

MINUTES.

Ordinary Council Meeting

22 August 2017

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 22 August 2017 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

25 August 2017

Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

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

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

Further Information

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

- **Council Meeting Schedule**

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

- **Minutes and Agendas**

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

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km² divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

www.southperth.wa.gov.au/Our-Council/

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Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 22 August 2017.

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

This meeting is held in accordance with the City's Standing Orders Local Law which provides rules and guidelines that 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 '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 (arrived at 7.58pm)
Cr Ken Manolas	Mill Point Ward

Officers

Mr Geoff Glass	Chief Executive Officer
Mr Vicki Lummer	Director Development and Community Services
Mr Colin Cameron	Director Corporate Services
Mr Mark Taylor	Director Infrastructure Services
Ms Elyse Maketic	Manager Strategic Planning
Mr Stevan Rodic	Manager Development Services (until 7.33pm)
Ms Lisa Williams	Acting Manager Governance and Marketing
Ms Sharron Kent	Governance Officer
Ms Christine Lovett	Corporate Support Officer

Gallery

There were approximately 18 members of the public and one member of the media present.

4.1 APOLOGIES

Councillor Cheryle Irons gave notice to the Presiding Member that she will be arriving late to the meeting.

4.2 APPROVED LEAVE OF ABSENCE

There were no Members on a Leave of Absence.

4.3 GUEST: PAVITRA ARAN (WA YOUNG ACHIEVER OF THE YEAR 2017)

The Presiding Member welcomed to the meeting the Western Australian Young Achiever of the Year 2017 Award, Ms Pavitra Aran, 26 of South Perth.

Ms Aran is completing her Masters of Clinical Psychology. She has volunteered for Zero2Hero, a youth suicide prevention group delivering 30 school workshops and was a delegate at the West Australian Catalyst Youth Summit.

She founded a social media project; Young Refugees of Western Australia, creating positive media about young migrants and refugees. She is an active speaker and panellist, and the recipient of a Highly Commended Outstanding Contribution to Multiculturalism Award.

Ms Aran spoke to the work she is undertaking in the South Perth and wider community.

"I have done a lot of work with 12-24 year olds in the mental health space, prior to that suicide prevention across WA schools, a fair bit of volunteering.

I have worked with a culturally and linguistically diverse community based on Armadale, where there was a very low level of help seeking especially towards mental health services. I created an event on HeadSpace called "Cultural Conversations" which welcomes our refugee population and anyone from diverse backgrounds to come forward and have a conversation about mental health and wellbeing so we can better reach out to these community members – the event saw 125 individuals from various backgrounds come forward to speak openly about mental illness.

At present I work as a provisional psychologist working at Murdoch Psychology Clinic providing very low fees for community members and work with children as young as 3 and up to the age 86 in prevention of mental illness."

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. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

Declarations of Interest were received from:

- Cr Sharron Hawkins-Zeeb in relation to *Item 10.3.1 Two (2) Multiple Dwellings and Three (3) Grouped Dwellings (Two-Storey) – Lot 98 (No. 4) Downey Drive, Manning*
- Cr Jessica Black in relation to *Item 10.3.2 Initiation of Scheme Amendment No. 56 – Creation of Special Control Area 2 – Civic Triangle Site*
- Cr Ken Manolas in relation to *Item 12.2 Defining "Impermanent" as per Resolution 10.4.1 Reserve 34565 Management Order – Ordinary Council Meeting – 27 July 2017*

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

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the July 2017 Ordinary Council Meeting no public questions were 'Taken on Notice'.

6.2 PUBLIC QUESTION TIME: 22 AUGUST 2017

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 submitted 24 hours prior to the meeting. Forms are available on the City's website and at the City's Reception. Questions can also be submitted electronically via the City's website. Questions received 24 hour prior to the meeting would be dealt with first. Questions received less than 24 hours prior to the meeting would be 'Taken on Notice' and the response provided in the Agenda of the next month's Council meeting.

The Presiding Member then opened Public Question Time at 7.10pm.

Written questions were received prior to the meeting from:

- Mr Harry Anstey of 21 River View Street, South Perth
- Ms Lynn O'Hara - President of the City of South Perth Historical Society Inc.
- Mr Craig Dermer of the South Perth Peninsula Action Group

At 7.25pm the Presiding Member called for a Motion to extend Public Question Time by 5 minutes to hear those questions not yet heard.

Motion to Extend Public Question Time AND COUNCIL DECISION

Moved: Councillor Fiona Reid

Seconded: Councillor Travis Burrows

That Public Question Time be extended for 5 minutes to hear those not yet heard.

CARRIED (8/0)

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

A written question were received at the meeting by:

- Mr Harry Anstey of 21 River View Street, South Perth

Questions received at the meeting were 'Taken on Notice'. The answers to these questions will be provided in the Appendix of the September 2017 Ordinary Council Meeting Agenda.

The Presiding Member then closed Public Question Time at 7.29pm.

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 25 July 2017

7.1.2 Audit, Risk and Governance Committee Meeting Held: 8 August 2017

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Fiona Reid

Seconded: Councillor Sharron Hawkins-Zeeb

That the Minutes of the Ordinary Council Meeting held 25 July 2017 and the Audit, Risk and Governance Committee Meeting held 8 August 2017 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

7.2 BRIEFINGS

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

7.2.1 Draft Urban Forest Strategy Concept Briefing: 11 July 2017

Officers of the City provided Council with an overview of the Draft Urban Forest Strategy at a Concept Briefing held 11 July 2017.

Attachments

7.2.1(a): 11 July 2017 - Draft Urban Strategy - Concept Briefing Notes

7.2.2 Collier Park Golf Course Concept Briefing: 17 July 2017

Officers of the City provided Council with an overview of the Collier Park Golf Course at a Concept Briefing held 17 July 2017.

Attachments

7.2.2 (a): 17 July 2017 - Collier Park Golf Course - Concept Briefing Notes

7.2.3 Canning Bridge Activity Centre Plan – Refresher - Development Applications Concept Briefing: 7 August 2017

Officers of the City provided Council with an overview of the Canning Bridge Activity Centre Plan – Refresher – Development Applications now being received at a Concept Briefing held 7 August 2017.

Attachments

7.2.3 (a): 7 August 2017 - Canning Bridge Activity Centre Plan – Refresher - Notes

7.2.4 Council Agenda Briefing: 15 August 2017

Officers of the City presented background information and answered questions on items to be considered at the 22 August 2017 Ordinary Council Meeting at the Council Agenda Briefing held 15 August 2017.

Attachments

7.2.4 (a): 15 August 2017 - Council Agenda Briefing - Notes

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Sharron Hawkins-Zeeb

That the Notes of the:

- Draft Urban Forest Strategy Concept Briefing held 11 July 2017;
- Collier Park Golf Course Concept Briefing held 17 July 2017;
- Canning Bridge Activity Centre Plan – Refresher – Development Applications Concept Briefing held 7 August 2017; and
- Council Agenda Briefing held 15 August 2017

be noted.

CARRIED (8/0)

8. PRESENTATIONS

8.1 PETITIONS

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

There were not petitions to present.

8.2 PRESENTATIONS

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

The Chief Executive Officer, Mr Geoff Glass presented two gifts to Council::

- **Book: “Following the Bouncy Burley” by Derek Mott
West Australian Football Commission (WAFC)**

The City of South Perth hosted the WAFC Board for their July monthly meeting at the new facility at Manning HUB – home of the ‘Manning Rippers’. They were given a guided tour and were impressed with the new facility and the integration of a sporting facility with community, cultural and commercial uses.

The West Australian National Football League umpires, who are based at Ernest Johnson (EJ) Reserve and who train the AFL and WAFL umpires had an inspection of the under-construction facility which will be home to them as well as other sporting and community groups.

In recognition of the contribution of the City and more broadly local government as, arguably, the new major sponsor of AFL through both facility provision and oval provision, the Mayor and Chief Executive Officer were recently guests at the WAFC where the City was presented with a new book on grass roots football. The book will be placed in the library for public benefit.

- **Plate: Curtin University – 50 Years of Innovation**

The Chief Executive Officer attended a function on behalf of the City to commemorate Curtin University’ “50 years of Innovation”. To celebrate the occasion a boxed plate was given to the City.

The University neighbours with South Perth and it has significant impact on the City. The celebration was an occasion to recognise the University’s history and achievements as well as its ambitious plans as it goes forward.

The Presiding Member called for a Motion to accept these gifts:

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Sharron Hawkins-Zeeb

Seconded: Councillor Glenn Cridland

That the book received from the West Australian Football Commission and the plate received from Curtin University be accepted.

CARRIED (8/0)

8.3 DEPUTATIONS

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

Deputations were heard at the Council Agenda Briefing held 15 August 2017.

8.4 COUNCIL DELEGATES REPORTS

There no Council Delegates' Reports to present.

8.5 CONFERENCE DELEGATES REPORTS

8.5.1 Australian Local Government Association (ALGA) National General Assembly (NGA): 18-21 June 2017

A report summarising the Australian Local Government Association (ALGA) National General Assembly (NGA): 18-21 June 2017 (NGA), prepared by Councillor Fiona Reid, is attached.

Attachments

8.5.1 (a): 18-21 June 2017 - Australian Local Government Association (ALGA) National General Assembly (NGA) - Delegates' Report

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Sharron Hawkins-Zeeb

That the report on the Australian Local Government Association (ALGA) National General Assembly (NGA): 18-21 June 2017 (NGA) be received.

CARRIED (8/0)

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 15 August 2017

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.3.1 Two (2) Multiple Dwellings and Three (3) Grouped Dwellings (Two-Storey) - Lot 98 (No. 4) Downey Drive, Manning

Item 10.3.2 Initiation of Scheme Amendment No. 56 - Creation of Special Control Area 2 - Civic Triangle Site

9.1 EN BLOC MOTION

COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Sharron Hawkins-Zeeb

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

Item 10.0.1 Proposed Amendment No. 55 to Town Planning Scheme No. 6 - Minor Modifications to Clause 5.4 (10)(e). Consideration of Submissions

Item 10.1.1 Community Sporting and Recreation Facilities Fund (CSRFF) - Small Grant Funding

Item 10.1.2 Community Sporting and Recreation Facilities Fund - Annual Planning Grant

Item 10.6.1 Financial Management Reports - July 2017

Item 10.6.2 Listing of Payments

Item 10.6.3 Cats Amendment Local Law 2017

Item 10.7.1 Audit, Risk and Governance Committee Meeting – 8 August 2017

CARRIED (8/0)

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Proposed Amendment No. 55 to Town Planning Scheme No. 6 - Minor Modifications to Clause 5.4 (10)(e). Consideration of Submissions

Location:	City of South Perth
Ward:	Manning Ward
Applicant:	City of South Perth
File Ref:	D-17-67419
Date:	22 August 2017
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy:	4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.

Summary

In March 2017, the Council initiated Amendment No. 55 which proposes minor amendments to clause 5.4(10). That clause creates two commercial sites, Sites J and K, within the Manning Community Centre, and among other matters, defines a three-dimensional building envelope for each of these two sites. Paragraph (e) of that clause permits awnings to project beyond the building envelopes, and Amendment No. 55 extends that permission to also include balcony balustrades and canopies.

Amendment No. 55 has been advertised and the three Submissions received have been assessed. Following consideration of the matters raised in the submissions, it is recommended that the proposed Amendment be modified in order to further clarify the intent of the subject clause and ensure that no portion of a balcony projects beyond the lot boundaries. This report sets out a recommendation that Amendment No. 55 be **approved with modification**, to the extent described in the attached Report on Submissions and Schedule of Submissions (**Attachment (a)**).

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Sharron Hawkins-Zeeb

That:

- (a) the Western Australian Planning Commission be advised that Council recommends that:
- (i) Submissions 1.1 to 1.3 inclusive, opposing the proposed Amendment No. 55 be PARTIALLY UPHeld;
 - (ii) Modifications recommended by the Council be UPHeld; and
 - (iii) Amendment No. 55 to the City of South Perth Town Planning Scheme No. 6, comprising **Attachment (b)**, 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 Town Planning Scheme No. 6 by amending clause 5.4(10)(e) to read as follows:
“(e) Notwithstanding clause 5.4 (10)(b) and clause 5.4 (10)(c), awnings, canopies and balcony balustrades are permitted to extend beyond the boundaries of the three-dimensional building envelopes depicted in Figures 1, 2, 3 and 4, provided that no portion of any balcony extends beyond the lot boundaries of Sites J and K.”
- (c) the Council hereby authorises the affixing of the Common Seal of Council to three copies of the Amendment No. 55 document (**Attachment (b)**), as required by those Regulations;
- (d) the Report on Submissions incorporating the Schedule of Submissions containing the Council’s recommendations, a copy of the submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for final determination of the Submissions and of Amendment No. 55 by the Minister for Planning; and
- (e) the submitters be thanked for their participation in this process.

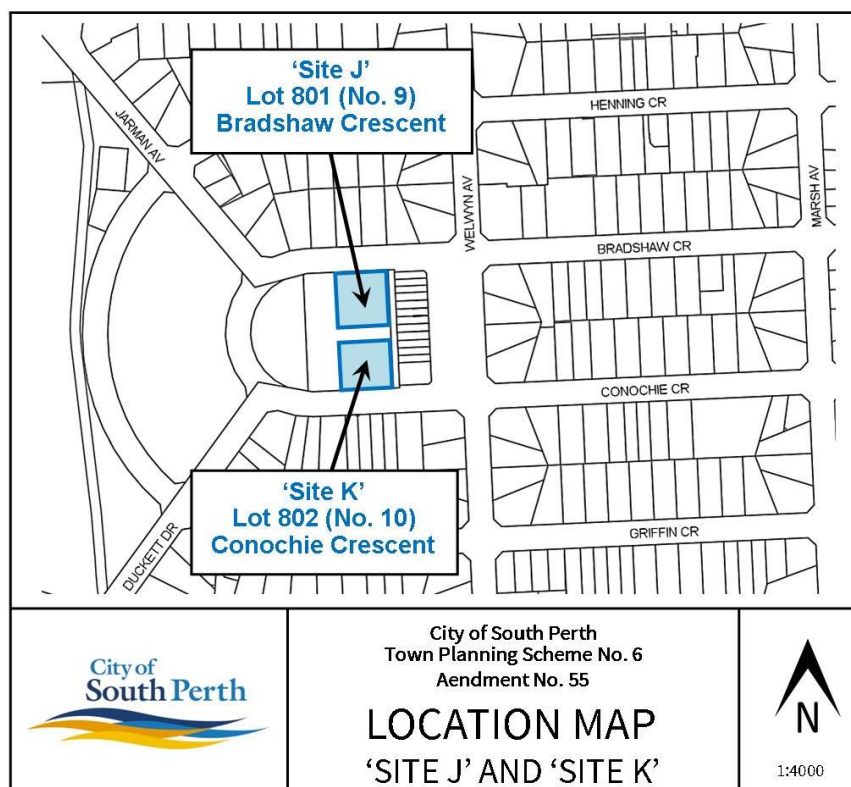
CARRIED EN BLOC (8/0)

Background

This report includes the following attachments:

- **Attachment (a):** Report on Submissions incorporating the Schedule of Submissions; and
- **Attachment (b):** Amendment No. 55 document for final adoption.

Amendment No. 55 relates only to Lot 801 (No. 9) Bradshaw Crescent (identified in clause 5.4(10) as ‘Site J’) and Lot 802 (No. 10) Conochie Crescent (identified in clause 5.4(10) as ‘Site K’), Manning. The location of these sites is shown below:



The Manning Community Centre includes two freehold sites intended for commercial developments which would support the function of the Manning Community Centre. In 2014, Amendment No. 36 introduced clause 5.4 (10) containing site-specific development requirements for these two sites. The requirements included a building envelope for each site which replaced existing plot ratio, residential density, and setback provisions for Sites J and K.

In March 2017, the Council initiated Amendment No. 55 to Town Planning Scheme No. 6 [TPS6] to modify paragraph (e) of clause 5.4 (10). Under this paragraph, awnings above ground level are currently permitted to project beyond the building envelopes. Amendment No. 55 proposes to expand this to also permit canopies and balcony balustrades to project beyond the building envelopes.

The proposed Amendment has been advertised for community inspection and comment. **Attachment (a)** 'Report on Submissions' and 'Schedule of Submissions' contains discussion on the submissions and officer's recommendations on each matter raised.

Comment

The attached Report on Submissions and Schedule of Submissions on Amendment No. 55 (**Attachment (a)**) describe the consultation process which was recently undertaken. During this period, 3 submissions were received. These are discussed in the 'Consultation' section of this report (below), and in the attached Report on Submissions.

The submissions, in the form of a bound volume, have been placed in the Council Members' lounge for examination prior to the August Council Briefing and Meeting.

Consultation

As required by the *Planning and Development (Local Planning Schemes) Regulations 2015* [the Regulations], the Amendment No. 55 proposal was forwarded to the Environmental Protection Authority (EPA) for assessment, on 4 April 2017. The EPA responded by letter dated 8 May 2017, advising that no assessment or conditions are required under Part IV Division 3 of the Environmental Protection Act.

Following receipt of the EPA advice, the statutory advertising required by the Regulations, TPS6 and Council Policy P301 'Community Engagement in Planning Proposals' was undertaken. The 46-day community consultation period commenced on 23 May and concluded on 7 July 2017.

The draft Amendment was advertised in the manner described below:

- Letters inviting comment sent to owners of owners of 59 surrounding properties. In this case, the consultation area was slightly expanded beyond the minimum 'Area 2' as defined in Council Policy P301 for Scheme Amendments (being generally 150 metres along streets abutting the Amendment site), to also include intermediate properties in Welwyn Avenue.
- Notice published in two issues of the Southern Gazette newspaper: on 23 May and 30 May 2017;
- Notices and Amendment documents displayed in the Civic Centre customer foyer, City Libraries and on the City's web site ('Your Say South Perth').

The required minimum advertising period is 42 days. It is the City's practice to extend community consultation for a few days to allow for late submissions and delays in postage and delivery. On this occasion, the advertising period was 46 days. During this period, 3 submissions were received. The submissions, together with a Council response, are discussed and summarised in the Report on Submissions which incorporates the Schedule of Submissions, provided as **Attachment (a)**. All three of the submissions oppose particular aspects of Amendment No. 55.

The submissions oppose the following aspects of Amendment No. 55:

- possible adverse appearance of projections beyond the building envelopes;
- possible obstruction of the public street footpath by projecting canopies or other structures;
- possible obstruction of the surrounding streets with car parking associated with the future commercial activities;
- the need for ongoing community engagement on final development proposals for Sites J and K;
- lack of convincing justification by the City for the Amendment; and
- scepticism as to the value of making a submission.

In response to the first two points, the permitted projections beyond the building envelope relate to minor, light weight elements of the built form that will have a negligible impact on building bulk. Further canopies and awnings are required to have a minimum 2.7m clearance from ground level under separate legislation to ensure sufficient space for vehicles such as street sweepers, which ensures that they will not obstruct the footpath.

Notwithstanding a minor modification to clarify that no portion of a balcony is to project beyond the lot boundaries is recommended. Balconies projecting beyond the lot boundary are not desirable as there are issues with public liability insurance due to the nature of their use.

When the Council has adopted the Amendment document at **Attachment (b)**, it will be forwarded to the Western Australian Planning Commission (WAPC) with a recommendation that the Minister for Planning grant final approval **with modification**.

Policy and Legislative Implications

Amendment No. 55 fulfils the requirement of TPS6 clause 9.8 'Amendments, which includes the following provision:

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

The Scheme Amendment will have the effect of permitting additional structures to project beyond the building envelopes on Sites J and K.

Proposed Amendment No. 55 to Town Planning Scheme No. 6 - Minor Modifications to Clause 5.4 (10)(e). Consideration of Submissions

The Council has undertaken community consultation as required by the Regulations, TPS6 and Council Policy P301, and must now consider whether to recommend to the Minister for Planning to finally approve Amendment No. 55, with or without modifications, or not approve it. The recommendation is to approve the Amendment **with modification**. When the Minister approves Amendment No. 55, the City will arrange for Notice of the Minister's approval to be published in the *Government Gazette* and in the *Southern Gazette* newspaper. The Amendment provisions will then become operative.

The statutory Scheme Amendment process is set out below, together with a date for each stage. The stages which have been completed, including the consideration at the 22 August Council meeting, are shaded:

Stage of Amendment No. 55 Process	Estimated time
Council decision to initiate Amendment	28 March 2017
Council adoption of draft Amendment Report and Scheme Text for advertising purposes	28 March 2017
Referral of draft Amendment documents to EPA for environmental assessment, and to WAPC for information	4 April 2017
Receipt of EPA comments advising that no environmental assessment or conditions are required	8 May 2017
Community advertising period of 46 days	23 May to 7 July 2017
Council consideration of Report on Submissions	22 August 2017
Referral to WAPC and Minister for consideration of the below information and final approval: <ul style="list-style-type: none"> • all of the submissions • Report on Submissions and Schedule of Submissions • Council's recommendation on proposed Amendment 	Within two weeks of the August 2017 Council meeting
Minister's final determination of Amendment	Not yet known
City's publication of Notice of the Minister's final determination of Amendment No. 45 in Government Gazette and Southern Gazette newspaper following receipt from WAPC of advice of Minister's final determination	Not yet known

Financial Implications

All financial costs incurred during the course of the statutory Scheme Amendment process are being met by the local government.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). This matter relates to Strategic Direction 4 "Places" identified within Council's Strategic Plan 2015-2025, which is expressed in the following terms: *Develop, plan and facilitate vibrant and sustainable community and commercial places.*

Sustainability Implications

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

10.0.1 Proposed Amendment No. 55 to Town Planning Scheme No. 6 - Minor Modifications to Clause 5.4 (10)(e). Consideration of Submissions

Conclusion

Having regard to the discussion contained in this report and the attached Report on Submissions (which incorporates the Schedule of Submissions) and Council recommendations, City officers are satisfied that Amendment No. 55 should now be adopted by the Council subject to a minor modification to clarify that no portion of a balcony is to project beyond the lot boundary. The Scheme Amendment process is designed by statute to be open and accountable, and inclusive of community input. Although all three of the submissions oppose the Amendment, several of the key concerns are addressed by existing TPS6 provisions and City practices, and can also be addressed through the proposed modification. Following the Council's consideration of the submissions on Amendment No. 55, the Council's recommendations will be forwarded to the WAPC and the Minister for Planning for final processing and determination.

Attachments

- 10.0.1 (a):** Report on Submissions incorporating the Schedule of Submissions
- 10.0.1 (b):** Amendment No. 55 documents for final adoption

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Community Sporting and Recreation Facilities Fund (CSRFF) - Small Grant Funding

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-17-68109
Date:	22 August 2017
Author:	Jessica Fordham, Club Development Officer
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

To consider an application for the 2018/2019 Community Sporting Recreation Facilities Fund (CSRFF) Small Planning Grants.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Sharron Hawkins-Zeeb

That:

- (a) The application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) – Small Grants 2017/18, be submitted to the Department of Local Government, Sport and Cultural Industries together with comments from the officer report and the following ranking and rating:

Applicant	Project	Ranking	Rating
South Perth Baseball Club	Batting cage replacement	1	A

- (b) Subject to this application being successful with the Department of Local Government, Sport and Cultural Industries, a provisional amount of \$58,566 is considered in the 2018/2019 annual budget as the City's contribution as follows:

- (i) South Perth Baseball Club \$58,566.00 (ex GST)

CARRIED EN BLOC (8/0)

Background

The Department of Local Government, Sport and Cultural Industries (DLGSCI), formerly the Department of Sport and Recreation annually invite applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation.

<i>Grant Category</i>	<i>Total Project Cost Range</i>	<i>Standard DSR Contribution</i>	<i>Frequency</i>
Small Grants	\$7500 – \$200,000	\$2500 – \$66,666	Bi-Annual
Annual Grants	\$200,001 – \$500,000	\$66,667 – \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,667 – \$2,000,000	Annual

The maximum grant awarded by DLGSCI will be no greater than one-third of the total cost of the project up to a maximum of \$1M. The CSRFF grant must be at least matched by the applicant's own cash contribution equivalent to one third of the total project cost, with any remaining funds being sourced by the applicant. In some cases, funds provided by the Department do not equate to one-third of the project costs and the applicants are advised that they are expected to fund any shortfall. The local government is not obliged to contribute funding to the projects. As stated in the CSRFF guidelines, small grants for this round of funding require an implementation period of one year. Therefore grant applications in this round must be claimed by 15 June, 2019.

Comment

One project is being proposed by the City for the 2017/2018 CSRFF Grants:

(i) South Perth Baseball Club (Batting cage replacement)

CSRFF Grant sought \$58,566.00 (ex GST)

South Perth Baseball Club's contribution \$58,566.00 (ex GST)

City's Contribution \$ 58,566.00 (ex GST)

Estimated Total Project Cost \$175,698.00 (ex GST)

Assessment

A panel comprising the Recreation Development Co-ordinator, Parks Operations Coordinator and Club Development Officer assessed and ranked the application against the following criteria set by the Department of Sport and Recreation:

A	Well planned and needed by municipality
B	Well planned and needed by applicant
C	Needed by municipality, more planning required
D	Needed by applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

The results are summarised below.

2018/2019 CSRFF small grants

Applicant	Project	Ranking	Rating	City's Contribution	Total Project cost
South Perth Baseball Club	Batting cage replacement	1	A	\$58,566	\$175,698
TOTAL				\$58,566	\$175,698

South Perth Baseball Club

The South Perth Baseball Club are currently located on Reserve number R36435 located on Crown Lot 3817 on Deposited Plan 218435 and known as Bill Grayden Reserve is zoned for the purpose of Parks and Recreation, with a power to lease and sub lease. The lease area is situated on the Reserve. The Premises known as Bill Grayden Pavilion, is situated in the lease area on the Reserve. The lease for the club was recently renewed in 2015 for a period of five years, with the option for another five years.

The club is affiliated with Baseball WA and has 142 members, a slight decrease in membership compared with 2015/16 (150). It is primarily used by club members (90%), Baseball WA and other local clubs. The clubs net income as at April 2017 is \$90,590.85.

Participation numbers in baseball throughout WA have remained the same in season 2015/16 and this continues to be a focus for Baseball WA. Little League baseball in WA again proved to be the flagship department in baseball and clubs and members are working hard to provide positive environments for both children and adults to play baseball.

The club would like to demolish the current batting cages and build new batting cages the same size with no internal posts and a roof over it. The facility will also be wheelchair accessible for athletes with a disability. Over the past five years other local governments to replace the batting cages include the City of Stirling, City of Belmont and City of Gosnells. According to the club the replacement of the batting cages is required as the current cages are over 15 years old. The nets are worn and have many holes in them through and the structure that holds the nets is breaking apart. The support poles through the middle ricochet balls off them and can strike the batter or thrower. Trees located next to the cages drop leaves and branches causing rot and damage. A roof over the top will help stop this and give the facility longer life.

It is recommended that this project is rated 'A- Well planned and needed by the municipality' and in making this assessment the panel noted:

- South Perth Baseball Club submitted a sound application;
- Comments from residents regarding the existing batting cages are that it is a deteriorated structure and needs replacing;
- South Perth Baseball Club demonstrates it is a sustainable club.

Officers support the club in replacing the current batting cages.

Consultation

Initial consultation was undertaken with the City via the Recreation Development Co-ordinator and Club Development Officer.

South Perth Baseball Club has advised City Officers and DLGSCI about its intention to submit an application. The club has also discussed its application with Baseball WA.

Policy and Legislative Implications

This policy relates to Policy P110 – Support of Community & Sporting Groups.

Financial Implications

The level of financial assistance offered is based on the overall significance of the proposed project, including the benefits provided to the community. There is no obligation on the local government authority to make any contribution to a community project, but in the past the City has matched the contribution by the Department of Local Government, Sport and Cultural Industries of up to one-third of the total cost of successful project within its boundaries.

The City supports the application and therefore provisional amount has been proposed to be included in the upcoming annual budget for 2018/2019.

The total project cost is estimated at \$175,698 (ex GST). The total contribution being requested from the City is \$58,566 (ex GST). Subject to DLGSCI approval, it is proposed that \$58,566 (ex GST) is provisionally allocated in the 2018/2019 annual budget.

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

10.1.2 Community Sporting and Recreation Facilities Fund - Annual Planning Grant

Location: City of South Perth
Ward: Not Applicable
Applicant: City of South Perth
File Ref: D-17-68108
Date: 22 August 2017
Author: Jennifer Hess, Recreation Development Coordinator
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

To consider an application for the 2018/2019 Community Sporting Recreation Facilities Fund (CSRFF) Annual Forward Planning Grants.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Sharron Hawkins-Zeeb

That the application for funding for the Community Sporting Recreation Facilities Funding (CSRFF) – Annual and Forward Planning Grants 2018/19, be submitted to the Department of Local Government, Sport and Cultural Industries together with the comments from the officer report and the following ranking and ratings:

Applicant	Project	Ranking	Rating
City of South Perth	Ernest Johnson Redevelopment Stage Two	1	A

CARRIED EN BLOC (8/0)

Background

The Department of Local Government, Sport and Cultural industries (DLGSCI), formerly the Department of Sport and Recreation annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation.

The state government has allocated \$12M for the 2018/2019 annual funding round. A maximum of \$2 million is available for annual/forward planning grants in the next financial year.

Table 1 CSRFF Grant Categories

Grant category	Total Project Cost Range	Standard DLGSCI Contribution	Frequency
Small grants	\$7,500 - \$200,000	\$2,500 - \$66,666	Bi-annual
Annual Grants	\$200,001 - \$500,000	\$66,667- \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,667 - \$2 million	Annual

The maximum grant awarded by DLGSCI will be no greater than one-third of the total cost of the project up to a maximum of \$2 million. The CSRFF grant must be at least matched by the applicants own cash contribution equivalent to one third of the total project cost, with any remaining funds being sourced by the applicant. In some cases, funds provided by the Department do not equate to one-third of the project costs and the applicants are advised that they are expected to fund any such shortfall.

As stated in the CSRFF guidelines, annual and forward planning grants for this round of applications may require an implementation period of between one and three years. Grants given in this category may be allocated in one or a combination of the years in the triennium. Due to the project cost, this project is considered to be a forward planning grant. It is proposed, for this application, that the project will be undertaken during 2018/2019 and therefore must be claimed by 15 June 2019.

Practical Completion for Stage One is due on 27 December 2017. Stage 2 is expected to commence in February 2018.

In 2015 the City successfully sought \$600,000 funding from DSR for Stage One of the project which is currently underway. The City was unsuccessful in its application for the forward planning grant for CSRFF in 2017. However, the City has spoken with the DLGSC who has encouraged the City to apply again.

Comment

One project is proposed by the City for the 2018/2019 CSRFF annual and forward planning grants:

(i) City of South Perth (Implementation of EJ Master Plan – Stage Two)

CSRFF Grant sought	\$600,000 (ex GST)
City's contribution	\$2,160,000 (ex GST)
Estimated Total Project Cost	\$2,760,000 (ex GST)

In November 2011, the City engaged Jill Powell & Associates to develop the Ernest Johnson Master Plan. The project was staged in two parts: Stage One consisted of research and data collection; stakeholder consultation; and the development of a basic concept plan with recommendations for the future of the reserve and its facilities. Stage Two comprised more detailed assessment of the buildings, ovals and outdoor spaces; and full conceptual drawings, costings and stages of implementation.

The aim of the project was to develop a master plan for the redevelopment of Ernest Johnson Reserve, incorporating all active reserves (Ernest Johnson Oval, Hensman Park and Sandgate Reserve) and existing buildings and stakeholders (Ernest Johnson Scout Hall, Ernest Johnson Pavilion, Como Bowling and Recreation Club, Rotary Community Hall, storage facility and a public toilet building). At this stage it also aimed to incorporate relocating the Como Croquet Club and Returned Services League (RSL) to the site, if possible. The Como Croquet Club relocation and Como Bowling Club additions are no longer part of the scope for this redevelopment.

Through meetings with the users of the facilities and a community workshop, Jill Powell & Associates key findings as part of Stage One were summarised as follows:

- Ageing buildings
- Conflicts in use
- Increase in demand for passive use
- Need to understand wider community needs in addition to the permanent/long term user groups
- Potential to reduce duplication
- Potential to reduce ongoing maintenance costs for the City
- Better designed facilities to cater for the next 20-30 years

It is recognised that each group has very specific needs for their sport/activity e.g. turf cricket wicket for cricket. However, not every group can be fully accommodated and the main generic priorities were identified as:

- Club storage
- Sporting ovals
- Upgrade existing toilets
- Clubrooms
- Function room

Stage Two consisted of developing a concept plan, architectural drawings, staging and costs to accommodate as many of the needs as possible.

The concept master plan currently proposes the following two stages, over two years:

Stage 1 (\$7,740,000)

- Detailed design and documentation of the proposed building
- Car park and roadworks construction
- Construction of new building, including public toilets
- Commencement of design and documentation of civil works

Stage 2 (\$2,760,000)

- Demolition of existing buildings
- Reserve irrigation
- Relocation of cricket practice wickets
- Little athletics throwing circles and long jump pit
- Synthetic cricket pitches
- Relocation of existing senior turf cricket wicket
- Large playground and social amenities.

The total cost of the project is estimated at \$10,500,000, incorporating contingencies, consulting fees and escalation costs. The master plan will be subject to annual review upon each stage of implementing the Plan. Therefore minor adjustments are likely to occur throughout the process to satisfy certain requirements or constraints.

Consultation

The City advertised the funding round by direct mail out to clubs, and email notification. No applications for this round were received by other community sporting clubs.

Since 2012, stakeholder engagement specific to this project has occurred as follows:

A survey was sent to all relevant clubs, and user groups who currently use the facilities at Ernest Johnson Reserve. In total 20 surveys were sent, with 13 replies. The following groups were surveyed: South Perth Little Athletics; South Perth Junior Football Club; South Perth Junior Cricket Club; Como Bowling & Recreation Club; WAFC Umpires Association; RSPCA WA; Step Into Life (Personal Trainers); South Perth Playgroup; Girl Guides WA; Rotary Club of South Perth-Burswood, South Perth Hospital and various hall users.

Further engagement included:

- The Peninsula Newsletter (Winter 2012) featured an article about the general project to advise the wider community.
- An article featured in the Southern Gazette Community Newspaper Snapshot page.
- A series of individual meetings were conducted with South Perth Hospital, WAFC Umpires Association, Como Bowling & Recreation Club, Rotary Club of South Perth-Burswood, South Perth Junior Cricket Club, Girl Guides South Perth, South Perth Playgroup, South Perth Little Athletics, South Perth Junior Football Club, and Como Croquet Club.
- A public meeting was conducted on 8 March 2012 at the Ernest Johnson Hall at 6.30pm. A total of 35 community members attended. Names and contact details were recorded of those who wished to be kept informed.
- A briefing on the initial findings and key concepts was presented to Council on 10 April 2013.

A second briefing was presented to Council in April 2014.

Since May 2014, ongoing meetings have been held with representatives from the Como Croquet Club, South Perth Junior Football Club, WA Umpires Association, South Perth Cricket Club, Step Into Life Personal Trainers, Como Bowling and Recreation Club, RSL, Rotary Club of South Perth Burswood, Girl Guides WA, South Perth Playgroup, South Perth Junior Cricket Club, and South Perth Little Athletics to discuss the findings and the concept master plan.

Since Council considered this project in May 2014, the master plan has been out for community comment for a 60 day period, which closed on 7 August 2014. In total 54 comments were received. Specific requirements from immediate stakeholders such as South Perth Junior Football Club and other facility users have been considered and ongoing stakeholder management continues with these groups.

The development application was submitted to the City in November 2015 and underwent an advertised comment period of 7 weeks (8 December 2015 – 29 January 2016).

This project has been the subject of extensive community consultation, stakeholder engagement and Council briefings during the initial master-planning stage, then during design development. A number of changes have previously been made to the internal layout of the buildings, as well as the configuration of the reserves in response to feedback received.

Policy and Legislative Implications

This report relates to Policy P110 - Support of Community & Sporting Groups.

Financial Implications

The total project cost is estimated at \$10,500,000 incorporating contingencies, consulting fees and escalation costs.

The City's Strategic Financial Plan 2013-2023 has allocated \$10.5 million to this project.

The Strategic Financial Plan proposes staging the project as follows:

2016/2017 - \$7.5 million (Stage One near completion)

2017/2018 - \$3 million (Stage Two which is the basis for this application).

The City has already received \$600,000 from DLGSC to subsidise Stage One of the implementation of the redevelopment, which is currently underway. This funding application is applicable to Stage Two only and will occur throughout 2018.

Strategic Implications

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

- Direction 1 – Community: *“Create opportunities for an inclusive, connected, active and safe community”*.
- Direction 2 – Environment: *“Enhance and develop public open spaces and manage impacts on the City's built and natural environment”*.
- Direction 6 – Governance, Advocacy and Corporate Management: *“Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan”*.

Sustainability Implications

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

The City encourages shared use of its facilities to maximise rational use for minimal cost. This proposed project demonstrates this principle. This project also aims to enhance the quality of life and provide opportunities for capacity building through appropriate provision of community facilities. Additionally the facilities constructed as part of this project will use the Ecological Sustainable Development (ESD) building design principles, as per the City's Policy P208.

Attachments

Nil

Prior to discussion on the next Item Councillor Sharron Hawkins-Zeeb read aloud her Declaration of Interest at Item 10.3.1, as follows:

“I wish to declare a Financial Interest in Agenda Item 10.3.1 Two (2) Multiple Dwellings and Three (3) Grouped Dwellings (Two-Storey) – Lot 98 (No. 4) Downey Drive, Manning on the Council Agenda for the Ordinary Council Meeting of 22 August 2017. I declare that I am the owner/occupier of No. 6 Downey Drive, Manning an adjoining neighbour to the proposed Mixed Development No. 4 Downey Drive, Manning. It is my intention to vacate the Chamber before the Item is discussed and voted on.”

At 7.40pm Councillor Sharron Hawkins-Zeeb vacated the Chamber.

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Two (2) Multiple Dwellings and Three (3) Grouped Dwellings (Two-Storey) - Lot 98 (No. 4) Downey Drive, Manning

Location:	Manning
Ward:	Manning Ward
Applicant:	140 Degrees Pty Ltd
File Reference:	D-17-67415
DA Lodgement Date:	23 May 2017
Meeting Date:	22 August 2017
Author(s):	Valerie Gillum, Planning Officer Development Services
Reporting Officer (s):	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 Two (2) Multiple Dwellings and Three (3) Grouped Dwellings (Two-Storey) on Lot 98 (No. 4) Downey Drive, Manning. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Integrated Development/Land Use	TPS6 clause 5.4(4)(b)
Street Setback	R-Codes Clause 6.1.3 C3.1
Building Design, Layout and Landscaping	TPS6 clause 5.4(4)(e)
Car Parking Bays	R-Codes Clause 6.3.3 C3.1 and TPS6 clause 5.4(4)(e)(v)
Boundary walls	R-Codes Clause 5.1.3 C3.3
Lot Boundary Setbacks	R-Codes Clause 5.1.3 and Tables 2a and 2b

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
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*, this application for planning approval for Two (2) Multiple Dwellings and Three (3) Grouped Dwellings (Two-Storey) on Lot 98 (No. 4) Downey Drive, Manning **be approved** subject to:

(a) Standard Conditions

415	street tree- fee yet to be paid (\$990.00) (refer Advice Note (2))	455	primary street fences- standards
210	screening- permanent	455a	dividing fences - standards
416	street tree- not to be removed	455b	fencing material
377	screening- clothes drying	456	dividing fences- timing
390	crossover- standards (refer Advice Note (3))		
445	stormwater infrastructure (Refer Advice Note (4))		
625	sightlines for drivers		

(b) Specific Conditions

- (i) Boundary wall of Unit 1 on the western side of the lot visible from the street and the boundary walls of the garage of Unit 5 on the eastern and northern side of the lot visible from the neighbouring properties shall be finished to match the external walls of the building on the development site. Details in this respect are to be included on the plans submitted with a building permit application.
- (ii) The designated visitor parking bay shall be clearly identified on site by means of a sign bearing the words "Visitors' Parking Only" in accordance with the requirements of clause 6.3 (11) of Town Planning Scheme No. 6 and shall be constructed of 'Grass-Cel' turf as indicated on the approved drawings.
- (iii) The rubbish storage area for the multiple dwellings shall be provided, located and screened from view from all units and the street as indicated on the approved drawings to the satisfaction of the City, and such area shall be provided with a gate.
- (iv) All landscaping works must be completed in accordance with the approved drawings. The developer must implement the landscaping prior to occupation of the dwellings. Furthermore, all landscaped areas must be maintained thereafter to the satisfaction of the City.
- (v) At least one tree, not less than 3.0 metres in height, shall be planted on the site as shown on the approved drawings, prior to occupation of the dwelling. The tree shall be maintained in good condition thereafter.
- (vi) The development shall provide lighting to the City's satisfaction to pathways, communal areas and car parking areas.
- (vii) External fixtures such as air conditioning infrastructure shall be integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.
- (viii) The property shall not be used for the approval hereby granted until an inspection has been carried out by a Council Officer and the City is satisfied that the conditions of planning approval have been complied with.

(c) Standard Advice Notes

700A	building permit required	709	masonry fences require BA
720	strata note- comply with that Act	716	dividing fences – comply with that Act
Note 1-2	Validity (2 years)	790	minor variations- seek approval
Note 3	Appeals		

Note 4 Approval not authority to ignore constraints

(d) Specific Advice Notes

- (i) Prior to the lodging of a building permit, the Applicant is required to satisfactorily address the outstanding planning matters identified in Condition No. (1). Therefore, to avoid delays in obtaining a building permit, it is important for the Applicant to commence the related processes at the earliest.
- (ii) Planning Approval or the subsequent issuing of a Building Permit by the City is not consent for the construction of a crossing. As described in Management Practice M353 a 'Crossing Application' form must be formally submitted to Infrastructure Services for approval prior to any works being undertaken within the road reserve.
- (iii) The development is located within the Manning Drainage Precinct; an approved 'Stormwater Drainage for Proposed Buildings' application is required **prior to construction** in accordance with Management Practice M354.

The applicant / owner are advised of the need to comply with the City's Engineering Infrastructure Department requirements. Please find enclosed the memorandum dated 31 May 2017 to this effect.

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

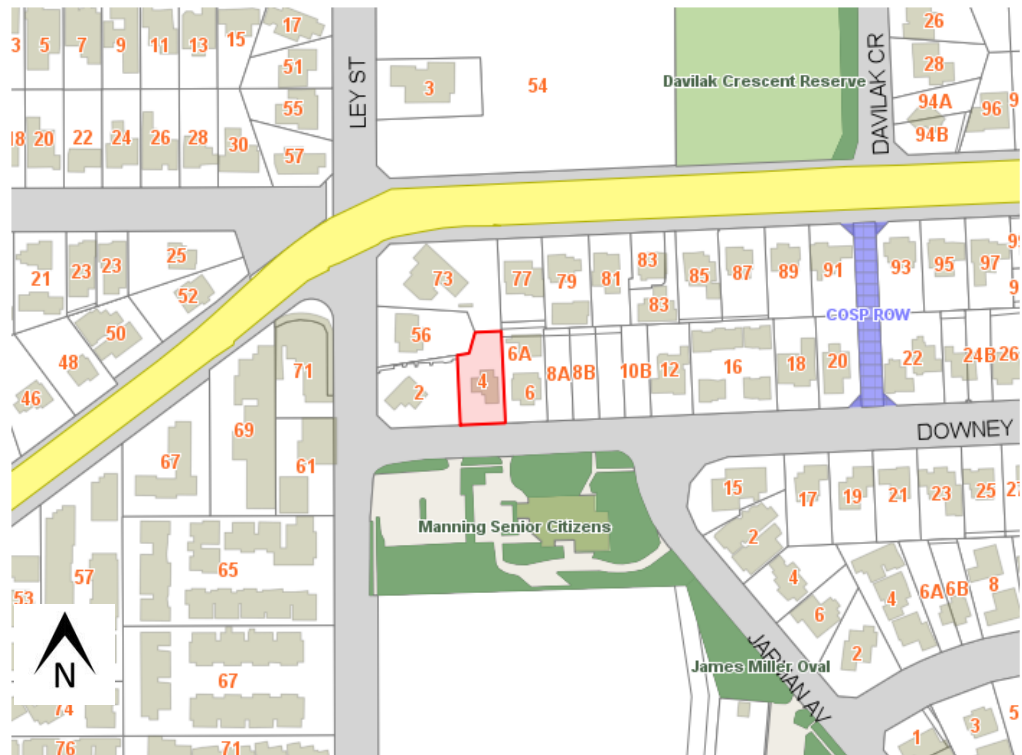
CARRIED (7/0)

Background

The development site details are as follows:

Zoning	Highway Commercial
Density coding	R80
Lot area	808 square metres
Building height limit	7.0 metres
Development potential	808 sq. metres of plot ratio area for Multiple Dwellings (R-Codes Table 4) – Approximately seven (7) medium sized dwellings.
Plot ratio limit	1.0 (R-Codes Table 4)

The location of the development site is shown below:



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

3. The exercise of a discretionary power

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

7. Neighbour comments

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

Comment

(a) Background

In November 2014, the City received an application from the Department of Housing for nine (9) Multiple Dwellings in a three-storey building on Lot 98 (No. 4) Downey Drive, Manning (the **Site**) which was proposed for the Department of Housing. Council at the February 2015 meeting decided to recommend refusal of the application for the following reasons:

- It does not comply with the City's Parking Scheme requirements for this development; and
- Setbacks to the eastern boundary do not comply with setback requirements.

10.3.1

Two (2) Multiple Dwellings and Three (3) Grouped Dwellings (Two-Storey) - Lot 98 (No. 4) Downey Drive, Manning

The recommendation from the February 2015 Council meeting was referred to the Western Australian Planning Commission (WAPC) for their determination. The WAPC approved the application on 25 March 2015 and that approval lapsed on 25 March 2017 due to construction not commencing. As that development was for public works by a public authority the approval of the WAPC was required, not the City of South Perth.

The new proposal lodged with the City on 10 May 2017 was submitted by a prospective purchaser of the subject site with a contract to purchase the site subject to gaining approval for the proposed development presented with this application. As this development is not proposed for the Department of Housing, the City of South Perth will be the determining authority.

(b) Existing Development on the Subject Site

The subject site is located at Lot 98 (No. 4) Downey Drive, Manning (the **Site**). The subject site is currently vacant.

(c) Description of the Surrounding Locality

The site has a frontage to Downey Drive to the south, located adjacent to an office building to the north-west, a three (3) storey Mixed Development consisting of Shops, Offices and multiple dwellings to the west, a single storey service station to the north, one and two storey single houses to the east, and is opposite a single storey Senior Citizens' Centre, as seen in Figure 1 below:



(d) Description of the Proposal

The proposal involves the construction of Two (2) Multiple Dwellings and Three (3) Grouped Dwellings (Two-Storey) on the site, as depicted in the submitted plans at **Attachment (a)**. The development is serviced by a single driveway that is 3 metres wide. The Grouped Dwellings have two (2) car spaces each and the Multiple Dwellings have one (1) car space each

with one (1) visitor car space available for use of the Multiple Dwellings within the respective future strata lot.

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

- Lot Boundary Setbacks - Boundary Walls (Multiple Dwellings) (Council Policy P350.02 Cl. 1.2 and R-Codes Cl. 6.1.4 C4.3);
- Building Size – Plot Ratio of Multiple Dwellings (R-Codes Cl. 6.1.1 C1);
- Building Design – ‘The development should be designed so that the front of the building faces Downey Drive’ and ‘residential development should preferably be situated on the Downey Drive frontage of the building in the case of a two-storey development (TPS6 Cl. 5.4(4)(e)(i) and (iv)) – Development faces and is situated on the Downey Drive frontage;
- Building height limit (TPS6 Cl. 6.1A);
- Open space (R-Codes Cl. 5.1.4 and Cl. 6.1.5);
- Setback of Garages (Council Policy P350.03 Cl. 1.1 and R-Codes Cl. 5.2.1 C1.1);
- Street surveillance (R-Codes Cl. 5.2.3 and Cl. 6.2.1);
- Street walls and fences (R-Codes Cl. 5.2.4, Cl. 6.2.2 and Council Policy P350.07 Cl. 1);
- Finished floor and ground levels (TPS6 Cl. 6.10);
- Sight lines (R-Codes Cl. 5.2.5 and Cl. 6.2.3);
- Outdoor living area (R-Codes Cl. 5.3.1, Cl. 6.3.1 and TPS6 Cl. 5.4(4)(d)(ii));
- Landscaping (R-Codes Cl. 5.3.2 and Cl. 6.3.2);
- Parking – Grouped Dwellings (R-Codes Cl. 5.3.3; Council Policy P350.03 Cl. 5 and TPS6 Cl. 6.3(8));
- Parking – Multiple Dwellings ‘Visitors Car Parking Space’ (R-Codes Cl. 6.3.3 C3.1 and TPS6 Cl. 5.4(e)(v)) – 0.25 spaces visitor car parking spaces per dwelling required and 1 space is provided;
- Parking Layout – ‘Car parking bays should not be located between the building and the street alignment’ (TPS6 Cl. 5.4(e)(v)) - occupants car parking spaces are not located between the building and the street alignment;
- Vehicular access (R-Codes Cl. 5.3.5 C5.2-4 and 6.3.5 C5.1-5.4);
- Driveway gradient (TPS6 cl. 6.10(2));
- Visual privacy – Grouped Dwellings (R-Codes Cl. 5.4.1);
- Visual privacy – Multiple Dwellings (R-Codes Cl. 6.4.1) – Cone of vision extends from the window of Bedroom 2 of Unit 2 on the first floor past the property boundary to the west, however does not overlook any of the adjoining residential dwellings at No. 2 Downey Drive located behind the street setback – window looks directly at a two-storey boundary wall.
- Solar access for adjoining sites (R-Codes Cl. 5.4.2 C2.1 and Cl. 6.4.2 C2.1);

- Brick Screen Fence on Eastern Boundary – ‘A brick screen fence 1.8 metres in height should be constructed along the eastern boundary’ (TPS6 cl. 5.4(4)(vii)) – A 1.8 metre brick fence will be built on the eastern boundary.

The following planning aspects do require the exercise of discretion to be approved or require further clarification and are discussed further in the report:

- Integrated Development/Land Use – (TPS6 Cl. 5.4(4)(b));
- Street Setback of Multiple Dwellings (R-Codes Cl. 6.1.3 C3.1);
- Building Design, Layout and Landscaping – (TPS6 Cl. 5.4(4)(e)(ii) and (vi));
- Lot boundary setbacks (R-Codes Cl. 5.1.3 C3.1 and Cl. 6.1.4 C4.2 and Tables 2a/2b);
- Lot Boundary Setbacks - Boundary Walls (Grouped Dwellings) (Council Policy P350.02 Cl. 1 and R-Codes Cl. 5.1.3 C3.2-3.3);
- Parking – Multiple Dwellings ‘Occupant Car Parking Spaces’ (R-Codes Cl. 6.6.3 C3.1).

The matters relating to Clause 5.4(4) of TPS6 have been addressed by the applicant via details on the Development Plans in **Attachment (a)** and in their justification letter contained in **Attachment (b)**.

(e) Integrated Development/Land Use

The proposed land use of Multiple Dwellings and Grouped Dwellings is classified as a ‘D’ (Discretionary) land use in Table 1 (Zoning - Land Use) of TPS6. In addition to this, the development site forms part of “Site D” under Clause 5.4(4) of TSP6, which states:

- (a) *In this subclause, “Site D” means all the land comprised in:*
- (i) *Lot 409 (No. 56) Ley Street, Como (“Lot 409”);*
 - (ii) *Lot 408 (No. 2) Downey Drive corner Ley Street, Como (“Lot 408”); and*
 - (iii) *Lot 407 (No. 4) Downey Drive, Manning (“Lot 407” – now Lot 98).*
- (b) *None of the land comprised in Lot 407 (now Lot 98) may be used for the purposes of:*
- (i) *Non-residential development;*
 - (ii) *Mixed Development;*
 - (iii) *Grouped Dwellings; or*
 - (iv) *Multiple Dwellings;*
- unless such use is part of an integrated development encompassing all of the lots comprised in Site ‘D’.*

Clause 7.8(2) of TPS6 identifies that items listed in Clause (1) shall not be exercised by the Council with respect to development requirements for certain sites referred to in Clause 5.4. Notwithstanding this, it is considered that although all of the lots listed have not been developed simultaneously, that this development does indeed form part of an integrated development due to the design of the built form complimenting the design elements of the constructed mixed development on Lot 97 (No. 2) Downey Drive (previously Lot 408) in respect of the front balcony of Unit 2 mimicking the

adjoining property balconies on the Downey Drive street frontage as well as matching in terms of colour scheme by introducing contrasting vertical green panels throughout the development, as indicated on **Attachment (a)** and **Attachment (b)**. Accordingly, the use is regarded as complying with Clause 5.4(4)(b) of TPS6.

(f) Street Setback – First Floor Unit 2

	<i>Deemed-to-comply provision</i>	<i>Proposed</i>
Unit 2 First Floor Setback (Multiple Dwelling)	2.0 metres	Nil to 1.61 metres
<p><i>Design Principles:</i> <i>Buildings are set back from street boundaries an appropriate distance to ensure they:</i></p> <ul style="list-style-type: none"> • <i>contribute to the desired streetscape;</i> • <i>provide articulation of the building on the primary and secondary streets;</i> • <i>allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;</i> • <i>are appropriate to its location, respecting the adjoining development and existing streetscape; and</i> • <i>facilitate the provision of weather protection where appropriate.</i> 		

The subject site adjoins a mixed development which also includes a nil setback to the first floor level balconies for 21 metres of a 32 metre frontage. The proposed street setback of the living room and bedroom of Unit 2 combined with the other varied setbacks on the first floor at 1.6 metres provides articulation of the façade, therefore reducing the building bulk over the site. The design features matching/integrating with the adjoining property adequately respects this development and the existing streetscape by incorporating those existing design elements into the proposal. The balcony of the first floor being built to the boundary facilitates weather protection to the ground floor unit to its entry way as well as facilitating a covered alfresco.

Accordingly it is considered that the proposed setback of the multiple dwellings satisfies the street setback design principles for the following reasons:

- The reduced setback to Downey Drive respects the adjoining development to the west; and
- Contributes positively to the streetscape character.

(g) Building Design, Layout and Landscaping

Clause 5.4(e) includes design elements as they relate to Site 'D' or a site comprising Lots 408 and 409. As a result of Lots 408 and 409 being developed previously, Lot 407 (now Lot 98) has been disengaged from Site 'D' and should therefore be considered on its own merits as a stand-alone site particularly as the streetscape in which it is located is predominantly residential. The elements that the local government shall have regard to under this clause, that is relevant to this lot in terms of building design and layout are as follows:

- (ii) *the building setback from the northern boundary should be confined to the minimum necessary for functional driveway access and associated landscaping;*

The proposed development is considered to satisfy this requirement for the following reason:

- The development has been designed with the driveway access on the eastern side, therefore the setback to the northern boundary allows for a functional driveway access and landscaping on the subject site.

- (vi) *a landscaping strip at least 2.0 metres in width should be provided along the eastern and northern boundaries and between the street alignment and any parking area;*

The development includes additional landscaping than required by the Residential Design Codes by including wider portions along the eastern boundary thereby contributing to the appearance and amenity of the development for the residents whilst also contributing to the streetscape. The site adjoins a non-residential use to the north and is therefore considered unnecessary to provide this buffer, particularly as the area directly adjacent to this boundary is taken up by car parking for the non-residential use on that site. In regard to the area between the street alignment and any parking area, the development includes 'Grass-cel' turf as a treatment in-lieu of pavement in the visitor car park, thereby reducing the amount of hard surface at the frontage.

Accordingly, the proposed landscaping satisfies this requirement as follows:

- The amount of landscaping provided on the site is considered sufficient and respects neighbours amenity; and
- Optimises functionality and useability on the site.

(h) Lot Boundary Setbacks –(western walls - Unit 1/2 - ground and first floor)

	<i>Deemed-to-comply provision</i>	<i>Proposed</i>
West Side Setback Unit 1 Ground Floor (Multiple Dwelling) - proposed Kitchen wall	4.0 metres	2.7 metres
West Side Setback Unit 2 First Floor (Multiple Dwelling) - proposed Bedroom 1 wall	4.0 metres	1.6 metres
West Side Setback Unit 2 First Floor (Multiple Dwelling) - proposed Bedroom 2 wall	4.0 metres	2.7 metres
<p><i>Design Principles:</i> <i>Buildings set back from boundaries or adjacent buildings so as to:</i></p> <ul style="list-style-type: none"> •ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; •moderate the visual impact of building bulk on a neighbouring property; •ensure access to daylight and direct sun for adjoining properties; and •assist with the protection of privacy between adjoining properties. 		

The closest walls that are being varied; Unit 1 Ground Level (Kitchen Wall) and Unit 2 First Floor (Bedroom 2 Wall) are set forward of the opening between boundary walls on the adjoining site by approximately 1.5 metres (see photo of the adjacent boundary wall below) therefore the proposal is seen to moderate the visual impact of building bulk as well as ensuring that access to daylight and direct sun to adjoining/neighbouring properties is maintained.



In relation to protection of privacy between adjoining properties, the cone of vision extending from the window of Bedroom 2 of Unit 2 on the first floor does not extend to the opening between the boundary walls of the adjoining property therefore privacy between adjoining properties is protected. Furthermore, this window will look directly at the two-storey boundary wall on the adjoining property.

Accordingly it is considered that the proposed western setbacks of the multiple dwellings satisfy the lot boundary setback design principles for the following reasons:

- Building bulk is broken up with varying setbacks which are located to limit impacts on amenity to the adjoining property; and
- Privacy between adjoining properties will be maintained.

Lot Boundary Setbacks – (western walls - ground and first floor Unit 5)

	<i>Deemed-to-comply provision</i>	<i>Proposed</i>
Western Side Setback Unit 5 (Grouped Dwelling) (proposed Alfresco/Living Wall Ground Floor)	1.0 metre	0.859 metres
Western Side Setback Unit 5 (Grouped Dwelling) (proposed Bedroom 2 Wall First Floor)	1.2 metres	0.985 metres
Western Side Setback Unit 5 (Grouped Dwelling) (proposed Linen/Bedroom 3 Wall First Floor)	1.2 metres	0.895 metres
<p><i>Design Principles:</i> <i>Buildings set back from lot boundaries so as to:</i> •Reduce impacts of building bulk on adjoining properties; •Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and •Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</p>		

Unit 5 of the development is adjacent the car park of the commercial building at No. 56 Ley Street and as a result the setback variations proposed, will have limited impact on this property.

Accordingly the proposed setbacks for Unit 5 to the western boundary that are adjacent No. 56 Ley Street satisfy the design principles of the R-Codes for the following reasons:

- The affected lot is zoned highway commercial and contains only commercial uses and will therefore not be affected in terms of amenity impacts; and
- The siting of these walls on the western side of the lot ensures that adequate direct sun and ventilation to Unit 5 and its associated open space area is easily achieved as the unit is orientated to maximise the use of the northern aspect and hence taking advantage of the winter sun.

(i) **Boundary Wall – (ground floor – eastern (side))**

	<i>Deemed-to-comply provision</i>	<i>Proposed</i>
Eastern (side) Garage Boundary Wall - Unit 5 (Grouped Dwelling)	Average height – 3.0 metres	Average height - 3.35 metres
<p><i>Design Principle</i> <i>Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>does not compromise the design principle contained in clause 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 		

The boundary wall does not sit adjacent an outdoor living area and being located on the eastern side of the lot will not impact in terms of access to direct sun to major openings particularly as the closest walls of that dwelling do not include major openings facing the boundary wall and all habitable rooms that could be affected by the boundary wall incorporate major openings on the northern aspect (refer to floor plan of No. 6A Downey Drive at **Confidential Attachment (c)**). The outdoor living areas on the adjoining property will not be impacted as the wall is located on the western side of that lot, thereby retaining access to the northern winter sun. The owners of the adjoining property at No. 6A Downey Drive were consulted in relation to the average height variation and did not provide comments relating to the design principle amenity impacts.

Accordingly, it is considered that the proposed average height of the garage boundary wall to the eastern boundary that sits adjacent No. 6A Downey Drive satisfies the design principles of the R-Codes for the following reasons:

- The boundary wall does not have any adverse impact on the amenity of the adjoining property;
- Its location utilises space effectively on the subject site; and
- The wall is setback sufficiently from the street to not impact on the established streetscape.

Boundary Wall – (ground floor – northern (rear))

	<i>Deemed-to-comply provision</i>	<i>Proposed</i>
Northern (rear) Garage/Store Boundary Wall - Unit 5 (Grouped Dwelling)	Average height – 3.0 metres	Average height - 3.35 metres
<p><i>Design Principle</i> <i>Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i> • <i>does not compromise the design principle contained in clause 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i> • <i>positively contributes to the prevailing development context and streetscape.</i> 		

The property to the north at No. 73 Manning Road is a service station with the rear servicing area adjacent to the proposed garage/store boundary wall and as a result will have limited impact to that property.

Accordingly, it is considered that the proposed height of the garage/store boundary wall to the northern boundary satisfies the design principles of the R-Codes for the following reasons:

- The wall is setback sufficiently from the street to not impact on the established streetscape; and
- The wall is located on the north side of the site, therefore will not impact on the adjoining property in relation to amenity as the affected site contains a non-residential use.

(j) Car Parking

The car parking calculation is provided below:

<i>Land Use</i>	<i>R-Codes Requirement – Location B</i>	<i>Proposed</i>	<i>shortfall</i>
Multiple Dwellings x 2	1.25 car parking bay per dwelling = 3 bays	2 bays	1 bay
<p><i>Design Principles</i> <i>P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:</i></p> <ul style="list-style-type: none"> • <i>the type, number and size of dwellings;</i> • <i>the availability of on-street and other off-site parking; and</i> • <i>the proximity of the proposed development in relation to public transport and other facilities.</i> 			

It is considered that the proposed number of car parking bays for the two (2) multiple dwellings (one each) would be considered appropriate based on the size of the dwellings. Furthermore, although the bus schedule during the peak times falls slightly short of the required frequency to qualify as a 'high frequency bus route' the development is in close proximity to public transport that can adequately service the needs of the residents to enable convenient access to the City and back during those peak times. Furthermore, the subject site is also in close proximity to local shops to cater for basic needs without having to travel a significant distance. It must also be noted that a visitor car space (at the front of the development) is provided within the future strata lot of the multiple dwellings and will be available for use by the residents of these dwellings as well as their visitors.

Accordingly, the proposed development adequately caters for on-site car parking and thereby satisfying the design principle of the R-Codes for the following reasons:

- The number of car parks is sufficient having regard to the size of the dwellings; and
- The subject site has access to public transport and local services in close proximity to adequately address their projected needs.

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

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

(l) 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 matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, 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". Individual property owners, occupiers and/or strata bodies at No. 2 Downey Drive, No. 56 Ley Street, No. 73 Manning Road and No. 6A Downey Drive were invited to inspect the plans and to submit comments during a minimum 14 day period.

Under the "Area 1" method, individual property owners, occupiers and / or strata bodies at Nos. 3, 6 and 8A Downey Drive, Nos. 1/56, 2/56, 3/56 and 4/56 Ley Street and No. 77 and 79 Manning Road were sent an "Information Only" Notice inviting them to inspect the plans during a minimum 14-day period.

During the advertising period, a total of 10 consultation notices and five (5) information only notices were sent and two (2) submissions were received; both against the proposal. The comments of the submitters, together with officer responses are summarised below:

Submitters' Comments	Officer's Responses
<p>Would like re-assurance that residents looking through the back second storey bedroom window of Unit 5 will not be able to see into our back yard.</p>	<p>The window of the bedroom to Unit 5 is not a major opening as defined in the Residential Design Codes, i.e. size of the window is less than 1m².</p> <p>The comment is NOT UPHELD.</p>
<p>Concerned about the number of vehicles that will be exiting and entering the site relative to the number of crossovers within a close proximity and the cumulative effect on pedestrian safety.</p>	<p>Adequate sight lines are provided at the entry/exit point allowing motorists to clearly see pedestrians walking along the footpath.</p> <p>The City's Engineering Department reviewed the proposal and did not raise any concerns relating to pedestrian safety.</p> <p>The comment is NOT UPHELD.</p>
<p>Concern in relation to the intersection and public safety. It is suggested that the shire look at altering this intersection to be a dead end so that traffic will only be able to access it from the other end of Downey Drive from Welwyn or Jarman Avenue.</p>	<p>The City's Engineering Department reviewed the proposal did not raise any concerns relating to traffic.</p> <p>The comment is NOT UPHELD.</p>
<p>Noted that the boundary walls will be rendered brick, painted Dulux grey pebble. If this is the finish of the boundary garage wall on the eastern side of Unit 5 then we are happy with that finish.</p>	<p>The comment is NOTED.</p>
<p>The boundary setback to the left boundary does not comply with requirements and at one point is only 1.6 metres when 4 metres is deemed to comply. We argue that these setbacks are insufficient to allow adequate airflow/ventilation and access to sunlight, encouraging poor environmental conditions between the buildings. We also argue that the building as proposed will obstruct light into the openings to the stairwell which is located on the east side of No. 2 Downey Drive and potentially have privacy issues.</p>	<p>The variations to the boundary setbacks that are adjacent to No. 2 Downey Drive are located opposite an existing two-storey boundary wall and will therefore have no effect on access to light and ventilation to the neighbouring property. This has been explained further in Part (h) of this report.</p> <p>The first floor bedroom window of Unit 2 that faces No. 2 Downey Drive looks directly at a two-storey boundary wall on the adjacent property at No. 2 Downey Drive and therefore does not overlook any of the residential properties behind it's street setback line. This window is consistent with Deemed-to-Comply requirement C1.1 of Clause 6.4.1 of the Residential Design Codes.</p> <p>Comments are NOT UPHELD.</p>

(b) Comments from City Departments**Engineering Infrastructure**

Engineering Infrastructure was invited to comment on a range of issues relating to car parking, traffic, stormwater and access relating to the proposal. Accordingly, planning conditions and advice notes are recommended to respond to these comments.

City Environment

The City Environment section provided comments with respect to the removal of one (1) street tree for the construction of the proposed crossover. This section raises no objections and has provided the following comments:

- *The street tree is in good condition.*
- *Remove one (1) tree and replace after construction or re-home elsewhere at owners cost, as per City Policy P350.05 Clauses 8(b), 8(g) and 9.*

The cost of street tree removal and replanting for one (1) tree is **\$990.00**. Standard conditions are recommended to address this matter. Accordingly, planning conditions and/or advice notes are recommended to respond to these comments.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

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

Sustainability Implications

Noting the proximity of the subject Highway Commercial lot to Manning Road, as well as to the surrounding high density non-residential developments, the applicant has successfully designed a building that compliments the streetscape. Although not all balconies/alfresco areas have access to the northern sunlight, they are of a reasonably large size thus providing the required balance between indoor and outdoor activities for each of the dwellings.

Conclusion

The proposed development compliments the mixed use development to the west and although not integrated in terms of function, the development has similar street setbacks and general built form. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.1 (a):** Development Plans
- 10.3.1 (b):** Applicant's Justification
- 10.3.1 (c):** Confidential Plan (*Confidential*)

Cr Sharron Hawkins-Zeeb returned to the Chamber at 7.41pm.

Prior to discussion the next Item Councillor Jessica Black read aloud her Declaration of Interest at Item 10.3.2, as follows:

“I wish to declare a Financial Interest in Agenda Item 10.3.2 Initiation of Scheme Amendment No. 56 – Creation of Special Control Area 2 – Civic Triangle Site on the Council Agenda for the Ordinary Council Meeting of 22 August 2017. I declare that my employer, TPG + Place Match is providing professional services and advice regarding this issue. It is my intention to vacate the Chamber before the Item is discussed and voted on.”

At 7.42pm Councillor Jessica Black vacated the Chamber.

10.3.2 Initiation of Scheme Amendment No. 56 - Creation of Special Control Area 2 - Civic Triangle Site

Location:	No. 1 Mends Street
Ward:	Mill Point Ward
Applicant:	TPG and Place Match
File Ref:	D-17-67418
Date:	22 August 2017
Author:	Elyse Maketic, Manager Strategic Planning
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

This report seeks Council approval to initiate Amendment No. 56 to Town Planning Scheme No. 6. The amendment request has been submitted by TPG and Place Match on behalf of the landowner of the Civic Triangle site. The purpose of the proposed amendment is to:

- Excise the Civic Triangle site, comprising the entire triangular street block bounded by Mill Point Road, Labouchere Road and Mends Street and formerly known as the Civic Heart site, from Special Control Area 1; and
- Create a new Special Control Area for the Civic Triangle site and associated development provisions via a new Schedule. These provisions are intended to facilitate the development of an iconic, landmark building.

The amendment has been developed following consultation with the City’s administration and has given due regard to the relevant recommendations of the South Perth Peninsula Place and Design Study, 2017.

It is recommended that Council initiate the amendment for the purposes of public advertising.

Officer Recommendation**Moved:** Mayor Sue Doherty**Seconded:** Councillor Travis Burrows

Note: The Presiding Member, Sue Doherty moved the Officer Recommendation with the following Amendments to points 1. and 5. (shown in red):

That the Council:

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Clause 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to initiate the proposed amendment No. 56, to Town Planning Scheme No. 6 as shown in Attachment (a) **subject to the following modifications:**

a. **Modify Element 1.2 of Schedule 13 to read as follows:**

“1.2 The podium shall be setback as follows:

- (a) A minimum 3 metre setback from the Mends Street boundary;**
- (b) A minimum 3 metre setback from the Mill Point Road street boundary for a length of 50 metres measured from Mends Street;**
- (c) The remainder of the podium shall have a nil setback to street boundaries, with the exception of the ground level where a setback of up to 3.0 metres from the street boundaries is permitted in order to improve the pedestrian environment”**

b. **Modify Element 1.6 of schedule 13 to replace reference of a nil setback with a 2 metre setback;**

c. **Add a new Element 1.11 to Schedule 13 to read as follows:**

“Notwithstanding clause 1.9, development above the maximum prescribed building height may be permitted where the local government is satisfied that–

- (a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and**
- (b) the proposed variation will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and**
- (c) there shall be sufficient height distinction between the two towers.”**

5. Upon receipt of consent to advertise from the Western Australian Planning Commission prepare notice of, and advertise, the proposed amendment with a submission period of not less than ~~60 days~~ **75 days** pursuant to Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

Reasons for Amendment

The benefits of the proposed Amendment go above and beyond to ensure the best outcome for this iconic site. All the elements of Table B from Amendment 46 – i.e. Design Quality Considerations have been incorporated into the proposed Amendment.

The Amended Motion will provide greater pedestrian amenity along Mends Street with a 3 metre set back. The proposed Amended Motion will give adequate protection to the Heritage value of the Post Office building by providing for a 3 metre setback to the podium along Mill Point Road for a length of 50 metres which will provide an even greater softening to Mill Point Road.

Pedestrian amenity is also improved by a requirement to set back any tower elements 2 metres from the street boundary instead of the zero set back.

This Amended Motion provides for additional height where the decision maker is satisfied that the relevant matters set out in Clause 67 of the Deemed Provisions of the Planning and Development Regulations are met and any proposed additional height will not have any adverse effect on amenity of the locality and its inhabitants. The criteria of Table B of Schedule 9A have been incorporated into the proposed Amendment to satisfy the needs of this site, it is included into the substantive criteria. Therefore in respect to the site whether discretion or not is being sought will need to be met.

The site is strategic in terms of being the gateway to the Precinct and the City of South Perth therefore any development should be of a sufficient height to highlight and showcase its status as an iconic site which will be achieved by this Amended Motion.

The length of time for comment has been changed to highlight the significance of this proposed Amendment for the City of South Perth.

The amendments became the substantive:

COUNCIL DECISION

Moved: Mayor Sue Doherty

Seconded: Councillor Travis Burrows

That Council:

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Clause 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to initiate the proposed amendment No. 56, to Town Planning Scheme No. 6 as shown in Attachment (a) subject to the following modifications:

- a. Modify Element 1.2 of Schedule 13 to read as follows:

“1.2 The podium shall be setback as follows:

 - (a) A minimum 3 metre setback from the Mends Street boundary;
 - (b) A minimum 3 metre setback from the Mill Point Road street boundary for a length of 50 metres measured from Mends Street;
 - (c) The remainder of the podium shall have a nil setback to street boundaries, with the exception of the ground level where a setback of up to 3.0 metres from the street boundaries is permitted in order to improve the pedestrian environment”
 - b. Modify Element 1.6 of schedule 13 to replace reference of a nil setback with a 2 metre setback;
 - c. Add a new Element 1.11 to Schedule 13 to read as follows:

“Notwithstanding clause 1.9, development above the maximum prescribed building height may be permitted where the local government is satisfied that-

 - (a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and
 - (b) the proposed variation will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and
 - (c) there shall be sufficient height distinction between the two towers.”
2. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that the amendment is a complex amendment for the following reasons:
 - a. The land the subject of the amendment is not addressed by a Local Planning Strategy; and
 - b. The amendment relates to development that will have an impact that is significant relative to development in the locality
 3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed amendment to the Environmental Protection Authority for consideration prior to advertisement;
 4. Pursuant to Clause 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the amendment to the Western Australian Planning Commission for examination and consent to advertise; and
 5. Upon receipt of consent to advertise from the Western Australian Planning Commission prepare notice of, and advertise, the proposed amendment with a submission period of not less than 75 days pursuant to Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED (7/0)

Background

The land bounded by Mill Point Road, Mends Street and Labouchere Road, illustrated in the map below and referred to as the Civic Triangle site, is a key focal point of the South Perth Station Precinct. The site has a prominent location at the intersection of two key roads, and is adjacent to the main hub of commercial activity on Mends Street, which also provides a key link to the foreshore and river.



Figure 1: Civic Triangle site (outlined in red and hatched)

The City commenced strategically acquiring the lots which make up this site in 1986 with the longer term objective and vision to facilitate and enable a vibrant mixed use development that incorporates retail, residential, commercial and public open space on this strategic, landmark location. The City acquired eight of the nine lots, with the Post Office remaining in Australia Post's ownership.

Planning for the South Perth Station Precinct has been ongoing since 2006 when the site for a potential train station was identified as part of the development of the Perth to Mandurah rail line. A timeline outlining the key milestones pertaining to the development history and context of this site are outlined in attachment (a). Of most relevance to this matter are the details relating to the development approval for the site and the most recent changes to the planning framework in the area.

In September 2014 the City sold the eight lots in its ownership to the Finbar Group Ltd entity 'South Perth Civic Triangle Pty Ltd' to facilitate the development of a landmark, mixed use building on this site in line with the objectives and provisions of the Town Planning Scheme Schedule 9 - South Perth Station Precinct Special Control Area. These provisions were introduced into Town Planning Scheme No. 6 (the Scheme) via Amendment No. 25 in 2013.

Prior to a development application for the site being submitted Amendment No. 46 to the Scheme was initiated. This amendment sought to rectify anomalies and ambiguities with Schedule 9 through the introduction of a new Schedule 9A. This amendment was advertised for public comment between January and March 2015.

In May 2015, the Metro Central JDAP granted conditional approval for the Civic Heart development, which comprised a 37 storey building containing 294 multiple dwellings and various commercial tenancies. Amended conditions and plans were approved in August of 2015 and extensive demolition works were also undertaken in the same year.

During the latter half of 2015 and early 2016 Amendment No. 46 was re- advertised following modifications and sent to the WAPC for final approval. In December 2016 the Minister for Planning approved Amendment No. 46 subject to modifications and an application to extend the time period of the 'Civic Heart' Approval was submitted. This application was recommended for refusal in January 2017 due to the gazettal of Amendment No. 46 being imminent which would result in substantial changes to the planning framework. It was considered that a new application should be submitted for assessment against the new framework. The application was subsequently withdrawn and the 'Civic Heart' approval lapsed on 4 May 2017.

Amendment No. 46 was gazetted on 21 February 2017 and a Place and Design Study for the Precinct was also undertaken from February to March 2017. This study made recommendations about the planning framework and built form in the precinct, and reaffirmed the sites status as a strategic landmark site.

The gazettal of Amendment No. 46 has resulted in development issues for the subject site due to its unique triangular shape, three street frontages and prominent location within the Precinct. Following preliminary discussions with the City, a Scheme Amendment request was therefore submitted by consultants acting on behalf of the landowner on 14 July 2017 to facilitate the development of a landmark, iconic building on this site in line with Council's vision.

As this is an applicant requested amendment the role of the City's administration is to undertake a peer review of the amendment and make any necessary modifications. The proposed amendment documentation was finalised on 31 July 2017 following extensive peer review, 2 legal reviews and extensive discussions between the City's administration, the applicant and landowner.

Comment

Primarily, the rigidity of the provisions of Schedule 9A, and in particular Table B, makes it difficult for decision makers to exercise an appropriate level of discretion to allow the site to achieve the architectural, design and built form outcomes that would result in the development of a landmark, iconic building on this site in line with the Council's vision.

In particular, the podium and tower typology mandated by Schedule 9A does not allow for innovative design alternatives such as towers that come to the ground. The setback requirements are also restrictive given that the site has three street frontages, which is a feature that is unique to this site. These requirements would make it difficult to achieve both a desirable development and public realm

outcome on this site. Further, the setback requirements make it difficult to achieve Element 9.6 of Schedule 9A, which requires above ground car parking to be 'sleeved' behind habitable floor space. Whilst the intent of the provision is supported, given the three street frontages and 4 metre setback requirements it would result in narrow, inefficient portions of habitable floor space around the perimeter of the site.

The purpose of the proposed amendment is therefore to:

- Excise the Civic Triangle site, comprising the entire triangular street block bounded by Mill Point Road, Labouchere Road and Mends Street (formerly known as the Civic Heart site), from Special Control Area 1; and
- Create a new Special Control Area and associated development provisions for the Civic Triangle site via a new Schedule. These provisions are intended to facilitate the development of an iconic, landmark building.

There are several parts to the proposed amendment, which can be summarised as follows:

1. Creating a new Special Control Area 2 – Civic Site;
2. Rezoning the subject lots from Special Control Area 1 to Special Control Area 2
3. Inserting a New Schedule 13 – Special Control Area 2 – Civic Site containing the development provisions relating to the site;
4. Amending various clauses within the Scheme to make reference to Special Control Area 2 and Schedule 13;
5. Amending Provision 2 of Schedule 9A to exclude the subject site from Special Control Area 1; and
6. Updating the Scheme Maps accordingly.

The amendment report, including the amendment proposal in its entirety, is included as attachment (b). This attachment includes a concept of the built form that the provisions could facilitate.

The main part of the amendment is the proposed Schedule 13 containing the development provisions for the subject site. The Schedule has been set up in a similar format to Schedule 9A and includes development provisions relating to; built form typology, setbacks, building height, land uses, car and bicycle parking, weather protection, vehicle crossovers, outdoor living areas, heritage, designing out crime, design quality, vehicle management, sustainability, electric car charging, landscaped areas, and public and occupier benefits. The provisions relating to the key elements of the Schedule are summarised below.

Built Form Typology

The proposed provisions require a tower and podium typology with up to two towers permitted. There is also discretion to enable the towers to be built to the ground subject to the decision maker being satisfied that a number of matters relating to amenity impacts have been met. These provisions will enable scope for innovative design that is commensurate with the sites status as a landmark, iconic site.

Height

The proposed height permitted for the podium is 15 metres. The height permitted for the towers is varied with the intent being to have one taller tower and one smaller tower. The proposed maximum heights are 96 metres and 83 metres. The 96 metre height requirement is consistent with the preliminary recommendations for height on this site contained in the May 2017 Place and Design Study Report.

The Schedule does not allow any scope for variation to the maximum height, however, feature elements, parapets, balustrades, and plant and equipment is excluded from the maximum height limits. This is considered appropriate given that feature architectural elements are a key design component of an iconic, landmark building.

The concept proposal was presented to the City's Design Review Panel who noted that there should be a greater distinction between the height of the 'iconic' taller tower, preferably located at the corner of Labouchere and Mill Point Road, and the smaller tower. It should be noted that the proposed provisions do not include a specific requirement relating to the location of either tower. The DRP also noted that there was a risk that the proposed height could potentially be surpassed by a taller development on another site within the Precinct utilising Table B of Schedule 9A to obtain approval for greater height. This could result in the 'iconic' building and entry statement to the precinct seeming less than it should be.

As a landmark site and entry statement to the precinct, it could be argued that the site should accommodate more height than other sites within the precinct to distinguish it as such. Council may determine that the proposed maximum height and the height distinction between the two towers should be different to that proposed having regard to the status of the site as an iconic, landmark site and the potential for greater height approvals on other sites within the precinct.

Setbacks

The setback requirement for the podium is nil, however, there is discretion to allow up to a 3 metre setback from the street to improve the pedestrian environment. A minimum setback of 4.5 metres between the podium and any heritage place is also required to respect the curtilage of the heritage place and, improve the interface between the two buildings. Towers are required to have a minimum setback of 4 metres from the street boundary, however, there is scope for a reduced setback subject to the decision maker being satisfied that a number of matters relating to amenity impacts have been met. This will allow towers to come to the ground, which was a key built form recommendation of the Place and Design Study.

The proposed setback provisions achieve a suitable balance between providing certainty and an appropriate level of discretion to enable an innovative design outcome that is commensurate with the sites status as a landmark, iconic site.

Land Uses

An additional land use currently not included in the Scheme, Tourist development, is proposed. This land use will enable the development of a hotel on the site. The provisions include permitted and discretionary land uses and are separated into permitted/discretionary uses at ground level and permitted/discretionary uses above ground level. The permitted and discretionary land uses on the ground floor are restricted to active commercial uses to facilitate activation at ground level.

All proposed land uses will facilitate a development with an appropriate mix of uses for the sites location.

Parking and Vehicle Management

The parking provisions are the same as in Schedule 9A with the exception of visitor bays, which are proposed to be 1 visitor bay for every 12 dwellings instead of 1 visitor bay for every 6 dwellings. This requirement is considered appropriate given the likely amount of commercial floorspace in any future development and the potential for reciprocal arrangements for visitors to use commercial car bays. Parking bays are required to be screened from the street. There is also discretion to vary the number of car parking bays subject to the consideration of a number of relevant matters relating to the availability of public transport and different periods of peak demand.

Crossovers are not permitted from Mends Street and a report from a suitably qualified transport consultant to demonstrate that the proposed development will not have a significant adverse impact on traffic flow and safety in the immediate locality is required. These provisions will ensure that traffic flow is given due consideration in any assessment of a development application and is appropriately managed.

Design Quality

The design quality requirements of Table B of Schedule 9A have been included to ensure high quality design. The reference to exemplary design as defined by any policy or guideline by the WAPC has not been included as there is currently no policy or guideline in place. Notwithstanding, the proposed provisions are considered sufficient to ensure high quality exemplary design. Any development on this site is required to comply with this provision.

Public and Occupier Benefits

A list of benefits which achieve the intent of the Public and Occupier Benefits of Schedule 9A, Table B have been included, however, there is more flexibility to enable alternative mechanisms to be employed to achieve the same outcomes. Most notably a requirement to upgrade or contribute to the upgrade of Mends Street to provide for flush paving and verge treatments to the western side of Mends Street where it abuts the Civic Site has been included. The specification and cost estimate will need to be agreed by the proponent and the City.

Summary

The intent of the provisions of Schedule 9A are reflected in the proposed amendment, however, the provisions have been designed specifically for the site and take into consideration its unique and prominent location as well as the Council's vision to promote an iconic, land mark, mixed use development.

The proposed amendment incorporates the built form and height recommendations of the Place and Design Study Report and provides a suitable balance between an appropriate level of certainty and flexibility. The proposed amendment will introduce both suitable provisions for the site and an appropriate level of discretion that will enable development and design outcomes that are in line with the Council's vision and aspirations for a landmark, mixed use development on this site.

The amendment will facilitate development that is of a similar scale to that which was previously approved on the subject site and to previous development approvals in the locality. Notwithstanding, it does not meet the criteria for a standard amendment listed in Part 5, regulation 34 of the *Planning and Development (Local planning Schemes) Regulations 2015* (the Regulations), primarily due to the fact that the City does not have a Local Planning Strategy. The amendment is therefore considered to be a complex amendment for the following reasons:

- a. The land the subject of the amendment is not addressed by a Local Planning Strategy; and
- b. The amendment relates to development that will have an impact that is significant relative to development in the locality.

It is recommended that the Council initiate the proposed amendment for the purposes of public advertising.

Consultation

Council were briefed on the concept proposal on 12 June 2017. Neighbour and community consultation requirements for Complex Amendments are prescribed by regulation 38 of the Regulations. These requirements are supplemented by Part 10 of Policy P301 'Community Engagement in Planning Proposals', which provides further guidance for advertising such proposals.

The amendment request has been submitted by consultants acting on behalf of the landowner. Preliminary engagement is therefore not required under Part 10(a) of Policy P301 and clause 9.8 of the Scheme.

Following Council's endorsement of the draft Scheme Amendment, the amendment will be forwarded to the Western Australian Planning Commission for preliminary assessment and referred to the Environmental Protection Authority for assessment. Upon receipt of advice from the aforementioned authorities community consultation will be undertaken in accordance with Regulation 38 for a period of 60 days. Consultation will include a sign on site and notices in the Southern Gazette newspaper, the Civic Centre, the City's Libraries and on the City's web site.

Policy and Legislative Implications

The statutory process for Standard Scheme Amendments is set out in Part 5, Divisions 1 and 2 of the Regulations. The process as it relates to proposed Amendment No. 56 is set out below, together with an estimate of the likely time frame associated with each stage of the process. The below timeframes are based on the WAPC undertaking preliminary assessment within the prescribed 60 day time period.

	Estimated Time
Council resolution to initiate proposed amendment and adoption of draft Amendment for advertising purposes	22 August 2017
Referral of draft Amendment proposals to EPA for environmental assessment and WAPC for preliminary assessment within a 60 day time period	Late August 2017
Public advertising period of not less than 60 days, including an additional 2 weeks to account for the December – January holiday	Early/Mid November 2017

period	
Council consideration of Report on Submissions and resolution on how to proceed with amendment	March 2018
Referral to WAPC and Planning Minister for consideration, including: Report on Submissions; Council's recommendation on the proposed Amendment; Three signed and sealed copies of Amendment documents for final approval	March 2018
Minister's final determination of Amendment and publication in Government Gazette	Not yet known

Financial Implications

The Amendment has been requested by the landowner and the costs of processing the amendment will be recouped from the applicant in accordance with the Schedule of Fees and Charges.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). This matter relates to Strategic Direction 3 "Housing" identified within Council's Strategic Plan 2015-2025, which is expressed in the following terms: *Accommodate the needs of a diverse and growing population*

Sustainability Implications

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

Attachments

- 10.3.2 (a):** Timeline - Development Context and History - Civic Triangle Site
- 10.3.2 (b):** Scheme Amendment Report – Amendment No. 56

Councillor Jessica Black returned to the Chamber at 7.57pm.

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Financial Management Reports - July 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-67481
Date:	22 August 2017
Author:	Andre Brandis, Manager Finance
Reporting Officer:	Colin Cameron, Director Corporate 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

The monthly financial statements have been reformatted and incorporated in one package (attachment). High level analysis is contained in the comments of this report.

Officer Recommendation

Moved: Councillor Colin Cala
Seconded: Councillor Sharron Hawkins-Zeeb

That:

- (a) Note the financial statements and report for the month ended July 2017 in accordance with regulation 34 (1) of the Local Government (*Financial Management*) Regulations 1996.
- (b) Note the 2016/17 year end processes are still to be finalised including accruals, that is likely to impact on these reports presented to Council.

CARRIED EN BLOC(8/0)

Background

Regulation 34(1) of the Local Government (*Financial Management*) Regulation 1996, requires each Local Government to present a statement of financial activity, reporting on income and expenditure, as set out in the annual budget. In addition, Regulation 34(5) requires a Local Government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2017/18 Budget, adopted on 10 July 2017, has increased the amount to \$10,000 or 10% for the 2017/18 financial year.

10.6.1 Financial Management Reports - July 2017

In previous years the monthly reports were presented in two separate agenda item reports, with multiple attachments. These two separate reports, as well as numerous attachments have been streamlined to one agenda item and one attachment. The attachment (Financial Management Report) provides similar information, with less duplication. By way of example, each Financial Management Report contains the Original Budget and the Annual Budget, thereby allowing a quick comparison between the adopted Budget and any Budget Adjustments approved by Council. This change eliminates the need for the 'Reconciliation on Budget Movements' reports (formerly Attachments g and h).

Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (*Financial Management*) Regulations. This financial report is unique to Local Government, drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding. The Statement of Financial Activity has commentary provided on variances, in accordance with the Regulations.

Actual Income from Operating Activities for the year to date is \$42.99m in comparison to budget of \$43.58m. Expenditure from Operating Activities for the year to date is \$3.66m in comparison to budget of \$5.2m. Variations in the month of July are common with a lower activity awaiting the Budget adoptions, as well as many year-end processes currently being undertaken.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.01m in comparison to the budget of \$0.03m. Actual Capital Expenditure for the year to date is \$1.30m in comparison to the budget of \$0.49m.

Cash and Investments balance was \$63.8m, traditionally a low point of the annual cycle, prior to the rates being issued and payments being received during August. Compliance with *Policy P603 Investment of Surplus Funds* has been maintained to ensure Credit Quality, with 91.7% of the portfolio at a minimum Standard & Poor's A1 short timer rating, and with 8.3% of the portfolio rating at BBB+. Counterparty Risk was mitigated with no more than 25% of the total funds invested at any given time with any one institution. The highest cash investment was with the National Australia Bank Ltd of 21.8%.

Consultation

No external consultation is undertaken.

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 preparation of the monthly financial reports occurs from the resources provided in the Annual Budget.

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.

Attachments

- 10.6.1 (a):** Statement of Financial Position
- 10.6.1 (b):** Statement of Change in Equity
- 10.6.1 (c):** Statement of Financial Activity
- 10.6.1 (d):** Summary of Operating Revenue and Expenditure
- 10.6.1 (e):** Summary of Capital
- 10.6.1 (f):** Schedule of Significant Variances
- 10.6.1 (g):** Summary of All Council Funds
- 10.6.1 (h):** Summary of Cash Investments
- 10.6.1 (i):** Statement of Major Debtor Categories

10.6.2 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-67482
Date:	22 August 2017
Author:	Andre Brandis, Manager Finance
Reporting Officer:	Colin Cameron, Director Corporate 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 July 2017 and 31 July 2017 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(358)	\$3,696,807.70
Cheque Payment to Creditors	(2)	\$9,804.00
Total Monthly Payments to Creditors	(360)	\$3,706,611.70
Cheque Payments to Non Creditors	(12)	\$169,429.95
Total Payments	(372)	\$3,876,041.65

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Sharron Hawkins-Zeeb

That the Listing of Payments for the month of July 2017 as detailed in **Attachment (a)**, be received.

CARRIED EN BLOC (8/0)

Background

Local Government (*Financial Management*) Regulation 11 requires the development of procedures to ensure the approval and authorisation of accounts for payment. These controls are documented Policy P605 - Purchasing and Invoice Approval and Delegation DM605 sets the authorised purchasing approval limits.

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. Payments in the attached listing are supported by vouchers and invoices.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. The payment listing is now submitted as **Attachment (a)** to 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.

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.

- **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 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.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts are 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

10.6.2 (a): Listing of Payments - July 2017

10.6.3 Cats Amendment Local Law 2017

Location:	South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-17-67369
Date:	22 August 2017
Author:	Phil McQue, Manager Governance and Marketing
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

This report recommends that the Council adopt a Cats Amendment Local Law to correct a reference to a clause in the *City of South Perth Cats Local Law 2016*.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Sharron Hawkins-Zeeb

That the Council:

- in accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, give state-wide and local public notice stating that:
 - a) it proposes to make a Cats 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

CARRIED EN BLOC (8/0)

Background

The *City of South Perth Cats Local Law 2016* was published in the Government Gazette on 4 November 2016. The Local Law complements the provisions of the *Cat Act 2011*, the *Cats Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*.

Comment

Local laws are subject to scrutiny by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation, which has requested that an incorrect reference in clause 3.2 of the Cats Local Law be corrected as shown below (the incorrect clause referred to is shown 'struck through' and the correct reference added in red):

3.2 Objection

The form of an objection under clause ~~2.9~~ 2.10 is Form 8 in Schedule 1 of the Cat Regulations 2012.

An amendment to the local law is required; clause 2.10 is the correct clause in the local law dealing with objections.

Consultation

The process to amend a local law is the same as making one, and is set out in section 3.12 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.

Policy and Legislative Implications

Section 3(2) of the *Cat Act 2011* provides that words and expressions defined in the *Local Government Act 1995* have the same meaning in the Cat Act, unless the contrary intention appears. This includes making local laws, and 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 Perth Cats Amendment Local 2017* is:

Purpose

To correct an incorrect reference in clause 3.2 of the City of South Perth Cats Local Law 2016.

Effect

The reference is corrected.

The proposed Amendment Local Law is shown at **Attachment (a)**.

Financial Implications

There are some administrative expenses involved in making the proposed 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

10.6.3 (a): Draft Cats Amendment Local Law 2017

10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.7.1 Audit, Risk and Governance Committee Meeting - 8 August 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-67374
Meeting Date:	22 August 2017
Author(s):	Sharron Kent, Governance Officer
Reporting Officer(s):	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

The purpose of this report is to provide the recommendations from the Audit, Risk and Governance Committee meeting held on 7 August 2017 for Council's consideration. The Minutes and Attachment of which can be found at **Attachments (a) and (b)**.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Sharron Hawkins-Zeeb

That Council adopt the following recommendations of the Audit, Risk and Governance Committee meeting held on 7 August 2017

6.1 Review of local planning policies P350.07 - Fences and retaining walls & P350.02 - Boundary walls - Adoption for public consultation

That the Audit, Risk & Governance Committee recommends to Council that:

'Council, in accordance with the provisions of Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Adopt the draft modified local planning policies P350.07 – Street walls and fences and P350.02 – Lot boundary setbacks (walls to lot boundaries) as set out in Attachment (a) and Attachment (b) (respectively) for public comment for a period of not less than twenty one (21) days; and
2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.'

6.2 Draft local planning policy P350.17 - Site works - Adoption for public consultation

That the Audit, Governance and Risk Committee recommends to Council as follows:

'That Council, in accordance with the provisions of Schedule 2, clause 4 of the

Planning and Development (Local Planning Schemes) Regulations 2015:

1. Adopt the draft local planning policies P350.17 – Site works as set out in Attachment (a) for public comment for a period of not less than twenty one (21) days; and
2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.'

6.3 Review of Policies Strategic Direction 1

That the Audit, Risk and Government Committee, having reviewed the Council Policies; listed hereunder recommends to the Council that:

- a) The following policies having been reviewed with 'no change' to content, be adopted:
 - P101 Public Art
 - P102 Community Funding Program
 - P103 Communication and Consultation
 - P105 Cultural Services and Activities
 - P106 Use of City Reserves and Facilities
 - P107 Disability Access
 - P110 Support of Community and Sporting Groups
 - P113 Community Gardens
- b) The following policy having been reviewed and the content revised as per Attachment (a) be recommended to the Council for Adoption:
 - P104 Community Awards

6.4 Review of Council Delegations - Strategic Direction 1

That the Audit, Risk and Governance Committee, having reviewed the City's Delegation held within Strategic Direction 1 – Community: DC115 Granting Fee waiver – City Reserves and Facilities and contained at **Attachment (a)** refer to Council for adoption.

6.1 Interim Audit and External Audit Plan for the year ended 30 June 2017- Macri Partners

The Audit, Risk and Governance Committee recommends to Council that:

- (a) the Interim Audit letter issued by Macri Partners, for the year ending 30 June 2017, be received.
- (b) the External Audit Plan issued by Macri Partners, for the year ending 30 June 2017, be received.

6.2 Request for Quotation "Internal Audit"

That the Audit, Risk and Governance Committee recommends to Council the appointment of Paxon Group to undertake the Internal Audit program from a period of three years, to the value of \$35,000 in the first year.

6.7 Corporate Business Plan - Quarter Four Update

That the Audit, Risk and Governance Committee recommends to the Council that it note the Corporate Business Plan Quarter Four Update.

CARRIED (8/0)

Background

The Audit, Risk and Governance Committee meeting was held on 7 August 2017 with the following Items listed for consideration on the Agenda:

- Review of local planning policies P350.07 - Fences and retaining walls & P350.02 - Boundary walls - Adoption for public consultation
- Draft local planning policy P350.17 - Site works - Adoption for public consultation
- Review of Policies Strategic Direction 1
- Review of Council Delegations - Strategic Direction 1
- Interim Audit and External Audit Plan for the year ended 30 June 2017- Macri Partners
- Request for Quotation "Internal Audit"
- Corporate Business Plan - Quarter Four Update

Comment

The Audit, Risk and Governance Committee considered the following Items on 7 August 2017:

6.1 Interim Audit and External Audit Plan for the Year Ended 30 June 2017 – Macri Partners

This report presents the City external Auditors Interim Audit following their site visit, as well as the External Audit Plan of the Financial Statements for the year ended 30 June 2017. The Interim Audit includes management (staff) comment in relation to Interim Audit, describing the work to be undertaken to complete the 2016/17 Annual Financial Statements.

6.2 Review of Local Planning Policies P350.07 – Fences and Retaining Walls & P350.02 – Boundary Walls – Adoption for Public Consultation

This report considers modifications to two existing local planning policies; P350.07 – Fencing and retaining walls (P350.07) and P350.02 – Boundary walls (P350.02). The draft modifications to the policies are intended to make the structure, scope and terminology of the policies more consistent with the Residential Design Codes (R-Codes) and Town Planning Scheme No. 6 (the Scheme). The modifications are not intended to alter the resulting built form outcomes of the policies in a substantial way. It is recommended the modified policies be adopted for public consultation.

6.3 Draft Local Planning Policy P350.17 – Site works – Adoption for Public Consultation

This report recommends the adoption of a new local planning policy (LPP) P350.17 (Site works). The policy intends to replace part 6 of P350.07 (Fences and retaining walls) which is being concurrently reviewed. The Residential Design Codes (R-Codes) does not specifically allow the ‘retaining wall’ criteria of the R-Codes to be amended or varied by an LPP; however it does allow modifications to the deemed-to-comply criteria for ‘site works’. This policy aims to facilitate the same built form outcomes as set out in part 6 of P350.07 for retaining walls in the form of a ‘site works’ (excavation and fill) policy consistent with the R-Codes.

6.4 Review of Policies Strategic Direction 1

The City has a statutory obligation under the Local Government Act 1995 to review its Policies each financial year. The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's policies. The annual review of the City's Policies held within Strategic Direction 1 is now presented for the consideration of the Committee and referral to the Council.

6.5 Review of Council Delegations – Strategic Direction 1

The City has a statutory obligation under the Local Government Act 1995 to review its Delegations each financial year. The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's delegations. A review of the Council Delegations held within Strategic Direction 1 – Community has been completed and is now presented for the consideration of the Committee and referral to Council for adoption.

6.6 Request for Quotation “Internal Audit”

This report considers submissions received from the advertising of Request of Quotation (RFQ) for the “Provision of Internal Audit services”. This report will outline the assessment process used during evaluation of the RFQ submissions received, for the Audit, Risk and Governance Committee to recommend to Council to appoint the RFQ which provides the best level of service to the City, within existing budget.

6.7 Corporate Business Plan – Quarter Four Update

This report considers the Corporate Business Plan Quarter Four Update.

7.1 Review of Standing Orders Local Law (Requested by Deputy Mayor Glenn Cridland at 25 July 2017 Ordinary Council Meeting)

7.2 Declarations of Interest on City Website (Requested by Mayor Sue Doherty)

Consultation

The 9 Items were the subject of consideration at the 8 August 2017 Audit, Risk and Governance Committee meeting.

Policy and Legislative Implications

The Property Committee meetings are held under the prescribed requirements of *the Local Government (Administration) Regulations 1996*.

Financial Implications

Nil

Sustainability Implications

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

Attachments

10.7.1 (a): Minutes - Audit, Risk and Governance Committee Meeting - 8 August 2017

10.7.1 (b): Attachments - Audit, Risk and Governance Committee Meeting - 8 August 2017

11. APPLICATIONS FOR A LEAVE OF ABSENCE

A Leave of Absence application was received from Mayor Sue Doherty for the period 10–17 September 2017, inclusive.

MOTION AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Jessica Black

That the Leave of Absence application received from Mayor Sue Doherty for the period 10–17 September 2017, inclusive be approved.

CARRIED (8/0)

Councillor Cheryle Irons arrived at 7.58pm.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 ESTABLISHMENT OF A YOUTH ADVISORY COUNCIL (YAC)

At the Council Agenda Briefing held 15 August 2017, Mayor Sue Doherty gave notice that at the 22 August 2017 Ordinary Council Meeting she would move the following motion.

Motion AND COUNCIL DECISION

Moved: Mayor Sue Doherty

Seconded: Councillor Fiona Reid

That the City's Officers present to the Council a report following an investigation into the establishment of a formal Youth Advisory Council (YAC) by December 2017 to provide opportunities for young people in the City of South Perth to express their views and contribute to the development of the local community. The report to include:

1. Review the City's current youth group South Perth Youth Network (SPYN), details of how long it has been operating; effectiveness; achievements; composition (diversity, etc.); how it represents the views of young people in the City; reporting mechanism to Council;
2. Identify and explore other models of YAC's operating on a formal basis; what model they operate under; their engagement with other young people; distribution of information to young people and the wider community; provision of advice to Council on the needs of and issues affecting young people.

CARRIED (9/0)

Reasons for the Motion

SPYN is a group made up of young people aged 12 – 25 years who live, work or study in the City of South Perth and are keen to take action about issues they care about. Whilst taking a leadership role in the planning and organising of events for young people there is no opportunity for its members to provide advice to Council on the needs of and issues affecting young people.

Exploring options to establish a YAC could offer opportunities to develop skills in the areas of project management, communication, advocacy, leadership, meeting procedures, media liaison, consultation and public speaking. In addition to developing an awareness of lobbying, representing other young people in the community as well as developing an awareness of social demographics including acceptance of the multi-cultural mix in the City.

CEO Comment

Since 2009 the South Perth Youth Network (SPYN) has been operating as a forum/group for young people aged 12-25 years who live, work or study in the City of South Perth and are keen to get involved in the local community and to be a voice for young people. This group was established when a decision was taken to reinvigorate the youth group that was in existence up until that time. From 2001-2009 the City operated a Youth Advisory Council (YAC), however in 2008 it was recognised that the YAC had become stagnant and ineffective with the key issues being that it was difficult to get young people involved, there was a lack of clear direction or purpose, projects/events had been unsuccessful, there was little communication with Council and the group was not engaged in the decision making process. The new direction for the youth forum was supported by Council and the Executive and implemented.

In order to reach this decision, address the highlighted issues and as part of the City's 'Our Vision Ahead' initiative in 2008/2009, a 'Youth for Resilient Futures' project was commenced in November 2008 and completed in March 2009. It was out of this undertaking that the current forum for young people (SPYN) was established as outlined above.

Since that time SPYN has focused on the following priority areas:

- The lack of places/activities/events in the City of South Perth for young people;
- Youth health issues e.g. drug and alcohol abuse, body image and mental health issues; and
- The environment and sustainability.

When SPYN was established other articulated objectives included members/young people getting involved in the youth area at the Australia Day event and coordinating a drug and alcohol free event for young people in the City of South Perth. Both of these objectives have been achieved and maintained with SPYN being involved in the Australia Day event since 2010 and taking a major role in the creation, programming and successful staging of the award winning 'Secret Event' held in 2013. There have also been a number of other events staged during this time including during Youth Week and various events at the Manning Skate Park in collaboration with Skateboarding WA/Australia.

Unfortunately in recent times the existing SPYN cohort had lost focus and as a result, the Youth and Children's Officer dissolved the group, reviewed the terms of reference and commenced an advertising campaign for new members utilising a formal application process. This process is still occurring however the new members so far are more motivated and outcome orientated than the previous group.

In that sense a more detailed review and examination of YACs and other youth forums is welcomed by the officers to support the current work that has been completed up until this point. As part of this process, officers will investigate and look at introducing methods to improve the communication mechanisms between the elected members and the youth forum/group. These measures could include the programming of up to three formal meetings per year between the youth group and the elected members, as well as elected members being a part of the youth group meetings on a regular basis.

Prior to discussion on the following Item Councillor Ken Manolas read aloud his Declaration of Interest at Item 12.2, as follows:

"I wish to declare an impartiality interest for the Ordinary Council Meeting of 22nd August 2017 in relation to Item 12.2 Defining "Impermanent" as per Resolution 10.4.1 Reserve 34565 Management Order on the Ordinary Council Meeting of 27th July 2017.

I declare that I reside at and am joint owner of 193 Mill Point Rd, and that, the proximity of this property to the South Perth Foreshore could lead to a perception that my impartiality on this item may be affected.

In accordance with requirements set out in section 5.65 of the Local Government Act, I acknowledge that there also may be a perception that I have a proximity interest and/or a financial interest in item 12.2 defining impermanent regarding the Reserve 34565 Management order to be discussed at the Ordinary Council Meeting 22nd August 2017.

In accordance with section 5.60B of the Local Government Act 1995, I wish to declare that I do not have a proximity interest as my property does not adjoin or have a common boundary with the proposed location of Reserve 34565.

In accordance with Section 5.60A of the Local Government Act 1995, I wish to declare that I do not have a financial interest as I do not believe by defining impermanent as temporary on RESERVE 34565 MANAGEMENT ORDER would result in a financial impact (negative or positive) on the value of my property.

It is also my view that by defining impermanent on Reserve 34565 Management Order is an item that is common with a significant number of electors and/or ratepayers - 5.63 (1) (a) of the Local Government Act 1995.

In the event that council do not concur with the above declarations, I request that Council to allow me to participate in item 12.2 defining impermanent under the Reserve Management order in accordance with section 5.68 of the Local Government Act 1995."

The Presiding Member sought clarification from Councillor Manolas as to whether he would be vacating or remaining in the Chamber for discussion and voting on the Item and advised him that the decision was one for him to determine and to advise the meeting, not the Councillors.

Councillor Manolas confirmed he would remain in the Chamber, consider the matter on his merits and vote accordingly.

12.2 DEFINING "IMPERMANENT" AS PER RESOLUTION 10.4.1 RESERVE 34565 MANAGEMENT ORDER - ORDINARY COUNCIL MEETING - 27 JULY 2017

Councillor Ken Manolas gave notice to the Council that at the 22 August 2017 Ordinary Council Meeting he would move the following motion.

Motion AND COUNCIL DECISION

Moved: Councillor Ken Manolas

Seconded: Councillor Cheryle Irons

That the word "impermanent" as used in Resolution 10.4.1 Reserve 34565 Management Order, Ordinary Council Meeting 27th July 2017 means "temporary".

LOST (3/6)

Reasons for the Motion

- (i) I am not asking for any change in the Resolution, but only clarification to define what "impermanent" means.
- (ii) Even though action has been taken to implement the Resolution 10.4.1, there are no financial or legal consequences of the Motion above.

Resolution 10.4.1 passed at the Ordinary Council Meeting 25th July 2017 was to enable the City to make a written submission to the Department in support of its application and to consult with interested parties, such as the Swan River Trust. There has been no commitment of a contractual or financial nature giving rise to legal or financial consequences.

- (iii) The Oxford Dictionary defines "impermanent" as "not permanent".

The Oxford Dictionary defines "temporary" as "lasting for a limited period of time."

* The timeframe within the definition of impermanent is not recognised and can be unlimited for example, **demountable buildings can be erected for 20 years or more. These types of buildings are considered impermanent, however, structurally they can remain on site for many years.

***"Demountable" is defined as being "transportable and portable - able to be dismantled or removed from its setting and readily reassembled or repositioned", therefore, not permanent.

- (iv) In accordance with the Officer's Report forming part of Resolution 10.4.1, the word "temporary" events is used throughout the Report, however, in the Resolution 10.4.1 the word, "impermanent" has been used.
- (v) The use of the word "impermanent" in Resolution 10.4.1 has caused some anxiety within the community with a Petition being circulated. The intention of the Resolution 10.4.1 Reserve 34565 Management Order was to extend the purpose of use of "recreation" to include temporary food, beverage and other entertainment events, as the Department of Lands "advised that it was arguable whether some of the temporary functions and events previously approved by the City, fell within the "recreation" purpose of use".

To clarify the situation, I believe that Council should define “impermanent”, to be clear and transparent with the Community.

- (vi) The word "temporary" is recognised and the use defined in the WA Planning and Development (Local Planning Schemes) Regulations 2015, clause 61 (10 (f), 2 (d) and 72.
- (vii) The WA Planning R - Codes recognises the word "temporary" and "permanent", but not "impermanent."(viii) The City of South Perth Town Planning Scheme recognises "temporary use" clause 7.13, but does not recognise the word "impermanent".

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

At the July 2017 Ordinary Council Meeting no questions from Members were Taken on Notice.

13.2 QUESTIONS FROM MEMBERS

Questions were received from Councillors Fiona Reid and Ken Manolas.

A table of questions received and answers provided can be found in the Appendix of the September 2017 Agenda.

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

There are no matters of an urgent nature.

15. MEETING CLOSED TO THE PUBLIC

There are no matters for which the meeting may be closed.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.32pm.

17. RECORD OF VOTING

6.2 Extension of Public Question Time

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

Absent: Cr Cheryle Irons

7.1 Confirmation of Minutes

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

Absent: Cr Cheryle Irons

7.2 Concept Briefing Notes

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

Absent: Cr Cheryle Irons

8.2 Presentations / Gifts

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

Absent: Cr Cheryle Irons

8.5 Conference Delegates' Reports

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

Absent: Cr Cheryle Irons

9.1 En Bloc Motion

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

Absent: Cr Cheryle Irons

10.3.1 Two (2) Multiple Dwellings and Three (3) Grouped Dwellings (Two-Storey) - Lot 98 (No. 4) Downey Drive, Manning

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Ken Manolas

Absent: Cr Sharron Hawkins-Zeeb, Cr Cheryle Irons

10.3.2 Initiation of Scheme Amendment No. 56 - Creation of Special Control Area 2 - Civic Triangle Site

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Sharron Hawkins-Zeeb, Cr Travis Burrows, Cr Fiona Reid, Cr Ken Manolas

Absent: Cr Jessica Black, Cr Cheryle Irons

12.1 Applications for a Leave of Absence

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

Absent: Cr Cheryle Irons

12.1 Motion; Establishment of a Youth Advisory Council (YAC)

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

12.2 Motion: Defining "impermanent" as per Resolution 10.4.1 Reserve 34565 Management Order - Ordinary Council Meeting - 27 July 2017

For: Cr Sharron Hawkins-Zeeb, Cr Cheryle Irons, Cr Ken Manolas

Against: Mayor Sue Doherty, Cr Glenn Cridland, Cr Jessica Black, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid,

APPENDIX

6.2 PUBLIC QUESTION TIME: 22 AUGUST 2017

1. Harry Anstey of 21 River View Street, South Perth Received: 21 August 2017	Response provided by: Vicki Lummer, Director Development and Community Services
<p><i>[Preamble] Item 10.3.2 Initiation of scheme Amendment No. 56, Civic Triangle</i></p> <p>The Officer's report suggests that as the amendment has been requested by consultants on behalf of the landowners, that "Preliminary engagement is therefore not required under Part 10 (a) of Policy P301 and Clause 9.8".</p> <p>However Clause 9.8 (4) requires Council to "take into consideration and comments or submissions received ... and shall only proceed ... where it is satisfied the amendment would be consistent with the objectives of the Scheme and the Precinct and would not be contrary to the public interest".</p> <p>Furthermore Policy P301 Clauses 10 clearly encourages "Preliminary Consultation", where Clause 4 provides examples for the application of the matrix and Clauses 8 and 11 detail the "involve and collaborate" requirements.</p>	
<p>1. Why are Councillors being asked to rush this through at the first public airing of the proposal and ignore these relevant aspects of the City's consultation process, updated last year?</p>	<p>There is no statutory requirement to undertake preliminary consultation for this proposal under the Town Planning Scheme No. 6 or the Planning and Development (Local Planning Schemes) Regulations 2015 or Policy P301. Clause 9.8(4) of the Scheme refers to comments or submissions received during any statutory consultation period, which in the case of this amendment would be the formal consultation period mandated by the Regulations.</p> <p>Clause 10 (a)(i) of Policy P301 clearly states that "if all of the owners of the land which is the subject of the scheme amendment agree with the proposal then preliminary consultation is not required and will not be undertaken." As the subject landowner has submitted this proposal, and therefore agrees with it, preliminary consultation is not required under Policy P301.</p> <p>In light of the above, the relevant aspects of the City's consultation process are being followed with respect to this proposal.</p>

[Preamble] Item 10.3.2 Initiation of scheme Amendment No. 56, Civic Triangle

I presented a Deputation to the Agenda briefing last week and suggested 3 specific areas which might be a way forward, a summary of those suggestions being that Council:

1. Appoint a Working Party of residents, traders, historical society, and the City's consultants to prepare the Station Precinct's missing Objectives and Strategy Plan by Feb 2017.
2. Suggest the landowner hold an architectural completion to develop the Civic Triangle site to create a "Heart" more sympathetic to the whole area from the Foreshore to the Zoo, the community's objectives and all the heritage properties on the site and the "Village" surrounding it.
3. Advise the relevant Ministers of the City's plan to address the problems identified by the developer with the 2017 TPS Amendment, and that Council seek support for their reluctance to consider any Development Applications which require the use of discretionary powers for Approval prior to the completion and implementation of the Station Precinct Objectives and Strategy Plan.

2. I suggest that my proposal is an equally valid submission to Council as that of the landowner and its Consultant TPG as it constitutes valid comments and submission. Why aren't Councillors required to give those proposals due consideration, as per Clause 9.8 (4), along side the Officer's recommendations?

The proposal suggested is not an equally valid proposal to that of the landowner as under the relevant legislation there is no ability for a third party to submit an amendment request. An amendment request can only be submitted by the landowner or a party acting on behalf of the landowner or the Local Government. Once an amendment request is submitted it is up to the Council to determine if the amendment has merit and should be initiated, and in what form it should be initiated, having due regard to the advice of professional officers of the administration. The Council only considers public comments as per clause 9.8(4) after any statutory consultation period.

[Preamble] Item 10.3.2 Initiation of scheme Amendment No. 56, Civic Triangle

I am surprised that the landowner has claimed a problem with building the iconic Civic Heart, approved under the conditions of Amendment 25, and allowed a 2 year period in which to commence construction. I am advised that the developer did not lodge the dewatering plan required to start the site construction, which suggests the Developer never intended to commence construction under the original Approved Plan and Amendment 25.

A number of Officers and elected members of Council were party to the sale of the Civic Heart site and any commercial conditions and constraints which might be associated with that sale.

I note that none of these individuals have a “Declaration of Interest” in this Item which might have otherwise precluded them from being present or voting. (I suggest that any claim of “commercial confidentiality” will suggest that such a condition, constraint or benefit could have been part of the sale).

3. Can the CEO confirm that no special consideration has been given to this Item which might arise from the Conditions of Sale of the Civic Heart site to the developer Finbar so that each elected member is able to vote impartially?

[response provided by the Chief Executive Officer]

I have pondered for some time over this question Mr Anstey in order to try and understand it and so that I might be able to provide a useful response.

To begin with I wish to comment on aspects of your Preamble as for the public record I need to ensure accuracy.

I do not think it accurate to publicly state that the ‘Developer never intended to commence construction under the original Approved Plan and Amendment 25’ and use as your proof that the developer had not lodged a dewatering plan.

Typically such a plan would be submitted as part of a suite of documents in response to a planning condition very late in the process and prior to the submission of a building permit.

More accurately I would refer you to the 14 February 2017 statement to the Australian Stock Exchange where the developer made a statement in regard to its decision to discontinue marketing the approved project. In that statement no reference was made to the dewatering plan as it was not a relevant factor.

Secondly you state that a number of officers and elected members of the Council were a party to the sale. Once again this is not an accurate statement as no officers or elected members were named as parties in a personal capacity. They have no personal liability in regard to any contract and are therefore not parties to the contact.

Please note that the City of South Perth is a body corporate that has the legal capacity of

a natural person and is able to own land, enter into contracts etc.

With reference to your noting that no officer or elected member has declared an interest please note that the obligation to disclose an interest (whether that is a financial or proximity interest) in any matter to be discussed at the Council meeting is a personal obligation to be discharged by the person and only by that person.

Likewise, in regard to an impartiality interest this is an obligation upon the elected member.

It is not a matter for me as the CEO to determine on their behalf.

Accordingly and therefore in answer to your question as best as I would understand it, apart from any public declarations of interest that might be made tonight, I am not aware of any reason why any elected member would not be able to vote impartially on this item.

And I am also not aware, apart from any public declaration that might be made tonight in relation to a financial or proximity interest, why an elected member should not be present or able to vote on this item.

Further it is most relevant that Council is required to consider this Scheme amendment in its capacity as a Local Planning Authority and not in any other capacity. Those Councillors' who are required to declare an interest in this capacity are aware of their obligations.

<p>2. Ms Lynn O’Hara, President of South Perth Historical Society Inc. Received: 21 August 2017</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p><i>[Preamble] 10.3.2 Initiation of Scheme Amendment No. 56 - Creation of Special Control Area 2 - Civic Triangle Site</i></p> <p>Mends Street contains a valuable group of extant civic buildings and places built between the late 1800's and early 1900's that are rare and unique to our City. Protection of these places both individually and contextually is highly important.</p>	
<p>1. We ask whether Amendment 56 element 7 takes precedence over 6.11 of TPS6 and where it sits in relation to Schedule 9, Element 13?</p>	<p>Whilst individual buildings on Mends Street including the Post Office and Police Station are included on the City’s Heritage List, and in the case of the Police Station the State Register, Mends Street in its entirety has not been designated as a Heritage Area under the City’s Town Planning Scheme or a Historic Precinct under the Heritage of Western Australia Act.</p>
<p>2. If Amendment 56 does take precedence over these previous documents, we are extremely concerned at the loss of those aspects of the scheme and ask assurance that the protection of the heritage buildings is referenced in Amendment 56?</p>	<p>Clause 6.11 of the Scheme has already been replaced by Part 3 of the Deemed Provisions relating to Heritage Protection. Element 7 of proposed Schedule 13 will not override this part of the Deemed Provisions as the Scheme cannot override the Deemed Provisions.</p>
<p>At this point the allocated 15 minutes for Public Question Time was exhausted. Council resolved to extend Public Question Time for 5 minutes to hear those not yet heard.</p>	
<p>3. The City of South Perth Historical Society ask the City of South Perth to include and inform them of all Applications for Development Approval within the Civic Triangle site?</p>	<p>The City will inform the South Perth Historical Society of any applications for comprehensive new development on the site.</p>

3. Mr Craig Dermer, South Perth Peninsula Action Group Received: 21 August 2017	Response provided by: Vicki Lummer, Director Development and Community Services
<i>[Preamble] The Civic Heart site presents a significant issue with regard to ingress and egress from the Car Parking facilities in Mill Point Road, both from a vehicle and pedestrian viewpoint, particularly in the morning Peak Hour.</i>	
1. Will council give further consideration to the vehicle management issues wrt [with regards to] the location of entry and exit points for residential vehicles in a future Civic heart development, including mathematical modelling of this problem?	A traffic impact assessment will be required to be submitted, reviewed and considered as part of the assessment of any development application for comprehensive new development on this site. The matters raised will be considered as part of this process.
<i>[Preamble] Finbar want to set their own (bonus) height for their development via their ambit Amendment 56 proposal. All Development Applications in the precinct currently need to establish to Council and JDAP that they satisfy all Table B items.</i>	
2. Will council support this proposed Amendment if it discounts the need to satisfy any of the Table B elements which other Developments require to satisfy for bonus height?	The matters in Table B of Schedule 9A have been incorporated into the proposed amendment either verbatim or through slightly modified provisions with the same intent.
<i>[Preamble] Once this amendment is sent to the WAPC, the objectives will become 'expected', and no amount of public scrutiny and input will have any effect. Amendment 46 is testimony to this fact</i>	
3. Why is council rushing to send this document to the WAPC instead of waiting until more consideration is enabled, particularly wrt to 'Connect South' and the RobertsDAY 'Place and Design' ideas, and better provide what the community (including council) really believes is appropriate for the future of this location?	The City has received an amendment request and is obliged to process the request pursuant to the requirements of the Planning and Development Act and the Planning and Development Regulations irrespective of any other studies that are being undertaken in the area. The amendment is required to be sent to the WAPC for preliminary review prior to public consultation as it is classified as a complex amendment.

4. Mr Harry Anstey of 21 River View Street, South Perth Received late at the meeting	Response provided by: Mayor Sue Doherty
1. When does Council propose replanting the median strip in Labouchere Road, Autumn almost gone?	As this question was received at the meeting (late), it was Taken on Notice. The response will be provided to Mr Anstey and made available in the Agenda of the September 2017 Ordinary Council Meeting.
2. If not, this year why?	As this question was received at the meeting (late), it was Taken on Notice. The response will be provided to Mr Anstey and made available in the Agenda of the September 2017 Ordinary Council Meeting.

13.2 QUESTIONS FROM MEMBERS: 22 AUGUST 2017

1. Councillor Fiona Raid	Response provided by: Mark Taylor, Director Infrastructure Services
1. Have we had any further news on when the footpath at Mill Point Road be opened at the 'Aurelia' site?	This question was Taken on Notice for a full response to be provided. The response will be provided to all Councillors and made available in the Agenda of the September 2017 Ordinary Council Meeting.
2. What authority (or tools) does the City of South Perth have to expedite the reopening of the footpath?	This question was Taken on Notice for a full explanation to be provided. The response will be provided to all Councillors and made available in the Agenda of the September 2017 Ordinary Council Meeting.
2. Councillor Ken Manolas	Response provided by: Mark Taylor, Director Infrastructure Services
1. My concern is that developers are allowed to close off these streets and what can Council do to about enforcing safety for the pedestrians, keeping the streets open?	The following preliminary response was provided: It is about safety for pedestrians. The issue is regarding South Perth Esplanade near Mends Street. The footpath has been closed because a risk assessment was undertaken and it was deemed unsafe for pedestrians, and that is why it was closed. The issue with the footpath outside the "Aurelia" site was not the developer, it was sewer works that needed to be repaired by the Water Corporation that required the footpath to be closed. This question was Taken on Notice for a full explanation to be provided. The response will be provided to all Councillors and made available in the Agenda of the September 2017 Ordinary Council Meeting.

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 the Ordinary Council Meeting on Tuesday 26 September 2017.

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed