

# MINUTES.

## Ordinary Council Meeting

27 September 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 27 September 2016 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

30 September 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 the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 27 September 2016.

## 1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.01pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

## 2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 3.1 STANDING ORDERS LOCAL LAW 2007

The Presiding Member advised that this meeting is held in accordance with the City's Standing Orders Local Law 2007 which provides rules and guidelines which apply to the conduct of meetings.

### 3.2 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.

## 4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

### Councillors

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

### Officers

Mr Geoff Glass	Chief Executive Officer
Ms Vicki Lummer	Director Development and Community Services
Mr Michael Kent	Director Financial and Information Services
Mr Mark Taylor	Director Infrastructure Services
Mr Phil McQue	Manager Governance and Administration
Ms Sharron Kent	Governance Officer
Ms Christine Vass	Executive Assistant to CEO
Ms Gillian Buckingham	Civic Support Officer

### Gallery

There were approximately 25 members of the public and one member of the media present.

#### **4.1 APOLOGIES**

Nil

#### **4.2 APPROVED LEAVE OF ABSENCE**

Nil

### **5. DECLARATIONS OF INTEREST**

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

The Presiding Member noted that a Declaration of Interest had been received from:

- Mayor Sue Doherty in relation to Agenda *Item 10.5.1 Black Spot Program*
- Cr Jessica Black in relation to Agenda *Item 10.3.7 Proposed 40 and 49 Story Mixed Development on Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth*
- Cr Glenn Cridland in relation to Agenda *Item 10.3.3 Amendment No. 52 to Town Planning Scheme No. 6 – Building height limits of lots 501 and 502 River Way, Salter Point. Consideration of submissions.*

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

### **6. PUBLIC QUESTION TIME**

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

At the 23 August 2016 Ordinary Council Meeting no questions were taken on notice.

## 6.2 PUBLIC QUESTION TIME: 27 SEPTEMBER 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 forms are available on the City's website, at Reception and also available in the Chamber Foyer on the night of the meeting.

Questions received in advance of the meeting would be dealt with first. Questions received at the meeting are taken on notice and the response provided in the Minutes of the next month's Council meeting.

The Presiding Member then opened Public Question Time at 7.04pm.

Written questions were received from:

- Mr Trevor Wilkinson of 2 Ruth Street, Como
- Mr Craig Dermer of 63 Mill Point Road, South Perth
- Mr Sukhwant Singh of 17A Salter Point Parade, Salter Point
- Mr Geoff Defrenne of 24 Kennard Street, Kensington
- Ms Sue Gillieatt of 7 Howard Parade, Salter Point

The Presiding Member closed Public Question Time at 7.29pm.

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

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 23 August 2016

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Jessica Black

That the Minutes of the Ordinary Council Meeting held 23 August 2016 be taken as read and confirmed as a true and correct record.

**CARRIED (9/0)**

### 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 Council Agenda Briefing - 20 September 2016

Officers of the City presented background information and answered questions on items to be considered at the 27 September 2016 Ordinary Council Meeting at the Council Agenda Briefing held 20 September 2016.

### Attachments

7.2.1 (a): Notes - Council Agenda Briefing - 20 September 2016 .

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the Notes of the Council Agenda Briefing held on 20 September 2016 be noted.

**CARRIED (9/0)**

## 8. PRESENTATIONS

### 8.1 PETITIONS

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

Nil

### 8.2 PRESENTATIONS

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

Nil

### 8.3 DEPUTATIONS

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

Deputations were heard at the Council Agenda Briefing of 20 September 2016 with the exception of *Item 10.3.7 Proposed 40 and 49 Story Mixed Development on Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth*. As the Responsible Authority Report (RAR) for this item was not available at the time of the Council Agenda Briefing there was no opportunity for interested parties to address Council.

At the Council Agenda Briefing the Presiding Member advised that the RAR would be available for the Ordinary Council Meeting and special permission would be granted for those wishing to submit a 'Request for a Deputation to Address Council' to be heard at this meeting. The Presiding Member advised the meeting that no requests were received. She then asked if anyone in the Gallery wished to address Council on this matter this evening. No Deputations were received.

## 8.4 COUNCIL DELEGATES REPORTS

### 8.4.1 West Australian Local Government Association (WALGA) South East Metropolitan Zone (SEMZ) - 24 August 2016

A report summarising the West Australian Local Government Association (WALGA) South East Metropolitan Zone (SEMZ) held 24 August 2016 is attached.

#### Attachments

8.4.1 (a): Delegates' Report - WALGA SEMZ - 24 August 2016 .

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the report on the West Australian Local Government Association (WALGA) South East Metropolitan Zone (SEMZ) held 24 August 2016 be received.

**CARRIED (9/0)**

## 8.5 CONFERENCE DELEGATES REPORTS

Nil

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Council Agenda Briefing held on 20 September 2016.

The Chief Executive Officer confirmed that this was correct with the exception of *Item 10.6.6 Standing Orders Amendment Local Law* which has been withdrawn by Administration for consideration at a later date.

#### ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.3.1 Proposed Additional Use - Use Not Listed "Open Amphitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road
- Item 10.3.3 Amendment No. 52 to Town Planning Scheme No. 6 - Building height limits of lots 501 and 502 River Way, Salter Point. Consideration of submissions
- Item 10.3.4 Planning Policy P350.16 Variation to Plot Ratio for Multiple Dwellings and Mixed Development – Report on Submissions
- Item 10.3.6 Request for Review of Conditions and Advice Notes of Conditional Subdivision Approval – City to Consider Cash-in-Lieu as an Alternative to Providing Public Open Space on Lot 500 (No. 77) Roebuck Drive, Salter Point (Aquinas College Subdivision)
- Item 10.3.7 Proposed 40 and 49 Storey Mixed Development on Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth

Item 10.4.1 Property Asset Management Review

Item 10.6.7 Proposed Public Places and Local Government Property Amendment Local Law

## 9.1 EN BLOC MOTION

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Colin Cala

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

- Item 10.1.1 Cats Local Law 2016
- Item 10.1.2 Notice of Motion - Review of City Events Allocation of Funds
- Item 10.3.2 Retrospective Front Fence, Storeroom and Landscaping Addition to Single House & Retrospective Boundary Fence over 1.8m in Height Lot 48 (No. 150) Lockhart Street, Como
- Item 10.3.5 Proposed Change of Use (Office to Child Day Care Centre) on Lots 8, 10, 200, 201 (NO.64) Mill Point Road, South Perth
- Item 10.6.1 Monthly Financial Management Accounts - August 2016
- Item 10.6.2 Statement of Funds, Investments and Debtors 31 August 2016
- Item 10.6.3 Listing of Payments
- Item 10.6.4 Carry Forward Projects as at 30 June 2016
- Item 10.6.5 Audit Contract Arrangements
- Item 10.6.8 Financial Interest Returns - 2015/2016

**CARRIED (9/0)**

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 Cats Local Law 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-16-74359
Date:	27 September 2016
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Community -- Create opportunities for an inclusive, connected, active and safe community
Council Strategy:	1.2 Facilitate and foster a safe environment for our community.

#### Summary

The Council resolved in June 2016 to adopt the Cats Local Law and give statewide and local public notice seeking submissions for a period of not less than six weeks. This report considers the outcome of the submission period and recommends that the Cats Local Law 2016 be adopted.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Colin Cala

That:

- In accordance with section 3.12(4) *Local Government Act 1995*, the City of South Perth Cats Local Law 2016 be adopted, subject to:
  - o Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
  - o Various other amendments as 'marked up' on the attachment to this report.
- In accordance with s3.12(5) *Local Government Act 1995*, the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
- After Gazettal, in accordance with s3.12(6) *Local Government Act 1995*, local public notice be given —
  - o Stating the title of the local law;
  - o Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - o Advising that the City will provide copies of the local law for inspection.

- Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, the City will send to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer.

*ABSOLUTE MAJORITY REQUIRED*

**CARRIED EN BLOC (9/0)**

### Background

The Audit, Risk and Governance Committee in June 2016 recommended to Council that it make a Cats Local Law, which primarily limits the number of cats that may be kept on premises within the district to three without a permit from the City, as well as dealing with appeal and enforcement provisions.

### Comment

The City of South Perth advertised its proposed Cats Local Law for public comment as required under s3.12 *Local Government Act* 1995. The City received one public submission during this period as follows, with the City response:

Comment	Response
<p>1. A person must not keep or allow to remain on any premises any cat or cats as to be a nuisance or injurious to health by reason of:</p> <ul style="list-style-type: none"> <li>i. the noise or odour generated by the presence of the cat or cats or;</li> <li>ii. the aggressive nature of the cat or cats; or</li> <li>iii. the cat or cats being allowed to wander from the land.</li> </ul> <p>2. Limit the number of cats a person can keep on a property to two cats only.</p> <p>3. Consult with all adjacent neighbours for any additional cats</p> <p>The reason limiting to two cats to a property is that they can keep each other company and therefore two cats are adequate.</p>	<p>While the City receives few complaints about nuisance cats, it is possible to amend the draft local law to also bring in nuisance provisions. Enforcement will however be resource intensive and the suggested change is therefore not supported.</p> <p>The experience of other local governments is that serious problems posed by cats usually relate to the sheer numbers kept and the proposed local law will be able to address this.</p> <p>The number of cats that may be allowed to be kept on a property is a subjective matter. Three is considered a reasonable number by most local governments.</p> <p>The City may consult with adjoining properties as part of the process to assess any applications to keep additional cats. While the decision in relation to an application is the City's, conditions of approval will vary on a case by case basis depending on the size of the property concerned, any possible use of enclosed runs, adequate fencing etc., which may not affect neighbours. Unlike dogs, cats tend to have considerably less impact on neighbours.</p>

### 10.1.1 Cats Local Law 2016

While the City recommends no changes to the draft local law, should Council form a different view to the above, the amended draft local law will require re-advertising for public submissions, as the amendments would be significantly different from what the City initially advertised.

The Department of Local Government and Communities provided a number of suggestions in relation to the appearance and formatting of the local law. The proposed changes are 'marked up' on the copy of the Local Law at **Attachment (a)** and the City considers them minor in nature. As noted in the recommendation to Council adoption is recommended subject to deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted as well as the various other amendments 'marked up' on the attachment to the report to Council.

The Council may now make the local law, which will come into effect 14 days after its publication in the Government Gazette.

#### Consultation

The draft Local Law was advertised for public comment under section 3.12(3) *Local Government Act 1995* which requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

The City of South Perth advertised the Cats Local Law 2016 for public comment in the *Southern Gazette* on 19 July 2016 and *The West Australian* on 20 July 2016, with submissions closing 2 September 2016.

#### Policy and Legislative Implications

Section 3.12 of the *Local Government Act 1995* and Regulation 3 of the *Local Government (Functions & General) Regulations 1996* set out the procedural requirements to amend a local law, which are the same as that required for the making of a local law.

#### Financial Implications

There are minor administrative expenses involved in developing the Cats Local Law 2016.

#### 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

10.1.1 (a): Proposed Cats Local Law - Marked Up

### 10.1.2 Notice of Motion - Review of City Events Allocation of Funds

Location: City of South Perth  
Ward: Not Applicable  
Applicant: Council  
File Ref: D-16-74125  
Date: 27 September 2016  
Author: Sandra Watson, Manager Community, Culture & Recreation  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Strategic Direction: Community -- Create opportunities for an inclusive, connected, active and safe community  
Council Strategy: 1.3 Create opportunities for social, cultural and physical activity in the City.

#### Summary

This report seeks Council resolution for funds to be allocated in order to complete the review of City events as resolved by Council at its July 2016 meeting.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Colin Cala

That Council:

- a) resolves to allocate the amount of \$20,000 in order to complete the review of City events as resolved at the July 2016 Ordinary Council meeting (Item 12.1).
- b) permits an extension to the completion date of the project (25 November 2016 instead of 4 November 2016) with the report to be presented at the December 2016 Ordinary Council meeting.

**CARRIED EN BLOC (9/0)**

#### Background

In July 2016 Council resolved to conduct a review of City events. At the time of the resolution no funds were allocated to the project. An expression of interest process has resulted in two (2) submissions and the quotes that were received require an amount of \$20,000 to be allocated to this review.

#### Comment

As this is a new project that was not included in the annual budget there is no allocated funds. Therefore Council must resolve to expend the funds of approximately \$20,000.

In addition, officers are also seeking an extension of the timeframe in order for the consultant to adequately complete the project. The new suggested timeframe is to meet the December Ordinary Council meeting rather than the November meeting, with the report to be presented to the 13 December 2016 Ordinary Council meeting.

**Consultation**

N/A.

**Policy and Legislative Implications**

N/A.

**Financial Implications**

As this project was not budgeted for approval by Council is required to allocate and expend \$20,000 in order to complete this project.

**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 .



## 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

### 10.3.1 Proposed Additional Use - Use Not Listed "Open Amphitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road

Location:	Salter Point
Ward:	Manning
Applicant:	Aquinas College
File Ref:	D-16-73930
Date:	27 September 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 an Additional Land Use - Use Not Listed "Open Amphitheatre" associated with an Educational Establishment at Aquinas College on Lot 18 (No. 58) Mount Henry Road, Salter Point. Council are being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Additional Land Use – Use Not Listed	TPS6 -Table 1
Car Parking	Clause 6.3 and Table 6 of TPS6

#### Officer Recommendation

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Glenn Cridland

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, Council recommends to the Western Australia Planning Commission that this application for planning approval for an Additional Land Use – Use Not Listed "Open Amphitheatre" associated with an Educational Establishment at Aquinas College on Lot 18 (No. 58) Mount Henry Road, Salter Point **be approved** subject to:

- (a) **Standard Conditions**
  - 660 expiry of approval
- (b) **Specific Conditions**
  - (i) The Use hereby permitted must only be used for school based activities and only by Aquinas.
  - (ii) The operation of events at the amphitheatre shall occur in accordance with the following approved Management Plans where referenced for School Use:
    - (a) Aquinas College – Tiered Seating Operational Traffic Management

- Plan prepared by Shawmac and dated 12 April 2016;
- (b) Environmental Acoustic Assessment for Aquinas College Proposed Outdoor Tiered Seating prepared by Herring Storer Acoustics and dated February 2016;
  - (c) Obtrusive Light Report – Tiered Seating for Aquinas College prepared by Sage Consulting Engineers and dated January 2016.
  - (iii) Car Parking for events shall be provided in accordance with the Operational Traffic Management Plan prepared by Shawmac dated 12 April 2016 and the approved site plan.
  - (iv) In accordance with Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015 and Policy Measures of State Planning Policy 3.7 – Planning in Bushfire Prone Areas, the requirements of the Bushfire Management Plan prepared by Strategen Environmental dated August 2016 are to be implemented and maintained for the life of the building, unless otherwise approved by the City of South Perth.

**(c) Standard Advice Notes**

- 700A building permit required    795B appeal rights - council decision  
790 minor variations - seek approval

**(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;

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

**AMENDMENT AND COUNCIL DECISION**

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the Motion be amended as follows in **red**, and renumbered accordingly:

**(b) Specific Conditions**

- (i) The Use hereby permitted must only be used for **City of South Perth** school based activities – **assemblies, graduations, school orchestra / bands / choirs, concerts, drama performances with patronage by City of South Perth, students and their family members, with no external or public events.**
- (ii) **Evening events are permitted to operate up until 10.30pm.**
- (iii) The operation of events at the amphitheatre shall occur in accordance with the following approved Management Plans where referenced for School Use **only, with no external or public events:**
  - (a) Aquinas College – Tiered Seating Operational Traffic Management Plan prepared by Shawmac and dated 12 April 2016;

- (b) Environmental Acoustic Assessment for Aquinas College Proposed Outdoor Tiered Seating prepared by Herring Storer Acoustics and dated February 2016;
- (c) Obtrusive Light Report – Tiered Seating for Aquinas College prepared by Sage Consulting Engineers and dated January 2016.
- (iv) Car Parking for “The Use” shall be provided in accordance with the Operational Traffic Management Plan prepared by Shawmac dated 12 April 2016 and the approved site plan.
- (v) In accordance with Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015 and Policy Measures of State Planning Policy 3.7 – Planning in Bushfire Prone Areas, the requirements of the Bushfire Management Plan prepared by Strategen Environmental dated August 2016 are to be implemented and maintained for the life of the building, unless otherwise approved by the City of South Perth.

**CARRIED (9/0)**

#### **Reasons for the Amendment**

1. Whilst the Officer Recommendation refers to school based activities the scope and breadth of them needs to be defined for clarity of usage of the Amphitheatre. The school based activities are those taken from the Reports provided at the requested by Aquinas College from a range of consultants.
2. It is important to point out that this facility is only to be used by City of South Perth for school based activities and not for external or public use.
3. The amphitheatre is nearby residential homes and whilst the school currently undertakes a range of events, an additional facility will increase the usage on the only road in and out of Aquinas, also while being a facility on a school site acknowledgement of it in relation to the Salter Point community cannot be overlooked and the school is part of the neighbourhood in which it is located and neighbours respect each other.
4. The application from Aquinas identifies that perhaps at a later date it may consider opening the Amphitheatre for public and or external usage – for the reasons identified above this is neither the preference of the Council nor the community.
5. Limiting the operating hours up until 10.30pm enables the streets in the Salter Point area to be clear of traffic by 11.00pm.

#### **AMENDMENT AND COUNCIL DECISION**

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That the Motion be amended as follows in red, and renumbered accordingly:

- (b) Specific Conditions
  - (iii) The operation of events at the amphitheatre shall occur in accordance

with the following approved Management Plans where referenced for School Use only, with no external or public events:

- (b) Environmental Acoustic Assessment for Aquinas College Proposed Outdoor Tiered Seating prepared by Herring Storer Acoustics and dated February 2016, including increasing the height of the rear wall and adding angled section as shown in Figure D1 in Appendix D.

**CARRIED (9/0)**

#### **Reasons for the Amendment**

1. It is a recommendation received by the council in the summary notes from Herring Storer Acoustics (pages 45 and 66) (image Appendix D).
2. It is in the interests of all concerned to find an amicable solution.
3. It is our duty to foresee potential risks and try to mitigate them if possible. If this wall is heightened and an angle section added in then we could be saving us a lot of headaches in the future, especially as it would need to be considered and accounted for in the initial planning and not as a reactive measure later.

The Amendments then became the substantive as follows:

#### **COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Glenn Cridland

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, Council recommends to the Western Australia Planning Commission that this application for planning approval for an Additional Land Use – Use Not Listed “Open Amphitheatre” associated with an Educational Establishment at Aquinas College on Lot 18 (No. 58) Mount Henry Road, Salter Point **be approved** subject to:

**(a) Standard Conditions**

660 expiry of approval

**(b) Specific Conditions**

- (i) The Use hereby permitted must only be used for City of South Perth school based activities – assemblies, graduations, school orchestra / bands / choirs, concerts, drama performances with patronage by City of South Perth, students and their family members, with no external or public events.
- (ii) Evening events are permitted to operate up until 10.30pm.
- (iii) The operation of events at the amphitheatre shall occur in accordance with the following approved Management Plans where referenced for School Use only, with no external or public events:
  - (a) Aquinas College – Tiered Seating Operational Traffic Management Plan prepared by Shawmac and dated 12 April 2016;

- (b) Environmental Acoustic Assessment for Aquinas College Proposed Outdoor Tiered Seating prepared by Herring Storer Acoustics and dated February 2016, including increasing the height of the rear wall and adding angled section as shown in Figure D1 in Appendix D.
- (c) Obtrusive Light Report – Tiered Seating for Aquinas College prepared by Sage Consulting Engineers and dated January 2016.
- (iv) Car Parking for “The Use” shall be provided in accordance with the Operational Traffic Management Plan prepared by Shawmac dated 12 April 2016 and the approved site plan.
- (v) In accordance with Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015 and Policy Measures of State Planning Policy 3.7 – Planning in Bushfire Prone Areas, the requirements of the Bushfire Management Plan prepared by Strategen Environmental dated August 2016 are to be implemented and maintained for the life of the building, unless otherwise approved by the City of South Perth.
- (c) **Standard Advice Notes**  
 700A building permit required      795B appeal rights - council decision  
 790 minor variations - seek approval
- (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;

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

**CARRIED (9/0)**

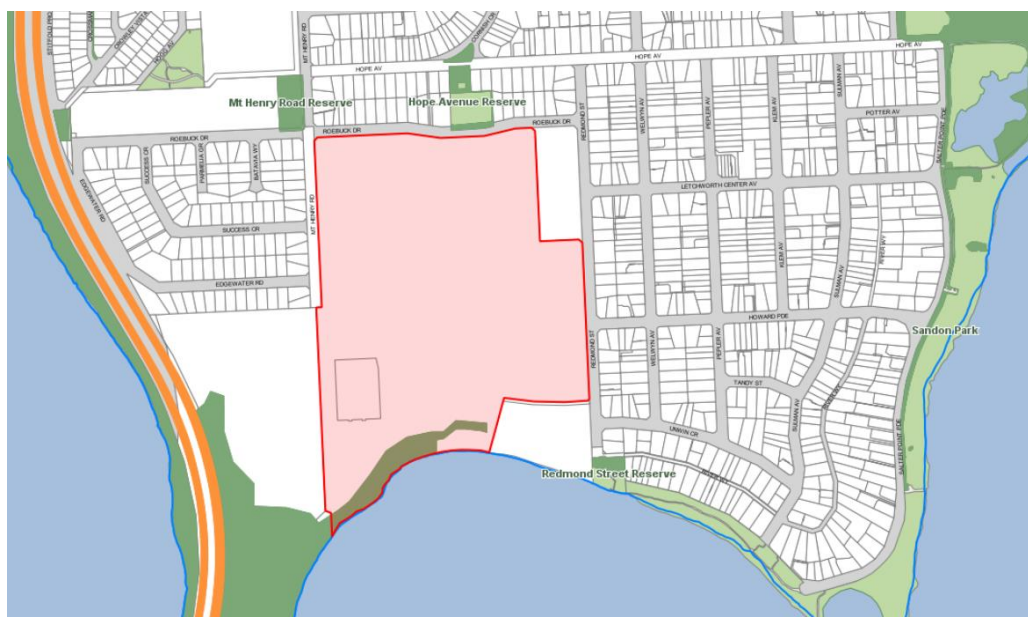
### **Background**

The development site details are as follows:

<b>Zoning</b>	Private Institution
<b>Density coding</b>	R20
<b>Lot area</b>	263,185 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Educational Establishment
<b>Plot ratio limit</b>	0.60 (Table 3 of TPS6)

The location of the development site is shown below:

**Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**



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

**2. Major developments**

- (a) *Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the City;*
- (c) *Development of the kind referred to in items (a) and (b) above, but which, in the opinion of the delegated officer, is contentious or is of significant community interest.*

**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.*

Lot 18 sits partly within land under the Swan and Canning Rivers Management Act 2006 (SCRM Act). The SCRM Act, together with the Metropolitan Region Scheme, requires referral to the Department of Parks and Wildlife (Rivers and Estuaries Division) of development applications for lots that are partially within the development control area under the SCRM Act, or which abut the waters thereto. Council does not have delegation from the Western Australian Planning Commission to determine planning applications involving the development that is partly within the Swan and Canning River Control Area. Council's recommendation will be sent to the Commission for their determination.

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

In October 2015, the City received an application for an Additional Land Use – Use Not Listed “Open Amphitheatre” requesting that it be used for School and Public Use associated with an Educational Establishment located at Aquinas College on Lot 18 (No. 58) Mount Henry Road, Salter Point (the **Site**).

City officers considered it necessary to undertake consultation with the community as the College are proposing to hire out the facility to external parties outside of school hours and it is considered that the proposal will have impact in terms of amenity relating traffic and noise. The consultation processes took place between 8 February 2016 and 8 March 2016 of which details are further described in this report under the ‘Consultation’ section.

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

The subject site is located at Lot 18 (No. 58) Mount Henry Road, Como (the **Site**). The subject site currently contains an Educational Establishment identified as Aquinas College.

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

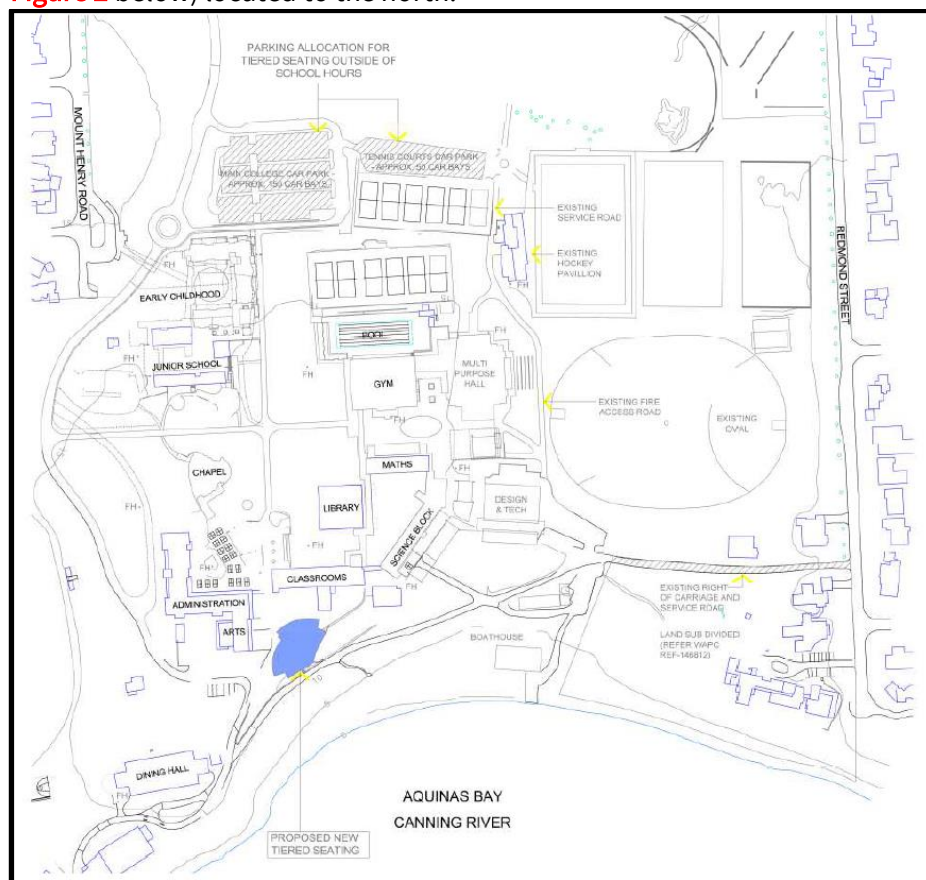
The Site has a frontage to Roebuck Drive to the north, Mount Henry Road to the west and Redmond Street to the east and to the south is Canning River, and is surrounded by the residential area of Salter Point which includes mostly single houses and grouped dwellings, as seen in **Figure 1** below:



**Figure 1 – Locality Plan**

**(d) Description of the Proposal**

The proposal involves the construction of an Open Amphitheatre described by the applicant as a Tiered Seating Pavilion and Stage to be used for school activities and it is proposed that it is also to be used for public events outside-of-college hours on Lot 18 (No. 58) Mount Henry Road (**Site**). The amphitheatre is proposed to be located on the south side of the College Campus overlooking the Canning River as depicted in the submitted plans at **Attachment (a)** The plan shown in **Figure 2** below shows the location of the amphitheatre (highlighted blue), access and egress to the site will be off Mount Henry Road (to the north-west located approximately 35 metres south of the intersection of Roebuck Drive and Mount Henry Road) and the area allocated for parking is proposed within the existing main parking area and the overflow within the existing tennis court car park (shown hatched in **Figure 2** below) located to the north.



**Figure 2 – Site Location**

The following components of the proposed development are at the discretion of Council:

- (i) Additional Land use – Use Not Listed; and
- (ii) Car Parking associated with a Use Not Listed.

The proposal and the planning assessment are discussed in further detail below.



**(e) Compliant aspects of the Development**

The proposal is observed to comply with the following components of TPS6:

- Building Height.
- Setbacks from the street and other boundaries (Table 3 of TPS6).
- Plot Ratio (Table 3 of TPS6).
- Finished ground and floor levels – Minimum and Maximum (Clauses 6.9 and 6.10 of TPS6).
- Landscaping (Table 3 of TPS6).
- Bicycle parking (Clause 6.4(2) of TPS6).
- Heritage Places (Clause 6.11 of TPS6).

The following matters, which require the exercise of discretion or further discussion, are explained further below:

- Additional Land Use – Use Not Listed
- Car Parking (Clause 6.3 of TPS6).

**(f) Additional Land Use – Use Not Listed**

The proposed additional land use of "Open Amphitheatre" is not a listed land use in Table 1 (Zoning - Land Use) of 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 P301. This aspect will be discussed in further detail in the report.

In considering this Use Not Listed and being used for Public Events, Council shall have regard to the objectives listed in Clause 1.6 of TPS6 and the relevant matters listed in Clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The proposal is considered to be inconsistent with Clause 67 as public events at the amphitheatre would introduce a Commercial Use which would not be associated with school activities and would therefore not represent orderly and proper planning.

It is observed that the Site is surrounded by residential land uses, in a location with a residential streetscape. The proposed land use presents the following concerns to City officers where it is proposed to use the amphitheatre for public events:

- Amenity impacts to the residential area in terms of vehicle movements through the residential area which would be concentrated in a short period of time, particularly where it is proposed to be used for public events outside of school hours.
- Amenity impacts to the residential area in terms of noise from vehicle movements due to Mt Henry Road being the only access to and from public events and being outside of school hours.

City officers are not concerned where the school wishes to use the amphitheatre for school based activities as its use by Aquinas would not have any further impacts than what already exists.

The Applicant submits the opinion that the use is acceptable with appropriate management of events as depicted in the submitted

Overarching Traffic and Parking Management Plan dated 12 April 2016 and Technical Note dated 9 August 2016 prepared by Shawmac and the Noise Management Plan prepared by Herring Storer at **Attachment (f)**, that when adopted, should form the basis for managing traffic and parking and noise at all intended events. The applicant maintains that the majority of events at the facility will be College Based events and will largely be held during the day (such as College Assembly) and at night for Award Nights. The school could not confirm the type of external activities proposed at the amphitheatre for public use however they believe it would provide a valuable facility for the community. The Noise Management Plan prepared by Herring Storer identifies that based on experience for these types of venues the venue could be used for recitals from small ensembles, drama production, outdoor cinema and music recitals.

The applicant has provided the City with a proposal of limitation of public events in their letter dated 9 August 2016 (also at **Attachment (f)**) where there are more than 500 patrons attending and where it is likely that vehicles would be departing between the hours of 9pm and 11pm, that those such events would be limited to eight (8) per year and may only occur for up to and including three (3) nights in succession and that if required for any more than three (3) consecutive nights then the College would first obtain approval from the local authority, before proceeding.

Council discretion- cl. 7.8.1

Council has discretionary power under clause 7.8.1 of TPS6 to approve the additional land use, if Council is satisfied that all requirements of that clause have been met. In this instance, it is considered that the additional land use not be approved for use of public events, as the applicant has not 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.

City officers provide the following reasons why the City should not apply discretionary power in terms of the proposed use of amphitheatre for public events as proposed by the applicant:

Orderly and proper planning and the preservation of the amenity of the locality; and Not have any adverse effect upon the inhabitants of the precinct

City officers consider that as Mount Henry Road is the only access to and from the site, the high concentration of car movements from the public events in the evenings will have an adverse effect upon the inhabitants of the precinct in terms of traffic noise and traffic

congestion. Furthermore, the City's Infrastructure Engineer has advised that the noise impact of traffic from any evening event, particularly departing at any time after 9pm will have an impact on residential amenity with traffic volumes (and associated noise) increasing significantly i.e. traffic movement in any half hour "time slot" could increase from say 15 vehicles in the designated 30 minutes to around 120 vehicles for an event attracting 200 plus patrons.

*The objectives of the Scheme and for the precinct*

City officers consider that to use the amphitheatre for public events outside of school hours would not meet the objectives for the City's Scheme and for the precinct as the use of the amphitheatre for public events is considered to be a 'Commercial Use' and hence considered an encroachment of an inappropriate use. It is considered that the general amenity attributed to the residents outside of school hours would not be maintained if the City were to approve such events.

Furthermore the City's Infrastructure Engineer stated that the offer of limiting public events put forward on behalf the College goes some way to acknowledging the concerns by the residents relating to traffic and noise but is weighted in the favour of the College. An 11pm closure is effectively committing the peak half hour to 11.15 to 11.45pm which would be unacceptable to most people for any day other than the occasional weekend. It is also highly unlikely that any event would extend for more than three hours and it is difficult to see any situation where a start time would need to be scheduled any later than 7.30pm.

The use of the amphitheatre by the school however would be supported by City officers as this would not change the communities' expectations and as such, it is recommended that a condition of approval be included limiting the amphitheatre use to school based activities only by Aquinas College.

**(g) Car Parking**

As an "Open Amphitheatre" is a use not listed in Table 6 of TPS6, Clause 6.3(2) of TPS6 requires car parking bays to be provided to the number determined by Council, having regard to likely demand. The maximum demand would be in line with a cinema/theatre (identified under Table 6 of TPS6 as requiring one (1) space per 5m<sup>2</sup> of auditorium area) and based on the size of the amphitheatre at 920m<sup>2</sup> City officers consider that the use would have a likely demand of 184 car parks.

The applicant proposes that the patron's vehicles will park in the allocated car parks to the north which can cater for 150 vehicles and the adjacent tennis courts car park can hold a further 50 vehicles. The applicant has identified that any higher demand for car parks will be catered for on the adjacent sports oval.

City officers consider that the proposal complies with the discretionary clause as the car parking bays nominated on the plan (200 in total) are located on-site which can adequately cater for the parking demand generated by the Use, and is therefore supported.

A Traffic and Parking Management Plan was submitted to the City following a request for further information. The City's Manager of Infrastructure reviewed the information within the management plan and considers that the subject site can adequately cater for the demand of car parking. It is recommended that a condition be included on an approval requiring that parking be managed at all events in accordance with the management plan.

**(h) State Planning Policy SPP3.7 – Bushfire Prone Areas**

Policy measure 6.6 of SPP3.7 applies to vulnerable and high-risk land uses. Typically, vulnerable uses are those that are considered to have occupants with a lesser capacity to respond in the event of a bushfire and that may present evacuation challenges. Such uses include educational establishments. When proposing a vulnerable land use in a bushfire prone area, a suitably qualified Fire Engineer and an accredited Level 3 Bushfire Planning Practitioner – Performance should collaborate to design an appropriate planning proposal and Bushfire Management Plan and be endorsed by the Department of Fire and Emergency Services. In this respect, the applicant submitted a Bushfire Management Plan prepared by Strategen Environmental dated August 2016 to address the bushfire risk. The report can be viewed at **Attachment (e)**. The recommendations of the Bushfire Management Plan can be enforced in the event of a bushfire by including a condition on any approval if supported by the Commission.

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

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

- (a) Maintain the City's predominantly residential character and amenity;*
- (d) Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (k) Recognise and preserve areas, buildings and Sites of heritage value; and*
- (l) Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.*

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

**(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 environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (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;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (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;**
- (u) the availability and adequacy for the development of the following -
  - (i) public transport services;

- (ii) public utility services;
- (iii) storage, management and collection of waste;
- (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;
- (x) **the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;**
- (y) **any submissions received on the application;**
- (zb) any other planning consideration the local government considers appropriate.

In relation to the applicant's proposal to use the open amphitheatre for public events, the proposal is in conflict with the items highlighted above (namely (a), (b), (m), (n)(ii), (t), (x) and (y) and is therefore not recommended for approval for public events by City Officers, particularly as the applicant did not submit appropriate justification relating to the limiting of events to mitigate traffic and the probable effect on traffic flow and safety as well as the impact on amenity in terms of traffic noise, particularly taking into account the submissions received from nearby residents relating to these issues (**refer Section (f) 'Land Use' of the report for further details in this respect**). In respect to Item (b) of Clause 67, the City considers that the use of the amphitheatre for public events introduces a Commercial Use to the Educational Establishment that is not associated with its primary purpose and is therefore considered to conflict with the requirements of orderly and proper planning.

The use of the amphitheatre for use by the school only, is considered satisfactory in relation to all of the matters to be considered under Clause 67 of the Regulations listed above as this would not change the communities' expectations and is therefore supported by City Officers 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 2' consultation method, individual property owners, occupiers and/or strata bodies at Nos 10 & 25-76 Roebuck Drive, Nos 38-40, 43-47 & 49 Edgewater Road, Nos 20, 22, 24-25, 26-33, 35, 37 & 39 Success Drive, No 2 Batavia Way, Nos 8-46A & 50 Redmond Street, No 1 River Way, No 2 Unwin Crescent, Nos 36, 38, 43, 57, 59, 61, 63, 65, 67, 69, 71 & 79, Nos 1, 1A, 1/2, 2A, 5, 6-8 Howard Parade, Nos 1 & 2 Hope Avenue and No 101B Welwyn Avenue were invited to inspect the plans and to submit comments during a 21-day period (however the consultation continued until this report was finalised). In addition, signs were placed on Site inviting comment from any other interested person.

## 10.3.1

**Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

During the advertising period, a total of 121 consultation notices were sent and 11 submission(s) were received, all against the proposal. The comments from the submitter(s), together with the applicant and City Officers responses are summarised below.

Issue	Applicant's Comments	Officer's Comments
<b>Noise</b>		
Outdoor noise of amplified voice and music is very intrusive. Outdoor activities previously undertaken at the College have resulted in a noise intrusion into residential areas, in particular from college sporting events and outdoor concerts.	The noise assessment shows that noise emissions from school activities will be compliant with the Regulations. Noise emissions from any external uses will be controlled under a Noise Management Plan.	The noise assessment report has been checked by the City's Environmental Health Officer who has advised that the predicted noise levels are acceptable.
There is no confidence that noise levels associated with the amphitheatre will be respectfully managed by the College. When recent events have occurred such as cricket and outdoor concerts the noise levels emanating from the school were intrusive. Difficult for Council effectively controlling the volume of amplification devices should the amphitheatre proceed.	See above.  Additionally, controls on the volume of amplified music will be included as part of the Noise Management Plan.	As noted above.
This venue must not be allowed to disturb the peace of this quiet neighbourhood. It should be an indoor venue.	See Above.	<b>City's Infrastructure Engineer's Response:</b> The noise impact of traffic from any evening event particularly departing at any time after 9pm will have an impact on residential amenity with traffic volumes (and associated noise) increasing significantly i.e. traffic movement in any half hour "time slot" could increase from say 15 vehicles in the designated 30 minutes to around 120 vehicles for an event attracting 200 plus patrons.
Noise is amplified when sound propagates over water which has not been addressed in the acoustic report. The proposed location means that River Way residents will be directly affected by noise generated from events held at the venue.	The noise model included the acoustic reflective nature with regards to noise propagation over water.	The City's Environmental Health Services have reviewed the Acoustic Report and have concluded that the predicted noise levels are acceptable.

## 10.3.1

**Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

<p>Given the views of Canning River that the venue will have will prove a very popular venue for events and believe that noise on quiet nights will ruin the quiet ambience of our suburb.</p>	<p>Noise emissions during the night will be controlled by way of a Noise Management Plan.</p>	<p>Although the venue itself is not considered to impact in terms of noise emanating from the amphitheatre as noted by the City's Environmental Health Officer, the noise impacts in terms of traffic will considerably impact the residents in terms of their expectations of general peace and quiet and that the venue will operate as a Commercial Use of which these issues has been discussed in more detail in <b>Section (f)</b> of this report.</p>
<p>Should the application be approved, sound from any event must be satisfactorily below what would be accepted within a quiet suburb.</p>	<p>See Above</p>	<p>The noise management plan submitted by the applicant indicates that noise will be monitored during events.</p>
<p>We ask that a strict control be able to be placed on any noise which may arise from an amphitheatre and that residents in surrounding houses have ready access to out of hour's assistance to close it down should it be necessary.</p>	<p>Noise assessment shows that noise emission from school activities will be compliant with the Regulations. Noise emissions from any external usages will be controlled under a Noise Management Plan.</p>	<p>The submitted Noise Management Plan did not provide any avenues for who the residents would contact in case of excessive noise; however the management plan includes details that the noise levels will be monitored on a regular basis to ensure compliance. The City's Environmental Health Officer has reviewed the acoustic report and is satisfied that the report adequately addresses any noise related activities.</p>
<p>The school is an educational establishment and not an entertainment venue for the General Public and will affect the quiet enjoyment of the neighbourhood and would have potential to attract undesirables being rowdy during and after events in the local streets.</p>	<p>It is currently envisaged that the usage of the amphitheatre will be dominantly for the school use. Any external usage will be controlled. A Noise Management Plan will be developed to achieve this end.</p>	<p>The Noise and Traffic Management Plan incorporates strategies to ensure that the neighbourhood peace and quiet is maintained. Specifically, the plans require all attendees to park on the subject site in an allocated parking area which is well removed from the residential areas located a minimum of 100 metres away.</p>



## 10.3.1

**Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

Sound amplification should not be permitted outside a 7am to 7pm time slot.	See above.	Noise levels identified in the Noise Assessment Report have been checked by the City's Environmental Health Officer and determined to be acceptable. Any events that exceed the prescribed noise levels between 7pm and 7am require the City's approval and are limited to two events at a particular venue in any period of 12 consecutive months unless the City is satisfied that the majority of occupiers on whom the noise emissions will impact have no objection to the holding of the additional events.
<b>Lighting</b>		
We understand that the stage lighting will be screened by the screen wall and the canopy over the stage which will shield obtrusive light and note that the Lighting Report indicates it is essential that it be installed and constructed to shield any stage lighting. Will this be a condition?	The screening is already shown on the plans that were submitted with the application, so will be included as part of a planning approval, so a condition is unreasonable and unnecessary.	The obtrusive lighting report has been checked by the City's Environmental Health Officer who has advised that the recommendations of that report are acceptable. A condition of approval will be included to ensure the recommendations of the report are adhered to.
It is noted that Stage Lighting requirements will be particular to each event and therefore deemed not practical to calculate. The neighbourhood is expected to trust that this matter will be adequately managed by the College.	Adequate screening will satisfy any localised stage lighting within the screened area.	As noted above. A condition of approval will be included to ensure the recommendations of the report are adhered to.
River Way residents will be directly affected by illumination of the amphitheatre due to its location. Need measures in place to protect River Way from light intrusion.	Refer to Sage Consulting Engineers obtrusive light report. Preliminary lighting design using 1.5kW flat glass flood lights satisfies AS 4282-1997 requirements.	The City's Environmental Health Officer has indicated that there will be no impacts to residents in terms of obtrusive lighting during evening events.
<b>Traffic and Parking</b>		
Whenever there is a significant event at the college traffic on Mt Henry Road (the only access road into the college) totally clogs traffic from Manning Road making access to neighbourhood homes difficult and time consuming.	The traffic flow on Mount Henry Road at times when events are likely to be held is predicted to be well within the capacity of the road. While there may be some delay in turning right from Manning Road onto Mount Henry Road this is not expected to be significant and is predicted to be within acceptable limits.	<b>City's Infrastructure Engineer's Response:</b> Mount Henry Road for funding purposes is classified as a Local Distributor Road. Under the WAPC Liveable Neighbourhood Policy it would be somewhere between a 'Neighbourhood Connector A' and 'Access Street A' with a daily traffic flow ranging from 7000vpd to 3000vpd. The lane

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**Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

		<p>separation reduced street parking and off-street cycling would tend towards the Neighbourhood Connector Classification. Allowing 3,500vpd each way the peak hour movement is likely to be 350vph per lane (the theoretical mid-block single lane capacity is considerably greater than this but must be factored down by the constraints at both ends). Peak hour traffic movements can be in the order of 420vph resulting in long queues and inconvenience for residents attempting to exit their properties or side streets. The proposal is unlikely to increase the day time peak hour trips.</p> <p>Traffic generated by the College during the morning and evening peak hour makes entry and exit from the adjoining properties difficult and time consuming as per the submitters concern.</p>
<p>Whenever there is a major event at the College, should an ambulance be needed (highly likely given the retirement facility nearby) access would be seriously delayed</p>	<p>While traffic numbers are expected to increase when events are on and patrons are arriving or departing, the free flow speed of traffic is not expected to be significantly affected and no measurable delay in moving along Mount Henry Road between Manning Road and the College is predicted.</p>	<p><b>City's Infrastructure Engineer's Response:</b> The proposal is unlikely to increase the day time peak hour trips or the time taken to travel along the street, however if an incident was to occur during the peak hour of the school at any of the nearby residential areas or aged care facility, access would be slow and delays expected.</p>
<p>If parking were to occur like previous events, this would result in chaos occurring with vehicles parking on the grassed verges, on roadways and at corners obstructing sight lines and resulting in damage to grassed areas. Bottles, cans and other rubbish get dropped and the noise of crowds of people leaving an event is intolerable.</p>	<p>A Parking and Traffic Management Plan has been prepared which controls parking and ensures that all parking is provided on the College grounds.</p>	<p><b>City's Infrastructure Engineer's Response:</b> The proposed development will not attract the "crowds" that the Annual Cricket match has in the past. That event will require more attention to traffic management etc. to ensure local residents are not impacted.</p> <p>The Parking and Traffic Management Plan adequately addresses the onsite parking generated by the proposed development.</p>

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**Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

Due to the capacity of the venue, at least 250 to 300 vehicles would be attempting to access the property. The college must make adequate provision for parking on their expansive property.	A Parking and Traffic Management Plan has been prepared which controls parking and ensures that all parking is provided on the College grounds.	<b>City's Infrastructure Engineer's Response:</b> Day time use of the amphitheatre for College activities is not expected to incur any additional issues not already accommodated within the Parking and Traffic Management Plan.
There should be access from other streets not dependent on Mt Henry Road as the thoroughfare.	This is not considered to be feasible given the current College layout.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted as acceptable.
Access to residential properties should not be impeded as a result of patrons parking in the nearby residential streets as a result of there being insufficient parking on site.	A Parking and Traffic Management Plan has been prepared which controls parking and ensures that all parking is provided on the College grounds.	<b>City's Infrastructure Engineer's Response:</b> See previous comments regarding peak hour movements approaching the capacity of Mount Henry Road and the resultant difficulties experienced entering or leaving the adjacent street and properties off Mount Henry Road.  As per the Parking and Traffic Management Plan, patrons will park within the site.
Traffic report identifies seating based on a ratio of 1 person per metre of seating and this capacity would generate 215 car trips. The report also suggests that the existing 200 car bays will accommodate 215 cars.	The Parking Management Plan provides for overflow parking on the oval area.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted and acceptable.
Need clarification on the capacity of the auditorium as the engineer's report indicates a capacity of either 497 or 580 and this is significantly different to the 850 proposed. If capacity is approved at 850 then the traffic engineer's report is grossly incorrect and under reports the car parking need and the traffic flows on Mt Henry road by nearly 30%.	A Parking and Traffic Management Plan has been prepared which controls parking and ensures that all parking is provided on the College grounds.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted and acceptable.
Using the engineers own assumptions shows there would be 315 car trips at the beginning of the event and again at the end of the event. This would result in their being insufficient parking on site.	Additional parking is provided on the College oval and the Parking Management Plan provides strategies and initiatives for managing parking.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted and acceptable.

## 10.3.1

**Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

Parking problems associated with College activity are already significant and negatively impacting the local neighbourhood in terms of vehicle spill-overs into nearby streets and onto verges. No events should be held that necessitate off-street parking either singular or cumulative.	A Parking and Traffic Management Plan has been prepared which controls parking and ensures that all parking is provided on the College grounds.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted and acceptable.
The existing 200 bays are presently inadequate for the college's needs and that the traffic report's peak parking demand calculation for the venue of 184 vehicles is not only underdone but is based on an assumption that any concurrent parking demand is zero.	A Parking and Traffic Management Plan has been prepared which controls parking and ensures that all parking is provided on the College grounds.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted and acceptable.
Events and facility use at the school never occur in isolation and the application fails to recognise this and take into account the cumulative impact of the college's activities.	It is not envisaged that more than one event would be held on any one day. If this were to occur, events would be separated by sufficient time to allow traffic from the earlier event to clear before arrival of traffic from the later event.	A condition of approval is recommended so that the amphitheatre is only used for school based activities.
Vehicles will use local streets in Salter Point as shortcuts to avoid congestion on Mt Henry Road, therefore resulting in loss of amenity to the residents.	If there is any transfer of traffic to other streets, this is expected to be minor and well within the capacity of those streets.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted and acceptable.
There should be access from other streets not dependent on Mt Henry Road as the thoroughfare.	This is not considered to be feasible given the current College layout.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted and acceptable.
How does traffic evacuate in the event of a fire with only one access in and out of the venue/car parking area.	The College has an Emergency Management plan in place that includes evacuation.	The submitted Bushfire Management Plan and Bushfire Emergency Evacuation Plan address this issue.
If a stream of traffic enters Mt Henry Road at Manning Road at 60kph and exits at 10kph a kilometre down the road there will be a traffic problem. As a result the traffic doesn't flow and would block local road intersections. This is demonstrated during the morning and afternoon school hours the intersections in the area do not function at all well with frequent near misses due to traffic not being able to enter	The traffic flow on Mount Henry Road at times when events are likely to be held is predicted to be well within the capacity of the road. While there may be some delay in turning right from Manning Road onto Mount Henry Road this is not expected to be significant and is predicted to be within acceptable limits. Free flow speed along the road is not predicted to significantly vary from typical peak hour conditions.	The peak hour traffic is not within acceptable limits. Peak hour traffic movements can be in the order of 420vph resulting in long queues and inconvenience for residents attempting to exit their properties or side streets. The proposal is unlikely to increase the day time peak hour trips.  Traffic generated by the College during the morning and evening peak hour

## 10.3.1

**Proposed Additional Use - Use Not Listed "Open Amphitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

the continuous flow of vehicles on Mt Henry Road.		makes entry and exit from the adjoining properties difficult and time consuming as per the submitters concern.
Are Council confident that the traffic volumes on Mt Henry Road and other feed roads are below what is reasonable for a residential area? If so on what basis?	No Comment.	<b>City's Infrastructure Engineer's Response:</b> See previous comments regarding peak hour movements approaching the capacity of Mount Henry Road and the resultant difficulties experienced entering or leaving the adjacent street and properties off Mount Henry Road.
Cumulative effects of there being more than one event on a given day and the impact on traffic and parking.	A Parking and Traffic Management Plan has been prepared which controls parking and ensures that all parking is provided on the College grounds.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted and acceptable.
What conditions are imposed on the applicant to ensure local traffic areas are not impacted?	A detailed Parking Management Plan has been prepared which will regulate parking and traffic movements.	<b>City's Infrastructure Engineer's Response:</b> Applicant's response noted and acceptable.
Pedestrian safety requires more thought as currently pedestrians crossing the access driveway have to rely on the occasional driver giving way to them. This situation could be improved by reinstating a stop sign at the exit driveway.	Noted.	<b>City's Infrastructure Engineer's Response:</b> This has been previously addressed to the College and a follow up call has been made. This is a day-to-day operational issue of the school.
<b>Social Impacts of the Proposed Development</b>		
Anti-social behaviour where patrons leaving previous events have been observed drinking in the streets, rowdy behaviour, leaving rubbish on the street verges in front of residential properties, cars parking on verges and breaking sprinklers. What will be done to ensure this does not occur with this proposal?	This refers to the annual cricket event. This is a much larger event than the ones proposed for the tiered seating.	Applicant's response noted. Parking will be on-site as indicated in the Parking and Traffic Management Plan.
How will be school police anti-social behaviour when people leave the events?	Parking on site only.	People leaving events will do so by vehicle's from the allocated car park on-site and will therefore not affect the local streets nearby.

**Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

General		
What notice will be required to nearby residents when public events are being held?	Included in the noise management plan.	The Noise Management Plan for External Use dated April 2016, identifies that where possible the neighbouring residences are encouraged, in the first instance, to report any complaints directly to the event holder, to an allocated mobile phone number. The school will provide the mobile phone to the event organisers so that the contact number is the same for all public events.
The school is an educational establishment not an entertainment venue for the general public and should not be approved for such purposes.	The facility is to be used both primarily and significantly for school use. It is an educational resource to provide a venue for student learning, assemblies, masses and presentations.	City Officers do not support the use of the amphitheatre for public events ( <b>refer to Section (f) of this report</b> ).
This type of venue is inappropriate in a residential area.	The tiered seating as proposed is principally an educational facility to assist with the delivery of the programs at the College.	City Officers do not support the use of the amphitheatre for public events ( <b>refer to Section (f) of this report</b> ).
The Chairman of the Aquinas Board has advised members of the public by email correspondence that the school has no plans to open the amphitheatre to the public. Why is this proposal for public use contrary to previous advice from the school?	The comments of the Chairman of College Board in saying the facility would not be open to the public is reflective of the College's current position. However the application does provide for a possibility at some time into the future, if the College position were to change its current stance, it would allow for other organisations to use the facility. The College's intention is to ensure that the application covered every possibility to be transparent.	City Officers do not support the use of the amphitheatre for public events ( <b>refer to Section (f) of this report</b> ).

**(b) Internal Administration**

Comments were invited from Engineering Infrastructure, Environmental Health, as well as the Heritage Officer of the City's administration.

**Engineering Infrastructure**

The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating to car parking and traffic generated from the proposal. This section raised no objections relating to the additional trips and car parking however raised concerns in relation to amenity of the residents in terms of traffic noise and street amenity and provided the following comments:

**Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

- (i) Additional trips identified by the Traffic Report can be accommodated on Mount Henry Road without adversely impacting on operational efficiency of the network;
- (ii) Although the road network would have the capacity to absorb the traffic consideration needs to be given to the impact on street amenity when additional trips can be about 350% more than the baseline evening hour; and
- (iii) For those properties along Mount Henry Road, the late evening events may have considerable impact on amenity where noise is considered a relevant factor.

In relation to the submitted Technical Note prepared by Shawmac and dated 9 August 2016, the City's Manager, Engineering Infrastructure provided the following comments:

*"The offer made by the College in relation to frequency of events:*

- *enables any number of public events of any size to be held up to about 8.30pm;*
- *enables any number of events of up to 500 patrons from operating to 11.00pm;*
- *makes no distinction between "public" events and College events; and*
- *places no seasonal limit on the total number of events."*

**Environmental Health**

The Environmental Health section provided comments with respect to bins and noise. This section raises no objections in relation to noise and lighting for the venue.

**Heritage Officer**

The Heritage Officer, Development Services raises no objections to the proposal.

**(c) External agencies**

The application will be referred to the Western Australian Planning Commission (WAPC) for determination. The department has not provided the City with any comments on this proposal. The WAPC will determine this application following receipt of the Council's recommendation.

**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 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](#).

**10.3.1 Proposed Additional Use - Use Not Listed "Open Ampitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

**Conclusion**

It is considered that the proposal for public use does not meet all of the relevant Scheme and/or Council Policy objectives and provisions as well as the Regulations, as it has the potential to have a detrimental impact on nearby residential areas due to the amphitheatre being proposed for a Commercial Use by external parties for public events. Provided that the amphitheatre is used for school based activities and only by Aquinas College and conditions are applied as recommended, it is considered that the application should be conditionally approved for school use only.

**Attachments**

- 10.3.1 (a):** Attachment (a) - Development Plans
- 10.3.1 (b):** Attachment (b) - Aquinas College - Tiered Seating Operational Traffic Management Plan dated 12 April 2016
- 10.3.1 (c):** Attachment (c) - Environmental Acoustic Assessment for Aquinas College Proposed Outdoor Tiered Seating dated February 2016
- 10.3.1 (d):** Attachment (d) - Obtrusive Light Report - Tiered Seating for Aquinas College dated January 2016
- 10.3.1 (e):** Attachment (e) - Bushfire Management Plan and Bushfire Emergency Evacuation Plan for Aquinas College
- 10.3.1 (f):** Attachment (f) - Overarching Traffic and Noise Management Plans for Public Use and Frequency of Events Submission .



### 10.3.2 Retrospective Front Fence, Storeroom and Landscaping Addition to Single House & Retrospective Boundary Fence over 1.8m in Height Lot 48 (No. 150) Lockhart Street, Como

Location: 150 Lockhart Street, Como  
 Ward: Como Ward  
 Applicant: Zuideveld Marchant Hur P/L  
 File Ref: D-16-73722  
 Date: 27 September 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 retrospective planning approval for a front fence, storeroom and landscaping addition to single house & boundary fence over 1.8m in height on Lot 48 (No. 150) Lockhart Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary Fence Height	Council Policy P350.7 clause 4

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for a retrospective front fence, storeroom and landscaping addition & boundary fence over 1.8m in height on Lot 48 (No. 150) Lockhart Street, Como **be approved** subject to:

**(a) Standard Conditions**

455a dividing fences- standards 445 stormwater  
 393 verge reinstated

**(b) Specific Conditions**

- (i) The following works shall be carried out within 28 days from the date of issue of this planning approval:
  - a. The boundary fence within the street setback area shall be reduced to a height of 1.8m as detailed on the approved plans.
  - b. The face of the boundary fence fronting 148b Lockhart Street shall be finished to match the colours and materials of the existing dwelling at 148b Lockhart Street, to the satisfaction of the City of South Perth.

**Retrospective Front Fence, Storeroom and Landscaping Addition to Single House & Retrospective Boundary Fence over 1.8m in Height Lot 48 (No. 150) Lockhart Street, Como**

**(c) Standard Advice Notes**

- 700a building permit required
- 705 revised drawings
- 709 fencing
- 790 minor variation
- 795a rights of appeal

**(d) Specific Conditions**

- (i) In accordance with clause 9.9(1) of the Scheme the works required to be undertaken as detailed in Conditions (1) & (2) shall be carried out within 28 days from the date of issue of this planning approval.

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

**CARRIED EN BLOC (9/0)**

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	525 sq. metres
<b>Building height limit</b>	7.0m
<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:

**1. Specified uses**

- (k) Any fence which:
  - (A) requires planning approval under clause 6.7(1) of the scheme; and
  - (B) exceeds a height of 2.0 meter along any part of its length, measured to the top of infill panels between supporting piers.

**10.3.2 Retrospective Front Fence, Storeroom and Landscaping Addition to Single House & Retrospective Boundary Fence over 1.8m in Height Lot 48 (No. 150) Lockhart Street, Como**

**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**

At the April 2016 meeting, Council resolved to refuse an application on the same site for a separate section of boundary fence over 1.8m in height. This application is being dealt with separately due to the works being solely contained on Lot 48 whereas the previous application affected both Lot 48 and the adjoining lot to the east, Lot 49 (No. 8) Wooltana Street, Como.

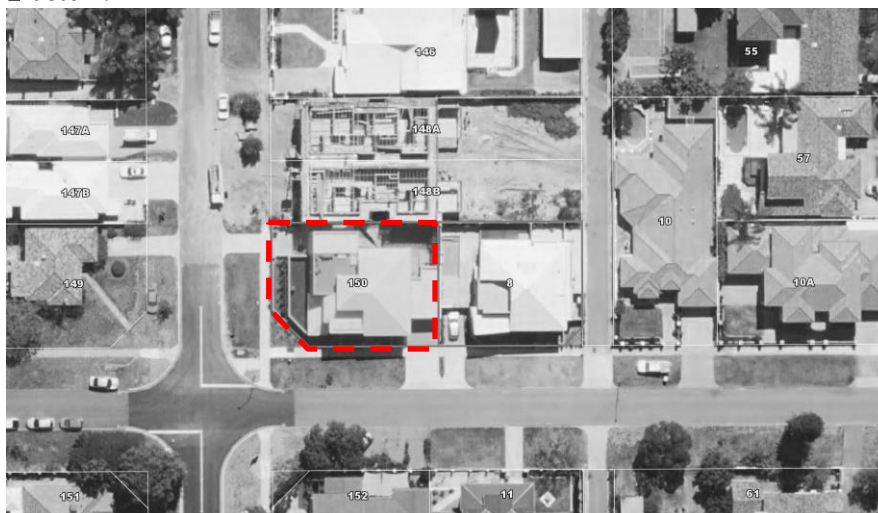
In May 2016, the City received an application for retrospective planning approval for a front fence, storeroom and landscaping addition to single house & boundary fence over 1.8m in height at Lot 48 (No. 150) Lockhart Street, Como (the **Site**). The retrospective application was made as a result of community concerns surrounding the safety in relation to sight lines, fence design and height, and alleged unapproved structures.

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

The existing development on the Site currently features a residential land use, being a single house. Approval for the existing development was granted in June 2010 under delegation and the approved plans are at **Attachment (a)**.

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

The Site has a frontage to Wooltana Street to the south, Lockhart Street to the West, and residential dwellings to the north and east, as seen in **Figure 1** below:



The dwelling to the north at 148b Lockhart Street is currently under construction and is scheduled for completion in August 2016.

(d) Description of the Proposal

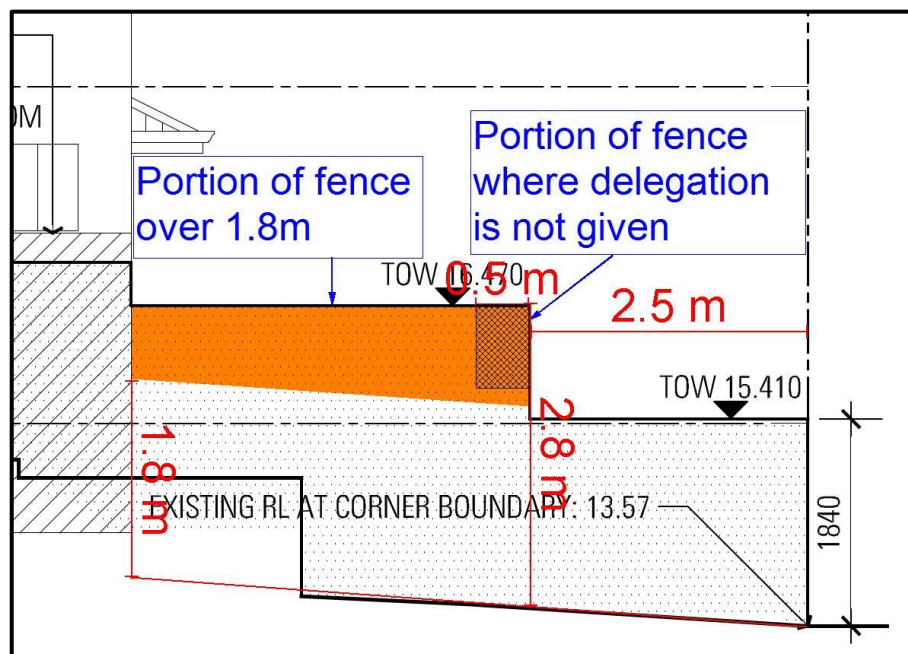
The proposal involves the retrospective planning application for the fence on the street boundary (to Lockhart Street), the boundary fence between the Site and 148b Lockhart Street within the front setback area, modifications to the existing visitor parking bay and a storeroom on the boundary. These unapproved structures are depicted in the submitted plans at **Attachment (b)**. A photo comparison of the site prior to and after the unapproved building works is at **Attachment (c)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment (d)**.

The removal of the visitor parking bay, store addition and other minor modifications to the existing planning approval are considered compliant under the deemed-to-comply requirements of the R-Codes, TPS6 and the relevant Local Planning Policy. Therefore, Council’s consideration is not required for these elements of the application.

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

- (i) Boundary fence height.

A diagram below indicates the portion of boundary fence that is over 1.8m in height (shown in orange) and the portion of fence that delegation is not given for (shown hatched).



As previously noted, the proposal complies with the Scheme, the R-Codes and relevant Council policies, with the exception of the boundary wall, which is further discussed below.

(e) Boundary fence height

Due to the orientation of the existing dwelling, the City considers the primary street for the Site to be Wooltana Street and the secondary street to be Lockhart Street. All boundary fences, including those within the secondary street setback area, are permitted up to a maximum height of 1.8m. A height greater than 1.8m may be approved if written consent is given by the Council in accordance with Clause 6.7 of TPS6. The section of boundary fence extending from the street boundary to the existing boundary wall of the garage of 148b Lockhart Street varies in height from 1.8m to 2.8m. Therefore, the proposed development does not comply with clause 6.7(1) of TPS6.

The Applicant's letter, **Attachment (e)**, contains justification for the retrospective works as a whole. No comment is made about the boundary fence in this letter. The applicant was questioned about this and responded *"With respect to the height of the fence...when it was constructed it was trying to cover up a particularly ugly piece of existing construction on the adjacent site."*

When assessing a boundary fence over 1.8m in height, the Assessing Officer shall have due regard to Local Policy P350.07 'Fencing and Retaining Walls' as well as clause 6.7(1) of the Scheme. Given the height of the wall being 2.8m it is considered to have a similar impact to that of a boundary wall and therefore due regard shall be given to Local Policy P350.02 "Boundary Walls", also. If the fence were to be considered a boundary wall it would normally require a 6m setback when assessed against Local Policy P350.02. The existing wall over 1.8m is only setback 2.5m from the street and therefore would not comply. The wall in its current form is considered to cause a substantial negative visual impact on both the adjoining neighbour and the existing streetscape. The increased fence height serves no practical purpose from an overlooking perspective as it separates two front setback areas.

It is the opinion of the City that the proposed development does not comply with clause 6.7(1) of TPS6, and does not meet the amenity factors prescribed in clause 4.2 of Local Policy P350.07 'Fencing and Retaining Walls'.

(f) 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:

- (i) *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; and*
- (ii) *The preservation of the amenity of the locality.*

**10.3.2 Retrospective Front Fence, Storeroom and Landscaping Addition to Single House & Retrospective Boundary Fence over 1.8m in Height Lot 48 (No. 150) Lockhart Street, Como**

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

**(g) 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;
- (e) any policy of the Commission;
- (f) any policy of the State;
- (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;
- (w) the history of the site where the development is to be located;
- (y) any submissions received on the application; and
- (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**

**(h) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. The adjoining property owners at 148b Lockhart Street were invited to inspect the plans and to submit comments during a minimum 14-day period. The adjoining property owner(s) provided the following comments.

Submitters' Comments	Officer's Responses
Compromises pedestrian and vehicular safety as it obstructs sight-lines as we exit from our driveway.	The planning approval issued for 148b Lockhart Street depicts a setback for the driveway of 1.9m from the side boundary. Therefore, the boundary fence would not affect the sight lines.  The comment is <b>NOT UPHELD</b> .
The wall footings are exposed above the level of our approved driveway and as a result we have concerns about the structural integrity of the wall.	The applicant will be required to submit an application for a building permit following the determination to ensure that the wall has been correctly engineered and will not cause any risk to safety.  The comment is <b>NOTED</b>
The over height wall is excessively dominant. It is an anomaly within the area and may have a negative impact on our ability to sell the property. We are burdened with the extra cost of finishing the over height portion (of the fence).	The boundary fence height has been discussed in further detail elsewhere in the report.  The comment is <b>NOTED</b>

### 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 a minor financial implication, to the extent of:

- (i) possible appeal by owners through SAT.

### 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 reduction in the boundary fence height will provide more access to winter sun for the courtyard. Hence, the recommendation is seen to achieve an outcome that has regard to the sustainable design principles.

### Conclusion

It is considered that the proposal does not meet all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, and does have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved to reduce the wall height to an appropriate level.

**10.3.2 Retrospective Front Fence, Storeroom and Landscaping Addition to Single House & Retrospective Boundary Fence over 1.8m in Height Lot 48 (No. 150) Lockhart Street, Como**

**Attachments**

- 10.3.2 (a): Existing Approval Plans
- 10.3.2 (b): Development Application Plans
- 10.3.2 (c): Photo Comparison of Before and After
- 10.3.2 (d): Site Photos
- 10.3.2 (e): Applicant's Letter



At this point the Presiding Member read aloud Councillor Glenn Cridland's Declaration of Interest:

'I wish to declare an impartiality interest in Agenda *Item 10.3.3 Amendment No. 52 to Town Planning Scheme No. 6 - Building height limits of lots 501 and 502 River Way, Salter Point. Consideration of Submissions* on the Council Agenda for the Ordinary Council meeting of 27 September 2016. I declare that I know Mr Singh who was one of the persons who provided a Deputation on this Item at the Agenda Briefing. We are both lawyers and we have had professional dealings in that capacity. It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly.'

### **10.3.3 Amendment No. 52 to Town Planning Scheme No. 6 - Building height limits of lots 501 and 502 River Way, Salter Point. Consideration of submissions**

Location:	Salter Point
Ward:	Manning Ward
Applicant:	Venger Pty Ltd
File Ref:	D-16-74158
Date:	27 September 2016
Author:	Mark Carolane, Senior Strategic Projects 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:	3.1 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**

At the May 2016 meeting, Council resolved to initiate an amendment to Town Planning Scheme No. 6 to align the Building Height Limits map (Precinct 13) with the cadastral lot boundaries at lots 501 and 502 River Way, Salter Point.

The subject site comprises 2 lots (501 (72) and 502 (74) River Way) that were created as part of a subdivision that also created lots 503 (1A), 504 (1B) and 505 (1C) Salter Point Parade. The building height limits on the subject site were designated based on cadastral lot boundaries of the un-subdivided lot. The creation of lots 501-505 means that the building height limit maps no longer reflect cadastral boundaries.

The proposed amendment was advertised for community comment between 21 June and 5 August 2016.

This report discusses the 13 submissions received during the advertising period. One submission is in support of the proposed amendment and the remaining 12 oppose it.

It is recommended that Amendment No. 52 be adopted **with modification** to the extent described in the Report on Submissions (**Attachment (a)**) and Schedule of Submissions (**Attachment (b)**).

### Officer Recommendation

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Glenn Cridland

That:

- (a) the Western Australian Planning Commission be advised that Council recommends that:
  - (i) Submissions 1.1 to 1.12 inclusive, opposing the proposed Amendment No. 52, be PARTIALLY UPHELD;
  - (ii) Submission 2.1, supporting the proposed Amendment No. 52, be UPHELD;
  - (iii) Amendment No. 52 to the City of South Perth Town Planning Scheme No. 6, comprising **Attachment (c)**, be adopted with modification;
- (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 via a Standard Amendment by:
  - (i) introducing a new clause 4.3(1)(q) to Town Planning Scheme No. 6, as follows:
 

*“In respect of Lots 501 and 502 River Way, Salter Point, in order to reduce the impact of building bulk on adjoining properties, buildings are to be set back not less than 6.0 metres from the rear boundary of the lots.”*; and
  - (ii) modifying the Building Height Limits map for Precinct 13 – Salter Point at Lots 501 and 502 River Way to extend the 7m Building Height Limit to cover the entire lot and remove the Building Height Limit of 3.5m from those lots.
- (c) the Council hereby authorises the affixing of the Common Seal of Council to three copies of Amendment No. 52 document (**Attachment (c)**);
- (d) the Report on Submissions (**Attachment (a)**), the Schedule of Submissions (**Attachment (b)**) containing the Council’s recommendations, a copy of the submissions (**Attachment (d)**) and three executed copies of the modified amending documents (**Attachment (c)**) be forwarded to the Western Australian Planning Commission for determination of the submissions and for final determination of Amendment No. 52 by the Minister for Planning;
- (e) the submitters be thanked for their participation in the Amendment No. 52 process and be advised of the above resolution.

### AMENDMENT AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the Officer’s Recommendation Part (b) subclause (i) be amended, as follows in red:

- (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 via a Standard Amendment by:

- (i) Introducing a new clause 4.3(1)(q) to Town Planning Scheme No. 6, as follows:

*“In respect of Lots 501 and 502 River Way, Salter Point, in order to reduce the impact of building bulk on adjoining properties, and consistent with the setbacks of the lots on either side buildings are to be set back not less than 6.0 10.5 metres from the rear boundary of the lots. A greater setback may be required to comply with Scheme and Policy requirements” and*

**CARRIED (9/0)**

#### **Reasons for Change**

1. It should be noted that the issues with the building height limits not matching the cadastral boundaries, has been created by the Applicant. This may have been better dealt with at the time of the subdivision process. However it is now incumbent on the City to resolve this matter, but in doing so it needs to also take into consideration the substantive issues raised during the consultation process;
2. To obtain WAPC approval to create lots 501 and 502, the Applicant had to produce a graphic, demonstrating the highly developable nature of these lots within the height limitation boundaries set out in TPS6. Therefore, it cannot be said at this stage that the development of these blocks is inhibited in any way with the current height restrictions. However, it is acknowledged that it is normal planning practice to have height limits corresponding with cadastral boundaries and for that reason the Amendment is supported, but the conditions of this approval need to give greater weight to the impact on adjoining property owners;
3. There will be a significant loss of amenity for adjoining owners immediately in front of lot 501 and 502 and those houses to each side that are setback 10.5 metres, should the officer’s recommendation be supported. While the Officer’s recommendation attempts to acknowledge this issue by a conditional 6 metre setback, it does not go far enough to make a significant difference in outcome. The principle behind setbacks is not to disadvantage the amenity of adjoining owners. Clearly, if the alignment of any future building on lots 501 and 502 were to jut out 4.5 metres to each side of the adjoining properties, there would be a significant impact on their amenity. Also a requirement for a greater setback will reduce the ‘towering over’ affect on lots 503,504 and 505 below. Given the significant depth of lots 501 and 502 this additional setback should have negligible impact on the development potential of the future building owners of lots 501 and 502;
4. In order to highlight other factors that may influence the approval of any future developments setback, such as the City’s Significant Views Policy P350.09 and the R-codes, the accompanying statement: ‘a greater setback may be required to comply with Scheme and Policy requirements,’ has been added to clarify any future ambiguity.

#### **COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Glenn Cridland

That:

- (a) the Western Australian Planning Commission be advised that Council recommends that:
  - (i) Submissions 1.1 to 1.12 inclusive, opposing the proposed Amendment No. 52, be PARTIALLY UPHeld;
  - (ii) Submission 2.1, supporting the proposed Amendment No. 52, be UPHeld;
  - (iii) Amendment No. 52 to the City of South Perth Town Planning Scheme No. 6, comprising **Attachment (c)**, be adopted with modification;
- (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 via a Standard Amendment by:
  - (i) introducing a new clause 4.3(1)(q) to Town Planning Scheme No. 6, as follows:

*“In respect of Lots 501 and 502 River Way, Salter Point, in order to reduce the impact of building bulk on adjoining properties, and consistent with the setbacks of the lots on either side buildings are to be set back not less than 10.5 metres from the rear boundary of the lots. A greater setback may be required to comply with Scheme and Policy requirements”* and
  - (ii) modifying the Building Height Limits map for Precinct 13 – Salter Point at Lots 501 and 502 River Way to extend the 7m Building Height Limit to cover the entire lot and remove the Building Height Limit of 3.5m from those lots.
- (c) the Council hereby authorises the affixing of the Common Seal of Council to three copies of Amendment No. 52 document (**Attachment (c)**);
- (d) the Report on Submissions (**Attachment (a)**), the Schedule of Submissions (**Attachment (b)**) containing the Council’s recommendations, a copy of the submissions (**Attachment (d)**) and three executed copies of the modified amending documents (**Attachment (c)**) be forwarded to the Western Australian Planning Commission for determination of the submissions and for final determination of Amendment No. 52 by the Minister for Planning;
- (e) the submitters be thanked for their participation in the Amendment No. 52 process and be advised of the above resolution.

**CARRIED (9/0)**

### **Background**

The purpose of Amendment 52 to Town Planning Scheme No. 6 (TPS6) is to align the Building Height Limits map (Precinct 13) with the cadastral lot boundaries at lots 501 and 502 River Way, Salter Point.

Amendment No. 52 is a Standard Amendment, as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

**Amendment No. 52 to Town Planning Scheme No. 6 - Building height limits of lots 501 and 502 River Way, Salter Point. Consideration of submissions**

Amendment No. 52 was initiated in May 2016 and subsequently advertised as required by planning policy P301 Community Engagement in Planning Proposals and the Regulations, as discussed below under Consultation.

**Comment**

The subject site comprises 2 lots (501 (72) and 502 (74) River Way) that were created as part of a subdivision that also created lots 503 (1A), 504 (1B) and 505 (1C) Salter Point Parade. The properties are currently vacant.

Building height limits on the subject site originated in the City's Town Planning Scheme No. 3 (TPS3). TPS3 envisaged that the lots that ran from River Way (then named City of South Perth Way) down the escarpment to Salter Point Parade (then named River Parade), would eventually be subdivided into two lots, an upper and a lower. For the subject site, before subdivision, the line separating the 3.5 metre and the 7.0 metre height limits has changed in successive planning schemes over the years. Under TPS6, the separating line divides the un-subdivided site approximately in half. The existing line does not relate to topography or to the cadastral boundaries of the now-subdivided site. Nor was it selected for any obvious 'planning' reasons.

The height limits as currently applied across the newly created lots are as follows:

- Lot 501: Mainly 7m, with southern portion limited to 3.5m
- Lot 502: Mainly 7m, with south-western portion limited to 3.5m
- Lot 503: 3.5m
- Lot 504: 3.5m
- Lot 505: 3.5m

As explained in the Amendment No. 52 Report (**Attachment (c)**), the building height limits on the subject site were designated based on cadastral lot boundaries at the time, in anticipation of the possible subdivision of the lot. Since the TPS6 building height limit maps were gazetted the subdivision of the original lot has occurred, resulting in the creation of Lots 501 to 505. The creation of these lots means that the Building Height Limit maps now do not reflect cadastral boundaries. This makes it difficult to design dwellings on Lots 501 and 502 River Way that address the current height limits imposed by the Scheme while maximising the use and enjoyment of the lots.

As explained in the Schedule of Submissions (**Attachment (b)**), it has never been the intention of any previous town planning scheme to impose a lower height limit on the lots from which a 3 metre road widening strip along River Way was ceded in the 1960s, including lots 501 and 502. The widening of River Way was essential to enable it to be converted from a right-of-way (as it was then) to a dedicated road (as it is now). This, in turn, provided essential access that enabled the subdivision of land along Salter Point Parade, which then funded the paving of the southern portion of Salter Point Parade to service the new lots.

The intention of the existing Town Planning Scheme No. 6 is to allow buildings within a 7m height limit on the northern portion of the un-subdivided site and within a 3.5m limit on the southern portion. The proposed amendment continues this intention while aligning the building height limits with the property boundaries of the subdivided site. The proposed building height limit boundary for Lots 501 and 502 would also correspond approximately with the natural contour of the site. This is a more rational boundary than the existing one.

Building height limits should reflect cadastral boundaries wherever possible, consistent with the principles of orderly and proper planning. As detailed in the Amendment No. 52 Report (**Attachment (c)**), the amendment will realign the building height limits within Precinct 13 with the current lot boundaries. Specifically, it is proposed that the building height limit map for Precinct 13 be modified as follows:

- Lot 501: Extend the 7m height limit to cover the entire lot and remove reference to 3.5m
- Lot 502: Extend the 7m height limit to cover the entire lot and remove reference to 3.5m
- Lot 503: no change
- Lot 504: no change
- Lot 505: no change.

In total, an area of approximately 618m<sup>2</sup> will be incorporated into the 7.0m height limit area across Lots 501 and 502. The lots facing Salter Point Parade (Lots 503-505) will maintain the existing 3.5 metre height limit.

The proposed amendment has been advertised for community comment, as discussed below under Consultation. Some submissions received during the advertising period expressed the belief that the existing building height limit is in place to prevent buildings on lots 501 and 502 from overshadowing or having other unacceptable impacts on the adjacent lots 260, 503, 504, 505 and 803. This is not correct. Building height limits along the Salter Point escarpment were originally imposed for the sole purpose of protecting views of the Canning River.

The City's planning framework, including the R-Codes and City planning policies, provides protection for adjoining lot owners from issues arising from development on Lots 501 and 502. Any development on these lots will be required to comply with the relevant provisions of the R-Codes, including visual privacy (clause 5.4.1) and solar access for adjoining sites (clause 5.4.2), and City policies, including P350.09 Significant Views. These provisions are designed to protect neighbouring properties from overshadowing, overlooking and impacts on views.

Notwithstanding the above, the R-Code of the subject site (R20) does allow setbacks of as little as 1m to the side and rear boundaries of the lots. Due to the orientation and topography of the sites, there is potential for overshadowing and overlooking issues. Even a single storey dwelling on lot 501 or 502, if setback from the rear boundary by the minimum amount allowed under the R-Codes, may significantly impact on the adjoining lots 503, 504 and 505.

In addition, lots 501 and 502 are both over 1,000m<sup>2</sup> in area, which is the average site area required for dwellings in R10 coded areas. A 6 metre rear setback is required on large lots in R10 coded areas. Therefore, and in light of some other comments as detailed in the Schedule of Submissions (**Attachment (b)**), it is recommended that Amendment No. 52 be modified by introducing a variation to the R-Codes to require a 6.0 metre minimum rear setback on both Lots 501 and 502.

### Consultation

The statutory community consultation was initiated following receipt of advice from the Environmental Protection Authority (EPA) that the proposed amendment does not require assessment under the *Environmental Protection Act 1986*. The advertising was undertaken to the extent and in the manner prescribed by the Regulations and the City's planning policy P301 Community Engagement in Planning Proposals.

The consultation involved:

- a period of 45 days, being 3 days longer than the minimum 42-day advertising period;
- two signs being erected, with one on the subject site at Lot 501/502 River Way and one on the neighbouring site at Lot 502/504/505 Salter Point Parade;
- Notices being published in two issues of the Southern Gazette newspaper, on 21 June and 5 July 2016;
- 42 letters being sent to neighbouring landowners within the 'Area 2' mail-out area, as set out in policy P301;
- Notices and amendment documents being displayed in the Civic Centre customer foyer and City Libraries for the duration of the advertising period;
- Notices and amendment documents being made available for download on the 'Your Say South Perth' online engagement portal.

It was determined that no public utilities are affected by the proposed amendment and therefore no public utilities were invited to comment.

During the advertising period a total of 13 submissions were received. Of these, one is in support of the proposed amendment and the remaining 12 are opposed to it.

The submissions and officer responses are contained in the attached Report on Submissions (**Attachment (a)**) and Schedule of Submissions (**Attachment (b)**). These documents will be provided to the WAPC for further consideration and for recommendation to the Minister for Planning.

After considering the submissions, the Council needs to resolve whether to recommend to the Minister that the amendment should proceed, with or without modification, or should not proceed. The Minister is responsible for the final determination of the proposed amendment.

### Policy and Legislative Implications

The statutory scheme amendment process for Standard Amendments is set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. The process as it relates to the proposed Amendment No. 52 is set out below, together

**Amendment No. 52 to Town Planning Scheme No. 6 - Building height limits of lots 501 and 502 River Way, Salter Point. Consideration of submissions**

with an estimate of the actual and estimated dates associated with each stage of the process.

Under the Regulations the Council must consider the proposed amendment and any submissions received and make a recommendation to the Minister within 60 days after the submission period. The Council must therefore deal with this matter at the September 2016 meeting.

Stage of Standard Amendment Process	Actual and Estimated Dates
Council resolution to initiate amendment	24 May 2016
Council adoption of draft amendment proposals for advertising purposes	24 May 2016
Referral of draft amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	25 May 2016
Public advertising period of not less than 42 days	21 June – 5 August 2016
Council consideration of Report on Submissions	27 September 2016
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> <li>• Report on Submissions;</li> <li>• Schedule of Submissions</li> <li>• A copy of the submissions</li> <li>• Council's recommendation on the proposed amendment;</li> <li>• Three signed and sealed copies of amendment documents for final approval</li> </ul>	September 2016
Minister's final determination of Amendment and publication in Government Gazette	Not yet known

Subject to the Council's decision to recommend to the Minister that Amendment No. 52 proceed with modifications, three copies of the amendment document will be executed by the City, including the application of the City Seal. The Report on Submissions, the Schedule of Submissions containing the Council's recommendations, a copy of the submissions and the three executed copies of the amendment document will be forwarded to the WAPC with the Council's recommendation.

#### **Financial Implications**

This amendment has been requested by the owner of Lots 501 and 502 River Way. A fee will be charged in accordance with the City's Schedule of Fees and Charges.

#### **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](#).



**10.3.3 Amendment No. 52 to Town Planning Scheme No. 6 - Building height limits of lots 501 and 502 River Way, Salter Point. Consideration of submissions**

The proposed Amendment No. 52 will provide a more logical and orderly boundary for the 7.0 metre building height limit as it affects Lots 501 and 502 River Way, Salter Point. In following the gradient of the sites and aligning to the cadastral boundaries of the lots, it will enable better use to be made of the land.

Clause 9.8(1) of TPS6 states that *“the City is required to 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 of pursuing community objectives regarding development and land use.”*

The Amendment No. 52 proposal has been examined by the City and advertised for community comment. After considering the submissions, the proposal has been found to warrant continued support, subject to the recommended modifications.

**Conclusion**

Having regard to the discussion contained in this report and the attached Report on Submissions (**Attachment (a)**) and the Schedule of Submissions containing Council’s recommendations (**Attachment (b)**), City officers are satisfied that Amendment No. 52 should now be adopted by the Council with modifications, as a recommendation to be forwarded to the Minister for Planning for final determination.

The scheme amendment process is designed by statute to be open and accountable, and inclusive of community input. Although 12 of the 13 submissions oppose the proposed amendment, several of the key concerns can be addressed by the recommended 6.0 metre minimum rear setback.

Following the Council’s consideration of submissions on Amendment No. 52, the Council’s recommendations will be forwarded to the WAPC and the Minister for Planning for final processing and determination.

**Attachments**

- 10.3.3 (a):** Report on Submissions
- 10.3.3 (b):** Schedule of Submissions
- 10.3.3 (c):** Modified Amendment No. 52 document for adoption
- 10.3.3 (d):** Submissions on Amendment No. 52 (*Confidential*)

### 10.3.4 Planning Policy P350.16 Variation to Plot Ratio for Multiple Dwellings and Mixed Development - Report on Submissions

Location:	N/A
Ward:	All
Applicant:	N/A
File Ref:	D-16-74160
Date:	27 September 2016
Author:	Mark Carolane, Senior Strategic Projects 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

Draft planning policy P350.16 provides guidance for the exercise of discretion regarding plot ratio for multiple dwellings and mixed development.

The draft policy was advertised between Tuesday 19 July and Friday 12 August 2016, in accordance with the City's Town Planning Scheme No. 6 (TPS6) and policy P301 Community Engagement in Planning Proposals.

The City received one submission from a town planning consultant (see **Attachment (a)**). The submitter's comments and officer's responses and recommendations are set out in **Attachment (b)**. No changes are recommended to the proposed policy (**Attachment (c)**).

#### Officer Recommendation

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Travis Burrows

That:

- (a) Council adopt planning policy P350.16 (**Attachment (c)**);
- (b) A notice be published in the Southern Gazette newspaper advising of the adoption of the amended policies; and
- (c) The submitter is advised of this resolution.

#### AMENDMENT AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Travis Burrows

That the Policy P350.16 be amended to include a new point 2. (a) as follows, and that the other clauses 2. (b) and (c) be renumbered accordingly:

2. (a) The proposal is to be advertised with a minimum of Area 2 consultation in accordance with Policy P301 "Community Engagement in Planning Proposals".

At this point Councillor Glenn Cridland requested that the Standing Orders be suspended for open discussion on the amendment.

#### **MOTION TO SUSPEND STANDING ORDERS AND COUNCIL DECISION**

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Ken Manolas

That Standing Orders be suspended to allow open discussion on the amendment at hand.

**CARRIED (9/0)**

#### **MOTION TO RESUME STANDING ORDERS AND COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That Standing Orders be resumed.

**CARRIED (9/0)**

The Amendment was then put.

#### **AMENDMENT AND COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That the Policy P350.16 be amended to include a new point 2. (a) as follows, and that the other clauses 2. (b) and (c) be renumbered accordingly:

2. (a) The proposal is to be advertised with a minimum of Area 2 consultation in accordance with Policy P301 "Community Engagement in Planning Proposals".

**CARRIED (9/0)**

The amendment then became the substantive.

#### **COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That:

- (a) Council adopt planning policy P350.16 (**Attachment (c)**) (with amendments to include a new point 2. (a) 'The proposal is to be advertised with a minimum of Area 2 consultation in accordance with Policy P301 "Community Engagement in Planning Proposals"')
- (b) A notice be published in the Southern Gazette newspaper advising of the adoption of the amended policies; and
- (c) The submitter is advised of this resolution.

**CARRIED (8/1)**

### Background

Draft planning policy P350.16 Variation to Plot Ratio for Multiple Dwellings and Mixed Development was endorsed for community consultation at the June 2016 Ordinary Council Meeting.

The draft policy P350.16 provides guidance for the exercise of discretion regarding plot ratio for multiple dwellings and mixed development. The draft policy applies to all Multiple Dwelling and Mixed Development proposals seeking variation to the maximum deemed-to-comply plot ratio standards set out in the R-Codes. The draft policy defines the maximum amount of additional plot ratio that may be approved and criteria for the approval of additional plot ratio.

### Comment

The proposed policy applies to all Multiple Dwelling and Mixed Development proposals seeking variation to the maximum deemed-to-comply plot ratio standards set out in the R-Codes. The policy defines the maximum amount of additional plot ratio that may be approved and criteria for the approval of additional plot ratio.

The policy specifies that additional plot ratio will not be approved “as of right” and that any proposal seeking a plot ratio variation must meet a number of criteria, as set out in the draft policy.

The proposed draft policy provides guidance for applicants, officers and the Council regarding the exercise of discretion for variations to plot ratio. This will help to protect the amenity of existing neighbourhoods, while allowing some flexibility to facilitate high quality infill development. The proposed draft policy provisions are in line with guidance provided by the Western Australian Planning Commission (see Planning Bulletin 113/2015).

The proposed draft policy has been advertised for community comment, as set out below. No modifications are recommended following the community comment period, as detailed in **Attachment (b)**.

### Consultation

The draft policy was advertised in accordance with the City’s Town Planning Scheme No. 6 (TPS6) and policy P301 Consultation for Planning Proposals. The policy was advertised between Tuesday 19 July and Friday 12 August 2016, as follows:

- Two notices were published in the Southern Gazette newspaper (19 and 26 July 2016);
- The draft policy was made available on the Your Say South Perth online community engagement portal for the duration of the advertising period;
- The draft policy was displayed in the City’s libraries and Civic Centre for the duration of the advertising period;
- A news item was published in the South Perth in Focus e-newsletter on 19 July and 3 August 2016.

The draft policy was available for public comment for a period of 24 days, which is 3 days longer than the minimum required 21 day consultation period.

#### 10.3.4 Planning Policy P350.16 Variation to Plot Ratio for Multiple Dwellings and Mixed Development - Report on Submissions

The City received one submission from a town planning consultant (see **Attachment (a)**) objecting to the proposed policy. The submitter's comments and officer's responses and recommendations are set out in **Attachment (b)**.

##### Policy and Legislative Implications

Under clause 1.5 of TPS6, planning policies are documents that support the Scheme. The draft policy at **Attachment (c)** has been prepared and advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Deemed Provisions, Part 2 Division 2.

##### Financial Implications

The costs of advertising and adoption have been paid 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](#).

##### Attachments

- 10.3.4 (a): Submission on proposed policy P350.16 (*Confidential*)
- 10.3.4 (b): Response to submissions on proposed policy P350.16
- 10.3.4 (c): Policy P350.16 draft for adoption September 2016

### 10.3.5 Proposed Change of Use (Office to Child Day Care Centre) on Lots 8, 10, 200, 201 (NO.64) Mill Point Road, South Perth.

Location: City of South Perth  
 Ward: Mill Point Ward  
 Applicant: Rpoint Properties  
 File Ref: D-16-73827  
 Date: 27 September 2016  
 Author: Mina Thomas, 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 a Child Day Centre on Lots 8, 10, 200, 201 (No. 64) Mill Point Road. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use	TPS6 Clause 3.3 and Table 1

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval a Child Day Centre on Lots 8, 10, 200, 201 (No. 64) Mill Point Road **be approved** subject to the following conditions:

**(a) Standard Conditions**

390	crossover- standards	455	dividing fences- standards
393	verge & kerbing works	456	dividing fences- timing
416	Street trees	508	landscaping approved & completed
353	bays- marked and visible	550	plumbing hidden
427	colour and materials – Details	445	stormwater infrastructure
660	expiry of approval	625	sightlines for drivers

**(b) Specific Conditions**

- (i) Prior to issuing of a building permit, the proposed development is required to obtain written approval from the Regulatory Authority under section 108 of the *Education and Care Services National Regulations 2012*.
- (ii) Prior to issuing of a building permit, details of the proposed colours of the external materials (including fences) shall be submitted for approval by the City.

- (iii) Prior to issuing of a building permit, details of the proposed signage to be placed on the building shall be submitted for approval by the City.
- (iv) The maximum operating hours of the Child Day Care centre shall be strictly limited to 7.00am to 7.00pm, Monday to Friday and 7:00am to 4:30pm on Saturday, with no children playing outside permitted prior 7.00am. Should any noise complaints from neighbour received within the 12 months of operation, Council will determine whether the complaints are valid, and if so, will impose a later opening time or other requirements to address the complaints.
- (v) The designated Staff parking bays shall be clearly identified on site by means of a sign bearing the words “Staff Parking Only”;
- (vi) The car parking bays shall be marked on site as indicated on the approved site plan, in order to comply with the requirements of clause 6.3(10)(c) of *Town Planning Scheme No. 6* and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times.
- (vii) All bin enclosure(s) shall be subject to, and comply with conditions contained within the City of South Perth *Health Local Laws 2002*.

**(c) Standard Advice Notes**

700A	building permit required	766	landscaping- general standards
705	revised drawings required	709	masonry fences require BA
706	applicant to resolve issues	790	minor variations- seek approval
725	fences note- comply with that Act	795B	appeal rights- council decision

**(d) Specific Advice Notes**

The applicant is advised that:

- (i) It is the applicant’s responsibility to liaise with the City’s Engineering Infrastructure and Environmental Health Departments to ensure compliance of all of these department’s relevant requirements.
- (ii) Noise Generally- All mechanical ventilation services, motors and pumps, e.g. air conditioners, exhaust flues to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*;
- (iii) The kitchen design and fitout is required to comply with the *Australia New Zealand Food Standards Code Chapter 3 (the Code)*.
- (iv) In accordance with the *Food Act 2008*, this business will need register and become licenced with the City of South Perth as an approved Food Business.
- (v) Standard 3.3.1 of the Code requires food businesses that process food for service to vulnerable persons to implement a documented and audited food safety program.
- (vi) Further to the inspectorial role the City will play as the enforcement agency and the requirement to have a Food Safety Plan (verified by the City), this business will require external auditing of its Food Safety Program by an approved Food Safety Auditor.

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

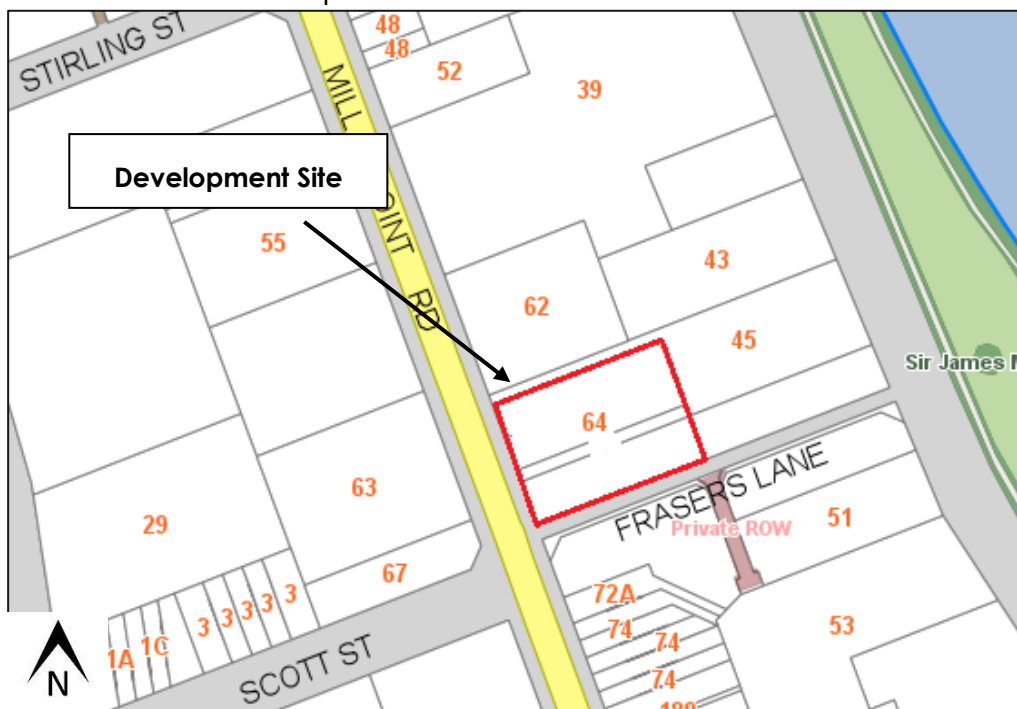
**CARRIED EN BLOC (9/0)**

**Background**

The development site details are as follows:

<b>Zoning</b>	Mixed Use Commercial
<b>Density coding</b>	R80/100
<b>Lot area</b>	918 sq. metres
<b>Building height limit</b>	24.5 metres
<b>Development potential</b>	Mixed Use Development up to 24.5 metres.
<b>Plot ratio limit</b>	0.75

The location of the development site is shown below:



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

1. **Specified uses**
  - (a) *Child Day Care Centres;*
  
7. **Neighbour comments**

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



**10.3.5 Proposed Change of Use (Office to Child Day Care Centre) on Lots 8, 10, 200, 201 (NO.64) Mill Point Road, South Perth.**

**Comment**

**(a) Background**

In June 2016, the City received an application for a Change of Use from Offices to Child Day Care Centre on Lots 8, 10, 200, 201 (No. 64) Mill Point Road (the Site). The proposal involves internal fitouts and adjustments to make it suitable to be used as a Child Day Care Centre. The existing building was previously used as an office building and subsequently vacated in March 2016.

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

The site is located on a corner and therefore has a frontage to Mill Point Road to the west and Frasers Lane to the south. The site is bounded by residential zoned land to the east and a mixed use commercial zoned land to the north. There is also a private Right of Way to the north as seen in Figure 1:



1.

*Figure 1: provides an illustration of the locality.*

**(c) Description of the Proposal**

The proposal involves internal modifications of the existing building at No. 64 Mill Point Road to make it compatible to be used as a Child Day Care Centre 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 proposed use will operate as follows:

- (i) retaining existing building and making internal modifications designed for a Child Day Care Centre
- (ii) maximum of eleven (11) full time staff employed on site;

**10.3.5 Proposed Change of Use (Office to Child Day Care Centre) on Lots 8, 10, 200, 201 (NO.64) Mill Point Road, South Perth.**

- (iii) maximum of 52 children on site; 20 between 0-2 years old, 15 between the ages of 2-3 years old and 16 between the ages of 3-4 years old.
- (iv) administrative and amenity facilities such as kitchen and internal and external play areas
- (v) 29 parking bays including an ACROD for staff and parents;
- (vi) opening hours: 7:00am to 7.00pm, Monday to Friday and 7:00am to 4:30pm Saturday.

The applicant's Supporting Letter **Attachment (b)** and Traffic Impact and Parking Assessment Report, referred to as **Attachments (d) & (e)** respectively, describe the proposal in more detail.

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

- Car parking (TPS6 Clause 6.3);
- Finished ground and floor levels and driveway gradients (TPS6 Clauses 6.9 and 6.10);
- Building setbacks from the street (TPS6 Table 4);
- Building setbacks from the eastern boundary – Ground and First floor (R-Codes Tables 2a and 2b);
- Plot ratio – Not applicable;
- Landscaping (Table 3);
- Building height limit (TPS6 Clause 6.2); and
- Visual privacy (R-Codes 6.8.1) adjoining residential development.

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

- Land use (TPS6 Clause 3.3 & Table 1);

**(d) Land Use**

The proposed “Child Day Care Centre” is classified as a “DC” (Discretionary with Consultation) use in a Mixed Use Commercial zoned land under TPS6. In accordance with Clause 3.3(3) of TPS6, a Discretionary use with consultation may only be permitted following neighbour consultation. Neighbour consultation has been undertaken in accordance with the relevant TPS6 provisions and City policy. This aspect will be discussed in detail below.

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 derived from Schedule 2 of the Local Planning Scheme Regulations 2015. The proposal is considered to be in compliance with these clauses which will be further discussed.

**(e) Town Planning Scheme No. 6 - Table 3**

Table 3 “Development Requirements for Non-Residential Use in the Non Residential Zone” of TPS6 provides a number of general requirements for uses on a Mixed Use Commercial zone. Column 1 of the table below contains an extract of these requirements, while the officer's brief response is contained in Column 2:

TPS 6 Requirements	Officer Response
Street Setback- 9.0m	Complies. The existing building on the subject site is setback 17m from the street frontage.
Side setbacks as per table 2a and 2b	Complies – the existing building on the subject site is setback accordingly to the west (3.0m), east (13.5m), and rear (13.0m).
Minimum landscaped area (20% of site)	Complies- the proposal encompasses over 40% of landscaped area in lieu of the required 20%.
Car Parking Requirement of 1 per employee and 1 per 10 children permitted to receive care	Complies- The proposal provides 29 car bays in lieu of the required 17.

As demonstrated above, the proposal generally complies with the requirements for a mixed use commercial zoned land set out in Table 3 of TPS6.

**(f) City Policy P307 “Family Day Care and Child Day Care Centres”**

City Policy P307 “Family Day Care and Child Day Care Centres” provides further guidance for the assessment of the above in the City of South Perth. The policy covers matters such as accessibility, car parking and the layout of indoor and outdoor play spaces.

Whilst the P307 prescribes the design and configuration for play spaces; the size and area of internal and outdoor play spaces is set under section 107 and 108 of the Education and Care Services National Regulations 2012.

The Education and Care Services National Regulations 2012 prescribes an area of 3.25sqm of unencumbered indoor space and 7sqm of outdoor space per child.

The proposal meets the 3.25sqm of indoor space required per child; but does not meet the required 7sqm of outdoor play space per child.

Clause 5 under section 108 of the Regulations provides the Regulatory Authority with the opportunity to exercise discretion if outdoor space requirements are not met. The following is stated from the abovementioned:

- (5) ‘An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if-*
- (a) The Regulatory Authority has given written approval;*
  - and*
  - (b) The indoor space has not been included in calculating the indoor space under regulation 107.’*

As noted above, the Regulatory Authority can exercise discretion if the prescribed area of outdoor play spaces is not met. The Regulatory Authority for Child Care Services is an independent Authority. The Regulatory Authority has the discretion to prescribe the maximum number of children permitted to be cared for; if the prescribed areas of play spaces under the Education and Care Services National Regulations 2012 are not met.

**10.3.5 Proposed Change of Use (Office to Child Day Care Centre) on Lots 8, 10, 200, 201 (NO.64) Mill Point Road, South Perth.**

The City has therefore dealt with this matter by imposing a Planning condition that requires the proposed Child Day Care to obtain relevant approval from the Regulatory Authority, prior to the issuing of a building permit.

The proposal meets all the objectives of Policy P307 and Table 3 of TPS6, and therefore the application for a change of use of an existing office building to a Child Care Centre is supported by officers, subject to obtaining independent written approval from the Regulatory Authority for Child Care Services in Western Australia.

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

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

- (a) Maintain the City's predominantly residential character and amenity;*
- (d) Establish a community identity and "sense of community", both at a City and precinct level, and to encourage more community consultation in the decision-making process;*
- (e) Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*

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

**(h) Other Matters to be considered by local government: Deemed Provisions Clause 67 of Town Planning Scheme No. 6**

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 environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (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;*

- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (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;*
- (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;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (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;*
- (u) the availability and adequacy for the development of the following –*
  - (i) public transport services;*
  - (ii) public utility services;*
  - (iii) storage, management and collection of waste;*
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) access by older people and people with disability;*
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;*
- (zb) any other planning consideration the local government considers appropriate.*

### 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 2' consultation method, individual property owners, occupiers and/or strata bodies at Nos 39, 59, 62, 63, 66, 67 & 73 Mill Point Road and 39, 43, 45, 47, 49 & 51 South Perth Esplanade were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 321 consultation notices were sent and 6 submissions were received, all 6 of the submissions received were against the proposal. The comments from the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p><u>Traffic impact</u> Concerns about increased traffic and congestion on Mill Point Road.</p>	<p>The Applicant's Traffic Impact Report was approved by Engineering Services and states that the volume of traffic generated by the proposed Child Care Centre is not anticipated to pose a significant traffic impact to the adjoining properties. Furthermore, the traffic impact is anticipated to be of lesser impact than what a mixed use commercial zoned land can potentially be used for and will be of similar or lesser impact than the office development that was previously occupying the site. The comment is <b>NOTED</b>.</p>
<p><u>Pedestrian safety</u> Concerns for the safety of adults and children who reside on the street from vehicle interface.</p>	<p>The volume of traffic generated by the proposed use is not anticipated to pose significant safety issues to the adjoining properties. The comment is <b>NOTED</b>.</p>
<p><u>Streetscape Impact</u> Inadequate visual screening for car parking cars and will be visually dominant from the street.</p>	<p>Revised plans incorporated 2.0m wide landscaping strip to screen the car parking area. The comment is <b>NOTED</b>.</p>
<p><u>Building Design</u> The proposed use is incompatible with existing streetscape in terms of aesthetics of the building.</p>	<p>The building exists and the applicant will be providing a colour scheme and drawings incorporating measures to maintain the streetscape compatibility is a condition on planning the planning approval. The comment is <b>NOTED</b>.</p>

<p><u>Noise Impact</u> Children playing outside will generate considerable noise and affect adjacent both residential and non-residential properties.</p>	<p>The development is required to comply with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997. Playing spaces are appropriately located to minimise impact on adjoining buildings. The comment is <b>NOTED</b>.</p>
<p><u>Operating Hours</u> Concerned about amenity impact from the operations in the early morning (7.00.am) and late evening (7.00pm)</p>	<p>As recommended by the Acoustic Engineer, children are not permitted outdoors prior to 0700 hours. The comment is <b>NOTED</b>.</p>

The applicant's responses to the neighbours' comments are included in the applicant's letter attachment.

#### **(b) Internal Administration**

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

#### Engineering Infrastructure

The Manager, Engineering Infrastructure services was invited to comment on a range of issues relating to car parking, traffic generated from the proposal and review the Traffic Impact and Parking Assessment. All engineering concerns were addressed by the applicant through amended plans and relevant justification to the satisfaction of the Engineering Department.

Furthermore, planning conditions and important notes are recommended to deal with the remaining minor issues raised by Engineering Infrastructure.

#### Environmental Health

The Environmental Health services provided comments with respect to bins, noise, kitchens, laundries and toilets. This section raises no objections and has provided specific conditions which have been included in the officer's recommendation.

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

**10.3.5 Proposed Change of Use (Office to Child Day Care Centre) on Lots 8, 10, 200, 201 (NO.64) Mill Point Road, South Perth.**

**Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Noting the favourable orientation of the lot, the officers observe that the proposed outdoor playing spaces have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions. The proposal is not expected to have adverse impact on adjoining (residential and non-residential) neighbours as well as the streetscape, provided that the conditions are applied as recommended. Accordingly, it is considered that the application should be conditionally approved.

**Attachments**

- 10.3.5 (a): Attachment a: Plans for Child Care Centre at 64 Mill Point Road
- 10.3.5 (b): Attachment b: Applicant's Supporting Letter
- 10.3.5 (c): Attachment c: Noise Impact Assessment Report
- 10.3.5 (d): Attachment d: Traffic Impact Report
- 10.3.5 (e): Attachment e: Parking Management Plan
- 10.3.5 (f): Attachment f: Site Photographs



### 10.3.6 Request for Review of Conditions and Advice Notes of Conditional Subdivision Approval – City to Consider Cash-in-Lieu as an Alternative to Providing Public Open Space on Lot 500 (No. 77) Roebuck Drive, Salter Point (Aquinas College Subdivision)

Location:	Lot 500 (No. 77) Roebuck Drive, Salter Point
Ward:	Manning Ward
Applicant:	Richard Noble and Burgess Design Group, representing the Christian Brothers
File Ref:	D-16-74365
Date:	27 September 2016
Author:	Siven Naidu, Statutory Planning Coordinator
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

Through the process of Amendment 44 (2013) Council recommended a condition in accordance with Development Control Policy 2.3 (DC 2.3), which requires the applicant to provide a minimum of 10% of the gross sub divisible area of the site to be ceded to the Crown free of cost, as public open space.

The applicant under the provisions of clause 4.3.4 of DC 2.3 – “Public Open Space in Residential Areas” at Attachment (b) and clause 3 & 5 of Planning Bulletin No. 21 “Cash-in-Lieu of Public Open Space” (Attachment (c)); submits a request proposing cash-in-lieu as an alternative to providing land for public open space.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glenn Cridland

**Seconded:** Councillor Cheryle Irons

That pursuant of the provisions in DC 2.3 ‘Public Open Space in Residential Areas’ and Planning Bulletin No. 21 “Cash-in-Lieu of Public Open Space”, the request for cash-in-lieu as an alternative to providing public open space be supported as a recommendation to the Western Australian Planning Commission (WAPC).

LOST (2/7)

#### ALTERNATIVE MOTION AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Sharron Hawkins-Zeeb

That:

- the Officer’s Recommendation not be adopted; and
- pursuant of the provisions in DC 2.3 ‘Public Open Space in Residential Areas’ and Planning Bulletin No. 21 “Cash-in-Lieu of Public Open Space”, the

request for cash-in-lieu as an alternative to providing public open space be **REFUSED** as a recommendation to the Western Australian Planning Commission (WAPC).

**CARRIED (8/1)**

#### Reasons for the Alternative

1. The value of Open Space is not only measured against its use as active recreational space: it can also serve as passive space for use as quiet space and as a visual break in close quarter subdivisions as this one is. The small blocks ranging from 315 to 549 square metres provide little or no opportunity for any significant vegetation to be planted on the properties. Besides street trees, adjacent public open space can provide the opportunity to plant large native tree varieties;
2. There may be little value in requiring the retention of remnant natural bushland when this would be only a remnant of the remnant. However there is still the ability to have the corners of the subdivision developed as low maintenance green spaces to soften the edges and allow a resident to sit down and enjoy their surroundings without there being any active purpose;
3. The POS further down Roebuck Drive is of a different nature and purpose and will serve those residents who may wish to enjoy it in a more active manner. Whilst the subdivision is hard up against the Aquinas playing fields, this area is no longer accessible to the public;
4. Strategic Priority 2 of the Strategic Community Plan 2015-2025 sets out the need to enhance and develop Public Open Space within the City's built and natural environment;
5. The value of POS cannot be equated to cash and while the monies received may be of assistance in the maintenance or upgrade of other POS, this has to be a planning decision, not a financial one.

#### Background

The development site details are as follows:

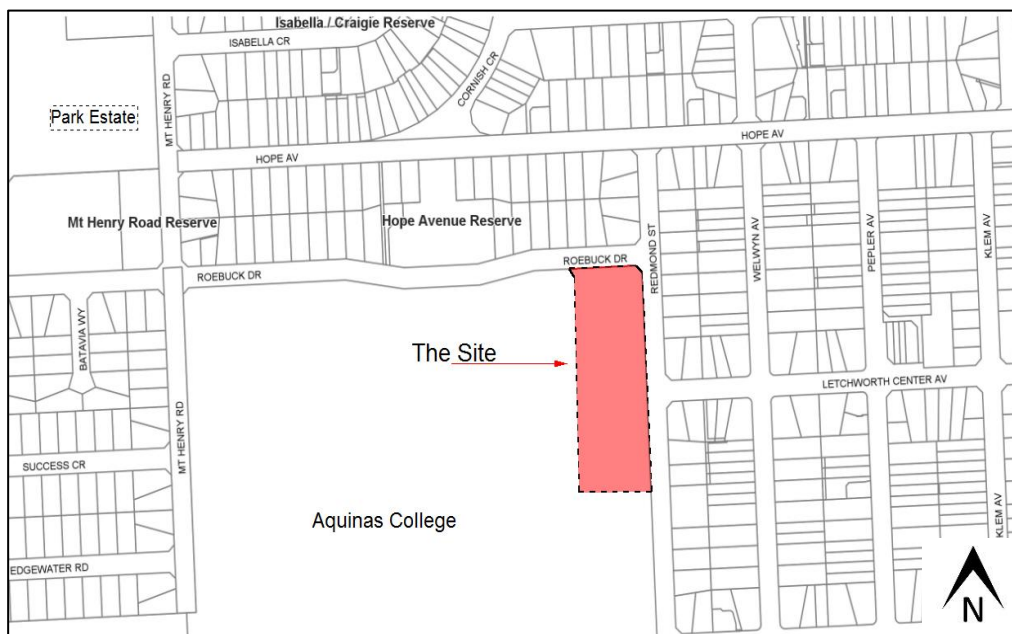
<b>Zoning</b>	Residential
<b>Density coding</b>	R25
<b>Lot area</b>	N/A
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	N/A
<b>Plot ratio limit</b>	N/A

This report includes the following attachments:

- **Attachment (a)** Subdivision Approval (WAPC)
- **Attachment (b)** Development Control Policy 2.3
- **Attachment (c)** Planning Bulletin No. 21
- **Attachment (d)** Applicants submission
- **Attachment (e)** Cash-in-Lieu Legislation – extracts from the *Planning & Development Act 2005, s153-s156*

The location of the site is shown below:

**Request for Review of Conditions and Advice Notes of Conditional Subdivision Approval – City to Consider Cash-in-Lieu as an Alternative to Providing Public Open Space on Lot 500 (No. 77) Roebuck Drive, Salter Point (Aquinas College Subdivision)**



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

**4. Applications previously considered by Council**

*Matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.*

**Comment**

**(a) Background**

- In 2013, the City initiated the process to amend the Scheme for the purpose of rezoning Part Lot 18 Mount Henry Road, Salter Point from the 'Private Institution' zone to the 'Residential' zone and modify the residential density coding from R20 to R25, in way of Amendment 44. Through the process of Amendment 44 Council recommended a condition in accordance with DC 2.3, which requires the applicant to provide a minimum of 10% of the gross sub-divisible area of the site to be ceded to the Crown free of cost, as public open space. The notice of the Minister's final approval featured in the government gazette on 5 May 2015 and the amendment was to be trailed by a subdivision application (submitted by the applicant) to the WAPC to further subdivide the newly amended Residential Lot.
- In December 2015, a subdivision application was received from the WAPC for assessment by City officers. A recommendation with conditions (including ceding of public open space) and advice notes were submitted to the WAPC in March of 2016.
- In March 2016, the WAPC granted subdivision approval with conditions and advice notes at **Attachment (a)**. The condition relating to ceding of public open space was included in the WAPC's conditional approval.

**Request for Review of Conditions and Advice Notes of Conditional Subdivision Approval – City to Consider Cash-in-Lieu as an Alternative to Providing Public Open Space on Lot 500 (No. 77) Roebuck Drive, Salter Point (Aquinas College Subdivision)**

- In June 2016 the City received a request by the applicant proposing cash-in-lieu as an alternative to providing land for public open space. A copy of the applicant’s submission can be found at **Attachment (d)**.

As this condition formed part of Amendment 44 and was a Council determination, this matter is brought before Council for their consideration and recommendation to the WAPC.

**(b) Proposal**

Western Australian Planning Commission policy DC 2.3 ‘Public Open Space in Residential Areas’, clause 4.3.4 states the following:

*“The Act requires that the use of cash-in-lieu must be initiated by the owner of the land concerned, and requires approval of the relevant local government and the Commission. In cases where the Commission considers that it may be appropriate to use these provisions, the applicant will be so advised in a footnote to the Commission’s letter of approval.”*

Similarly in accordance with Planning Bulletin 21 ‘Cash-in-lieu of Public Open Space’, clause 3 & 5 state the following:

*Clause 3 ‘Cash-in-lieu of Public Open Space’*

*“In some circumstances the provision of an area of land for public open space is not practical and it may be more appropriate for cash-in-lieu of public open space to be given for the following reasons:*

- *in small subdivisions, the provision of public open space may result in a small unusable area of land being set aside;*
- *there may be sufficient public open space already available in the locality;*
- *public open space may have been provided in earlier subdivisions; or*
- *open space is planned in another location by way of a town planning scheme or local structure plan.”*

and

*Clause 5 ‘Procedures for Obtaining Approval to Cash-in-Lieu’*

*“The legislation does not presently allow the Commission to impose a specific condition requiring cash-in-lieu. Where the Commission is of the opinion that it would be more appropriate to require a cash-in-lieu contribution, it will impose a condition on the subdivision approval requiring a certain area of land to be shown on the Plan or Diagram of Survey as a ‘Reserve for Recreation’. The Commission will advise the applicant in the approval that, subject to a further request, it may be prepared to allow a cash payment to the local government in lieu of ceding land for public open space.”*

In accordance with the above clauses the applicant has made a request to provide cash-in-lieu as an alternative to ceding land for public open space. Condition 13 and advice note 4 of the WAPC subdivision approval is a direct result of these requirements. Condition 13 and advice note 4 are listed below:

*Condition 13*

**Request for Review of Conditions and Advice Notes of Conditional Subdivision Approval – City to Consider Cash-in-Lieu as an Alternative to Providing Public Open Space on Lot 500 (No. 77) Roebuck Drive, Salter Point (Aquinas College Subdivision)**

*“An area(s) of land at least 1,596 square metres in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for recreation and conservation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)”*, and

*Advice Note 4*

*“With regard to Condition 13, provisions of section 1.53 of the Planning and Development Act 2005 provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the local government.”*

As part of their submission the applicant provides following justification in support of their proposal:

*“The Council's earlier stated position on the need for open space to be physically given up at this site is reflected in its Minutes of Ordinary Council Meetings from December 2013 (item 10.3.1) and July 2014 (item 10.0.1). This position was based at the time on a twofold reasoning; a perceived shortfall of open space in the immediate area and a desire to establish an ecological link.*

*Shortfall of POS: 'Hope Avenue Reserve' exists 80 metres west of the development site in Roebuck Drive. This park, located between Hope Avenue and Roebuck Drive, is scheduled for improvement by Council in the coming financial year (per conversation with Bruce Moorman at our meeting on June 27). The setting aside of an additional 1,596 m<sup>2</sup> 'dry park' 80 metres from Hope Avenue Reserve will not provide the 'useable' open space for the community that an enhanced Hope Avenue Reserve Park will offer.*

*Utilisation of even a portion of what would be a significant cash-in-lieu of open space contribution for further improvement of the Hope Avenue Reserve will result in a consolidated, better quality park for nearby residents and a single park for Council to maintain. It is considered that this would be a superior outcome to the creation of a second, fragmented open space parcel.*

*Ecological Link: During the rezoning phase for this property throughout 2013/14, the EPA reviewed and did not require further assessment or seek further advice in respect of the vegetation on site. Reports addressing vegetation quality, floristic assessment and dieback assessment were commissioned by the owner during the course of planning for the land. Dr. Paul Van der Moesel provided specific comment on the effectiveness of an 'ecological link' on the land (a copy of the report by PGV Environmental is located at Attachment 4).*

*In light of the community benefit that would result in utilising even a portion of the significant cash-in-lieu monies this subdivision will generate to further improve Hope Avenue Reserve. Council advice on the process for*

**10.3.6 Request for Review of Conditions and Advice Notes of Conditional Subdivision Approval – City to Consider Cash-in-Lieu as an Alternative to Providing Public Open Space on Lot 500 (No. 77) Roebuck Drive, Salter Point (Aquinas College Subdivision)**

*initiating determination of the value of the cash-in-lieu contribution is respectfully requested.”*

In view of the request made by the applicant, it is the officer’s view that the request for Cash-in-Lieu be supported.

### **Consultation**

#### **(a) Neighbour consultation**

Extensive neighbour consultation was undertaken throughout the process of Amendment 44 as listed below:

- A 60-day community consultation period which commenced on 4 March and concluded on 2 May 2014.
- The draft Amendment was advertised in the manner described below:
- Letters inviting comment sent to owners of 62 surrounding properties and affected government agencies;
- Notice published in two issues of the *Southern Gazette* newspaper: on 4 and 18 March 2014;
- Four signs containing relevant details placed on the Roebuck Drive and Redmond Street boundaries of the Amendment site; and
- Notices and Amendment documents displayed in the Civic Centre customer foyer, City Libraries and on the City’s web site (‘Out for Comment’).

Consultation for the current proposal in accordance with policy P301 “Community Engagement for Planning Approvals” was not required in relation to the applicants request to pay cash-in-lieu.

#### **(b) Internal administration**

City Environment was invited to comment on the cash-in-lieu request by the applicant. This section raised no objections to the proposal. They offered the following comments:

*“City Environment would support Planning in recommending that the developer provide cash-in-lieu of the required POS allocation. The City is already funding an upgrade at the nearby Hope Avenue Reserve thus negating the need for another park in the immediate area. No external funds are required for the Hope Avenue project but the money provided from cash-in-lieu could be spent in other reserves within Salter Point and would add more value than another small POS.”*

### **Financial Implications**

The City would receive cash-in-lieu equivalent to the value of a land construction. The provision of Cash-in-lieu legislation is outlined in the *Planning & Development Act 2005*, Sections 153-s156. Policy DC 2.3 clause 4.3 “Cash-In-Lieu” further assists with these procedures. Both extracts can be located at Attachment (e).

As outlined in Cash-in-lieu legislation in the *Planning & Development Act 2005*, including s153-s156.

*“154(2) The money is to be applied –*

**10.3.6 Request for Review of Conditions and Advice Notes of Conditional Subdivision Approval – City to Consider Cash-in-Lieu as an Alternative to Providing Public Open Space on Lot 500 (No. 77) Roebuck Drive, Salter Point (Aquinas College Subdivision)**

- (a) for the purchase of land by the local government for parks, recreation grounds or open spaces generally, in the locality in which the land included in the plan of subdivision referred to in section 153 is situated; or*
- (b) in repaying any loans raised by the local government for the purchase of any such land; or*
- (c) with the approval of the Minister, for the improvement or development as parks, recreation grounds or open spaces generally of any land in that locality vested in or administered by the local government for any of those purposes; ...”*

The Department of Planning has advised that the expenditure of funds requires WAPC/Planning Minister approval. The cash-in-lieu contribution is based upon the market value of the land, as determined by a licensed valuer or the Valuer-General. It is estimated that the contribution would be between \$600 and \$800 K.

### **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 lot achieve a predominantly east-west orientation which allows the access of northern sun to the outdoor living areas. The proposed layout is seen to achieve an outcome that has regard to the sustainable design principles.

### **Attachments**

- 10.3.6 (a):** Subdivision Approval (WAPC)
- 10.3.6 (b):** Development Control Policy 2.3
- 10.3.6 (c):** Planning Bulletin No. 21
- 10.3.6 (d):** Applicants Submission
- 10.3.6 (e):** Cash-In-Lieu Legislation - Extracts from the Planning & Development Act 2005

At this point the Presiding Member read aloud Councillor Jessica Black's Declaration of Interest:

'I wish to declare a financial interest in Agenda *Item 10.3.7 Proposed 40 and 49 Storey Mixed Development on Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth* on the Council Agenda for the Ordinary Council meeting of 27 September 2016. I declare that my employer PTG + Place Match has been engaged to provide professional services on this project and therefore has a financial interest in the project. It is my intention to vacate the Council Chamber before the Item is discussed and voted on'.

At 8.56pm Councillor Black vacated the Chamber.

### **10.3.7 Proposed 40 and 49 Storey Mixed Development on Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth.**

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Hillam Architects
File Ref:	D-16-74368
Date:	27 September 2016
Author:	Peter Ng, Senior 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**

The Form 1 Responsible Authority Report (RAR) for a planning application for a proposed 40 and 49 Storey Mixed Development, located at Lots 4 (No.3) Lyall Street and 11 (No.56) Melville Parade, South Perth, will be attached for Council to consider at Council meeting on 27 September 2016, prior to determination by the Metro Central Joint Development Assessment Panel (Metro Central JDAP).

#### **Officer Recommendation**

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Travis Burrows

That Council notes the Responsible Authority Report prepared for the Metro Central Joint Development Assessment Panel regarding the proposed 40 and 49 Storey Mixed Development, located at Lots 4 (No.3) Lyall Street and 11 (No.56) Melville Parade, South Perth.

#### **Amendment**

With the Mover and Seconders agreement Mayor Doherty put that the words "and supports" and "for the refusal of the development" be included in the Officer Recommendation so the motion reads as follows:

That Council notes and supports the Responsible Authority Report prepared for the Metro Central Joint Development Assessment Panel regarding the proposed 40 and 49 Storey Mixed Development, located at Lots 4 (No.3) Lyall Street and 11



**10.3.7 Proposed 40 and 49 Storey Mixed Development on Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth.**

(No.56) Melville Parade, South Perth for the refusal of the development.

**COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That Council notes and supports the Responsible Authority Report prepared for the Metro Central Joint Development Assessment Panel regarding the proposed 40 and 49 Storey Mixed Development, located at Lots 4 (No.3) Lyall Street and 11 (No.56) Melville Parade, South Perth for the refusal of the development.

**CARRIED (7/1)**

**Comment**

In accordance with the Council resolution in August 2015, the RAR will be attached for Council to consider in the upcoming Council Meeting on 27 September 2016. The RAR is due to be sent to the DAP Secretariat on Thursday 22 September 2016. The Metro Central Joint Development Assessment Panel (Metro Central JDAP) meeting is scheduled on 3<sup>rd</sup> October 2016.

**Policy and Legislative Implications**

Comments will be provided in the RAR in relation to Scheme and Policy requirements.

**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**

**10.3.7 (a):** Responsible Authority Report (RAR) .

At 8.58pm Councillor Jessica Black returned to the Chamber.

## 10.4 STRATEGIC DIRECTION 4: PLACES

### 10.4.1 Property Asset Management Review

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-16-74358
Date:	27 September 2016
Author and Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy:	4.5 Review opportunities to implement a Land Asset Assessment Plan for City Land

#### Summary

This report sets out a proposal for a Property Asset Management Review to be undertaken by City Administration with the oversight of a Property Committee of Council. The purpose and scope of the review is to:

1. Establish an appropriate decision-making framework for dealing with the City's property assets;
2. Identify specific opportunities for creating an investment revenue stream from a portfolio of property assets; and
3. Identify gaps in existing funding arrangements for dealing with property assets.

#### Officer Recommendation

**Moved:** Councillor Colin Cala  
**Seconded:** Councillor Jessica Black

That Council establish a Property Committee to oversee the proposed Property Asset Management review with Terms of Reference as set out in **Attachment (a)**.

#### Nominations to Committee

The Presiding Member called for nominations from Elected Members for membership to the Property Committee. Nominations were received for:

- Mayor Sue Doherty
- Councillor Ken Manolas
- Councillor Sharron Hawkins-Zeeb
- Councillor Travis Burrows

No further nominations were received. All four elected members accepted the nomination.

#### Amendment

With the agreement of the Mover and Seconder Mayor Sue Doherty proposed that the Officer Recommendation be amended to name those appointed to the Property Committee.

**COUNCIL DECISION****Moved:** Councillor Colin Cala**Seconded:** Councillor Jessica Black

That Council:

- a) establish a Property Committee to oversee the proposed Property Asset Management review with Terms of Reference as set out in **Attachment (a)**
- b) appoint, as members to the Property Committee:
  - Mayor Sue Doherty
  - Councillor Ken Manolas
  - Councillor Sharron Hawkins-Zeeb
  - Councillor Travis Burrows

**CARRIED (9/0)****Background**

As part of a wider review of the City's functions and operations, the CEO has initiated a review of the role of the City's property assets in the overall financial framework of the City, with particular emphasis on the potential to generate a discretionary revenue stream from non-core properties. Such a discretionary revenue stream has the potential to give the City greater opportunities to develop or enhance community facilities when existing funding sources are constrained.

The overall objective of the review is to identify potential opportunities to utilise property assets (both those currently owned by the City and other assets which might potentially be acquired) as a source of revenue which can be reinvested in the provision and maintenance of community facilities.

**Comment**

The City is making a substantial capital investment in new community facilities, funded in large measure by the sale of the South Perth Triangle land. The lifecycle costs of these facilities are addressed in the City's 10-year financial plan.

Meeting the ongoing costs of these and other existing facilities will fully utilise the available sources of funds, leaving no capacity for other projects Council might wish to pursue. An additional discretionary revenue stream will provide capacity for additional projects as well as provide a buffer against future adverse funding issues.

Traditional and/or existing funding sources face a number of constraints, including:

- Limits to community and political acceptance of rate increases, and the potential for legislated rate capping in future;
- A desire to cap total borrowings by the City to currently projected levels
- User charges (revenue from facilities) is insufficient to meet the full operating cost of those facilities
- Grant funding is generally only available for major capital projects and is not available for operating costs, minor upgrades, etc. while also imposing an obligation on the City to match or exceed the grant from its own resources.

Non-core property assets can be turned into revenue generation in different ways. These include:

#### 10.4.1 Property Asset Management Review

- Redevelop for profit
- Lease
- Sale and reinvestment into assets of higher value or return

The City owns a number of non-core properties in freehold title which could become part of an investment portfolio generating revenues to meet long-term lifecycle costs of community assets, finance additional projects, or provide a buffer against adverse events. In addition, there may be the potential to take advantage of currently historic low interest rates to acquire revenue-generating property assets which can provide surplus income after debt servicing costs.

The sensitivity of the community to any proposals to develop or dispose of vacant land that is currently in use (either formally or informally) as open space is well recognised and understood. Accordingly, any such proposals would only be advanced if there was a clear and beneficial trade-off for the community such as a land exchange for equal or better amenity, a clear community-focussed purpose for the transaction, or similar benefit. However, recognising such community concerns is not of itself a sufficient reason for the City not to advance clearly articulated opportunities to support the strategic outcomes endorsed by the community and in the interests of responsible stewardship of community assets.

Accordingly, it is appropriate to approach with an open mind the issue of whether, how, and to what extent property assets might play a part in supporting the City's financial commitments to provide and maintain high quality community assets. The purpose and scope of the review is therefore to:

1. Establish an appropriate decision-making framework for dealing with the City's property assets;
2. Identify specific opportunities for creating an investment revenue stream from a portfolio of property assets; and
3. Identify gaps in existing funding arrangements for dealing with property assets.

It is recommended that oversight of the review be vested in a Property Committee comprising four Elected Members, with authority to establish guidelines for the conduct of the review for ratification by Council. Council may also wish to consider whether the process will benefit with the inclusion of two other persons with suitable qualifications and experience in the property industry.

Suggested Terms of Reference for the Committee are set out in **Attachment (a)**.

#### Consultation

The establishment of the Committee and the conduct of the review do not in themselves create any requirement for consultation.

If Council wish to elect residents with the appropriate qualifications and experience to the Committee, the City may seek Expressions of Interest through community consultation.

It is anticipated that some form of community consultation in the later stages of the review would be incorporated in the guidelines adopted by the Committee.

#### **10.4.1 Property Asset Management Review**

Any actual property transactions arising from the review would be subject to statutory consultation including those mandated by sections 3.58 and 3.59 of the *Local Government Act* and (if appropriate) the *Planning and Development Act*.

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

The proposal to carry out this review is consistent with the policy objective to provide responsible stewardship of the City's assets in accordance with Policy P609 Management of City Property and Policy P612 Disposal of Surplus Property.

There are no immediate legislative implications. Establishment of the proposed Property Committee would be carried out in accordance with section 5.9(2) (a) or (d) of the *Local Government Act* as the case may be.

##### **Financial Implications**

The immediate financial implications of this decision will be limited to the cost of certain external professional advice (such as property valuations or strategic consultancy advice) with an estimated maximum cost of \$20,000. The longer-term financial implications of the review will form part of the review outputs in due course.

##### **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**

**10.4.1 (a):** Property Asset Management Review - Terms of Reference .

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

### 10.6.1 Monthly Financial Management Accounts - August 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-74355
Date:	27 September 2016
Author / Reporting Officer:	Michael J. 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 Cheryle Irons

**Seconded:** Councillor Colin Cala

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)** not be presented for August;
- (e) the Rate Setting Statement provided as **Attachment (i)** be received.

**CARRIED EN BLOC (9/0)**

### Background

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

The information provided to Council is a summary of the more than 120 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 October onwards. From that date on, the schedule will reflect a reconciliation of movements between the 2016/2017 Adopted Budget and the 2016/2017 Amended Budget including the introduction of the unexpended capital items carried forward from 2015/2016.

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

### Comment

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments (a) & (b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment (c)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment (d)**
- Summary of Capital Items - **Attachment (e)**
- Schedule of Significant Variances - **Attachment (f)**
- Reconciliation of Budget Movements - Not presented for August 2016
- Rate Setting Statement - **Attachment (i)**

Operating Revenue to 31 August 2016 is \$42.86M which represents 100% of the \$46.87M 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 receipt of some revised GRVs from Landgate on the day of Budget adoption. Investment revenues are on budget for Reserve Funds but 2% under for the Municipal Fund as a consequence of continuing low interest rates. Parking revenue is 10% ahead of budget expectations but this is not considered unusual given the timing of school holidays which typically results in a spike in this revenue area.

Planning revenues are 39% under budget due to the slowing of activity particularly in the station precinct. Building Services revenue is 22% under budget for similar reasons. These revenues will need to be carefully monitored in future to assess the impact on the attainment of the full year budget targets.

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 August 2016 is \$8.70M which represents 95% of the year to date budget of \$9.17M. Operating Expenditure shows as 2% under budget in the Administration area. Operating costs are 3% under budget for the golf course and show as being 8% under budget in the Infrastructure Services area.

In addition to the differences specifically identified in the Schedule of Significant Variances, the variances in operating expenditures in the administration area partly relate to timing differences on billing by suppliers.

In the Infrastructure Services operations area, there are some favourable 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 over the next couple of months. Major



infrastructure expenditure areas such as parks maintenance and streetscape maintenance are representative of this issue - although it is possible that the increased rigour in managing costs in these areas may even deliver some savings against budget.

A change in the accounting treatment for wages accrued for pay periods that are incomplete at month end means that some months may show a favourable variance on specific jobs whilst field staff overheads will reflect an unfavourable variance. This difference is a consequence of an accounting treatment and will reverse out in the next month. It does not reflect over-expenditure.

Fleet operations may show a similar variance for the same reason as the fleet charge-out and recovery is driven by staff timesheet entry.

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 showing as 3.4% under the budget allocation for the positions approved by Council in the budget process. This is not unusual given several staff vacancies at present including 3 managerial positions currently being recruited for and others provided for in anticipation of the organisational structural review.

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 \$0.72M at 31 August which is just over the year to date budget of \$0.68M. This difference relates to revenues generated upon turnover of CPV units.

Capital Expenditure reflects only preliminary expenditure at this stage of the year. At 31 August expenditure is \$2.99M representing 212% of the year to date budget of \$0.96M (before the inclusion of carry forward projects). The expenditure in excess of the budget to date represents expenditure on carry forward projects that will have budgets introduced into the budget in September. The total budget for capital projects for the year is \$27.01M.

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

### Consultation

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

### Policy and Legislative Implications

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

### Financial Implications

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

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

### Attachments

- 10.6.1 (a): Statement of Financial Position
- 10.6.1 (b): Statement of Financial Position
- 10.6.1 (c): Summary of Non Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d): Summary of Operating Revenue & Expenditure - Infrastructure Service
- 10.6.1 (e): Summary of Capital Items
- 10.6.1 (f): Schedule of Significant Variances
- 10.6.1 (g): Reconciliation of Budget Movements - Not presented for August 2016
- 10.6.1 (h): Reconciliation of Budget Movements - Not presented for August 2016
- 10.6.1 (i): Rate Setting Statement .

## 10.6.2 Statement of Funds, Investments and Debtors 31 August 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-16-74356
Date:	27 September 2016
Author / Reporting Officer:	Michael J. 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 Cheryle Irons

**Seconded:** Councillor Colin Cala

That Council receives the 31 August 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 (9/0)**

### Background

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

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

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

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

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

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

### **Comment**

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

Total funds at month end are \$90.02M which compares unfavourably to \$92.78M at the equivalent time last year. This is largely the result of planned drawdowns from Reserves as contributions towards the Manning Hub project. Last month, total funds were \$66.28M.

Municipal funds represent \$36.46M of this total, with a further \$52.61M being Reserve Funds. The balance of \$0.95M relates to monies held in Trust. The Municipal Fund balance is some \$3.77M higher than last year which relates to the timing of cash outflows on the capital works program. It should also be noted that \$7.35M of the Municipal Funds balance relates to capital works to be carried forward from 2015/2016.

Reserve funds are \$6.81M 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, SJMP Foreshore Promenade and River Walls.

In July 2015, the previous 24 reserves were consolidated into just 15 with this consolidation being 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 only reserve movements since 30 June 2016 have related to movements of leaseholder funds associated with the Collier Park Village.

The largest Reserve balance is the Major Community Facilities Reserve, but the land sale proceeds currently quarantined in that reserve do not represent 'surplus cash'. These funds 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.

Details of cash holdings (disclosed by fund) are presented as **Attachment (a)**.

#### **(b) Investments**

Total investment in money market instruments at month end was \$89.57M compared to \$92.78M at the same time last year. There was \$3.6M more in cash in Municipal investments. Cash backed Reserve Fund investments are \$6.8M 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 global financial and corporate environment.

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.

Analysis of the composition of the investment portfolio shows that at reporting date, 88.8% of the funds were invested in securities having a S&P rating of A1 (short term) or better.

The City also holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 being met. Currently the City holds 31.8% of its investments in such institutions.

In meeting this objective, the City has invested 11.2% of its funds in investments rated at BBB+.

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 \$0.31M. This compares to \$0.36M at the same time last year as a consequence of 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 2.91% with the anticipated weighted average yield on investments yet to mature now sitting at 2.75%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of 1.50% since 4 May 2016. This has now fallen to 1.25% following the 3 August 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 August 2016 represent 58.8% of rates collectible (excluding pension deferrals) compared to 58.9% at the same time last year. This reflects a very similar collection profile to the previous year.

The City expects to maintain its strong rates collection profile in respect to the 2016/2017 rates notices - assisted by 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 will also provide encouragement for ratepayers to meet their rates obligations in a timely manner.

**(ii) General Debtors**

General debtors stand at \$1.28M at the end of the month (\$0.98M last year). Last month debtors were \$1.28M. Sundry Debtors was some \$0.2M higher due to claims for roadworks completed. Most debtor balances are not materially different to last year's comparatives.

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](#). 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.

**Sustainability Implications**

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

**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: City of South Perth  
File Ref: D-16-74354  
Date: 27 September 2016  
Authors: Michael J. Kent, Director Financial and Information Services  
Deborah Gray, Manager Financial Services  
Reporting Officer: Michael J. 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 August 2016 and 31 August 2016 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(401)	\$16,649,884.97
Cheque Payment to Creditors	(57)	\$289,639.52
<b>Total Monthly Payments to Creditors</b>	<b>(458)</b>	<b>\$16,939,524.49</b>
Cheque Payments to Non Creditors	(111)	\$232,184.29
<b>Total Payments</b>	<b>(569)</b>	<b>\$17,171,708.78</b>

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Colin Cala

That the Listing of Payments for the month of August 2016 as detailed in **Attachment (a)**, be received.

**CARRIED EN BLOC (9/0)**

#### 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.



### 10.6.3 Listing of Payments

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 10.6.3 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.

### **10.6.3 Listing of Payments**

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.

The payments made are also 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 Carry Forward Projects as at 30 June 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-16-74353
Date:	27 September 2016
Author / Reporting Officer:	Michael J. 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

Projects for which unexpended funds are recommended for carrying forward into the 2016/2017 year are identified and listed on the attached schedule. Similarly, incomplete capital revenue transactions (if relevant) are included in the schedule of carry forward items.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Colin Cala

That the Schedule of Carry Forward Capital items from 2015/2016 (**Attachment (a)**) is adopted for inclusion into the (Revised) 2016/2017 Budget.

*ABSOLUTE MAJORITY REQUIRED*

**CARRIED EN BLOC (9/0)**

#### Background

For a variety of reasons including contractors or materials not being available when required, inclement weather, protracted negotiations, extended public consultation, delays in getting approvals or sign off for designs etc.; capital projects are not always able to be completed within the same financial year as they are initially listed in the budget. A process of identifying and validating the projects to be carried forward into the subsequent financial year is required.

Where a project requires only minimal 'residual' expenditure to finalise it - and the invoice is likely to be received early in the new financial year, the additional project expenditure will simply be treated (and disclosed) as a 'Prior Year Residual Cost'. Where a significant portion of the initial project cost is to be carried into the new year and those funds expended after June 30, the project may be individually identified as a Carry Forward item.

#### **10.6.4 Carry Forward Projects as at 30 June 2016**

During the budget process, a set of indicative Carry Forward Works are identified by City officers and included in the Annual Budget adopted by Council.

Following the close off of the year end accounts, these indicative Carry Forward projects are validated to ensure that the funds proposed for carry forward are legitimately unspent at year end.

The underlying principle is that the final carry forward amount for individual projects should not be greater than the difference between the original budget and the actual amount spent (as recorded in the year end accounts).

Because the Carry Forward figures included in the Annual Budget are based only on projected figures and therefore are indicative in nature, the final validated amount of individual Carry Forwards for those previously identified projects can differ slightly from the amounts published in the adopted budget. In cases where the works are fully completed when the year-end accounts are finalised, a previously indicated carry forward amount may not be realised. This process affects only the timing of payment for materials and services and does not present a cash-flow implication.

#### **Comment**

The 2015/2016 Budget included Capital Expenditure projects totalling \$36.03M of which \$28.59M (72%) was expended by 30 June 2016. Of this expenditure, some \$14.24M was expended on the Manning Community Hub project and the related small land parcel acquisition. A further \$8.23M was expended on upgrading infrastructure assets. The remainder was applied to renewal expenditures including CPV refurbishments, fleet, technology, land sale costs, environmental management expenditure and other non-recurrent projects.

When Council adopted the 2016/2017 Annual Budget, potential carried forward expenditure of \$7.98M was flagged. Following adjustment to reflect actual (rather than projected) expenditure after the year end close-off of accounts, a net amount of \$7.25M is now identified for carry forward into the 2016/2017 budget.

Combined with the completed works, the capital expenditure represents 99.5% of the full year budget of \$32.03M. As a general principal, the combined total of completed works and carry forward works should not exceed the total budget as this amount would not have been fully funded.

As noted above, for the completed 2015/2016 year, the final identified net Carry Forward items (as detailed on the attached schedule) total \$7,250,000.

#### **Consultation**

For identified significant variances, comment was sought from the responsible managers prior to the item being included in the Carry Forward Capital Projects.

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

This practice is consistent with relevant professional pronouncements and good business practice but is not directly impacted by any in-force policy of the City.

#### **10.6.4 Carry Forward Projects as at 30 June 2016**

##### **Financial Implications**

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there is necessarily some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Carry Forward Works. This is consistent with responsible financial management practice.

##### **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**

**10.6.4 (a):** Schedule of Carry Forward Capital Items from 2015/2016 .

## 10.6.5 Audit Contract Arrangements

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-16-74363
Date:	27 September 2016
Author / Reporting Officer:	Michael J. 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 addresses interim audit arrangements between the expiry date of the current audit contract and the commencement of the oversight of local government audits by the Auditor General.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Colin Cala

That Council extends its current audit contract with Macri Partners for a further one year period on current terms and conditions to include the completion of the interim and annual audit for the 2016/ 2017 year.

*ABSOLUTE MAJORITY REQUIRED*

**CARRIED EN BLOC (9/0)**

### Background

In March 2016, the Director General of the Department of Local Government and Communities advised all Western Australian Local Governments of proposed amendments to the Local Government Act which provide for the Auditor General to undertake financial and performance audits of the local government sector.

Subsequent to this advice being received, the City advised the department of the expiry date of its current audit and sought the department's view on the most appropriate transitional arrangements for the period up until the Auditor General assumes this responsibility; given that the City's current audit contract expires at the completion of the audit of the 2015/2016 year (by December 2016).

As the Auditor General assumes responsibility for local government audit on 1 July 2017, the first audits that his office will undertake will be of the 2017/2018 financial year - leaving the City with a need to make appropriate arrangements for the interim period, specifically relating to the audit of the 2016/2017 year.

### **Comment**

During the transitional period, the City will be requiring an approved local government auditor to conduct the interim and annual audit of the 2016/2017 year and the review of internal controls (internal audit) flagged by the Audit & Governance Committee at its August 2016 meeting.

In August 2016, the Acting Director General of the Department of Local Government and Communities wrote to the City suggesting that we seek an extension of our current audit contract for one year, or, alternatively renew an audit contract for one year.

It is acknowledged that in most 5 year audit contracts, audit firms typically incur costs in excess of the first year audit fee as they expend additional time and resource learning, understanding and documenting the systems and internal controls in place at the local government, with a view towards offsetting these cost against savings made in years 2 to 5 of the contract (as that work does not need to be comprehensively re-done in those years).

Anecdotal evidence also suggests that few local government auditors would look favourably at the prospect of responding to a one year audit contract for an individual local government audit when simply by pre-qualifying for audits contracted out by the Auditor General one year later will potentially deliver them a suite of audit contracts.

The City therefore has two possible options to evaluate. The first is, subject to Council's satisfaction with the existing auditor's performance, to simply extend the existing audit contract for a further one year on the same terms and conditions (which meet the Department' specification for audit contracts). The second and less preferred option would be to conduct a full Expression of Interest process for audit services for a one year period - acknowledging that this comes with the risk of a limited pool of respondents and / or a premium fee proposal to account for the additional work involved in a one year contract.

The first option is, in the view of the administration, a practical and effective way to address this issue - and this option is accepted by the Department of Local Government as being an appropriate solution.

### **Consultation**

Consultation has been undertaken with the Department of Local Government and with local government audit firm representatives.

### **Policy and Legislative Implications**

In accordance with the requirements of the Section 7.9 of the Local Government Act, Department of Local Government Guidelines, relevant Australian Accounting Standards and the Local Government (Financial Management) Regulations.

### **Financial Implications**

Nil - This report relates to the validation of previously reported information about the City's financial performance and financial position.

## 10.6.5 Audit Contract Arrangements

### 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

Nil.



## 10.6.7 Proposed Public Places and Local Government Property Amendment Local Law

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-16-74352
Date:	27 September 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:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

### Summary

This report recommends that the City adopt a Public Places and Local Government Property Amendment Local Law to deal with the issue of operating drones or similar devices from or on City property.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glenn Cridland

**Seconded:** -

That the Council

- in accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, gives state-wide and local public notice stating that:
  - a) it proposes to make a Public Places and Local Government Property Amendment Local Law, and a summary of its purpose and effect.
  - b) copies of the proposed local law may be inspected at the City offices.
  - c) submissions about the proposed local law may be made to the City within a period of not less than six weeks after the statutory public notice is given.
- provide a copy to the Minister for Local Government and Communities, in accordance with s3.12(4) of the Local Government Act 1995;
- Note that the results of the public submission will be presented to Council for consideration.

SIMPLE MAJORITY VOTE REQUIRED

**LAPSED FOR WANT OF A SECONDER**

**ALTERNATIVE MOTION AND COUNCIL DECISION****Moved:** Councillor Fiona Reid**Seconded:** Councillor Travis Burrows

That the Officer's Recommendation is not adopted and the item be referred to the next Audit, Risk and Governance meeting for further consideration.

**CARRIED (8/1)****Reasons for Change**

1. It is not clear what the intent of banning flying or landing all drones or similar devices from or on local government property is and how such activity can be effectively administered, managed and policed.
2. Such a ban is likely to result in recreational flyers (particularly children/youth) being penalised, as larger commercial Drones already need a licence from CASA.
3. A mixed response of Council permission for commercial operations and an education campaign regarding the safe and legal use of drones may be more appropriate. This issue may be better addressed as a whole of local government response and more appropriately considered by WALGA State Council for a model policy approach.
4. It is important that any such action is at least consistent with the City of Perth and Town of Vic Parks response. As we do not have any indication of their response the action would be premature.
5. If the banning of Drones is specifically in regards to Australia Day then that may be better addressed as part of the City of South Perth Australia Day management plans.

**Background**

The City of South Perth Public Places and Local Government Property Local Law was Gazetted in October 2011. It deals with all aspect of use of property under the City's care, control and management such as reserves, libraries, halls and the like.

**Comment**

An amendment is required to the local law to allow the City to regulate the operation of drones or similar devices from City property. To this end it is proposed to amend Clause 3.1 of the existing local law so that a clause (shown red below) is added as follows:

**3.1 Activities requiring a licence**

*(1) A person must not without a licence –*

- (a) subject to subclause (3) hire Local Government property;*
- (b) advertise anything by any means on Local Government property;*
- (c) erect, on Local Government property a structure for public amusement or for any performance, whether for gain or otherwise;*
- (d) teach, coach or train, for profit, any person in any facility which is Local Government property;*
- (e) plant any plant or sow any seeds on Local Government property;*
- (f) carry on any trading on Local Government property unless the trading is conducted –*

- (i) *with the consent of a person who holds a licence to conduct a function, and where the trading is carried on under and in accordance with the licence; or*
  - (ii) *by a person who has a licence or permit to carry on trading on Local Government property under any written law;*
  - (g) *conduct or set up a market on Local Government property;*
  - (h) *unless an employee of the Local Government in the course of her or his duties or on an area set aside for that purpose –*
    - (i) *drive or ride or take any vehicle on to Local Government property; or*
    - (ii) *park or stop any vehicle on Local Government property;*
  - (i) *conduct a function on Local Government property;*
  - (j) *charge any person for entry to Local Government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;*
  - (k) *light a fire on Local Government property except in a facility provided for that purpose;*
  - (l) *parachute, hang glide, abseil or base jump from or on to Local Government property;*
  - (m) *erect a building or a refuelling site on Local Government property;*
  - (n) *make any excavation on or erect or remove any fence on Local Government property;*
  - (o) *erect or install any structure above or below ground, which is Local Government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;*
  - (p) *conduct or take part in any gambling game or contest or bet, or offer to bet, publicly;*
  - (q) *erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on Local Government property;*
  - (r) *conduct an entertainment event on Local Government property; or*
  - (s) *fly or land a drone or similar device from or on local government property.*
- (2) *The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.*
- (3) *The CEO or an authorised person may exempt specified Local Government property or a class of Local Government property from the application of subclause (1)(a).*

### Consultation

The process to make a local law is set out in s3.12 of the Local Government Act 1995.

In this respect, section 3.12(3) of the Local Government Act 1995 requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

Feedback from this consultation must be considered by Council before it resolves to make the local law.

## 10.6.7 Proposed Public Places and Local Government Property Amendment Local Law

The City is liaising with the Civil Aviation Safety Authority (CASA) in developing a management practice to guide authorised officers to determine applications for a licence. The management practice will be presented to the Audit, Risk and Governance Committee meeting scheduled for 8 November 2016.

### Policy and Legislative Implications

Local laws (and amendments to them) are made using the process set out in section 3.12(3) of the Local Government Act 1995.

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting, and that the minutes of the meeting include the purpose and effect of the proposed local law.

The purpose and effect of the proposed City of South Public Places and Local Government Property Amendment Local Law Local 2016 is:

#### Purpose

The purpose of the Amendment Local Law is to regulate the operation of drones or similar devices from or on local government property.

#### Effect

The effect is that a license is required to operate a drone or similar device from or on local government property.

The proposed Amendment Local Law is attached.

### Financial Implications

There are some administrative expenses involved in making the proposed Amendment Local Law.

### 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

**10.6.7 (a):** Draft City of South Perth Public Places and Local Government Property Amendment Local Law 2016 .

## 10.6.8 Financial Interest Returns - 2015/2016

Location:	City of South Perth
Ward:	N/A
Applicant:	Council
File Ref:	D-16-74341
Date:	27 September 2016
Author:	Sharron Kent, Governance Officer
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:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

### Summary

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

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Colin Cala

That the Report on the Financial Returns for 2015/2016 be received.

**CARRIED EN BLOC (9/0)**

### Background

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

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

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

## 10.6.8 Financial Interest Returns - 2015/2016

### Comment

Primary and Annual Returns for the period 1 July 2015 to 30 June 2016 have now been completed in compliance with statutory requirements by all Elected Members and all designated employees.

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

### Consultation

Nil.

### Policy and Legislative Implications

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

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

### Financial Implications

Nil.

### Strategic Implications

This report is 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 .

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

Leave of Absence applications were received from Councillor Jessica Black for the period Wednesday 23 November to Friday 9 December 2016, inclusive and Councillor Fiona Reid for the period 4 October 2016.

### Motion and COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the Leave of Absence applications received from Councillor Jessica Black for the period Wednesday 23 November to Friday 9 December 2016 inclusive, and Councillor Fiona Reid for 4 October 2016 be granted.

**CARRIED (9/0)**

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

At this point the Presiding Member, Mayor Sue Doherty, read aloud her Declaration of Interest:

‘I wish to declare an impartiality interest in Agenda *Item 12.1 Revocation of August 2015 Council Resolution: Item 10.5.1 Black Spot Program* on the Council Agenda for the Ordinary Council meeting of 27 September 2016. I declare that I live at 11 Birdwood Avenue – 200 metres from the corner of Canning Highway and Birdwood Avenue which has been identified in the Black Spot Program. It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly.’

### 12.1 REVOCATION OF AUGUST 2015 COUNCIL RESOLUTION: ITEM 10.5.1 BLACK SPOT PROGRAM

At the Council Agenda Briefing of 20 September 2016 Councillor Travis Burrows gave notice that at the 27 September 2016 Ordinary Council Meeting he would move the following motion:

#### Motion

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Sharron Hawkins-Zeeb

That Council:

- a) Revoke part (b) of the decision of August 2015 item 10.5.1 Black Spot Program for the reasons detailed below;
- b) Request that at the next Quarterly Budget Review the central median projects Dyson Street at Canning Highway and Saunders Street at Canning Highway, being two of the three projects included and forming part of the submission for funding under the 2016/17 State and National Black Spot Program be listed for deletion: and
- c) Request that a survey of affected property owners be undertaken prior to the implementation of any of the works.

## AMENDMENT AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the Item be deferred until the October 2016 Ordinary Council meeting.

**CARRIED (9/0)**

### Reason

Further investigation is required before Council can resolve a position on the matter.

### REASONS FOR MOTION

At the August 2015 Ordinary Council meeting the Officer recommendation to endorse three locations nominated and included in the submission for funding under the National and State Black Spot programs 2016/17 was amended to add a part (b) “prior to the approved work being carried out temporary barriers be installed where the permanent concrete medians will be installed to assess the impact of traffic flow in the surrounding local streets – the study to last 6 months”.

The three locations are:

1. Canning Highway at Birdwood Avenue;
2. Canning Highway at Dyson Street; and
3. Canning Highway at Saunders Street.

The reasons provided for the amendment were extensive and generally concentrated on the displacement of local traffic from streets with the median closure on Canning Highway to local streets without any treatment at the intersection.

Funding for the works as a Black Spot project does not extend to the temporary works should Council at the end of the trial period decide against implementing the work. Funding is provided on the basis of some permanent infrastructure being in place that addresses and has a positive outcome on the issues identified.

Had the first part of the officer recommendation been to nominate the three intersections for inclusion into a submission for funding under the National and State Black Spot programs 2016/17 the reasons offered for the amendment would have been sufficient justification not to proceed with the funding application simply on the basis of the inconvenience and loss of amenity in particular to the Kensington residents and to a lesser extent the Como residents living on the local streets. The median closures at the three nominated intersections prevent the right turn into and off Canning Highway with the result that traffic is redirected to the untreated intersections and has significant impact to traffic flow through local streets but also Canning Highway. The redirection of traffic to other streets as a result of the median closure at Dyson Street and at Saunders Street is of greater concern than that presented by the closure at Birdwood Avenue. Birdwood Avenue already has to contend with significant bypass traffic that ought to be utilising the signalised intersection at South Terrace and is unlikely to be as impacted to the same extent by a closure as the other two locations.



Further the amendment to require the works to be implemented as a trial for a period of six (6) months on a main road not under the control of the City may in itself be sufficient justification to put aside the decision as the trial works may not receive the support of the asset owner. Councillor Burrows.

#### CEO COMMENT

Canning Highway over its full length through Como has one of the highest rankings in the metropolitan area for the number of crashes. This is highlighted by the number of intersections along the Highway that have each experienced the prescribed number of crashes to warrant consideration under the State and National Black Spot Programs. The typical crash that is over represented along the Highway is the vehicle turning right off the Highway into the side street being struck on the side by an approaching vehicle or in effecting the right turn out of the side street onto the Highway being struck in the rear by an approaching vehicle. The intersections referenced in this item can be seen as the first three of many that would qualify for funding.

Constructing a central median across an intersection is a very cost effective solution as it prevents the very movement that creates the crash. The solution is often seen as a 24 hour solution to a short term problem and is an inconvenience for those property owners who seek to use the movement for access to/from the Highway. The recent changes to the signal phasing along Canning Highway can result in significant gaps in the traffic that would enable the right turn movement to be effected with ease although at other times there would be considerable delay. The consequence of delay is frustration and frustration can lead to crashes.

Supporting the motion will have no impact on the City, the project is fully funded by the Commonwealth and the Highway is the sole responsibility of Main Roads to construct and maintain.

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

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

Nil

#### **13.2 QUESTIONS FROM MEMBERS**

Questions were received from:

- Councillor Fiona Reid in relation to the Collier Park Village
- Councillor Colin Cala in relation to the R-Codes

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

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

Nil

**15. MEETING CLOSED TO PUBLIC**

Nil

**16. CLOSURE**

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.17pm.

## 17. RECORD OF VOTING

27/09/2016 7:30:27 PM

### 7.1.1 Confirmation of Minutes

Motion Passed 9/0

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

27/09/2016 7:31:15 PM

### 7.2.1 Briefing Notes

Motion Passed 9/0

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

27/09/2016 7:33:21 PM

### 8.4 Council Delegates' Reports

Motion Passed 9/0

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

27/09/2016 7:40:44 PM

### 9.1 En Bloc Motion

Motion Passed 9/0

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

27/09/2016 7:56:02 PM

### 10.3.1 *Amendment to* : Proposed Additional Use - Use Not Listed "Open Amphitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road

Motion Passed 9/0

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

27/09/2016 8:02:00 PM

### 10.3.1 *Amendment to* : Proposed Additional Use - Use Not Listed "Open Amphitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road

Motion Passed 9/0

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

27/09/2016 8:03:37 PM

**10.3.1 Proposed Additional Use - Use Not Listed "Open Amphitheatre" associated with an Educational Establishment at Aquinas College - Lot 18 (No. 58) Mount Henry Road**

Motion Passed 9/0

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

27/09/2016 8:16:09 PM

**10.3.3 *Amendment to:* Amendment No. 52 to Town Planning Scheme No. 6 - Building height limits of lots 501 and 502 River Way, Salter Point. Consideration of submissions**

Motion Passed 9/0

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

27/09/2016 8:16:52 PM

**10.3.3 Amendment No. 52 to Town Planning Scheme No. 6 - Building height limits of lots 501 and 502 River Way, Salter Point. Consideration of submissions**

Motion Passed 9/0

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

27/09/2016 8:20:54 PM

**Motion to Suspend Standing Orders**

Motion Passed 9/0

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

27/09/2016 8:28:28 PM

**Motion to Resume Standing Orders**

Motion Passed 9/0

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

27/09/2016 8:31:09 PM

**10.3.4 *Amendment to:* Planning Policy P350.16 Variation to Plot Ratio for Multiple Dwellings and Mixed Development - Report on Submissions**

Motion Passed 9/0

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

27/09/2016 8:31:44 PM

**10.3.4 Planning Policy P350.16 Variation to Plot Ratio for Multiple Dwellings and Mixed Development - Report on Submissions**

Motion Passed 8/1

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

No: Cr Colin Cala

27/09/2016 8:46:07 PM

**10.3.6 Request for Review of Conditions and Advice Notes of Conditional Subdivision Approval – City to Consider Cash-in-Lieu as an Alternative to Providing Public Open Space on Lot 500 (No. 77) Roebuck Drive, Salter Point (Aquinas College Subdivision)**

Motion Not Passed 2/7

Yes: Cr Glenn Cridland, Cr Jessica Black

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

27/09/2016 8:55:00 PM

**10.3.6 *Alternative Motion:* Request for Review of Conditions and Advice Notes of Conditional Subdivision Approval – City to Consider Cash-in-Lieu as an Alternative to Providing Public Open Space on Lot 500 (No. 77) Roebuck Drive, Salter Point (Aquinas College Subdivision)**

Motion Passed 7/1

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

No: Cr Glenn Cridland

Absent: Cr Jessica Black

27/09/2016 8:58:18 PM

**10.3.7 Proposed 40 and 49 Storey Mixed Development on Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth.**

Motion Passed 8/1

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland, Cr Colin Cala

No: Cr Sharron Hawkins-Zeeb

27/09/2016 9:04:31 PM

**10.4.1 Property Asset Management Review**

Motion Passed 9/0

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

27/09/2016 9:11:53 PM

**11. Applications for Leave of Absence**

Motion Passed 9/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Glenn Cridland, Cr1 Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

27/09/2016 9:13:18 PM

**12.1 *Amendment to:* REVOCATION OF AUGUST 2015 COUNCIL RESOLUTION: ITEM 10.5.1 BLACK SPOT PROGRAM**

Motion Passed 9/0

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

## APPENDIX

### 6.2 PUBLIC QUESTION TIME: 27 SEPTEMBER 2016

<p>1. Trevor Wilkinson, 2 Ruth Street, Como Received 19 September 2016</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p><i>[Preamble]</i> Illegal Non-Compliant Driveway</p> <p>I note Council wrote to CK Yong and JK Lim and a meeting was held not with the above, but the developers Peter Stannard Group and nothing has been done. The last time Council met the Stannard Group they walked away from their writings under the heading “the following are non-negotiable”. This is only one issue being a volatile situation with both gas and power being wrongly placed running parallel over the top of sewer mains. I know what it is to make decisions having been through a drought whilst farming. Down here no one will show the fortitude to make a decision to fix a simple driveway. There have been injustices and unanswered letters from the top down the Mayor, CEO, former A/CEO Mrs Lummer, Planning Department and a myriad of others. The wastage is shocking with 24 people visits in 21 vehicles. My question follows letter unread December 2015 then the letter of compliant February 2016.</p>	
<p>1. Will the CEO place a work order to have a reworking of the whole (total) driveway and not just part to finalise the whole matter and will you give me justice on all these matters before Council?</p>	<p>As advised to you at the August Council meeting, the retaining wall has not yet been constructed to the satisfaction of the City and the City is following up with the property owner in this regard. Correspondence was issued specifying the installation of a suitable retaining wall to be completed by Monday 19 September. That advice also refers to the fact that voluntary compliance will avoid the need for the preparation of a Direction Notice and/or formal prosecution through the Magistrates Court.</p> <p>On 2 September 2016, the land owner, Ms Yong, and David Jones of the Stannard Group, met with City officers regarding the City’s instructions. An inspection at No. 23A Brittain Street on 21 September, has confirmed that no remedial work has been undertaken at the property.</p> <p>The City has drafted a Direction Notice, which will be served as soon as possible.</p>

2. Craig Dermer, 63 Mill Point Road, South Perth Received 16 September 2016	Response provided by: Vicki Lummer, Director Development and Community Services
1. Once again Edge Developments have been allowed to not provide, as required, a serviced apartments management plan completed by the future managers. Since the developers of Millstream were able to provide such a document, can council explain why it has given selective commercial advantage to Edge Developments?	The applicant has provided information from Seashells Hospitality group which describes the operations they currently undertake. They have also provided a serviced apartment management plan with the information previously submitted, which is a generic document. It is not clear how this provides any advantage to them.
2. The DA for 74 Mill Point road claims a 34 storey building. Since there is an additional floor above 34 and below the roof, which the developers have creatively called a mezzanine, isn't this in fact a 35 storey building. Will the DA for 74 Mill Point Road be altered to apply for approval of a 35 storey building rather than 34?	The application is being described as " Proposed 34 Storeys (including penthouse mezzanine) Mixed Use Development (Roof RL118.35m AHD)" This is sufficient information for interested people to realise there is a mezzanine level and for them to compare the overall height with other buildings/structures should they wish to.
<p><i>Three observations:</i></p> <p>a) 'Quest' sell Serviced Apartments to investors.</p> <p>b) SP Policy 312 on Serviced Apartments could be amended at any time.</p> <p>c) The difference in car parking (and Bicycle) requirements between Residential and Serviced Apartments is significant.</p>	
3. Can an investor who purchases a serviced apartment live in the apartment without going through a change of use process? (the regulations currently state that the paying visitor or guest cannot stay in the apartment for over 15 weeks- but does not mention an owner)	No , a serviced apartment cannot be occupied for more than 15 weeks.
4. Does Council accept that it is possible that Serviced Apartments could in the future become normal residential apartments?	There is the ability for a future application to be submitted for a serviced apartment to be changed to a residence.
5. Given b. above, should Serviced Apartments be assessed for parking the same way normal residential apartments are assessed? As TPG recommend.	The City must assess applications according to what is proposed at the time.



6. What action will South Perth council take to obviate the car parking problems which will unfold if serviced apartments can ever be owned and habited as normal residential?	This matter would be considered if a change of use application is received by the City.
7. Who's responsibility is it to police the maximum stay limits in Serviced Apartments?	The City ensures compliance with scheme and conditions of planning approval and the strata body would also be expected to play a role.
<b>3. Sukhwant Singh of 17A Salter Point Parade, Salter Point Received 26 September 2016</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services</b>
<p><i>[Preamble]</i> My questions arise in the following way-the issue as to the proposed amendment 52 has been reduced to what is the correct setback. Council officers suggest 6m which the applicant has accepted. But it is not as simple as that. The answer lies in what was done by Mr Devereaux at No 68 River Way (adjacent to Lot 501). He built 24m from his southern boundary (*facing the river) so that the rear of his house aligned with No 76 (Mr Burnett), with Lots 501/502 lying in between. Mr Devereaux calculates that that means a setback of 10.5m from the rear boundary of Lots 501 and 502-that, I suggest, is the correct setback.</p>	
1. In these circumstances, isn't a general and standard 6m setback for flat blocks inadequate for Lots 501/502?	The preamble to this question makes incorrect assumptions as Mr Devereaux (No. 76) built his property in 2010 before no. 72 River Way was demolished in 2013. Hence the setbacks for No. 68 bear no relationship to the setbacks for No. 76. It is helpful to view the aerial photo for 2013, attached.
2. Arising from my preamble, isn't it the case that the 10.5 setback better resolves the towering effect, overshadowing, bulk and privacy issues for Lots 503,504 and 505 instead of 6m?	Officers consider that 6m setback, along with the provisions of the R-Codes in regards to privacy and overshadowing sufficiently protect Lots 503, 504 and 505 without unfairly impacting upon the development potential of Lots 501 and 502.
3. In this case, since Council is asked to apply its processes to amend TPS6, shouldn't the starting point be no amendment unless the applicant is able to show some exceptional case that does not prejudice surrounding owners rather than "design difficulties" (see the email dated 26/9/16 from applicant's planning consultant, Mr Taylforth)?	The Scheme Amendment process was initiated in order to facilitate the design of logical and sensible buildings within the height limits. The outcome of the amendment should not be contrary to that aim. The Local Planning Regulations require that any major changes to the advertised amendment will require readvertising.

<p><b>4. Geoff Defrenne of 24 Kennard Street, Kensington Received 2.41pm 27 September 2016 (late submission)</b></p>	<p><b>Response provided by: Vicki Lummer, Director Development and Community Services</b></p>
<p><i>[Preamble] Public Question Time – 23 August 2016</i></p> <p><i>Q5. Does the City have proposed lease agreements with the proposed tenants including the term of the tenancy and annual lease?</i></p> <p><i>Response provided: Yes the City has proposed peppercorn leases for the child health clinic, playgroup and Moorditj Keila and a paid lease for the football club and gridiron club which will be calculated on the formula of 0.01% of the insured value of the facility. All leases are 5 years with a 5 year option and all come with responsibilities on the groups for cleaning and maintenance.</i></p>	
<p><b>In relation to both the Football Club and the Gridiron Club.....</b></p>	
<p>1. What is the estimated lease payable by the club?</p>	<p>Taken on Notice due to the lateness of the submission. The response will be provided in the Minutes of the October 2016 Ordinary Council Meeting.</p>
<p>2. What will be the approximate area of the building the club will have exclusive use of?</p>	<p>Taken on Notice due to the lateness of the submission. The response will be provided in the Minutes of the October 2016 Ordinary Council Meeting.</p>
<p>3. What will be the approximate area of the playing field the club will have use of?</p>	<p>Taken on Notice due to the lateness of the submission. The response will be provided in the Minutes of the October 2016 Ordinary Council Meeting.</p>
<p>4. How many hours per year will the club have the use of the playing fields?</p>	<p>Taken on Notice due to the lateness of the submission. The response will be provided in the Minutes of the October 2016 Ordinary Council Meeting.</p>
<p><b>5. Sue Gillieatt of 7 Howard Parade, Salter Point (Chair of the Salter Point Community Group) Received at the meeting 27 September 2016 (online submission awry)</b></p>	<p><b>Response provided by: Vicki Lummer, Director Development and Community Services</b></p>
<p><i>[Preamble] In relation to Item 10.3.6 - We understand that section 155 of the Planning and Development Act 2005 explains how the valuation of such land is determined for a cash in lieu alternative to the public open space. Section 155(1)(b) refers to the mark Market Value of Land meaning the capital sum which an unencumbered estate might reasonably be expected to realise you've offered for sale on such reasonable terms and conditions and reasonable bone fide seller would require. To us this doesn't seem to equate to the unimproved value but rather to a value where the seller has control. However usually a seller considers value to a buyer as well as their own minimum price when determining sale value. It seems confusing – we were wondering about clarification to that section.</i></p>	

<p>1. If the city is still considering a cash in lieu proposition is it possible to consider deferring any such proposal on 10.3.6 until at least there is absolutely clarity about the options for determining value to the land?</p>	<p>In terms of deferring the item I would not recommend that because the request for clearance of those conditions has been with the City for quite a while so Council does need to make a determination on it.</p>
<p>2. To what degree if any did the City consider that the proposed buy-out of the 10% public open space was in direct conflict with priority 2 of its Strategic Community Plan 2015-25 which clearly sets out the need to enhance and develop public open space in within the City’s build and natural environment? If it wasn’t considered in this context, why not?</p>	<p>[Response provided by Mark Taylor, Director Infrastructure Services] In this circumstance the City has taken the initiative through Council adopting a budget to redevelop the Hope Avenue / Roebuck Reserve which was considered to be adequate for the area for Public Open Space.</p>
<p>3. Does the City see this as an opportunity to commence or resume negotiations with Aquinas College to reopen some of its bottom oval along Redmond for public open space?</p>	<p>No, we do not.</p>
<p><i>[Preamble] In relation to Item 10.3.1</i></p>	
<p>4. Should the West Australian Planning Commission (WAPC) determine that the amphitheatre will go ahead we trust the Council’s recommended specific conditions will be accepted by the Commission? Assuming they are and given we appreciate there will be difficulties for the city in policing any restrictions we request that all specific conditions be clearly defined. Therefore we ask how the following relevant terms and phrases will be defined. What types of activities will be “school based” activities, what will they entail and how do you think the City and Commission will define “for school use only”?</p>	<p>This was a matter of debate during the Council meeting and Council resolved that school based activities are “assemblies, graduations, school orchestra/bands/choirs, concerts, drama performances with patronage by South Perth students and their families”.</p>

## 13.2 PUBLIC QUESTION TIME: 27 SEPTEMBER 2016

<b>1. Councillor Fiona Reid</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services</b>
1. In relation to the Collier Park Village, how was it determined which units would be rented and where that number would end?	There is a clear cut off point in the Village between 78 and 79. Historically units above 78 have achieved a higher valuation when we are leasing on a life basis and are more desirable. The recent valuation report also recommends a changes in rental values at that point.
<b>2. Councillor Colin Cala</b>	<b>Response provided by: Vicki Lummer, Director Development and Community Services</b>
1. Is it possible at this stage to put some rationale into the R-Codes before it is put out to public consultation – my concern is that you have to re-advertise if later on we change things significantly so I think it's important to indicate what's been suggested is fluid and give rational for why those preliminary figures – is that possible??	Yes, we could put something into the Policy. Note that the policy was finally adopted at the 27 September Ordinary Council Meeting.
2. Do you see any value in a workshop to explain the rationale behind it – or a briefing?	It would be best after advertising and then any other changes could also be workshopped at that point.

**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 25 October 2016.

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