction in the extent of the Special Design Area.

Many other submitters equally strongly oppose the introduction of absolute height limits. The 'opposing' submitters have advanced many reasons in support of their opinion. One compelling reason is the absence of any analytical reports or studies providing 'planning' justification for the selected absolute height limits. In the absence of properly documented 'planning' justification for the proposed height limits, Amendment No. 46 is not the appropriate instrument for introducing such a radical change. Therefore it is now recommended that at this point in time, absolute height limits not be introduced for the Special Design Area. The appropriate time to address the issue of absolute height limits in the Special Design Area is when the Council is dealing with the intended further Scheme Amendment following finalisation of Amendment No. 46. In the meantime, the significantly modified Amendment No. 46 should proceed to finality as soon as possible so that the many improvements to the existing Scheme provisions will become operative.

**10.0.1 Modified 'Complex' Amendment No. 46 to Town Planning Scheme No. 6: South Perth Station Precinct. Second Report on Submissions (Item 7.0.1 27 October 2015 Council Meeting)**

Having regard to the discussion contained in this report and the assessment of submitters' comments, the Council should now recommend to the Minister for Planning that Amendment No. 46 be adopted **with modifications** to the extent recommended in the attached Report on Submissions.

**Attachments**

- 10.0.1 (a):** Report on Submissions on significant modifications ('second-round' advertising)
- 10.0.1 (b):** Original Amendment No. 46 report and draft Amendment text endorsed for 'first-round' advertising
- 10.0.1 (c):** Amendment No. 46 text incorporating significant modifications endorsed for 'second-round' advertising
- 10.0.1 (d):** Further modified Amendment No. 46 text incorporating Council's recommendations following 'second-round' advertising .



At 7.23pm Councillor Jessica Black returned to the Chamber.

### 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

#### 10.3.1 Proposed Local Development Plan for Lot 240 No. 57 Swanview Terrace, South Perth

Location:	South Perth
Ward:	Civic
Applicant:	Planning Solutions Pty Ltd
File Ref:	D-16-28368
Lodgement Date:	20 April 2016
Date:	26 April 2016
Author:	Erik Dybdahl, Statutory Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery, cognisant of the local amenity.

#### Summary

To consider a Local Development Plan (indicative development plan) designed for Lot 240 No. 57 Swanview Terrace, South Perth for the creation of 5 survey strata residential lots. Council is not being asked to exercise discretion.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Cheryle Irons

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6*, the *Metropolitan Region Scheme* and the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, this application for planning approval for a Local Development Plan for Lot 240 No. 57 Swanview Terrace, South Perth **be approved** subject to:

#### (b) Specific Conditions

- (i) All subsequent development on the approved lots (WAPC Ref: 1367-15) shall adhere to the requirements specified in the *local development plan provisions* and indicative development plan of the approved Local Development Plan.
- (ii) A **Revised** Local Development Plan shall be prepared for endorsement which provides the indicative driveway accesses for proposed lots 4 & 5 to the street boundary in white, being removed from the indicated landscaping area.
- (iii) The Local Development Plan Provisions in relation to Landscaping, clause 7 shall be **Revised** to also include the additional wording from the interpretation section of Schedule 3 of the City's Town Planning Scheme No. 6, as follows:

*The landscaped area shall not be paved other than for pedestrian access or vehicular access to proposed lots 4 & 5 and shall not form part of a private*

*courtyard to a dwelling.*

**(c) Specific Advice Notes**

- (i) The applicant is advised of the need to uphold and incorporate any relevant requirements into the Local Development Plan with regard to comment from the Department of Parks and Wildlife as per the memorandum, dated 31 March 2016, attached to this approval.
- (ii) The applicant is advised of the need to comply with any relevant requirements of the City's Infrastructure Services, as detailed in the memorandum (dated 6<sup>th</sup> of April 2016) attached to this approval.

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

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20/40 (Dual Density – Hurlingham Precinct)
<b>Lot area</b>	1207sq. metres
<b>Building height limit</b>	7.0
<b>Development potential</b>	5.4 (5.0 dwellings)
<b>Plot ratio limit</b>	N/A

The location of the development site is shown below:



As the first Local Development Plan to be received and processed by City, no delegated authority to approve such plans exists within the Town Planning Scheme or Delegation DC342 from Council. Therefore, the application is required to be determined by Council. Local Development Plans have the ability to be approved under Clause 52(1)(a) of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

### Comment

#### (a) Background

In November of 2015, the City received a subdivision application for the creation of 5 survey-strata lots (See **Attachment I**) on a site prescribed a dual density coding of R20/40 within the Hurlingham Precinct on Lot 240 (No. 57) Swanview Terrace, South Perth. Given the lot area and the proposed number and size of lots, the applicant was required to demonstrate the satisfaction of relevant dual density criteria contained within Schedule 3 of the City's TPS6 for the City to support subdivision and subsequent development at the higher residential density (R40).

In lieu of development applications or proposals for each the individual lots, as the lots are intended to be sold and developed individually, the applicant proposed a *Local Development Plan* for Council endorsement. This is an indicative development plan setting out specific and detailed guidance for future development on the lots which includes one or more of the following as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- (a) site and development standards that are to apply to the development;
- (b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.

In this case, the proposed *Local Development Plan* seeks City support for subdivision at the higher density by way of an indicative development plan which demonstrates the satisfaction of the relevant dual density criteria of Schedule 3 TPS 6 and must be adhered to. The Local Development Plan also seeks to satisfy the WAPC Development Control Policy 2.2 Clause 3.5, which requires lots less than 260sq. metres to be submitted with information regarding the arrangement of proposed buildings, fences, driveways and other development.

It should be noted, as per the latest revision (31<sup>st</sup> March 2016), the local development plan does not seek variations to the existing site and development standards as development controls will be in accordance with the City's TPS6 requirements and the Residential Design Codes of the state as is consistent throughout the City.

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

The subject site currently contains 8 residential units as part of a single building with parking areas toward the rear of the site.

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

The Site has a frontage to Swanview Terrace to the south and is located adjacent to the Sir James Mitchell Park reserve to the north (rear) of the site. Surrounding development is characterised by lower density single dwelling developments south of the site along Swanview Terrace (R20) and larger grouped dwelling developments (R60) north-west of the site as shown below:



(d) **Description of the Proposal**

The proposal involves the subdivision of lot 240 Swanview Terrace into 5 individual survey-strata lots including some common property for access purposes to accommodate the future development of 5 single houses.

The Local Development Plan sets out the indicative design for the proposed lots including the location of parking structures, storerooms, relevant setbacks as well as demonstrating the satisfaction of the associated dual density criteria necessary for the City to support subdivision and development at the higher density coding (R40).

**Attachment 2** of this report provides the applicant's covering letter describing the proposal further. Please note that the Local Development Plan has since been amended to the latest revision (received 31<sup>st</sup> March 2016), **Attachment 1**, to bring the building height, garage setback and open space provisions in line with the City's applicable standards.

(e) **Residential Density**

The permissible number of dwellings is 5.4 (5) dwellings (R40), and the proposed development comprised of 5 future dwellings or lots to accommodate single houses (R40). Therefore, the proposed development complies with the density controls in Table 1 of the R-Codes if the Schedule 3 dual density criteria are seen to be satisfied via the local development plan. This is discussed in the following section.

(f) **Residential Dual-Density Coding**

The residential dual-density coding is R20/40 as per the City's TPS6 Schedule 3 within the Hurlingham Precinct (see relevant extract of Schedule 3 within **Attachment 3**). The Hurlingham R20/40 dual density has only two criteria that need to be satisfied which are as follows:



### 10.3.1 Proposed Local Development Plan for Lot 240 No. 57 Swanview Terrace, South Perth

- (i) Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes; and
- (ii) The portion of the site forward of the proposed buildings and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.

With regard to criterion (i), the Local Development Plan is seen to satisfy this in the provision of a compliant on-site visitor bay at the rear of proposed lot 3 and accessed and contained within the proposed common property area (See **Attachment I**). As per the R-Codes requirement (Section 5.3.3 Clause C3.2), on-site visitor bays are required to be provided at a rate of one space for each four dwellings served by a common access. Given only 3 dwellings are proposed to be accessed via the common access, technically zero (0) visitor bays would be required and therefore by providing one, the proposal exceeds the requirements of the R-Codes and hence the criterion is satisfied.

With regard to criterion (ii), Section 3.2 (Objectives and Interpretations of Performance Criteria) of Schedule 3 of the TPS6 (see **Attachment 3**) provides further guidance to determine whether the criterion has been satisfied, as follows:

- (i) The term 'portion of the site forward of the proposed building and extending to the primary street boundary,' means an area of land used exclusively for landscaping, having a minimum area of 50 square metres and a minimum dimension of 5.0 metres measured in any direction.
- (ii) The term 'exceptional quality' means landscaping of a standard which the Council considers to be exceptional, comprising the following:
  - (A) reticulated planting including at least one tree with a minimum height of 3.0 metres when planted which, in the opinion of the Council, is likely to grow to a minimum height of 4.0 metres within 12 months; and
  - (B) other decorative landscaping features.
- (iii) The area referred to in paragraph (i) of this interpretation, shall not:
  - (A) be paved other than for the creation of a pedestrian access path;
  - (B) be fenced above a height of 1.0 metre other than by way of open grille type material, extending to a maximum height of 1.8 metres, with the solid components between any supporting piers comprising no more than 20%. The remaining 80% of the space between piers shall be open so as to preserve a clear view of the landscaping and of the building façade; or
  - (C) form part of a private courtyard of a dwelling.

The proposed Local Development Plan (**Attachment I**) demonstrates that point (i) of the criterion has been achieved as all the lots with frontage to the street are provided a distinct area for landscaping (indicated in green) all of which have a minimum dimensions of no less than 5.0m and accumulatively provide an area greatly in excess of 50sq. metres. The Local Development Plan demonstrates that point (ii) above also form part of the Local Development Plan Provisions notated on the plan (**Attachment I**) and therefore will be requirements for any proposed development on the proposed lots. Point (iii) has not been included in the Local Development

### 10.3.1 Proposed Local Development Plan for Lot 240 No. 57 Swanview Terrace, South Perth

Provisions so it is recommended via a condition that this section also be included in the provisions. Given the lots are to be developed individually, the City considers it appropriate for these two items to form part of the Local Development Plan provisions as they will need to be provided as part of any development application for the sites as specified in the provisions. Given the prescribed area and minimum dimensions are in excess of the requirements the City also considers this dual density criterion (ii) to be satisfied.

Accordingly, City officers are satisfied the relevant dual density criteria have been achieved and therefore support the subdivision and Local Development Plan at the higher (R40) density coding. It should be noted that the Local Development Plan does not seek to exceed the prescribed higher density coding, as based on the site area, 5 lots could be supported (as per Table 1 of the R-Codes) which is proposed by the Local Development Plan.

#### (g) **Setbacks**

The Local Development Plan provisions (**Attachment I**) state that in relation to setbacks all setbacks are to be as per the Residential Design Codes as is consistent with all other development sites city wide. Additionally, the Local Development Plan addresses the City's TPS6 Clause 4.3(1)(f) which requires a rear building setback for Nos. 15 to 57 Swanview Terrace of no less than 6.0 metres from Sir James Mitchell Park reserve. The Local Development Plan demonstrates that the rear lot abutting the Sir James Mitchell Park has a development setback of 6.0m from the rear boundary as indicated by a dedicated space for landscaping prohibiting development within this area (see **Attachment I**).

#### (h) **Other Development Control**

Other than those development controls mentioned above, the Local Development Plan (**Attachment I**) does not seek further variations to the general provisions of the R-Codes or TPS6 requirements, as stated in the *general* section of the provisions:

*"The provisions of the City of South Perth Town Planning Scheme No. 6 and State Planning Policy 3.1 Residential Design Codes apply unless otherwise varied below".*

However, while the provisions mention *Residential Design Code, Building Height, Setbacks* and *Car Parking* none of these elements, as per the latest revision of the Local Development Plan, are proposed to be varied beyond the existing requirements the City would apply to residential development at the R40 density coding.

The additional *Landscaping* provisions are considered necessary to achieve the desired outcomes of the dual density criteria as discussed above and therefore the provisions of the Local Development Plan are supported and recommended for approval.

- (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 (considered not to comply in bold):

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (ii) *the preservation of the amenity of the locality; 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.

**(j) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (p) 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;
- (s) the adequacy of —

### 10.3.1 Proposed Local Development Plan for Lot 240 No. 57 Swanview Terrace, South Perth

- (i) the proposed means of access to and egress from the site; and
- (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;

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

#### Consultation

##### (a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 14-day period. In addition, signs were placed on Site inviting comment from any other interested person.

During the advertising period, a total of 7 consultation notices were sent nearby individual landowners and strata bodies and 0 submission(s) were received.

##### (b) Infrastructure Services

The City's Infrastructure Services were also invited to comment on the proposal. This comment and advice, dated 6<sup>th</sup> of April 2016, has been attached to his report (**Attachment 4**) and referred to in the recommended advice notes for determination for the applicant to comply with where necessary.

##### (c) Department of Parks and Wildlife

The Department of Parks and Wildlife were invited to comment on the proposal given the rear lot abuts the Swan River Control Area. Full comments can be found in **Attachment 5** of this approval, dated 31<sup>st</sup> March 2016. All relevant requirements are to be upheld and reflected in the Local Development Plan provisions where necessary, as reflected in the recommended advice notes.

#### 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 2015-2025 which is expressed in the following terms: **Accommodate the needs of a diverse and growing population.**

#### Conclusion

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



**10.3.1 Proposed Local Development Plan for Lot 240 No. 57 Swanview Terrace, South Perth**

**Attachments**

- 10.3.1 (a):** Amended Local Development Plan - Lot 240 (No. 57) Swanview Terrace, South Perth
- 10.3.1 (b):** Superseded Local Development Plan and Original Covering Letter - Lot 240 (No. 57) Swanview Terrace, South Perth
- 10.3.1 (c):** Hurlingham Precinct Dual Density Criteria and Interpretation
- 10.3.1 (d):** Infrastructure Services Comment - Proposed Local Development Plan - Lot 240 Swanview Terrace, South Perth
- 10.3.1 (e):** Department of Parks and Wildlife Comment - Lot 240 (No. 57) Swanniew Tce, South Perth .

### 10.3.2 Proposed Three (3) Storey Single House. Lot 810 (No. 46) River Way, Salter Point.

Location: Salter Point  
 Ward: Manning Ward  
 Applicant: AJN Macdonald & Associates  
 File Ref: D-16-28378  
 Lodgement Date: 20 April 2016  
 Date: 26 April 2016  
 Author: Valerie Gillum, Planning Officer Development Services  
 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 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

To consider an application for planning approval for a Three (3) Storey Single House on Lot 810 (No. 46) 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
Building setbacks	R-Codes Design Principles 5.1.3 P3.1
Visual privacy	R-Codes element 5.4.1 P1
Solar Access for Adjoining Sites	R-Codes Clause 5.4.2 P2.1 and P2.2
Design of Car Parking Spaces	Council Policy P350.3 (As Amended)
Driveway Gradient	Council Policy P350.3 'Car Parking Access, Siting and Design'

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Cheryle 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 Three (3) Storey Single House on Lot 810 (No. 46) River Way **be approved** subject to:

##### (a) Standard Conditions

210 screening- permanent	455 dividing fences- standards
390 crossover- standards	456 dividing fences- timing
358 crossover – gradient (letter required)	455a fencing in primary street setback area
625 sightlines for drivers	455b fencing materials not permitted
445 stormwater infrastructure	550 plumbing hidden
510 private tree	377 screening- clothes drying
470 retaining walls- if required	660 expiry of approval
471 retaining walls- timing	

##### (b) Specific Conditions

(i) Revised drawings shall be submitted to the satisfaction of the City prior to lodgement of a building permit application incorporating the following:

(A) measures designed to prevent overlooking of the adjoining property from the study window on Level 2 on the south elevation in accordance with Clause 5.4.1 'Visual Privacy' requirements of the Residential Design Codes of WA.

(B) Details on an amended plan to indicate the car stackers with a clear height up to 2000mm and a carrying capacity of 2600kg.

(ii) Details of the proposed colours of the external materials shall be submitted for approval by the City, prior to the lodging of a building permit application. The selected colours shall demonstrate compatibility with neighbouring buildings.

**(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		

**(d) 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 22 March 2016 to this effect.

(ii) The applicant / owner are advised of the need to comply with the Department of Parks and Wildlife requirements. Please find enclosed their letter dated 30 December 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>	R20
<b>Lot area</b>	604 sq. metres
<b>Building height limit</b>	7 metres
<b>Development potential</b>	Single House
<b>Plot ratio limit</b>	Not Applicable to a Single Dwelling

The location of the development site is shown below:



**10.3.2 Proposed Three (3) Storey Single House. Lot 810 (No. 46) River Way, Salter Point.**

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:

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 28 August 2015, the City received an application for a Single House in a three (3) storey building on a vacant parcel of land at Lot 810 (No. 46) River Way, Salter Point (the 'Subject Site') which was previously identified as No. 10A River Way. On 12 February 2016, the assessing officer requested further information from the applicant. Revised drawings were received from the applicant on 14 March and 22 March 2016.

**(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 I** below depicts the subject site and surrounds:



**(c) Description of the Proposal**

The proposal involves the construction of a 'Single House' (Three (3) 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).
- Building height limit (TPS6 Clause 6.1A).
- Street Setback (R-Codes 5.1.2 and Council Policy P306 “Development of Properties Abutting River Way”)
- Open space (R-Codes Clause 5.1.4).
- Street Surveillance (R-Codes Clauses 5.2.3).
- Vehicular Access (R-Codes 5.3.5 and Council Policy P350.3).
- Maximum ground and floor levels (TPS6 Clause 6.10).
- Fencing within the Primary Street Setback Area (TPS6 Clause 6.7; Council Policy P306 “Development of Properties Abutting River Way”; and Council Policy P350.7 “Fencing and Retaining Walls”)
- Significant views (Council Policy P350.9 “Significant Views”).

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

- Lot Boundary Setbacks (R-Codes Clause 5.1.3 and Table 2a/2b).
- Visual privacy (R-Codes Clause 5.4.1).
- Solar access for adjoining sites (R-Codes Clause 5.4.2).
- Design of Car Parking Spaces – Specifically Car Stackers (R-Codes 5.3.5 and Council Policy P350.3 “Car Parking Access, Siting and Design” As Amended).
- Driveway gradient (Council Policy P350.3 “Car Parking Access, Siting and Design”)

**(d) Lot 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 Design Principle requirements therefore they are considered acceptable.

- Level 2 – Scullery/Kitchen/Dining (Eastern side);
- Level 3 – Bulk of Building (Western side); and
- Level 2 – Retaining Wall (Western side).

**Level 2 Scullery/Kitchen/Dining (Eastern Side)**

The proposed wall setbacks generally comply, however the eastern setback to Scullery/Kitchen/Dining wall is set back by 1.2 metres from the boundary in lieu of 2.5 metres. Therefore, the proposed development does not comply with the Deemed-to-Comply requirement C1.3 of Clause 5.1.3 and Tables 2a / 2b of the R-Codes.

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

### 10.3.2 Proposed Three (3) Storey Single House. Lot 810 (No. 46) River Way, Salter Point.

- The proposed length of wall includes a major opening however this window is restricted by means of it being an awning window, fitted with obscure glass and includes a restrictor limiting its opening to 150mm. The restrictor will prevent overlooking into the neighbouring property, therefore minimising the extent of overlooking.
- The use of the restrictor identified above means that the section of wall can be considered as if it is a length of wall without a major opening, whereby the setback as proposed would be compliant with Table 2a of the R-Codes.
- In respect to Policy P350.9 'Significant Views' the variation being at ground level is not considered to impact on the neighbouring property and a further setback would not change the situation in terms of views as there are no major openings to the side of the building on the neighbouring property.
- No comments were received from the neighbour in respect to this setback variation (see section on neighbour consultation).

In this instance, it is considered that the proposal complies with the relevant Design Principle, and is therefore supported by the City.

#### **Level 3 Bulk of Building Setback (Western Side)**

The proposed wall setbacks generally comply, however the overall length of wall to Level 3 on the eastern side is set back by 2.0 metres from the boundary in lieu of 4.0 metres. Therefore, the proposed development does not comply with the Deemed-to-Comply requirement C1.3 of Clause 5.1.3 and Tables 2a / 2b of the R-Codes.

The applicant provided justification for the variation as follows:

- *Due to the City's BHL policy and topography of the site the required setback is unachievable and request a relaxation of the length of the gallery wall from 5.0m to 4.0m so that each length of wall can be measured independently.*
- *The applicant notes that the impact to the adjoining building is minimised by the articulation of walls and use of varying colours and materials; solar access is not compromised; solar access to this building and its open spaces is enhanced substantially; and the extent of overlooking and loss of privacy on the adjoining property is not affected.*

City Officers consider that the applicant has satisfied the Design Principle P3.1 of Clause 5.1.3 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The minimum setback is at 2.0 metres, however this setback is located at the southernmost part of the building where there are no parts of the adjacent building located opposite. If the visible length of wall were treated as a single length of wall the setback of this wall would be complaint with Table 2a of the R-Codes (1.5m setback permitted where no major openings are present and a 2.0m-2.5m setback has been provided).
- The setback variation is located on the western side of the lot and will therefore not impact the adjoining neighbour in terms of access to sunlight and ventilation.
- There are no major openings to the relevant walls that will overlook sensitive areas of the adjoining property.



### 10.3.2 Proposed Three (3) Storey Single House. Lot 810 (No. 46) River Way, Salter Point.

- In respect to Policy P350.9 'Significant Views' if the galley wall was increased to 5.0 metres as required by the Residential Design Codes, this would then push the building further forward towards the river then having the potential to impact on views from the neighbouring property.
- No comments were received from the neighbour in respect to this setback variation (see section on neighbour consultation).

In this instance, it is considered that the proposal complies with the relevant Design Principle, and is therefore supported by the City.

#### (e) Visual Privacy Setback – Level 2 (Looking South)

The required minimum visual privacy setback for the Study on Level 2 looking south is 4.5 metres, and the proposed visual setback is 2.2 metres, therefore the proposed development does not comply with the visual privacy element of the R-Codes. Drawing S4-15 attempts to demonstrate compliance however the finished floor level of the adjoining property is RL13.960 and is 840mm lower than the subject site which is RL14.80; hence the dividing fence as noted on the drawing will not adequately prevent overlooking to the dining room window No. 48 River Way.

#### Council discretion- cl. 7.4.1 PI

The Applicant has not satisfied the visual privacy Design Principle 5.4.1 PI.1 and PI.2 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- Direct overlooking of an active habitable space (into dining room window) of the adjoining dwelling at No. 48 River Way, from a major opening (window of study) of the subject Site is present;
- The finished floor level of No. 48 River Way is 840mm lower than the floor level of No. 46 River Way and as a result overlooking from the study will be present;
- Effective screening is not proposed; and
- No comments from the neighbour were received (see neighbour consultation).

In this instance, it is considered that the proposal does not comply with the Design Principle, and is therefore not supported by the City; however a condition is recommended to demonstrate compliance and thereby rectify this matter.

In addition, further details are required to ensure that the visual privacy screens comply with Deemed-to-Comply Requirements C1.1 and C1.2 of Clause 5.4.1 of the R-Codes, and protect the neighbour's visual privacy (standard condition).

#### (f) Solar Access for Adjoining Sites

The proposed building will incur overshadowing the adjoining property at No. 48 River Way to 36.5% of its property in lieu of 25% as prescribed in Clause 5.4.2 of the R-Codes.

The applicant provided justification for the variation as follows:

- *Effective solar access is achieved by using two building main modules creating more walls/openings with northerly exposure; inclusion of a solar court/light well; and articulation of walls and of floors vertically (see section).*
- *The design protects and respects solar access for the adjoining property as shadows cast on 21<sup>st</sup> June are not cast over adjoining outdoor living areas*



### 10.3.2 Proposed Three (3) Storey Single House. Lot 810 (No. 46) River Way, Salter Point.

*or major openings to habitable rooms; shadows cast are exaggerated by the steep south-facing slope of the sites, the narrowness of the sites; shadows cast are upon blank walls and flat roofs; and very little shadow would be cast upon roofs allowing maximum exposure for solar panels; and shadows cast are mostly upon the ground.*

City Officers consider that the applicant has satisfied the Design Principle P2.1 and P2.2 of Clause 5.4.2 of the R-Codes. Assessment of the proposal against those criteria reveals the following:

- The proposal includes effective solar access to including major openings that optimise the northern winter sun.
- The building will not overshadow the neighbouring property's outdoor livings areas and there are no major openings to habitable rooms, within 15 degrees of north in each direction that will be affected.
- The development proposed at No. 48 River Way does not include roof mounted solar collectors.
- No comments from the neighbour were received (see neighbour consultation).

In this instance, it is considered that the proposal complies with the relevant Design Principle, and is therefore supported by the City.

#### **(g) Design of Car Parking Spaces (Car Stackers)**

The applicant has proposed a car stacker system to accommodate four (4) car parking spaces on site and the stacker system dimensions do not strictly comply with those stipulated in Clause 8 of the proposed amended Policy P350.3 'Car Parking, Access, Siting and Design' as the height is proposed at 2.0 metres in lieu of 2.1 metres.

##### Council discretion- cl. 7.8.1

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

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

The proposed amendment to Council Policy P350.3 'Car Parking, Access, Siting and Design' which includes specific dimensions for car stackers, was endorsed at a Council Meeting on 22 March 2016 to commence public consultation in accordance with *Schedule 2 of the Planning and Development Regulations 2015*. As noted in *Schedule 2, Part 2, Division 2, Item 4.* of the Regulations, Council can have regard to the amended policy provided a notice of the policy has been published in a newspaper circulating in the Scheme area. It is anticipated by City Officers that the policy will be published prior to this application being determined at the Council Meeting on 26 April 2016.

### 10.3.2 Proposed Three (3) Storey Single House. Lot 810 (No. 46) River Way, Salter Point.

As a response to the above sub-clause the Applicant is of the opinion that the inclusion of car stacker requirements in the amended policy is directed at multi-residential and commercial developments and considers that to apply the same criteria to a single house would be an unreasonable impost for this development. The applicant has indicated their preparedness to increase the stacker car bay heights so that all four (4) bays will be able to accommodate four-wheel drive vehicles with a clear height up to 2.0 metres and carrying capacity of 2600kg and is requesting Council to consider the minor variation of 100mm relating to height.

In assessing the requested variation City Officers are of the opinion that the proposed car stacker system meets the objectives of the amended policy in that the structure has a street appearance to that of a standard two (2) bay garage which enables it to positively contribute to the streetscape and that safety and welfare of pedestrians on public footpaths and other road users is not compromised. Furthermore, as this is a single residence the owners can manage how the system best suits the needs of their respective vehicles.

In this instance, it is considered that the proposal complies with the discretionary clause(s), and is therefore supported by the City; however a condition is recommended to demonstrate compliance and thereby rectify this matter.

#### (h) 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'.

Following assessment and advice from the City's Engineering Infrastructure, the internal driveway gradient is anticipated to be 1:4.5. This however can be supported with 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 lodgement of a Building Permit Application.

#### (i) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (g) any local planning policy for the Scheme area;

**10.3.2 Proposed Three (3) Storey Single House. Lot 810 (No. 46) River Way, Salter Point.**

- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

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 42 and No 48 River Way, were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of three (3) consultation notices were sent and no submissions were received.

**(b) Internal Referral**

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

Engineering Infrastructure was invited to comment on a range of issues relating to stormwater and driveway gradient. A copy of the memo dated 22 March 2016 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.

**(c) External Agencies**

Comments were also invited from the Department of Parks and Wildlife, Rivers and Estuaries Division.

The Rivers and Estuaries Division have provided comments with respect the potential effect of the development upon the Swan and/or Canning Rivers. This agency raises no objections and recommends standard conditions and/or notes be placed on the approval.

Accordingly, planning conditions and/or important notes are recommended 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.

### **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**

- 10.3.2 (a): Plans of Proposal
- 10.3.2 (b): Engineering Comments
- 10.3.2 (c): Swan River Trust Letter dated 30 December 2015 .

### 10.3.3 Proposed Retrospective Boundary Fence. Lot 48 (No. 150) Lockhart Street, Como & Lot 49 (No. 8) Wooltana Street, Como

Location: 150 Lockhart Street, Como & No. 8 Wooltana Street, Como  
 Ward: Como Ward  
 Applicant: David Fini  
 File Ref: D-16-28388  
 Lodgement Date: 20 April 2016  
 Date: 26 April 2016  
 Author: Matthew Andrews, Statutory Planning Officer  
 Reporting Officer: Vicki Lummer, Director Development and Community Services  
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
 Council Strategy: 3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

To consider an application for written consent from council for a boundary fence greater than 1.8m in height at Lot 48 (No. 150) Lockhart Street Como & Lot 49 (No. 8) Wooltana Street Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Fence height	TPS6 clause 6.7 & Council Policy P350.7 clause 8

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Cheryle 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 Written Consent for a retrospective boundary fence over 1.8m on Lot 48 (No. 150) Lockhart Street Como and Lot 49 (No. 8) Wooltana Street Como **be refused** due to the following reasons:

##### (a) Specific Reasons

The boundary fence as constructed is in conflict with the requirements of clause 6.7 "Fences" of the *City of South Perth Town Planning Scheme No. 6* (TPS6) and clause 8 of *Local Planning Policy P350.7 "Fencing and Retaining Walls"* specifically:

- (i) excessively dominant visual impact on habitable room windows
- (ii) no additional visual privacy gained through increased height

In accordance with Clause 9.9(1) of *Town Planning Scheme No. 6*, the applicant / owner shall reduce the height of the boundary fence, which has been erected without approval, to no higher than 1.8m measured from the ground level adjacent to the fence on the higher side, within 28 days from the date of determination.

##### (b) Standard Advice Notes

795B appeal rights- council decision

**(c) Specific Advice Notes**

The applicant is advised that:

- (i) the following works are to be carried out on Site within 28 days from the date of issue of this planning refusal, failing which the City will take necessary actions:
  - (i) the boundary fence behind the street setback is to be reduced to a maximum height of 1.8m measured from the ground level adjacent to the fence on the higher side in accordance with clause 7(b) of *Local Planning Policy P350.7 "Fencing and Retaining Walls"*
- (ii) Where any fencing is proposed to be constructed from brick or masonry, it will be necessary for the applicant to include full construction details in conjunction with the application for a building permit.

**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>	525 sq. metres & 464 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	N/A
<b>Plot ratio limit</b>	N/A

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 a discretionary power in the following categories:*

**10.3.3 Proposed Retrospective Boundary Fence. Lot 48 (No. 150) Lockhart Street, Como & Lot 49 (No. 8) Wooltana Street, Como**

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

**6. Amenity impact**

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

**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**

- 13 July 2015, an enquiry regarding the height of the southern boundary fence of No. 148 Lockhart Street Como was received. The enquiry related to the approved height and the finish of the boundary fence.
- Investigation by the City revealed that boundary fence was a masonry structure stretching the full length of the southern lot boundary of No. 148 Lockhart and that it was over the height of 1.8m in some sections. No planning approval or building permit was received for this boundary fence.
- 21 August 2015, a letter was sent to the landowner of No. 150 Lockhart Street, Como advising that remedial action was required.
- 17 September 2015, the City received a retrospective application for written consent for a boundary fence greater than 1.8m in height on the northern boundary of two adjacent lots; Lot 48 (No. 150) Lockhart Street Como and Lot 49 (No. 8) Wooltana Street Como. The application was submitted by the builder of the wall, David Fini, on behalf of both landowners of the Site.

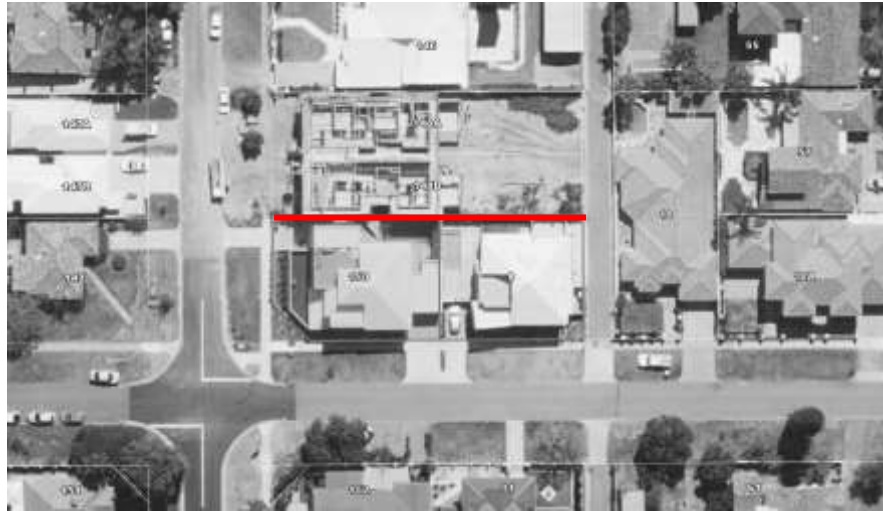
**(b) Existing Development on the Subject Site**

The subject site is located at Lot 48 (No. 150) Lockhart Street Como and Lot 49 (No. 8) Wooltana Street Como (the **Site**). The existing development on the Site currently features a residential land use, being a single house.

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

The Site has a frontage to Wooltana Street to the south, Lockhart Street to the West, a City of South Perth owned Right of Way to the east and is located adjacent to No. 148 Lockhart Street to the north, as seen in **Figure 1** below:





**(d) Description of the Proposal**

The proposal involves the retrospective Written Consent for a masonry boundary fence of heights between 1.8m and 3.15m located on the boundary between the Site and Lot 247 (No. 148) Lockhart Street Como, as depicted in the submitted plans at **Attachment (a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment (e)**.

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 2008 (R-Codes)* and/or Council Policy requirements:

- (i) Boundary fences over 1.8m.

The Applicant's letter, **Attachment (b)**, describes the proposal in more detail and includes a letter from a certified engineer that the masonry construction is structurally sound.

**(e) Issue**

The boundary fence has been constructed at a height ranging from 1.8m to 3.15m when measured from the higher site, which in this instance is the southern boundary. The heights of the fence have been measured from the approved retaining wall and fill heights of the Site based on the planning approval issued on 30 June 2010 for the Site (I1.2010.78.1). City records show the building works on the Site for 2 x two storey dwellings were completed on 31 March 2013. At the time of the construction of the wall, the dwelling on the adjoining lot at No. 148 Lockhart posed an overlooking issue from the windows of the property, and from the backyard area due to the sloping nature of the site. This can be clearly seen on site plan of the previous dwelling at 148 Lockhart Street, Como in **Attachment (c)**. An application for a demolition permit for the dwelling on No. 148 Lockhart Street was received on 1 February 2013 and was approved on 22 February 2013. It is therefore reasonable to assume that the existing dwelling at No. 148 Lockhart Street was still erect at the time of construction of the boundary fence.

**10.3.3 Proposed Retrospective Boundary Fence. Lot 48 (No. 150) Lockhart Street, Como & Lot 49 (No. 8) Wooltana Street, Como**

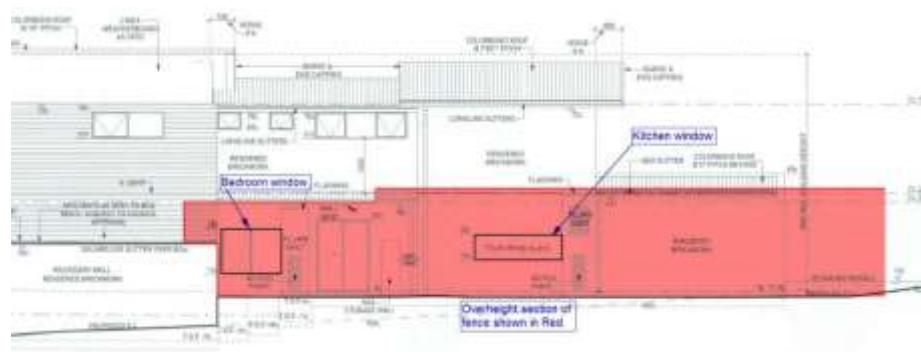
City officers consider that the application must be assessed under the current circumstances as no application for development approval or a building permit was received prior to construction. At the time of application for Written Consent from Council for the boundary fence in excess of 1.8m, the existing dwelling at No. 148 Lockhart Street had been demolished and 2 new dwellings were under construction. The intention of the wall height being increased above 1.8m was to provide visual privacy to a sensitive outdoor living area (swimming pool). Although this may have been necessary at the time of construction, the issue no longer exists due to the demolition of the previous dwelling at No. 148 Lockhart Street. The boundary fence and its relation to the currently under construction dwelling at No. 148 Lockhart Street can be seen in **Attachment (d)**.

Under clause 6.7 of the Local Planning Policy P350.7 the city will not normally approve a fence in height greater than 1.8m unless it is required to achieve compliance with visual privacy or there is a written agreement between the neighbouring landowners. At the time of application there is no requirement for a fence in height greater than 1.8m to comply with visual privacy requirements as the Site is higher than the adjoining lot in terms of natural ground levels. At the time of application the boundary wall is expected to cause significant impact to the adjoining approved dwelling at No. 148 Lockhart Street particularly in relation to visual impact and building bulk.

Therefore, the proposed development does not comply with the clause 6.7 of TPS6, clause 8 of Local Planning Policy P350.7.\

**(f) Amenity Impact**

As can be seen by the below diagram the section of fence over 1.8m in height affects 2 major openings of the property at No. 148 Lockhart Street; a bedroom, and the kitchen. The diagram shows the height of the boundary fence in relation to the elevation of No. 148 Lockhart Street to better illustrate the amenity impact on the major openings. As can be seen there will be significant visual impact in terms of bulk.



As a means of comparison the below diagram shows what a fence at the standard height of 1.8m would look like in relation to the elevation of No. 148 Lockhart Street.



An enlarged version of the above diagrams can be seen in **Attachment (f)** and the full set of house plans for the property currently under construction at No. 148 Lockhart Street can be seen in **Attachment (d)**.

- (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 (considered not to comply in bold):

- (ii) ***the preservation of the amenity of the locality;***

The proposed development is considered unsatisfactory in relation to the above items in bold.

- (h) **Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (g) any local planning policy for the Scheme area;
- (m) **the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;**

- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (y) **any submissions received on the application;**
- (zb) any other planning consideration the local government considers appropriate.

The proposed development is considered unsatisfactory in relation to the above items in bold.

### Consultation

#### (i) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at No. 148 Lockhart Street were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, 1 consultation notice was sent and 1 submission(s) was received, against the proposal. The comment(s) of the submitter(s), together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
<p><b>Light and View Restriction</b> It significantly restricts light and views to the open space at the side of our house. It causes the open space to feel oppressive and like being in a dark tunnel. Part of the open space is next to our laundry and we intend to use it for clothes drying but will be faced with longer drying times.</p> <p>Adjacent to the above open space is a laundry, kitchen and bedroom. The over-height wall restricts the light and views of these rooms.</p>	<p>The boundary fence is located to the southern boundary of No. 148 Lockhart Street and therefore does not cause any additional overshadowing or restriction of light.</p> <p>The setback of the ground floor of No. 148 Lockhart St to the southern boundary is between 1.5m and 2.2m. This area is not considered to be an open space or an outdoor living area. It cannot be reasonable expected that the view is being restricted as a result of the over-height boundary fence.</p> <p>The comment is <b>NOT UPHELD.</b></p>
<p><b>Structural Integrity</b> As there is no building license for the over-height wall (total 3.4m high?) we are concerned that it may not be structurally sound. Is there risk of injury/damage to us at present or in the future?</p>	<p>The applicant submitted a letter from a licenced engineer stating that the masonry boundary fence is structurally sound and therefore is considered to be safe.</p> <p>The comment is <b>NOT UPHELD.</b></p>

<p><b>Visual Impact</b> We will eventually need to render or screen off the wall because it is raw unfinished brickwork. We are unfairly burdened with having to deal with the over-height portion. Over the whole 50m length of the boundary this amounts to a large area which in turn leads to significant cost to us.</p> <p>...the wall is excessively high, unsightly and reduces light to the open spaces.</p>	<p>The height of the boundary fence does cause an amenity impact on the dwelling at No. 148 Lockhart Street. Although the dwelling is not yet completed it can be seen that the outlook from the major openings of the kitchen and a bedroom will be affected. This is clearly evident in the site photos in <b>Attachment (e)</b>.</p> <p>The finish of the wall is face brickwork (2 course bricks), which has a poor quality finish. To screen or finish the wall to the same quality of the dwelling would incur a cost which has been increased due to the height of the wall.</p> <p>The comment is <b>NOTED</b>.</p>
<p><b>Property Devaluation</b> When we eventually decide to sell the property, prospective buyers are likely to question why the wall is as much as 1.6m higher than most other fences in the City. This may have a negative effect on our selling price on the grounds that the wall is excessively high, unsightly and reduces light to the open spaces.</p>	<p>The height of the wall is an anomaly within the area.</p> <p>The comment is <b>NOTED</b>.</p>

### Policy and Legislative Implications

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

### Financial Implications

This determination has some financial implications, as the applicant may choose to seek an application for review of Council's decision at the State Administrative Tribunal which may incur costs to the City.

### Strategic Implications

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan 2015-2025 which is expressed in the following terms: **Accommodate the needs of a diverse and growing population.**

### Sustainability Implications

A boundary fence over 1.8m in height will adversely affect the amenity of the adjoining property by reason of dominant bulk and visual impact. The approval of a boundary fence over 1.8m in height without the written consent of all parties would also be inequitable.

### Conclusion

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it has the potential to have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be refused.

**10.3.3 Proposed Retrospective Boundary Fence. Lot 48 (No. 150) Lockhart Street, Como & Lot 49 (No. 8) Wooltana Street, Como**

**Attachments**

- 10.3.3 (a):** Plans for The Site
- 10.3.3 (b):** Applicant Cover Letter
- 10.3.3 (c):** Previous Plans - No. 148 Lockhart Street
- 10.3.3 (d):** Current Plans for No. 148 Lockhart Street, Como
- 10.3.3 (e):** Site Photos
- 10.3.3 (f):** Fence superimposed on elevation of 148 Lockhart Street .

### 10.3.4 Proposed Policy P318 South Perth Station Precinct Application Requirements

Location:	South Perth Station Precinct
Ward:	Mill Point Ward
Applicant:	City
File Ref:	D-16-28431
Date:	26 April 2016
Author / 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 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

Proposed Policy P318 seeks to provide guidance on the information requirements for applications within the South Perth Station Precinct.

The policy also seeks to promote development designs that are respectful to their surrounds and consider the current and future amenity of the location.

The draft policy will be advertised for public comment, with input sought from applicants likely to be impacted by its use.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That:

1. Council adopts draft Policy P318 South Perth Station Precinct Application Requirements (**Attachment (a)**) for the purpose of community consultation;
2. A report on submissions be considered by Council at a later date prior to final adoption of the policy.

**CARRIED WITH CASTING VOTE (5/4)**

#### Background

The South Perth Station precinct Town Planning Scheme provisions came into force in January 2013. The precinct objectives promote more intensive and mixed use development and the City has received applications for substantial development in tall buildings which can potentially impact the precinct in both positive and negative ways.

The Council has initiated Town Planning Scheme Amendment 46 which now responds, in part to the scale of development that has been proposed and has also had an independent planning consultant report on additional scheme and policy provisions which will enhance development in the precinct.

This policy results from recommendations arising from the above work.

#### Comment

The policy has brought together the requirements for planning applications from the Residential Design Codes and the Deemed Provisions of the Town Planning Scheme (Clause 67) and also incorporates some additional specific requirements that relate to proposed uses (for example Serviced Apartments Management Plan) or the station



#### 10.3.4 Proposed Policy P318 South Perth Station Precinct Application Requirements

precinct, for example additional information to satisfy Table B of Schedule 9 of the scheme.

The policy also encourages a more detailed assessment of applications, with comments from the Office of the Government Architect, input into a future 3D model and Transport Impact Statement with cumulative Traffic volumes.

The policy provides direction to applicants to consider how the proposed development will respect the amenity of the existing and future setting and the context information that is required to assess this.

The level of detail and additional requirements proposed in the policy is considered appropriate to comprehensively assess development applications for large scale complex buildings in the South Perth Station Precinct..

##### **Consultation**

This draft policy will be advertised for comment in accordance with Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions, Division 2 Local Planning Policies clause 4, for a period no less than 21 days. It will be advertised in the Southern Gazette and also to known Development Application applicants.

##### **Policy and Legislative Implications**

The draft policy is adopted under the Planning and Development (Local Planning Schemes) Regulations 2015, as detailed above.

The policy, once advertised will be given due regard in the assessment and determination of development applications.

##### **Financial Implications**

The costs of advertising and adoption will be paid by the City.

##### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan 2015-2025 which is expressed in the following terms:

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

##### **Sustainability Implications**

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

##### **Attachments**

**10.3.4 (a):** Proposed Policy P318 South Perth Station Precinct Application .

### 10.3.5 Proposed Addition of Use Not Listed (Gaming). Lot 253 No. 243 Canning Highway, South Perth.

Location: South Perth  
 Ward: Como Ward  
 Applicant: ALH Group Pty Ltd  
 File Ref: D-16-28896  
 Lodgement Date: 22 April 2016  
 Date: 26 April 2016  
 Author: Kevin Tang, Statutory Planning Officer  
 Reporting Officer: Vicki Lummer, Director Development and Community Services  
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
 Council Strategy: 3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

To consider an application for planning approval for Proposed Addition of Use Not Listed (Gaming) on Lot 253 No. 130 Canning Highway, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use (Use Not Listed)	TPS6 Clause 3.3, Subclause 7

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Cheryle 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 Proposed Addition of Use Not Listed (Gaming) on Lot 253 No. 243 Canning Highway, South Perth, **be approved** subject to the following conditions:

**(a) Standard Conditions**

660 expiry of approval

**(b) Specific Conditions**

- (i) The maximum number of players shall not exceed 80 at any one time;
- (ii) The hours of operation for this land use shall only be permitted between 6pm and 12am on Tuesdays;
- (iii) This Approval only permits the gaming of poker and shall confine the land use in the dining room only as depicted in the approved plan(s);

**(c) Standard Advice Notes**

795B appeal rights- council decision

**(d) Specific Advice Notes**

The applicant is advised that:

- (i) It is the applicant's responsibility to ensure all activities be compliant with Environment Protection (Noise) Regulations 1997 at all times unless authorised by the City's Environmental Health Services;

- (ii) This Planning Approval should not be construed as authorisation to commence the land use. Separate approval will be required from the Gaming and Wagering Commission of Western Australia;

**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)**

### I. Background

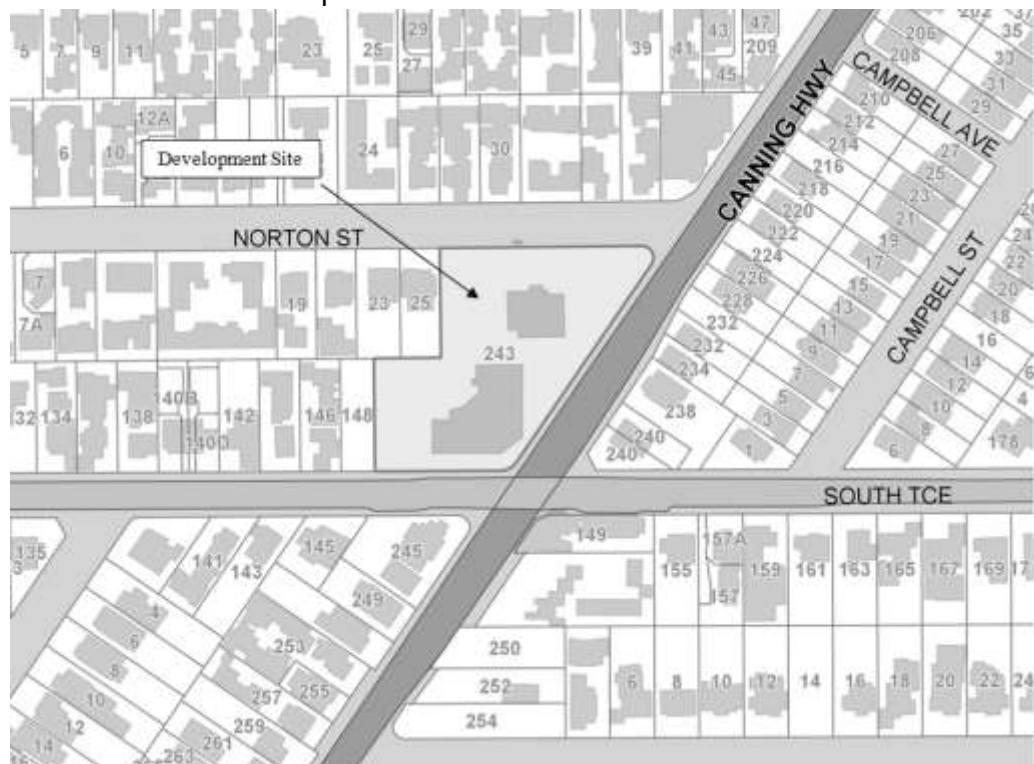
The development site details are as follows:

<b>Zoning</b>	Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	8157 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	Not Applicable
<b>Plot ratio limit</b>	Not Applicable

This report includes the following attachment(s):

**Attachment (a)** correspondence and plans relating to the Proposal

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:

#### I. Specified uses

- (h) Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme;

10.3.5 Proposed Addition of Use Not Listed (Gaming). Lot 253 No. 243 Canning Highway, South Perth.

**Comment**

**(a) Background**

In February 2016, the City received an application for proposed Addition of Use Not Listed (Gaming) on Lot 253 (No. 243) Canning Highway, South Perth (the **Site**).

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

The subject site currently contains the Como Hotel and a BWS Store, as depicted in the site photograph at **Figure I**. The Como Hotel building was first constructed in 1939. The City has subsequently granted approval to numerous application for various additions and alterations to this building. Over time, the previous landowners purchased adjoining lots, which form the current site. The existing drive through bottle shop was first approved in 1965.

The Como Hotel building contains a Tavern on the ground floor level, with a bar, dining areas (internal and external) and staff areas. The upper floor consists of disused bedrooms from the building's previous use as a Hotel and a function area in the former Hotel lobby area.

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



Figure I

The site is adjacent to existing single-storey Single Houses and Grouped Dwellings to the west and north west. Single Houses and Grouped Dwellings are also situated opposite the site on Canning Highway, Norton Street and South Terrace, as seen in **Figure I** above.

**10.3.5 Proposed Addition of Use Not Listed (Gaming). Lot 253 No. 243 Canning Highway, South Perth.**

**(d) Description of the Proposal**

The applicant proposes to convert the existing dining room of approximately 90m<sup>2</sup> on the ground floor of the Como Hotel into an area for playing poker on Tuesday nights between 6pm and 12am. The applicant proposes to set up a maximum of eight tables of ten players at any one time. More detailed explanation of the proposal and a copy of plan are provided at **Attachment (a)**.

No civil or building works are being proposed to be carried out.

**(e) Land Use**

The proposed 'Gaming' is a Use Not Listed in Table 1 of the *City of South Perth Town Planning Scheme No. 6 (TPS6)*. In accordance with Clause 3.3(7) of TPS6, a Use Not Listed may only be permitted to be approved following neighbour consultation. Neighbour consultation has been undertaken in accordance with the relevant TPS6 provision and City policy. This aspect will be discussed in further detail in the report.

In considering this use, Council shall have regard to the objectives listed in Clause 1.6 of TPS6 and the relevant matters listed in Clause 67 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The proposal is not considered to be inconsistent with these clauses and will be discussed in further detail below.

**(f) Car Parking**

The existing development on site provides 126 car parking bays for the Como Hotel building and 'BWS' bottle shop. Table 6 of TPS6 stipulates at a minimum 1 car parking bay per 3 m<sup>2</sup> of public floor space used as bars, lounges, dining and function areas, beer gardens, and areas used predominantly for games for the land use of 'Tavern'.

Accordingly, it is noted that the existing parking arrangement has catered for the land use of gaming, which is commonly associated with Tavern development. As the proposal does not increase the floor area of the existing building and only involves an infrequent land use, being on Tuesday nights only, the City is of the opinion that the proposed addition of gaming land use will not substantially increase demand for more parking bays and the current parking provision will suitably accommodate parking requirement for the proposed land use.

**(g) Noise and Amenity**

Poker games do not in themselves generate more noise than normal tavern activities. The applicant advises that no amplified music will be used at the time of gaming due to the nature of poker games.

In addition, the proposed activity will be subject to the control under the *Environmental Protection (Noise) Regulations 1997*. On this basis, it is expected that the proposed land use will not have a significant amenity impact on the surrounding environment.

**(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:



- (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;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality;*

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

**(i) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (f) any policy of the State;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;



**10.3.5 Proposed Addition of Use Not Listed (Gaming). Lot 253 No. 243 Canning Highway, South Perth.**

- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

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 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies along Canning Highway, Norton Street and South Terrace were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 49 consultation notices were sent and 1 submission was received, objecting to the proposal. The comments from the submitter(s), together with officer responses are summarised below.

<b>Submitters' Comments</b>	<b>Officer's Responses</b>
This development would greatly increase the amount of patrons coming and going, greatly increase noise and traffic, cause disruption to myself and other surrounding property owners and impact on our quality of life.	As discussed in the Comment Section of this report, it is considered that the existing parking provision is sufficient to accommodate the proposed land use, which is infrequent and will not generate excessive noise due to the nature of the game. The submitter's comment is not upheld.
This would most certainly decrease the value of our properties.	Property value is not a valid planning consideration. The submitter's comment is <b>not upheld</b> .
One only has to look at the Hyde Park Hotel development to see what a disruption that the massive Dan Murphy's outlet has caused to the surrounding properties.	This application does not include a Dan Murphy's outlet. The submitter's comment is not upheld.

**(b) Internal Administration**

Comments were invited from Environmental Health services of the City's administration.

The Environmental Health section advised that the dining room will be able to accommodate 80 occupants at any one time in accordance with the Health (Public Buildings) Regulations 1992.

**(c) External Agencies**

The applicant is also in the process of applying to the Gaming and Wagering Commission of Western Australia for an Approval of Premises.

**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.

**10.3.5 Proposed Addition of Use Not Listed (Gaming). Lot 253 No. 243 Canning Highway, South Perth.**

**Financial Implications**

Nil.

**Strategic Implications**

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2015-2025 which is expressed in the following terms:

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

**Sustainability Implications**

It is considered that the proposed development will enhance community economic activities, which is aligned to the City’s Sustainability Strategy 2011-2015.

**Conclusion**

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

**Attachments**

**10.3.5 (a):** Correspondence and Plans Relating to the Proposal .

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

### 10.6.1 Monthly Financial Management Accounts - March 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-28422
Date:	26 April 2016
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 (in accordance with legislative requirements).

#### 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 Fiona Reid  
**Seconded:** Councillor Cheryle 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.

## 10.6.1 Monthly Financial Management Accounts - March 2016

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

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

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

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

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

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

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

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

### Comment

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments (a) & 10.6.1(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)**

## 10.6.1 Monthly Financial Management Accounts - March 2016

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

Operating Revenue to 31 March 2016 is \$49.52M which represents some 100% of the \$49.57M year to date budget. Revenue performance is close to budget in most areas other than those items identified below.

Rates revenue reflects as being very slightly ahead of budget after the budget targets were increased in the Q2 Budget Review. Investment revenues are 2% under budget for Reserve Funds but 6% under for the Municipal Fund with the continuing low interest rates. Parking revenue remains 2% below budget expectations overall but the appointment of a dedicated parking officer is helping to remedy the previously unfavourable situation.

Planning revenues are 13% ahead of budget due to a higher than expected number of JDAP applications. Building Services revenue is above budget by a similar percentage. Fiesta revenues were less than anticipated. City environment contributions for major event hire were over-estimated in the budget process as there has been no major external event held on the foreshore this year. These items will necessarily be adjusted in the Q3 Budget Review.

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

Operating Expenditure to 31 March 2016 is \$37.81M which represents 98% of the year to date budget of \$38.47M. Operating Expenditure shows as 4% under budget in the Administration area. Operating costs are 8% under budget for the golf course and show as being on budget 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 cost savings on various line items including utilities costs, some salary savings due to vacancies and some other timing differences that are expected to reverse in later months.

In the Infrastructure Services operations area, there are some small variances at the end of the month that relate to the timing of the roll-out of maintenance activities and these are expected to reverse out in future months. Major infrastructure expenditure areas such as parks maintenance and streetscape maintenance are pleasingly, very close to budget expectations.

The environmental management and plant nursery areas have been impacted by some workers compensation claim settlements and redundancy, but the responsible manager is currently exploring opportunities to mitigate potential over-expenditures.

The March accounts also reflect some (non-cash) variances on depreciation of infrastructure assets following the revaluation to fair value of parks assets. These were adjusted following the completion of the audited annual financial statements but may require some further refinement in Q4 - although there is no cash-flow impact. Overheads are also now favourable to budget with anticipated recoveries.

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

In the waste management area there have been a number of changes to the accounting structure (to comply with new reporting requirements) and these are still being 'settled' in the management accounts. As a consequence, there are some offsetting variances apparent. There are currently some ongoing investigations into rubbish site charges and staff costs associated with the transfer station which the City is pursuing with the relevant contractors.

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 2.2% under the budget allocation for the 219.9 FTE positions approved by Council in the budget process. There are number of factors impacting this including positions held vacant pending an organisational review and timing differences in relation to invoicing by the agencies that supply casual staff.

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 \$4.82M at 31 March which is in line with the year to date budget of \$4.80M.

Capital Expenditure at 31 March is \$17.92M representing 86% of the year to date budget of \$20.74M (after the inclusion of carry forward projects). The total budget for capital projects for the year is \$38.32M.

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

**TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE**

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	25,000	1,144	11%	245,000
Major Community Project	9,252,000	9,122,716	98%	18,177,000
Financial & Information	724,000	357,106	51%	1,322,000
Develop & Community	460,000	360,889	78%	585,000
Infrastructure Services	9,719,000	7,473,152	77%	17,321,915
Waste Management	154,650	189,074	122%	193,400
Golf Course	407,065	415,415	102%	474,289
UGP	0	0	-%	0
<b>Total</b>	<b>20,741,715</b>	<b>17,919,496</b>	<b>86%</b>	<b>38,318,604</b>

The figures in the table above now contain the Carry Forward Works of \$3.70M.

As can be seen from the table above, the City has made steady progress to date in delivering its very challenging 2015/2016 capital program with 86% of the year to date works completed.



## 10.6.1 Monthly Financial Management Accounts - March 2016

This amount represents some 47% of the total proposed program. There is a further \$9.0M of anticipated expenditure on the Manning Community Hub - although approximately half of that amount will be carried forward into next year when the project finishes. It is likely that some \$2.0M of the Millers Pool project will be also carried forward to next year. This suggests that there is still a further \$14.0M of works to be undertaken to deliver the full capital program.

The leadership team has been reviewing the capital program and assessing the City's capacity to deliver the remaining capital program. It is including a special capital projects review and related budget adjustment in this meeting agenda.

### **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.

### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). The attachments to the financial reports compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of variances which in turn promotes dynamic and prudent financial management.

### **Sustainability Implications**

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

### **Attachments**

- 10.6.1 (a):** Statement of Financial Position
- 10.6.1 (b):** Statement of Financial Position
- 10.6.1 (c):** Summary of Non Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d):** Summary of Operating Revenue & Expenditure - Infrastructure Service
- 10.6.1 (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 Statement of Funds, Investments and Debtors at 31 March 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-28424
Date:	26 April 2016
Author:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial 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 (in accordance with legislative requirements).

### 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 Fiona Reid

**Seconded:** Councillor Cheryle Irons

That Council receives the 31 March 2016 Statement of Funds, Investment & Debtors comprising:

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

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

### Background

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

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

## 10.6.2 Statement of Funds, Investments and Debtors at 31 March 2016

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

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

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

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

### **Comment**

#### **(a) Cash Holdings**

Total funds at month end are \$76.85M which compares unfavourably to \$81.33M at the equivalent stage of last year. This is largely the result of planned drawdowns from Reserves as contributions towards the Manning Hub project. Last month, total funds were \$80.89M.

Municipal funds represent \$22.27M of this total, with a further \$53.71M being Reserve Funds and the balance of \$0.87M relates to monies held in Trust. The Municipal Fund balance is some \$1.0M lower than last year which relates to the timing of cash outflows on the capital works program.

Reserve funds are \$3.7M lower overall than the level they were at the same time last year as a result of funds drawn down for major discretionary capital projects such as Manning Hub (as noted above).

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

The current Reserve fund balances show that the Major Community Facilities Reserve is \$4.0M lower than at the same time last year as funds are applied to major capital initiatives that are now underway - but is partly offset by the consolidation of other smaller reserves into this reserve (as foreshadowed in the 2015/2016 Budget). The land sale proceeds currently quarantined in the Major Community Facilities Reserve do not represent 'surplus cash' and are being progressively utilised as part of carefully constructed funding models for future major discretionary capital projects. These funding models are detailed in the City's Long Term Financial Plan.

The Sustainable Infrastructure Reserve is \$1.3M higher than at the same time last year due to the consolidation of reserves as noted above, whilst the Technology Reserve is also \$0.5M higher when compared to last year as funds are quarantined for major technology infrastructure projects in the next year. The Plant Replacement Reserve is \$0.4M higher. The River Wall Reserve is \$0.3M lower as funds have been deployed to fund major capital works. The Parking Facilities and Insurance Risk Reserves are both \$0.2M higher.

In relation to the Quarantined Reserves, there is a \$0.8M higher holding of cash backed reserves to support CPV refundable monies compared to last year due to the timing of outgoing versus ingoing resident transactions.

The Waste Management Reserve is \$0.1M higher than last year and the Golf Course Reserve is unchanged after allowing for last year's operating results.

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

**(b) Investments**

Total investment in money market instruments at month end was \$74.37M compared to \$80.30M at the same time last year. There was \$2.4M more in cash in Municipal investments. Cash backed Reserve Fund investments are \$3.5M lower 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)**.

Interest revenue (received and accrued) for the year totals some \$1.72M. This compares to \$1.77M 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 to ensure that we pro-actively identify secure, but higher yielding investment opportunities, as well as recognising any potential adverse impact on the budget closing position.

Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow

needs. Current Department of Local Government guidelines prevent investment of funds for periods longer than one year.

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 a modest 2.89% with the anticipated weighted average yield on investments yet to mature now sitting at 2.92%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 1.75% since the May 2015 RBA decision.

Currently Department of Local Government Guidelines (presently withdrawn for revision) provide very limited opportunities for investment diversity as they emphasise preservation of capital. Unfortunately, there is a large pool of local government investment funds and a rather limited demand for deposits - so investment opportunities are both modest and scarce.

### **(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 and general debtors).

#### **(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 March 2016 represent 96.3% of rates collectible (excluding pension deferrals) compared to 96.6% at the same time last year. Pension rebates receivable, however, are slightly higher due to timing differences.

The City expects to maintain its strong rates collection profile in respect of the 2015/2016 rates notices as indicated by the good level of collections at each of the due dates for the four instalments. The city is being proactive in striving to repeat last year's excellent collection results. The collection result to date suggests that there has been a good acceptance of our rating strategy, communications strategy and our convenient, user friendly payment methods. The instalment payment options and, where appropriate, ongoing collection actions also provide encouragement for ratepayers to meet their rates obligations in a timely manner.

#### **(ii) General Debtors**

General debtors stand at \$1.15M at month end (\$2.31M last year). Last month debtors were \$1.18M. GST Receivable is \$0.67M lower and Sundry Debtors were \$0.40M lower whilst most other Debtor categories were only modestly changed compared to the previous year.

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

**Consultation**

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

**Policy and Legislative Implications**

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

**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

**Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

**Sustainability Implications**

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

**Attachments**

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



### 10.6.3 Listing of Payments

Location: City of South Perth  
Ward: Not Applicable  
Applicant: Council  
File Ref: D-16-28425  
Date: 26 April 2016  
Author: Michael Kent, Director Financial and Information Services  
Deborah Gray, Manager Financial 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 (in accordance with legislative  
requirements).

#### Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 March 2016 and 31 March 2016 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(448)	\$ 9,508,204.71
Cheque Payment to Creditors	( 97)	\$327,137.06
<b>Total Monthly Payments to Creditors</b>	<b>(545)</b>	<b>\$9,835,341.77</b>
Cheque Payments to Non Creditors	(145)	\$95,340.68
<b>Total Payments</b>	<b>(690)</b>	<b>\$9,930,682.45</b>

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Cheryle Irons

That the Listing of Payments for the months of March 2016 inclusive 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. The payment listing is now submitted as **Attachment (a)** of this agenda.

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 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.

### 10.6.3 Listing of Payments

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 facilitates 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.

#### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

#### **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**

**10.6.3 (a):** Listing of Payments .

#### 10.6.4 Budget Review for the Period ended 31 March 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-28426
Date:	26 April 2016
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 (in accordance with legislative requirements).

#### Summary

A comprehensive review of the 2015/2016 Adopted Budget for the period to 31 March 2016 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

- those that increase the estimated Budget Closing Position (new funding opportunities or savings on operational costs)
- those that decrease the estimated Budget Closing Position (reduction in anticipated funding or new / additional costs)

The underlying theme of the review is to ensure that a 'balanced budget' funding philosophy is retained. Wherever possible, those service areas seeking additional funds to what was originally approved for them in the budget development process are encouraged to seek / generate funding or to find offsetting savings in their own areas.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Cheryle Irons

That, following the detailed review of financial performance for the period ending 31 March 2016, the budget estimates for Revenue and Expenditure for the 2015/2016 Financial Year, (adopted by Council on 13 July 2015 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment (a)**;
- Items funded by transfers to or from Reserves **Attachment (b)**;
- Cost neutral re-allocations of the existing Budget **Attachment (c)**;

**Absolute Majority Required**

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

**Background**

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year - after the December quarter. This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

Although not required to perform budget reviews at greater frequency, the City typically conducts a Budget Review after the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review.

The results of the Half Yearly (Q2) Budget Review after the December Management accounts were finalised have been forwarded to the Department of Local Government for their review after they were endorsed by Council.

This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This particular review incorporates all known variances up to 31 March 2016.

Comments in the Budget Review are made on variances that have either crystallised or are quantifiable as future items - but not on items that reflect timing difference (scheduled for one side of the budget review period - but not spent until the period following the budget review).

**Comment**

The Budget Review is typically presented in three parts:

- Amendments resulting from normal operations in the quarter under review

**Attachment (a)**

These are items which will directly affect the Municipal Surplus. The City's Financial Services team critically examine recorded revenue and expenditure accounts to identify potential review items. The potential impact of these items on the budget closing position is carefully balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained.

The effect on the Closing Position (increase / decrease) and an explanation for the change is provided for each item.

- Items funded by transfers to / from existing Cash Reserves shown as

**Attachment (b)**

These items reflect transfers back to the Municipal Fund of monies previously quarantined in Cash-Backed Reserves or planned transfers to Reserves. Where monies have previously been provided for projects scheduled in the current year, but further investigations suggest that it would be prudent to defer such projects until they can be responsibly incorporated within larger integrated precinct projects

#### 10.6.4 Budget Review for the Period ended 31 March 2016

identified within the Long Term Financial Plan (LTFP) or until contractors / resources become available, they may be returned to a Reserve for use in a future year.

There is no impact on the Municipal Surplus for these items as funds have been previously provided.

- Cost Neutral Budget Re-allocation - **Attachment (c)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 13 July 2015. Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impost on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available. This section also includes amendments to “Non-Cash” items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City’s cash resources.

There is no current year impost on the Municipal Surplus for these items as the discretionary funding models have already allowed for them within the existing budget.

The projected Budget Opening Position for 2015/2016 (and therefore, by logical extension, the Closing Position) was necessarily adjusted to reflect the actual figure achieved at year end rather than the ‘estimated’ figure that was used in formulating the budget. This matter is discussed further in the Financial Implications section of this report.

#### **Consultation**

External consultation is not a relevant consideration in a financial management report although budget amendments have been discussed with responsible managers within the organisation where appropriate prior to the item being included in the Budget Review.

#### **Policy and Legislative Implications**

Whilst compliance with statutory requirements requires only a half yearly budget review (with the review results being forwarded to the Department of Local Government), more frequent and dynamic reviews of budget versus actual financial performance is good management practice.

#### **Financial Implications**

This report addresses the City’s ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City’s financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities. It also allows proactive intervention to identify and respond to cash flow challenges that may arise as a consequence of timing differences in major transactions such as land sales or GST transactions involving the ATO.

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of \$278,000 (increase) to the projected 2015/2016 Budget Closing Position as a consequence of the review of operations.



At the Q1 Budget Review, an adjustment was made to the estimated 2015/2016 Budget Opening Position. This adjustment resulted from calculating the Budget Opening Position in accordance with the Department of Local Government's guideline using the final audited figures from the annual financial statements rather than the estimated numbers used in determining the Budget Position at budget adoption date.

Budget Review amendments made by Council in August and September in relation to legal fees and traffic management measures in Como, the inclusion of the carry forward items and the adjustments made following the Q1 and Q2 review of operations resulted in a revised estimated Closing Position of \$1,807,917 immediately before this review.

The impact of the proposed amendments in the Q3 Budget Review on the financial arrangements of each of the City's directorates is disclosed in Table I below. Figures shown apply only to those amendments contained in the attachments to this report (not to any previous amendments).

Table I includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2014/2015 year end accounts.

**TABLE I: (Q3 BUDGET REVIEW ITEMS ONLY)**

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	110,500	(85,000)	25,500
Financial & Information Services	220,000	(250,000)	(30,000)
Development & Community Services	105,000	(35,000)	70,000
Infrastructure Services	650,500	(438,000)	212,500
Special Review Items	0	(0)	0
Adjustment to Est Carry Forwards	0	(0)	0
Opening Position Adjustment	0	(0)	0
<b>Total</b>	<b>\$1,086,000</b>	<b>(\$808,000)</b>	<b>\$278,000</b>

A positive number in the Net Impact column on the preceding table reflects a contribution towards improving the Budget Closing Position by a particular directorate.

The cumulative impact of all budget amendments for the year to date (including those between the budget adoption and the date of this review) is reflected in Table 2 below.

**TABLE 2: (CUMULATIVE IMPACT OF ALL 2015/2016 BUDGET ADJUSTMENTS)**

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	836,000	(695,000)	115,500
Financial & Information Services	702,000	(620,000)	112,000
Development & Community Services	319,500	(341,500)	(82,000)
Infrastructure Services	3,507,500	(3,423,000)	(128,000)
Special Review Items	0	(0)	0
Adjustment to Est Carry Forwards	300,000	(0)	300,000
Opening Position Adjustment	0	(1,276,193)	(1,276,193)
<b>Total Change in Adopted Budget</b>	<b>\$5,665,000</b>	<b>(\$6,355,693)</b>	<b>(\$690,693)</b>

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources.

Whilst there have been a number of budget movements within individual areas of the City's budget, the overall estimated Budget Closing Position has moved in net terms by only (\$690,693) to a Closing Position of \$2,085,917 after including all budget movements to date. This is relative to the initial estimated Closing Position at budget adoption date (\$2,776,610). This projected revised closing position contributes to a sound set of key financial ratios but will nonetheless still need to be closely monitored during the remainder of the year.

#### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

#### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Conducting regular budget reviews addresses 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 and dynamic financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

#### **Attachments**

- 10.6.4 (a):** Amendments identified from normal operations in the Quarterly Budget Review
- 10.6.4 (b):** Items funded by transfers to or from Reserves
- 10.6.4 (c):** Cost neutral re-allocations of the existing Budget .

## 10.6.5 Capping of Pensioner Rebate

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-16-28427
Date:	26 April 2016
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:	6.5 Advocate and represent effectively on behalf of the South Perth community.

### Summary

This report seeks Council's endorsement of a recommendation pertaining to the capping of the pensioner rebate, seeking the support of the Western Australian Local Government Association to advocate for and coordinate an industry wide notification and media communication response to the capping of pensioner rebates.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Cheryle Irons

That Council endorse the following recommendation and submit it to the South East Metropolitan Zone Meeting in April 2016 for consideration:

That the Western Australian Local Government Association:

1. advocates for and coordinates the development of a concise, consistent and understandable (industry wide) communication strategy to ensure that all affected pensioners are informed of the significant change to pensioner rate entitlements;
2. advocates that the amount of the pensioner concession capping be indexed on an annual basis; and
3. seeks funding from the WA State Government towards the cost of the local government industry communicating this important change to the entitlements of pensioner ratepayers.

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

### Background

Currently, the WA State Government provides concessions to eligible pensioners and seniors of 50% and 25% respectively on their local government rates, ESL and water rates. The entitlement applies to that portion of the rates (not rubbish charges) for the property irrespective of the quantum of the rates. Providing the eligible pensioner pays 50% of their rates and ESL plus the rubbish charge, the state government then pays the local government the remaining 50% (there currently is not limit on the upper amount).

## 10.6.5 Capping of Pensioner Rebate

### Comment

In the 2015/2016 WA State Budget, there was a disclosure that the Department of Treasury and Finance will be introducing capping to the current rebates (for Pensioner Card, State Concession Card and Commonwealth Seniors Health Care Cards holders) effective from 01/07/2016. The indicative capping level was \$550.

The WA State Government has since advised that it will revise the rate cap upwards to \$750 for 2016/2017.

Despite the increase in the cap level, this will still in many cases, reduce the amount of pensioner rebate that registered pensioners are entitled to. This has the potential to create a great deal of angst amongst the pensioner community as many pensioners are on limited fix incomes.

To lessen the distress to pensioners - and the impact that this change is likely to have on inbound telephone calls from concerned pensioners, local governments will need to have a coordinated communication strategy in place to ensure that those affected are aware of the change well before it occurs.

It is considered important that affected parties are informed that this is not the local government making a discretionary determination to reduce an entitlement (as many pensioners still think we grant/provide the rebate) - but rather that this is a State Government initiative that was introduced through the 2015/2016 State Government budget to take effect from the 2016/2017 financial year.

If this message could be effectively communicated ahead of the 2016/2017 rates issue date, it may significantly reduce the adverse impact on pensioner residents as well as front line local government staff.

The WA Rates Officers Association contacted the Office of State Revenue (OSR) to determine if they would be providing media releases or other publicity campaign to advise pensioners of the soon to be introduced cap limit on their rates and water service charges, similar to how the Fire and Emergency Services introduced the Emergency Services Levy several years ago. The following response was received:

*The role of OSR is to administer the Rates and Charges (Rebates and Deferments) Act 1992 and to validate the claims made by LGAs. We do not set policy, or make any legislative changes. We merely administer the legislation that is in place from time to time. Therefore, the OSR is not in a position to assist your rate payers with any query or complaint about the cap that has been introduced. OSR cannot say anything other than to give them the details of the budget announcement. We have no discretion, and we have no power to change the legislation. If your rate payer is not satisfied after you have given them the above explanation, the only avenue that they have is to contact their local Member of Parliament. Please do not direct your rate payer to contact the OSR or Department of Finance.*

*As this change was announced as part of the 2015/2016 State Budget, and the OSR's role is administrative only, we do not intend to issue any media release or other publicity.*

It is the view of a number of local governments that this abdication of responsibility for advising pensioner ratepayers of this change leaves little choice but for local government to take up the burden of communicating this message. To not take action to communicate this change will potentially generate unnecessary angst in the community.

#### 10.6.5 Capping of Pensioner Rebate

The City of South Perth is urgently seeking the support of WALGA to advocate for and coordinate an industry wide notification and media communication response to this matter.

##### **Consultation**

The City has consulted with the WA Rates Officers Association and Office of State Revenue in relation to this matter.

##### **Policy and Legislative Implications**

Nil.

##### **Financial Implications**

Nil.

##### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

##### **Sustainability Implications**

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

##### **Attachments**

Nil .

### **10.6.6 Review of Development Assessment Panels - South East Metropolitan Zone**

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-28440
Date:	26 April 2016
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Geoff Glass, Chief Executive Officer
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 seeks Council's consideration of a recommendation seeking the Western Australian Local Government Association's support advocating the abolition and / or reform of Development Assessment Panels.

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

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Cheryle Irons

That Council endorse the following recommendation and submit it to the South East Metropolitan Zone in April 2016 for consideration:

That the Western Australian Local Government Association:

1. Advocates for the abolition of Development Assessment Panels (DAPs) on the basis that:
  - (a) DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;
  - (b) DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions; and
  - (c) Previous decisions made by the Metro Central Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Policies adopted by the City of South Perth; and
2. Advocates for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:
  - (a) Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker in favour of a Ministerial call-in power for projects of state or regional significance,



- with a minimal value of \$20 million, as has been adopted in the eastern states.;
- (b) Requiring equal membership on the DAP between Local Government and Appointed Specialist members;
  - (c) Requiring the DAP to set the meeting date for consideration of the development applications no later than five working days after the application being received to enable inclusion within the community consultation process;
  - (d) Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;
  - (e) Requiring a minimum of five business days between publishing the DAP agenda and the date by which ratepayers can make public presentations to the DAP, to provide more time to prepare a formal response;
  - (f) Mandating that respondents to the develop application can nominate email or Australia Post as their preferred contact method for information and requiring the local government to contact registered respondents throughout the process as deadlines are reached;
  - (g) Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;
  - (h) Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government's website and to notify all respondents to the original community consultation of those changes; and
  - (i) Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a DAP meeting for determination.

3. Formulates a campaign targeting the State Government to either abolish or make appropriate changes to the DAPs to ensure that local communities are better represented, and their views are given greater weight in the decision-making process.

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

### **Background**

The Council resolved in March 2016 to advocate for the abolition of DAPs. The Town of Victoria Park also resolved in March 2016 to advocate for the abolition of DAPs, with an additional resolution that the Western Australian Local Government Association formulate a campaign targeting the State Government to either abolish or make appropriate changes to DAPs to ensure that local communities are better represented and their views are given greater weight in the decision making process.

### **Comment**

DAPs have largely removed opportunities for local 'political' and community-based issues to be considered in the decision-making process. These issues represent the fine-grain fabric of what is important to a local community in terms of its future character, landscape and amenity. Elected Council Members are best placed to interpret and represent those views. Further, these local issues cannot always be easily captured through Local Planning Schemes and policies; as a result, subjectivity and discretion will always have a role to play in such decisions.

## 10.6.6 Review of Development Assessment Panels - South East Metropolitan Zone

Whilst the specialists DAP members are well qualified and experienced in their fields, they do not have the same appreciation and ownership of local issues as elected members. Specialist DAP members will also typically not have the same enduring accountability to justify or 'live with' the consequences of DAP decisions as elected members have, which comes from being a resident of the local community.

It is undemocratic for local government to be excluded from decision making in such cases and if the current process is to be retained, there should at least be legislative change to allow Councils to seek a review at the State Administrative Tribunal of all decisions.

It is recommended that Western Australia follow development assessment practice in the eastern states, where DAPs as we know them have now been abandoned in favour of Ministerial call-in powers. Such powers are confined to projects of state or regional significance, typically with a minimal value of \$20 million or more.

Projects called-in by the Minister for Planning could be assessed by a DAP with equal representation from state and local governments and a neutral chair. The DAP would advise the Minister.

DAP's have largely removed opportunities for local and community based issues to be considered in the decision making process. These issues represent what is important to a local community in terms of its future character, landscape, streetscape and amenity and elected council members are best placed to represent those views. Further local issues cannot always easily be captured through Local Planning Policies.

While the specialists DAP members are well qualified and experienced in their fields they do not have the same appreciation and ownership of local issues and consequences of decisions as elected members have, which comes from being a local resident.

### **Consultation**

This matter has previously been considered by the Council in March 2016.

### **Policy and Legislative Implications**

The abolition of DAPs would require the State Government to amend the Approval and Related Reforms (No. 4) (Planning) Act 2010.

### **Financial Implications**

Nil.

### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

### **Sustainability Implications**

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

### **Attachments**

Nil.

## 10.7 STRATEGIC DIRECTION 7: MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.7.1 Recommendations from the CEO Evaluation Committee Meeting - 30 March 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-28428
Date:	26 April 2016
Author:	Sharron Kent, Governance Officer
Reporting Officer:	Phil McQue, Manager Governance
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

#### Summary

This report considers the recommendations from the *confidential* CEO Evaluation Committee meeting held on 30 March 2016 for Council's consideration.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Cheryle Irons

That Council adopt the recommendations of the *confidential* CEO Evaluation Committee meeting held on 30 March 2016.

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

#### Background

The CEO Evaluation Committee meeting was held on 30 March 2016 with the following *confidential* item listed for consideration on the agenda:

- CEO Key Performance Indicators

#### Comment

The CEO Evaluation Committee resolved to recommend to Council the following:

*That the CEO Evaluation Committee:*

1. endorse the Chief Executive Officer Key Performance Indicators (as amended at *confidential* Minutes Attachment (a)) for the period July 2016 to June 2017;
2. request the Chief Executive Officer to provide a bi-annual report to the CEO Evaluation Committee; and
3. note that the performance review for the October 2015 to October 2016 employment period will comprise a report by the Chief Executive Officer to the CEO Evaluation Committee on achievements in the six key areas of leadership, councillor relations, external relations (including customers and stakeholders), organisation management, planning and financial management.

### **Consultation**

The CEO Evaluation Committee considered the report in detail at the 30 March 2016 Committee meeting.

### **Policy and Legislative Implications**

This Committee meeting was called in accordance with section 5.4 Calling Council Meetings, *Local Government Act 1995*.

### **Financial Implications**

Nil.

### **Sustainability Implications**

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

### **Attachments**

- 10.7.1 (a):** Confidential Minutes - CEO Evaluation Committee - 30 March 2016 (*Confidential*)
- 10.7.1 (b):** Confidential Minutes Attachment - CEO Evaluation Committee - 30 March 2016 (*Confidential*) .

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

Nil.

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

Nil.

## **I3. QUESTIONS FROM MEMBERS**

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

At the 22 March 2016 Ordinary Council meeting no questions from Members were taken on notice.

### **I3.2 QUESTIONS FROM MEMBERS**

Nil.

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

Nil

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

Nil.

## **I6. CLOSURE**

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.32pm

## **17. RECORD OF VOTING**

26/04/2016 6:07:07 PM

### **7.1.1 – 7.1.3 CONFIRMATION OF MINUTES**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

26/04/2016 6:07:58 PM

### **7.2.1 AGENDA BRIEFING**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

26/04/2016 6:08:50 PM

### **8.1 PETITIONS**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

26/04/2016 6:10:38 PM

### **9.1 EN BLOC MOTION**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

26/04/2016 6:14:51 PM

### **10.0.1 AMENDMENT TO THE ALTERNATIVE MOTION (MAYOR SUE DOHERTY)**

Motion Not Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland, Cr Jessica Black



26/04/2016 7:04:42 PM

**10.0.1 AMENDMENT TO THE ALTERNATIVE MOTION (CR FIONA REID)**

Motion Not Passed 2/5

Yes: Cr Travis Burrows, Cr Fiona Reid

No: Mayor Sue Doherty, Cr Cheryle Irons, Cr Ken Manolas, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland, Cr Jessica Black

26/04/2016 7:17:18 PM

**10.0.1 AMENDMENT TO THE ALTERNATIVE MOTION (CR FIONA REID)**

Motion Not Passed 3/4

Yes: Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

No: Mayor Sue Doherty, Cr Travis Burrows, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland, Cr Jessica Black

26/04/2016 7:22:47 PM

**10.0.1 ALTERNATIVE MOTION WITH AMENDMENTS (CR COLIN CALA)**

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland, Cr Jessica Black

26/04/2016 7:30:59 PM

**10.3.4 PROPOSED POLICY P318 SOUTH PERTH STATION PRECINCT APPLICATION REQUIREMENTS**

Motion Passed 5/4

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Jessica Black, Casting Vote

No: Cr Cheryle Irons, Cr Ken Manolas, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

## APPENDIX ONE

### 6. PUBLIC QUESTION TIME – Public Questions Taken on Notice: Ordinary Council Meeting – 22 March 2016

<p><b>Paul Ruthven of 5/24 Charles Street, South Perth</b>  <b>Received at the meeting: 22 March 2016</b></p>	<p><b>Response provided by: Geoff Glass, Chief Executive Officer</b></p>
<p><i>[Preamble] My first question relates to a Channel Nine news article from March 1st which looked at a development at 98 Mill Point Rd, and the adverse effects it has had on Hellen and David Barnaby, who live at 100 Mill Point Rd.</i></p> <p><i>The video associated with this article, titled “Apartment Farce” has been re-published in the online editions of the Sydney Morning Herald, the Melbourne Age and the Canberra Times, and has been viewed more than 150,000 times online.</i></p> <p><i>The news-article shows how the Barnabys have been “entombed” in concrete as a result of the podium wall being built on their boundary with a nil setback. If you look closely at the footage, you can see where the builders have actually cemented the fronds from one of the Barnaby’s pot-plants into the podium wall.</i></p> <p><i>This development was regrettably recommended by the City Officer in the Responsible Authority Report provided to the DAP.</i></p> <p><i>On March 3rd, 2016, in response to the Channel Nine article, the CEO, Geoff Glass was quoted in WA Today as saying: “The balcony and windows allow light and ventilation to enter the apartment from the north and above”.</i></p> <p><i>Unfortunately, this statement is not strictly accurate, because of a development application that was submitted to the City of South Perth on 18th January, 2016. This DA is for the property on the Barnaby’s northern boundary, at 2 Harper Tce. According to the shadowing diagrams in the plans for this development, there will be virtually no sunlight entering the Barnaby’s balcony and windows from the north during the winter. Note that these diagrams do not include shadowing from 98 Mill Point Rd, which will only make the problem worse.</i></p>	
<p>1. My first question is for the CEO. At the time he made his remarks to WA Today on March 3rd, was he aware of the proposed development at 2 Harper Tce, or was he relying on advice from his planning department when making those statements?</p>	<p>The response was made in regard to a specific media question asking if compensation would be paid to a resident living at 100 Mill Point Road given the potential impact of the development under construction at 98 Mill Point Road. The comments were limited to that matter and did not reference any later potential development at 2 Harper Terrace.</p> <p>As a general comment in relation to any media queries generally assistance and information is provided and prepared in consultation with the relevant Department of the City.</p>

<p><i>[Preamble] The main problem with the development at 98 Mill Point Rd is podium walls with a nil SIDE setback. This is a similar problem that the residents of my apartment block are currently facing, with the proposed nil SIDE setbacks at 26 Charles Street. Unfortunately, I have seen nothing in Amendment 46 that deals with the issue of nil SIDE setbacks.</i></p>	
<p>2. If the Cardno report mentioned in item 7.2.3 of tonight's agenda, identifies nil SIDE setbacks as an issue, will Council give strong consideration to mandating non-nil SIDE setbacks for podiums in Amendment 46, for new developments that have significant adverse impacts on their neighbours?</p>	<p>Amendment 46 as advertised does not include changes to the provisions of side setback, however the issue has been raised in submissions and is being considered together with changes to street setbacks.</p>
<p><i>[Preamble] At the November 2015 Council meeting, I asked whether the City had a documented procedure for dealing with noise complaints, and whether they thought one would be worthwhile, particularly in light of the increase in construction activity and the corresponding increase in air conditioners. I was told that there was currently no documented procedure, but that the City was writing one. When I asked how long it would take before that would be available, I believe the relevant director indicated that a draft would be ready in about 4 weeks. It has now been 4 months since I asked those questions.</i></p>	
<p>3. What is the status of the noise procedure document please, and when will it be made available for me to review?</p>	<p>The noise complaints procedure draft document has been prepared. It is currently being finalised before it is made available to the public.</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 24 May 2016.

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