

MINUTES.

Ordinary Council Meeting

12 December 2017

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 12 December 2017 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

14 December 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 the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 12 December 2017.

1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.06pm 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.

3.3 DAN MURPHY'S ALH APPLICATION

The Presiding Member announced that, following the 14 November 2017 Special Council Meeting resolution to:

2. *request the Chief Executive Officer to commence discussions with Main Roads in relation to the proposal to extend the Canning Highway median strip northeast to a point past Norton Street to prevent a right turn into and out of Norton Street at the intersection of Canning Highway.*
3. *approve an allocation of \$30000 from City funds towards the joint funding of the implementation of the Department's proposal for Canning Highway median strip lengthening*

the City has received written confirmation from Main Roads advising that they support the extension of the median strip and that they would also contribute 50% funding towards this project.

It is now anticipated that these works will be undertaken by the City in January 2018.

4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

Councillors

Councillor Glenn Cridland	Como Ward
Councillor Tracie McDougall	Como Ward
Councillor Blake D'Souza	Manning Ward
Councillor Colin Cala	Manning Ward
Councillor Travis Burrows	Moresby Ward
Councillor Greg Milner	Moresby Ward
Councillor Ken Manolas	Mill Point Ward

Officers

Mr Geoff Glass	Chief Executive Officer
Mr Colin Cameron	Director Corporate Services
Ms Vicki Lummer	Director Development and Community Services
Mr Bruce Moorman	Acting Director Infrastructure Services
Mr Phil McQue	Manager Governance and Marketing
Mr Stevan Rodic	Manager Development Services
Ms Sharron Kent	Governance Officer
Ms Christine Lovett	Corporate Support Officer

Gallery

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

4.1 APOLOGIES

Councillor Cheryle Irons	Mill Point Ward (<i>representing the Mayor at the South Perth Primary School Graduation</i>)
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4.2 APPROVED LEAVE OF ABSENCE

Nil

5. DECLARATIONS OF INTEREST

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

The Presiding Member noted that no Declarations of Interest had been received.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the November 2017 Ordinary Council Meeting no questions were Taken on Notice.

6.2 PUBLIC QUESTION TIME: 12 DECEMBER 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 hours 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 Warwick Boardman of 20 Unwin Crescent, Salter Point

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

There being no further questions the Presiding Member then closed Public Question Time at 7.14pm.

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: 21 November 2017

7.1.2 Audit, Risk and Governance Committee Meeting Held: 27 November 2017

7.1.3 Property Committee Meeting Held: 6 December 2017

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Travis Burrows

That the Minutes of the:

- Ordinary Council Meeting held 21 November 2017;
- Audit, Risk and Government Committee Meeting held 27 November 2017; and
- Property Committee Meeting held 6 December 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 Council Agenda Briefing - 5 December 2017

Officers of the City presented background information and answered questions on Items to be considered at the 12 December 2017 Ordinary Council Meeting at the Council Agenda Briefing held 5 December 2017.

Attachments

7.2.1 (a): Notes - Council Agenda Briefing - 5 December 2017

7.2.2 Joint Bike Plan for the City of South Perth and Town of Victoria Park - 4 December 2017

Officers of the City and Consultants from Aurecon provided Council with an overview of a joint bike plan for the City of South Perth and Town of Victoria Park.

Attachments

7.2.2 (a): Joint Bike Plan for the City of South Perth and Town of Victoria Park - Concept Briefing - Notes

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Blake D'Souza

Seconded: Councillor Travis Burrows

That the Notes of the Council Agenda Briefing held on 5 December 2017 and the Joint Bike Plan for the City of South Perth and Town of Victoria Park held on 4 December 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.

8.1.1 DA367/2017 - 264 Canning Highway, South Perth (proposed Farmer Jacks)

A petition was received on 1 December 2017 from Mr Mark Goodwin of 12 Hobbs Avenue, Como, together with 127 signatures requesting that a Special Electors' Meeting be held to discuss matters relating to Development Application 367/2017, 264 Canning Highway, South Perth.

The text of the petition reads:

'To the Mayor of City of South Perth

- 1. Under section 5.28 of the Local Government Act 1995, the electors of Como, Kensington and South Perth Communities whose names, addresses and signatures are set out in the attached list and who comprise (1) 100 electors/5% of the number of electors request that a special meeting of the electors of the district be held.*
- 2. The details of the matter to be discussed at the special meeting are: The purpose of the meeting is to discuss matters relating to Development Application 367/2017, 264 Canning Highway South Perth. The following points are submitted for discussion:*
 - 1. The concerns of electors about the proposed Farmer Jacks development on Canning Highway Como, including but not limited to:*
 - a. Noise*
 - b. Traffic & vehicle safety*
 - c. Parking*
 - d. Impacts on adjoining properties and residents in the surrounding area.*
 - 2. To provide an opportunity for the Mayor to indicate Council's current position on the matters.*
 - 3. To consider the following motions:*
 - a. That the people of South Perth & Como oppose the development of this Supermarket development at 264 Canning Highway, Como;*
 - b. That the people of South Perth & Como request the City prepare a submission to the JDAP opposing DA367/2017;*
 - c. That the people of South Perth & Como request the City officers support the objections from the community and detail this in their Responsible Authority Report to the JDAP;*
 - d. The electors of the South Perth & Como community strongly recommend that the Development Assessment panel refuse the development application as it is contrary to orderly and proper planning and the preservation of the amenities of the locality.'*

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Travis Burrows

That the Council:

- a) accept the petition received on 1 December 2017 from Mr Mark Goodwin of 12 Hobbs Avenue, Como, together with 127 signatures requesting that a Special Electors' Meeting be held to discuss matters relating to Development Application 367/2017, 264 Canning Highway, South Perth; and
- b) note a Special Electors' Meeting is scheduled for 6pm Monday 18 December 2017.

CARRIED (8/0)

8.2 PRESENTATIONS

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

In November 2017, in response to an invitation from Mr Rob Delane, Deputy Director General – State Department International Education, Trade & Investment a delegation from Chizhou City of the People's Republic of China visited the City of South Perth.

This formed a part of building increased economic and social relations with China organised by the State Government. The Mayor and CEO hosted a meeting and afternoon tea and through an interpreter an outline of the nature of the Province and the City was exchanged.

The delegation visited Western Australia and met with a range of government, local government and businesses to discuss opportunities for education, tourism, culture, health and aged care.

The Presiding Member presented to the City a gift (plate) received from the delegation.

MOTION AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Tracie McDougall

That the Council accept the gift of a plate from the delegates of Chizhou City of the People's Republic of China as part of their visit to the City of South Perth in November 2017.

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

A Deputation was heard at the Council Agenda Briefing of 5 December 2017.

8.4 COUNCIL DELEGATES REPORTS

Nil

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 5 December 2017.

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.1.1 Youth Advisory Council

Item 10.7.1 Audit, Risk and Governance Committee Meeting Held: 27 November 2017 (specifically Committee Items 6.5 Review of Standing Orders Local Law and 6.10 2016/17 Financial Statements)

9.1 EN BLOC MOTION

MOTION AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

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

Item 10.1.2 Tender 5/2017 "Provision of Weed Control Services - Minor Works and Services"

Item 10.1.3 Tender 11/2017 "Cleaning of Gross Pollutant and Oil Separation Traps West side of Kwinana Freeway Como and Western Foreshore"

Item 10.3.1 Proposed Change of Use from Shop to Cafe/Restaurant. Lot 80 (No. 27) First Avenue, Kensington.

Item 10.3.2 Waterford Triangle Infrastructure Investigations and Proposed Town Planning Scheme Amendment

Item 10.4.1 Financial Management Reports - November 2017

Item 10.4.2 Listing of Payments

Item 10.4.3 State Planning Policy 5.4 Road and Rail Noise - Submission to Department of Planning

Item 10.7.2 Property Committee Held: 6 December 2017

CARRIED (8/0)

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Youth Advisory Council

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-104201
Meeting Date:	12 December 2017
Author(s):	Rene Polletta, Youth & Children's Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

Summary

Following the motion of Council regarding a Youth Advisory Council in August 2017, a review of the City's South Perth Youth Network (SPYN) has been undertaken along with an investigation into youth groups in other WA Local Governments.

Officer Recommendation

Moved: -

Seconded: -

That Council notes:

1. The information presented in this report (**Attachment (a)**).
2. The South Perth Youth Network will continue to operate in its current format.
3. Greater interaction will be facilitated between the South Perth Youth Network and Council by inviting Elected Members to attend three SPYN meetings per annum; and via information updates provided in the annual and quarterly reporting and Councillor's bulletin.

LAPSED FOR WANT OF A MOVER

ALTERNATIVE MOTION

Moved: Mayor Sue Doherty

Seconded: Councillor Travis Burrows

That Council notes the Officer Recommendation and:

- (i) accepts the information presented as per **Attachment (a)** in the Officers Report;
- (ii) notes the South Perth Youth Network (SPYN) will continue to operate in its current form;
- (iii) requests that before June 2018 a Workshop be held to identify and investigate options for mechanisms/structures as to how young people can provide an informed youth voice in government, local government and

- community decision making processes; recommend mechanisms for reporting and interacting with Council; raise the profile of South Perth's young people; with the topics to be covered in the workshop not being limited by those listed above; and
- (iv) requests a report be presented to Council by September 2018 following consideration of the Workshop outcomes.

CARRIED (8/0)

Reasons for the Alternative

The Officers report indicates ways that interaction between SPYN and Elected Members can be implemented, yet there is no opportunity for SPYN members to provide advice to Council on the needs, issues and policies affecting young people.

Investigation through a Workshop will consider how this information can be shared and Council better informed in making decisions which impact on the young people in the City.

Background

At the Council meeting on 22 August 2017, Council resolved the following:

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 they represents the views of our 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.*

Reason for the Motion

SPYN is a group made up of young people aged 12 – 25 years who lives, works or studies in the City of South Perth who are keen to take action about issues they care about. Whilst taking a leadership role in the planning and organising events for young people there is no opportunity for 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, and 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.

At the Council meeting in August the following comments were included from the CEO.

"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."

Comment

South Perth Youth Advisory Council

From 2001-2009 the City operated a Youth Advisory Council (YAC), however in 2008 it was recognised that the YAC had become ineffective and a new direction was implemented as described above.

SPYN has been operating since 2009 as a forum/group for young people aged 12-25 years who live, work or study in the City and want to get involved in the local community to be a voice for young people. This group was established when a decision was taken to reinvigorate the youth group that was operating up until that time.

SPYN was reviewed at the end of 2016 as the group had over 20 members, but were not achieving goals and lacked motivation. The City investigated other local governments recruitment and group structure. From this review new procedures were put in place such as a formal application and official member roles.

Applications for the network opened in April at the City's 2017 Youth Week event, a free outdoor movie. A short promotional video made by a SPYN member about Young People Volunteering was played to encourage young people to apply.

Applications closed on June 30 with the networks first meeting taking place in late July 2017. The new members agreed on fortnightly meetings and roles and responsibilities. SPYN appointed a Chair Person, Vice Chair Person, Secretary, Treasurer and Communications Officer. The meetings dates and times are set but follow a causal format. A City Officer is present at fortnightly meetings and notes are taken by the Secretary and forwarded on the City's Officer to review, distribute and follow up where needed.

SPYN have set their own goals for 2017 and have started planning projects for 2018. SPYN are now motivated, driven and committed to providing opportunities to young people in the City.

South Perth Youth Network (2013 – current)

Composition

Between 2013 and 2016 SPYN has had over 40 members ranging in age from 11 – 18 years old (60% female & 40% male).

These members were from a diverse range of backgrounds including:

- Young people with a disability (7.5%)
- Young people who have been at risk of homelessness (2.5%)
- Young people who are disengaged from education (7.5%)
- Young people with mental health issues (7.5%)
- Young people from cultural and linguistic diverse backgrounds (10%)
- Young people who identify as Aboriginal or Torres Strait Islander (2.5%)

Currently SPYN has 6 active members of which 5 are female and 1 is male. Members are aged 13 to 16 years old and currently live or attend school within the City. These members meet fortnightly are now looking at ways to recruit more members.

Having only met 6 times the group:

- Has started planning events and activities for the 2018 WA Youth Week,
- Are looking at fundraising ideas for disadvantage children in the local area
- Are discussing the creation of a separate youth group dedicated purely to volunteering on a casual basis to help out with one off projects

- Are planning to interview local young people to create a mini documentary about growing up in the City
- Have supported the City's Slow Down Carers Luncheon during National Carers Week

Achievements

Between 2013 and 2016 South Perth Youth Network has:

- Jointly won the PLA WA Event Award for the 2013 Secret Event, an event planned by SPYN for other young people
- Successfully raised the profile of Youth Week in the City by offering a larger variety of events for young people which saw the 2017 attendance increase by 300%
- Helped plan, develop and deliver over 20 events & activities during Youth Week including: Active Hour, Manning Mayhem Skate boarding events and Workshops
- Built positive and strong relationships with Lions Club of South Perth, Waterford Plaza, Gowrie WA, Archery WA, Manning Senior Citizen Centre & South Perth Senior Citizen Centre
- Provided volunteers at over 30 City events including Fiesta, NAIDOC Week, Summer Splash and Bench Talk Project
- Submitted ideas for Youth Zones at Australia Day event such as a chill out zone, archery, photo booths and airbrush tattoos
- Provided almost 100 youth volunteers to the City's Australia Day event
- Created and delivered 5 new initiatives including Clothing Drive for Southcare, baking for seniors, music walls, Youth Safety Magazine (Zines) and Manning Mayhem Skateboarding Event.
- Mentored children at 10 local activities including Bush Inventors Club and School Holiday Sports Clinics held at George Burnett Leisure Centre
- Represented the City at the 2015 and 2016 YACtivate Youth Conference

Representing Youth in the City

As part of an engagement strategy with the City's Stakeholder and Engagement team, SPYN has been a reference group for key strategic projects such as the Connect South Project, Vision 2027, Manning Community Hub, Karawara Public Open Space Masterplan and Ernest Johnson Reserve redevelopment. At the community consultation days for Manning Community Hub and Karawara Public Open Space SPYN members volunteered their time to help recruit members of the public to participate in the consultations. SPYN will be part of the consultation for the provision of equipment and use of spaces for the City's upcoming master plans, including the George Burnett Recreation Precinct Master Plan.

Each year SPYN plans and runs Youth Week events for young people in the City. During this time SPYN engages with other local young people on ideas and suggestions for Youth Week. This year saw the City offer its largest program of events and attendance was up 300% from 2016, 2015 and 2014. The City received very positive feedback from attendees who completed the Youth Week survey.

Response from the survey to the question: What was the best thing about the City of South Perth National Youth Week event(s)?

- Free and fun. Drone workshop was something new and interesting for my son to do. It also gave him new skills to move forward into life (Female, 35-44 years old, Como resident)
- I believe the best thing about the national youth week events were that the activities provided, allowed the kids of South Perth and other areas the opportunity to participate in events that helped expand and/or discover things they are interested in. (Female, 12-17years old, South Perth resident)
- The huge attendance it brought bringing in a mix of different ages and people from the community into one event. (Female, 18-24years old,

Interactions and Reporting to Council

Information about the South Perth Youth Network is included in the City's annual and quarterly reporting. Increased reporting will also be provided via the Councillor's bulletin. Furthermore, it is planned for greater interaction to be facilitated between the South Perth Youth Network and Council by inviting Elected Members to attend three SPYN meetings per annum, which will be tied in with important youth projects/milestones, such as:

1. January SPYN Meeting – The membership period for SPYN members runs from January to December, so Elected Members will be invited to the first meeting of the year to have the opportunity to meet the new SPYN members.
2. April SPYN Meeting – Elected Members will be invited to this meeting to receive a presentation about the involvement of local young people in the state-wide Youth Week celebrations.
3. December SPYN Meeting – Elected Members will be invited to this meeting to receive a presentation about 'The Year That Was', which will include information about completed youth programs, events, achievements and future youth initiatives.

Youth Advisory Council

The Department of Local Government and Communities describe a Youth Advisory Council as:

"A group of young people that actively advises its local government and council on youth matters, including youth events, youth activities and consultation. Usually meeting once a month, a YAC can run on a formal or informal basis. Local government officers can attend meetings and receive minutes or meeting notes".

The role of a YAC member usually includes:

- Representing the views of young people to local government
- Developing and organising activities and events for local young people
- Encouraging greater participation of young people in community initiatives, and
- Helping distribute information to young people and the wider community.

YACs provide young people with:

- A means of coming together to generate ideas and make decisions about matters that affect young people
- Developmental opportunities through learning about their local community
- A means of engaging with local governments on local matters, and

- An opportunity to meet new people, participate in activities and projects and develop funding applications

SPYN is achieving the above objectives for the City's youth and its members are motivated, driven and committed to providing opportunities to young people in the City.

Conclusion

As evidence by the reports at **Attachment (a) and (b)** and as discussed in this report, it is considered that SPYN is currently achieving the objectives of a YAC. It is not recommended that this format be changed; however, as discussed above greater formal interaction with Council will be initiated.

Consultation

There are approximately 32 local governments in Western Australia facilitating youth groups. In undertaking this review 13 local governments with youth groups were contacted to get a broad overview. The aim was to look at how:

- each group is structured
- the group engages with young people
- the group distributes information
- the group communicates with council

Youth Advisory Councils and Youth Groups are both running formally and informally in Western Australia. Although Youth Advisory Councils can be run on a formal basis most councils are choosing to run them on an informal basis due to a number of factors. Most of these YACs/youth groups meet monthly or fortnightly to plan youth events and activities. The majority of the local governments contacted did not have formal policies for their YAC/Youth Group to report to council.

Please see the report at **Attachment (a)**.

Policy and Legislative Implications

Nil.

Financial Implications

Funds are allocated in the 2017/18 Operating Budget.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2017-2027](#).

Attachments

- 10.1.1 (a):** Youth Group Report 2017
10.1.1 (b): South Perth Youth Network 2014 - 2017

10.1.2 Tender 5/2017 “Provision of Weed Control Services - Minor Works and Services”

Location:	South Perth
Ward:	All
Applicant:	City of South Perth
File Reference:	D-17-104477
Meeting Date:	12 December 2017
Author(s):	Les Croxford, Manager Engineering Infrastructure
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

This report considers submissions received from the advertising of Tender 5/2017 for the ‘Provision of Weed Control Services - Minor Works & Services’. This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That the Council approves the tender submitted by Supa Pest & Weed Control for the “Provision of Weed Control Services - Minor Works & Services” in accordance with Tender Number 5/2017 for the period of supply up to one (1) year with the option to extend for a further four (4) years. The four year extension will be in two (2) year periods at the City’s discretion. The estimated cost is \$961,320 excl. GST.

CARRIED EN BLOC (8/0)

Background

A Request for Tender (RFT) 5/2017 for the ‘Provision of Weed Control Services - Minor Works & Services’ was advertised in The West Australian on Saturday 19 August 2017 and closed at 2pm on 5 September 2017.

Tenders were invited as a *Schedule of Rates Contract*.

The RFT is for the ‘Provision of Weed Control Services - Minor Works & Services’. The contract is for the period one (1) year with the option to extend for a further four (4) years. The four year extension will be in two (2) year periods at the City’s discretion.

Comment

At the close of the tender advertising period (4) submissions had been received and these are tabled below:

TABLE A - Tender Submission

Tender Submission	
1.	Supa Pest & Weed Control Pty Ltd
2.	Greensteam Australia Pty Ltd
3.	Greensteam Australia Pty Ltd - Alternative
4.	Environmental Industries Pty Ltd

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant experience	40%
2. Key personnel and skills	20%
3. Equipment and machinery	20%
4. Compliance	20%
Total	100%

Based on the assessment of all submissions received for Tender 5/2017 'Provision of Weed Control Services - Minor Works & Services', it is recommended that the tender submission from Supa Pest & Weed Control be approved by Council.

More detailed information about the tender assessment process can be found in the Evaluation Panel Members Report – **Confidential Attachment (a)**.

Consultation

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

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).

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

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

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

Financial Implications

The full cost of the works is reflected in the 2017/2018 budget/s.

Strategic Implications

The report is consistent with the City's Strategic Community Plan 2017-2027.

Attachments

10.1.2 (a): Tender Evaluation Report - 5/2017 (*Confidential*)

10.1.3 Tender 11/2017 “Cleaning of Gross Pollutant and Oil Separation Traps West side of Kwinana Freeway Como and Western Foreshore”

Location: South Perth
Ward: All
Applicant: City of South Perth
File Reference: D-17-104478
Meeting Date: 12 December 2017
Author(s): Les Croxford, Manager Engineering Infrastructure
Reporting Officer(s): Mark Taylor, Director Infrastructure Services
Strategic Direction: Community: A diverse, connected, safe and engaged community
Council Strategy: 1.2 Community Infrastructure

Summary

This report considers submissions received from the advertising of Tender 11/2017 for the ‘Cleaning of Gross Pollutant and Oil Separation Traps West side of the Kwinana Freeway Como and Western Foreshore’.

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

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That the Council approves the tender submitted by Cleanaway Industrial Solutions Pty Ltd for the ‘Cleaning of Gross Pollutant and Oil Separation Traps West side of the Kwinana Freeway Como and Western Foreshore’ in accordance with Tender Number 11/2017 for the supply up to 2 years with the option of 3 years at 1 year intervals totalling 5 years at the City’s discretion. Over 5 years the total is \$227,218 excl. GST.

CARRIED EN BLOC (8/0)

Background

A Request for Tender (RFT) 11/2017 for the ‘Cleaning of Gross Pollutant and Oil Separation Traps West side of the Kwinana Freeway Como and Western Foreshore’ was advertised in The West Australian on Saturday 16 September 2017 and closed at 2pm on Wednesday 4 October 2017.

Tenders were invited as a *Schedule of Rates Contract*.

The RFT is for the ‘Cleaning of Gross Pollutant and Oil Separation Traps West side of the Kwinana Freeway Como and Western Foreshore’.

The contract is for the period supply up to 2 years with the option of 3 years at 1 year intervals totalling 5 years at the City’s discretion.

Comment

At the close of the tender advertising period 4 submissions had been received and these are tabled below:

TABLE A - Tender Submission

Tender Submission
1. Cleanaway Industrial Solutions P/L
2. Drainflow Services
3. Solo Resource Recovery
4. Sues Recycling and Recovery

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated works record, experience and ability to perform the tasks as set out in the specification	50%
2. Sufficient Staff, Plant and Equipment Resources to perform the tasks/Specification	50%
Total	100%

Based on the assessment of all submissions received for Tender 11/2017 'Cleaning of Gross Pollutant and Oil Separation Traps West side of the Kwinana Freeway Como and Western Foreshore', it is recommended that the tender submission from Cleanaway Industrial Solutions Pty Ltd be approved by Council.

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

Consultation

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

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).

10.1.3

Tender 11/2017 "Cleaning of Gross Pollutant and Oil Separation Traps West side of Kwinana Freeway Como and Western Foreshore"

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

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

Financial Implications

The full cost of the works is reflected in the 2017/2018 budget/s.

Strategic Implications

The report is consistent with the [City's Strategic Community Plan 2017-2027](#).

Attachments

10.1.3 (a): Tender Evaluation Report - 11/2017 (*Confidential*)

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Change of Use from Shop to Cafe/Restaurant. Lot 80 (No. 27) First Avenue, Kensington.

Location: 27 First Avenue, Kensington
Ward: Moresby Ward
Applicant: Marilyn Lewis
File Reference: D-17-104237
DA Lodgement Date: 16 October 2017
Meeting Date: 12 December 2017
Author(s): Matthew Andrews, Statutory Planning Officer
Reporting Officer(s): Vicki Lummer, Director Development and Community Services
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy: 3.2 Sustainable Built Form

Summary

This report seeks Council's consideration of an application for development approval for a Change of Use from 'Shop' to 'Café/Restaurant' on Lot 80 (No. 27) First Avenue, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 clause 7.8(1)
Land use – 'Café/Restaurant' ('DC' use)	TPS6 clause 3.3

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Change of Use from 'Shop' to 'Café/Restaurant' on Lot 80 No. 27 First Avenue, Kensington **be approved** subject to:

(a) Conditions

- (1) Prior to operation of the use, provision shall be made for the parking of 5 bicycles in bays, the design and location of which shall be to the satisfaction of the City.
- (2) The hours of operation are limited to the following:
 - (i) Monday to Sunday - 7:00am to 5:00pm;
- (3) The 'Café/Restaurant' shall not exceed a maximum capacity (internal and external) of twenty (20) patrons at any given time.
- (4) The combined internal and external dining areas shall not exceed a maximum size of 23sqm.
- (5) A separate application is to be submitted for any proposed signage that is not exempt from planning approval.

(b) Advice Notes

PN01, PN02, PN07, PN08, PN10, PN11, PN12, PN23, PNX1, PNX2, PNX3

- (1) Prior to operation of the Food Business, the premises will require an inspection from an Environmental Health Officer of the City which cites that the Use may commence operation.
- (2) Toilet facilities may be required to satisfy the requirements of the Building Code of Australia.

CARRIED EN BLOC (8/0)

Background

The development site details are as follows:

Zoning	Local Commercial
Density coding	R15
Lot area	519 sq. metres
Plot ratio limit	0.5

The location of the development site is shown below:



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

6. Amenity impact

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

Comment**(a) Background**

In September 2017, the City received an application for a Change of Use from 'Shop' to 'Café/Restaurant' on Lot 80 (No. 27) First Avenue, Kensington (the Site).

The Site was zoned Residential R15 under the previous City of South Perth Town Planning Scheme No. 5 (TPS5), with the Use of 'Shop' permitted as an Additional Use. The Site was rezoned to 'Local Commercial' under the current Town Planning Scheme No. 6 which broadened the potential non-residential uses that could operate on the Site.

The last known non-residential Use for the site was a 'Shop' (under the previous TPS5), that sold and repaired second-hand computers. The Site is currently being used as a single residential dwelling with the existing shopfront previously utilised for non-residential purposes being vacant. The shopfront has been vacant for an unknown period of time, but it is estimated to have been empty for approximately the last 12 years with only the dwelling being occupied.

(b) Description of the Surrounding Locality

The Site is located on a corner and has frontages to First Avenue to the north-west and Lansdowne Road to the north-east. The properties abutting the site to the south-east and south-west are single residential dwellings, as seen in **Figure 1** below:



Figure 1: Aerial photo of the Site

The area is characterised by single storey residential dwellings with some higher density grouped and multiple dwellings on the northern side of First Avenue, closer to Canning Highway.

Two designated street bays are located on Lansdowne Road and one street bay is located on First Avenue. It is noted that Lansdowne Road is a no-through road on to Canning Highway where there are also a number of unmarked street parking bays.

(c) Description of the Proposal

The proposal involves the Use of a 'Café/Restaurant', including alfresco area, within the existing shopfront facing the corner of First Avenue and Lansdowne Road, as depicted in the submitted plans at **Attachment (a)** and described in the proposal at **Attachment (b)**. Furthermore, the site photographs show the

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

The applicant describes the proposed Use of the café as offering a menu that is designed around simple take-away food and fast espresso coffee to encourage short trips and minimise parking requirements. The applicant anticipates that the majority of customers will be local residents that will access the Site on foot or bicycle given the surrounding locality and the proximity to public transport options.

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

(d) Land Use

The proposed land Use of 'Café/Restaurant' is classified as a 'DC' (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this discretionary with consultation use, it is observed that the Site adjoins residential land uses, in a location with a residential streetscape. It is also noted that the land is zoned as 'Local Commercial' and the corner shopfront building has previously been used for non-residential Uses.

The existing shopfront is designed to be used for a non-residential Use and is permitted to be used as a 'Local Shop' which by definition may include the sale of takeaway food. Small corner shops are often not viable businesses within residential suburbs given the increase in car use and competition posed by larger grocery stores. A café that is small in nature can effectively utilise the existing shopfront that would otherwise be vacant without impacting on the amenity of the surrounding residential dwellings. It is seen to add value and diversity to the residential area and is viewed as making a positive contribution to the precinct in terms of amenity and sustainability. Accordingly, the Use is considered to comply with the Table 1 of the Scheme having regard to clause 1.6 of the Scheme and clause 67 of the Deemed Provisions (which replaces previous clause 7.5 of the Scheme).

(e) Car Parking

The required number of car bays is 3, and the proposed number of on-site car bays associated with the proposed Use is 0, a shortfall 3 bays. It is noted that according to the City's records, no car parking bays have ever been located on the Site for use by staff or patrons of Uses within the existing shopfront. Therefore the proposed development does not comply with the car parking requirement in Table 6 of the Scheme. It is noted however that there are 3 marked on-street parking bays located adjacent to the Site, as seen in **Figure 2** below. Aerial photography shows that these 3 bays have been line marked since 2005 but have been utilised for parking since the shopfront was first constructed.



Figure 2: Location of on-street parking bays

Council has discretionary power under clause 6.3(4) of the Scheme to approve the proposed car parking, if Council is satisfied that proposed number of parking bays is sufficient having regard to peak parking demand and any opportunities for reciprocal parking arrangements. The proposed peak demand is considered to be small given the overall dining area of the 'Café/Restaurant' (20sqm), the proposed operation of the Use, and the location within an established residential area. It is expected that a majority of the patrons will be residents within the surrounding local area who will walk or ride to the café and that peak times will be in the morning. In addition, the applicant resides within the residential dwelling appurtenant to the shopfront which has two approved parking bays within an existing carport accessible off Lansdowne Road. The applicant has advised that all staff parking will be contained within the existing approved carport.

There is no current parking agreement between the owners and the City in relation to these bays. Additionally there is no signposting on these bays restricting the length of time that cars may be parking in these bays. If it becomes apparent that these bays are being used for extended periods of time by persons using the nearby public transport network it may be necessary to signpost these bays in the future to ensure that they are available for visitors to the café.

In this instance, it is recommended that the Use be approved as the City is satisfied that the proposed on-street parking bays are sufficient, having regard to the peak parking demand for the Use.

(f) Alfresco Dining

Alfresco dining is not referenced in the Scheme but is discussed in this report given the potential amenity impact that it may cause.

An area of alfresco dining (tables and chairs only) is proposed within the verge area fronting both Lansdowne Road and First Avenue. The extent of the alfresco dining can be seen on the plans at **Attachment (a)** and in photographs provided by the applicant at **Attachment (d)**. The applicant has stated that the alfresco dining will cater for approximately 8 persons and that there will be no noise making devices (e.g. speakers) on the exterior of the café.

Alfresco dining in this location is appropriate as it is anticipated that a lot of the patrons will be on foot and may have either a dog or pram that would otherwise not be able to be accommodated in the small café. The alfresco dining is viewed as a positive contribution to the streetscape adding vibrancy to the streetscape and attracting pedestrians to the area. The noise generated from the alfresco dining is expected to be minimal and not exceed the existing ambient noise levels generated by things such as vehicular traffic, pedestrians and birds. The shopfront also has an existing awning overhanging the verge to provide shade and shelter from weather making the space well suited to alfresco dining.

The tables and chairs will need to be located hard up against the building in order to maintain the connection between the existing footpaths along Lansdowne Road and First Avenue. An alfresco dining permit will be required to be issued by the City's Environmental Health department prior to operation of the Use.

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

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

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

(g) Protect residential areas from the encroachment of inappropriate uses;

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

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

In considering an application for development approval the local government is to have due regard to the following matters to the extent that they, in the opinion of the local government, are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

Consultation

(i) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 2' consultation method, individual property owners, occupiers and/or strata bodies of the properties as indicated in blue on the below **Figure 3** were invited to inspect the plans and to submit comments during a 14-day period. In addition, signs were placed on Site inviting comment from any other interested person.

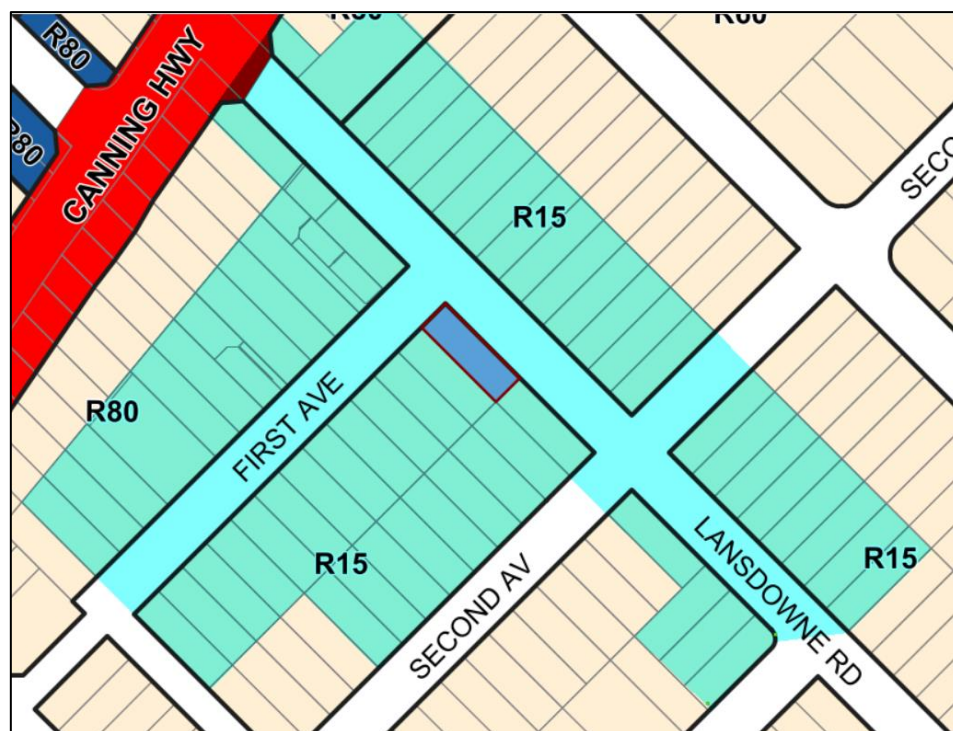


Figure 3: Consultation area map

During the advertising period, a total of 105 consultation notices were sent and 8 submissions were received, 5 in favour and 3 against the proposal. The comments of the submitters against the proposal, together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
Generation of noise from the alfresco dining, in particular early on weekend mornings.	Noise generation from patrons within the alfresco dining areas will be minimal. Any noise generated is anticipated to be within the acceptable noise limits and will likely be less than the existing ambient noise levels in the area. The comment is NOT UPHOLD .
Increase in cars parking on the street which is already overloaded.	The proposed Use is not anticipated to generate a significant amount of parking due to the small scale of the Use. The marked parking bays within the road reserve are considered sufficient for the Use. The comment is NOT UPHOLD .
Noted that patrons will be encouraged to walk/ride but no bicycle parking is provided.	The applicant was requested to provide additional information and/or amended plans in regards to this comment. Amended plans were provided showing bicycle racks 'to city requirements',

	adjacent to the proposed alfresco dining area on Lansdowne Road. The Engineering department was requested to make comment as the bicycle racks are within the verge area and they have advised that this location is acceptable. Conditions have been recommended in relation to the total number of bicycle racks required. The comment is UPHELD
Not conducive to the Scheme Objective (a) "Maintain the City's predominantly residential character and amenity".	The Scheme Objectives listed under clause 1.6 relate to the City of South Perth as a whole and not individual precincts. The introduction of a small café within a Local Commercial zoned property is not considered to impact on the predominantly residential nature of the City or the Kensington Precinct. The comment is NOT UPHELD .
Not aligned to the Scheme Objectives (e), (f) and (g) by way of not being compatible with the surrounding residential dwellings in terms of use and streetscape.	The new development is considered to be harmonious with the character and scale of the existing residential development as it is an existing shop development in a Local Commercial Zone. The use is considered to be appropriate for the area due to the small scale of operation and maximum patron numbers. The community aspirations and concerns being addressed through Scheme controls is not considered to be relevant to this development as there is no change proposed to the Scheme. The comment is NOT UPHELD .
Potential hazards for both pedestrian and motorists due to the alfresco dining and increased traffic and parking as a result of the use.	Engineering has made comment on the proposed development and has no concerns in regards to pedestrian safety subject to a 1.5m setback being provided to the street edge. The Use will not generate significant traffic or parking numbers and therefore will not impact on the existing traffic safety in the area. The comment is NOT UPHELD .
Increase in anti-social behaviour including littering and vandalism, and the increase in people in the area creating a safety and security risk.	The café is aimed at attracting local residents who live in the area rather. The increase in foot traffic within the area, although expected to be minimal, will increase the safety within the area and discourage anti-social behaviour. No anti-social behaviour has been reported in relation to other existing café/restaurants within the precinct. The comment is NOT UPHELD .

The applicant was invited make comment on the concerns of the community and their response can be seen at **Attachment (e)**.

A number of comments were also received from neighbouring residents in favour of the development. Some of the positive comments received included:

- The development at will help bring back a community feel;
- This area is in desperate need of more cafes/restaurants which is within walking distance;
- It will make a great alternative to the multitude of fast food outlets nearby; and
- The proposal is an appropriate reuse of the old corner shop.

(j) Manager, Engineering Infrastructure

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

- No alfresco is to be within 1.5m of footpaths abutting the paved verge either side of the property.

No planning conditions or important notes are recommended to deal with issues raised by the Manager, Engineering Infrastructure as the proposed plans show the alfresco dining to be sufficiently setback from the road edge.

(k) Other City Departments

Comments were invited from Environmental Health department of the City's administration. The Environmental Health section provided comments with respect to food preparation and alfresco dining.

Comments were received relating to the requirement to comply with the applicable regulations and standards for kitchens, as well as the need to submit an Alfresco Dining Application and a Food Notification Registration Form. Conditions and/or Advice Notes have been recommended in response to this departments 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 "Environment (built and natural)" identified within Council's Strategic Community Plan 2017-2027 which is expressed in the following terms: *Sustainable Built Form - Promote and facilitate contemporary sustainable buildings and land use.*

Sustainability Implications

The proposed Use is considered to add to the social sustainability of the precinct by providing an appropriate alternative use within the area. With the surrounding built form being characterised by residential dwellings, a small scale café/restaurant creates a meeting place and social hub for local residents to meet within their local area that can be accessed easily through active transport such as walking or cycling.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions. The Use is of a small scale and will add diversity to areas without detrimentally impacting on the amenity of the surrounding residential properties. Operation of a small business in the street front shop by a resident who lives in the attached dwelling is the ideal situation for these types of existing Local Commercial zoned properties. The response from the community has been largely positive with local residents welcoming the addition

10.3.1 Proposed Change of Use from Shop to Cafe/Restaurant. Lot 80 (No. 27) First Avenue, Kensington.

to their community. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.1 (a):** Development Plans
- 10.3.1 (b):** Development Proposal and Menu
- 10.3.1 (c):** Site Photographs
- 10.3.1 (d):** Alfresco Dining Photographs
- 10.3.1 (e):** Applicant Response to Neighbour Submissions

10.3.2 Waterford Triangle Infrastructure Investigations and Proposed Town Planning Scheme Amendment

Location:	Waterford
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-17-104620
Meeting Date:	12 December 2017
Author(s):	Mark Carolane, Senior Strategic Projects Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

The Waterford Triangle is strategically located close to Curtin University and public transport but the existing density code does not encourage investment in the area and many of the properties have been poorly maintained over time. Planning for the rezoning of the Waterford Triangle commenced in 2006 through the Waterford Triangle Study, which culminated in the preparation of the Waterford Triangle Urban Design Plan and Design Guidelines in 2010. This document provided a conceptual framework for the redevelopment of the area and the basis for a future town planning scheme amendment. It has been used to guide the future planning of the precinct since December 2010 and was modified to 2012 following further community consultation.

In the intervening years a number of changes have been made to the overarching planning framework and consequently a number of issues have been identified with the Urban Design Plan. Further work to progress the future planning of the precinct has been undertaken including:

- An infrastructure feasibility study to determine the required infrastructure upgrades to improve the amenity, safety and use of public space in the precinct, and investigations into the appropriate funding mechanism/s for this work;
- Further investigation into alternative access arrangements for lots fronting Manning Road; and
- A comprehensive review of the Urban Design Plan recommendations in light of the changes to the planning framework and the findings of infrastructure investigations.

This report seeks Council endorsement to prepare and undertake preliminary engagement on:

- A town planning scheme amendment for the recoding of the Waterford Triangle Precinct and associated development provisions. This amendment is intended to implement the vision set out in the urban design plan while updating and simplifying the specific provisions in a practical and implementable way.
- The provision of alternative access to properties that currently rely on direct vehicular access to Manning Road via construction of a new laneway between Conlon and Garvey Streets on park land as a cul-de-sac, to be

funded by the City, and town planning scheme provisions to require amalgamation of some properties to enable alternative access. A Local Development Plan is to be prepared to illustrate the access requirements for all properties adjacent to Manning Road and/or that are serviced by the proposed laneway.

The report also seeks Council consideration of the required infrastructure upgrades to improve the amenity, safety and use of public space within the precinct over time, and the potential funding mechanism for these works.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That Council:

- a. Consider, subject to annual budget approval, the infrastructure upgrades listed in **Attachment (b)** to be planned and delivered over time as part of the City's capital works program to improve the amenity, safety and use of public space in the Waterford Triangle;
- b. Endorse for preliminary consultation the approach to provide alternative access to properties that currently rely on direct vehicular access to Manning Road as set out in **Attachment (c)**, as follows:
 - The City to fund construction of Stage 1 of the laneway between Conlon and Garvey Streets on park land as a cul-de-sac.
 - Introduce a town planning scheme provision to require amalgamation of numbers 225 and 227 Manning Road with adjoining properties, in order to remove access from Manning Road.
 - Introduce a second town planning scheme provision to require amalgamation of numbers 217 and 219 Manning Road with adjoining properties, in order to remove access from Manning Road.
 - Adopt a Local Development Plan to illustrate the access requirements for all properties adjacent to Manning Road and/or that are serviced by the proposed laneway, to be adopted along with the proposed town planning scheme amendment.
- c. Note the investigation into development contributions set out in **Attachment (d)**, including that development contributions are not a suitable mechanism for funding infrastructure upgrades in the Waterford Triangle because the upgrades are needed to improve the amenity of the area, rather than to increase the capacity of the infrastructure to accommodate redevelopment, and it is therefore not possible to demonstrate the "need and nexus" with new development to the extent required under State Planning Policy 3.6 Development Contributions for Infrastructure;
- d. Endorse the preparation of a draft amendment to Town Planning Scheme No. 6 and an associated local development plan and planning policy, for preliminary consultation with affected landowners in accordance with policy P301 Community Engagement in Planning Proposals and Clause 9.8 of Town Planning Scheme No. 6. The documentation shall include:
 - Re-coding the subject properties from R20 to R60;
 - Scheme provisions increasing the building height limit from 7.0 metres to 10.5 metres;
 - Scheme provisions prohibiting grouped dwellings;

- Scheme provisions and a Local Development Plan to resolve access for properties that currently directly access Manning Road;
- Scheme provisions to reduce open space requirements for properties with direct frontage onto the park area;
- Scheme provisions to ensure a visually permeable interface and casual surveillance of the park area; and
- Local planning policy provisions to provide additional detail regarding objectives, expected built form outcomes and design requirements where a degree of flexibility is required.

CARRIED EN BLOC (8/0)

Background

The Waterford Triangle is bounded by Manning Road, Conlon Street and McKay Street in Waterford and currently consists of 81 single and duplex dwellings at an R20 density code. Due to the proximity of Curtin University a high proportion of houses within the Waterford Triangle are occupied by group households and/or rented to students. However, despite the unique location close to the university and public transport, the existing density code does not encourage investment in the area and many of the properties have been poorly maintained over time. Public open space, including road verges, and road carriageways are also in need of upgrade to improve the amenity of the area and provide attractive and useable spaces for local residents.

Planning for the Waterford Triangle to address the above and facilitate the appropriate redevelopment of the precinct has been ongoing since 2006. An overview of the work undertaken is provided below.

Waterford Triangle Study (2006-2010)

The Waterford Triangle Study was undertaken in partnership with the Department of Commerce between 2006 and 2010, with the objective to explore community needs and provide an urban design guide that could facilitate higher density, high quality redevelopment. Stage 1 of the study investigated community aspirations through a programme of community engagement and discussion with relevant stakeholders to determine broad attitudes and preferences for the future development of the area. Stage 2 involved the preparation of the Urban Design Plan and Design Guidelines (**Attachment (a)**), including design options for future development and further consultation with the owners, residents and other key stakeholders of the area.

In December 2010 Council resolved to use the Waterford Triangle Urban Design Plan and Design Guidelines (**Attachment (a)**) as the guide for future redevelopment of the precinct. Following Council endorsement of the Urban Design Plan and Design Guidelines further community engagement was undertaken to address landowner concerns regarding the proposed laneway between Conlon and Garvey Streets. Some modifications were subsequently made to the documents, which were adopted by Council in February 2012.

Through this study, the following ten guiding principles were identified for the redevelopment of the Waterford Triangle:

1. *Continue to be a place for a mixture of residents - students and non-students, owner-occupiers and tenants. Housing needs to provide sufficient opportunity for this diversity of lifestyle opportunity within the area*

2. *Maintain its sense of community with a focus on the design and use of public spaces, easy access to facilities, amenities and surrounding needs*
3. *Improve, through re-design, the leafy landscape, park and places for residents to exercise, play and meet in the public domain*
4. *Have streets that do not carry large numbers of vehicles or provide for through-traffic but instead cater for slow-moving vehicles, pedestrians and bicycles*
5. *Improve the quality of its streets to offer better:*
 - *Pathways and cycle access;*
 - *Lighting and open sightlines;*
 - *Balance between visitor parking and green space;*
 - *Infrastructure and street-care;*
 - *Incorporate better Water Sensitive Urban Design into public areas;*
 - *Signage and local identity of place;*
 - *Small spaces for people to stop and chat; and*
 - *Allocation of space between private and public activities.*
6. *Improve the edge of the site adjacent to Manning Road in terms of safe access for abutting properties, and explore better access alternatives to individual driveways onto Manning Road*
7. *Encourage redevelopment to adopt best design for energy and water conservation, and to reflect a set of consistent design values for Waterford*
8. *Re-think the configuration of spaces and land uses to offer more variety and interaction between residents*
9. *Introduce some key facilities/amenities/activities/businesses, which might be of use to local people and create a stronger community spirit and sense of belonging*
10. *Investigate ways to better link to the Canning River, Curtin University and the nearby Waterford Plaza Shopping Centre.*

Urban Design Plan (Attachment (a))

The Urban Design Plan prepared in 2010, and updated in 2012, provides a conceptual framework for the redevelopment of the area. The Plan is divided into four sub-precincts, as shown on Figure 1 and the key points can be summarised as follows:

- The Apartment Precinct will contain multiple dwellings, with a variety of dwelling sizes, in landscaped grounds. The building height limit will be five storeys, with the upper three storeys being set back from the first two levels in a podium style development. This will control the bulk of the built form at the street level and pedestrian scale so as not to create major overcrowding and overshadowing.
- The Terrace Precinct is to provide for single, grouped or multiple dwellings within a three storey building height limit. Built form is intended to be a terrace style that relates well to the street environment and has relatively small setbacks.
- The McKay Street Precinct will be similar to the Terrace Precinct but multiple dwellings will not be permitted to ensure a compatible relationship to the housing opposite.
- The Park Terrace Precinct is intended to be developed in the same way as the Terrace Precinct with the additional objective to increase the usage of the park area by reducing private open space requirements, given that the properties within the precinct have direct access and frontage onto the park area. Development abutting the park will need to address the public open space to improve surveillance and security.

- Laneways are to be created to remove vehicular access from properties onto Manning Road. Alternative vehicular access is essential for redevelopment of these properties as Manning Road is classified as an Other Regional Road and the Department of Planning will therefore not support new development unless crossovers to Manning Road are removed.



Figure 1: Waterford Triangle Urban Design Plan

The Urban Design Plan was intended to provide the basis for a town planning scheme amendment; however, as discussed below, a number of changes have been made to the planning framework since 2010 and a number of issues have been identified with the Urban Design Plan. These issues are discussed further in the comment section of this report.

Upgrades to infrastructure

The Waterford Triangle Urban Design Plan (**Attachment (a)**) identified a number of upgrades to infrastructure that would be required in order to achieve the guiding principles of the Plan, including:

- Streetscape upgrades to create more pedestrian friendly streetscapes, with a focus on slowing traffic and creating more space for pedestrians and landscaping. To achieve this it is recommended to reduce the road carriageway widths to create more space in the road reserve.
- Improving the Water Sensitive Urban Design of public open space, including road reserves.
- Improving the provision of on-street parking throughout the precinct.
- Removing direct vehicle access to properties from Manning Road, to improve safety and comply with Department of Planning requirements for access onto Other Regional Roads.
- Upgrade of the central public open space area to offer a wider range of uses and to create a safe and attractive space.
- Opportunity to establish a community garden, subject to community interest.
- Improved lighting of footpaths, roads and public open space.
- Undergrounding of power.

- Upgrading of drainage infrastructure in response to modified road carriageways and construction of the new laneway.

The City has conducted a detailed study into the required infrastructure upgrades and the associated costs, including recommended funding options (**Attachment (b)**). These options are discussed in detail under the “comment” section, below.

Comment

The Waterford Triangle requires changes to the town planning scheme to facilitate development as well as infrastructure upgrades to improve the amenity of public space. In addition, properties which currently rely on vehicular access to Manning Road require an alternative if they are to redevelop. There are a number of possible approaches to the upgrading of infrastructure, as discussed below. Agreement on a preferred approach is required in order to inform the town planning scheme amendment.

Infrastructure upgrades

A detailed study into the required infrastructure upgrades and the associated costs is included at **Attachment (b)**. The key infrastructure works to be delivered by the City of South Perth to improve the amenity of the precinct and complement redevelopment, and estimates of the associated costs, are summarised in Table 1.

Infrastructure item	Summary description	Estimated cost
Footpaths	<p>Due to the road geometry changes as well as the poor condition of the existing footpaths, it is proposed to replace all footpaths throughout the precinct.</p> <p>Footpaths on McKay Street are within the City of Canning and are not included.</p> <p>New footpaths will be 1.5m wide and be on the lot boundary. Pram ramps with tactile pavers are to be installed at intersections.</p>	\$200,000
Street lighting	Installation of street lighting within the proposed laneway.	\$70,000
Roads and laneways	<p>The internal local road network has sufficient capacity to accommodate the forecast traffic volumes. As such, this provides an opportunity to increase verge widths and improve streetscapes and on-street parking.</p> <p>The width of all internal roads will be reduced from 7.2m to 6.0m (excluding the Conlon Street intersection with Manning Road). All roads will be re-surfaced within the precinct in conjunction with the road narrowing works.</p> <p>Brick paved laneways are to be constructed parallel to Manning Road to prevent driveway access directly off Manning Road.</p> <p>The existing intersections surrounding the precinct are considered adequate for the future traffic volumes.</p>	\$800,000 (excluding land acquisition for laneway)
Drainage	Minor run-off from the proposed laneway will	\$100,000

	be treated by a bio-retention basin within the public open space. The existing infrastructure will be adjusted to suit the reduced road and carriageway widths.	
Public open space and verges	Upgrades to the public open space area will include: <ul style="list-style-type: none"> - Hard/Soft landscaping and irrigation; - Playground allowance; - Bollards; - Miscellaneous metal works (bins, benches etc.); and - Artwork. Verge landscaping to be upgraded due to the road geometry changes	\$895,000
Demolition and stripping	To undertake the works outlined above, demolition and stripping works are required.	\$260,000

Table 1: Key infrastructure works and associated costs

In addition to the infrastructure items in Table 1, it is recommended that the existing overhead power network be undergrounded throughout the precinct. This can be achieved in one of two ways:

- The network is undergrounded prior to development, with existing dwellings re-connected to the new network. This option does not allow for the installation of any new transformers or switchgears to meet new demand.
- The network is undergrounded in conjunction with required capacity upgrades. This option requires a significant proportion of the precinct to be developed simultaneously.

It is unlikely that a high proportion of the precinct will be developed simultaneously because there are many landowners in the precinct, who will have varying plans for their land holdings. Therefore it is more practical to underground power independent of development, with capacity improvements to be undertaken as and when they are required. The funding and delivery of underground power in the Waterford Triangle will be investigated as a separate project to properly consider the relevant technical issues and costs taking into account any changes to the residential density and infrastructure in the area as discussed in this report.

Access for properties that currently rely on vehicular access to Manning Road

There are 13 properties within the Waterford Triangle that currently have vehicular access directly onto Manning Road, as shown in Figure 2.

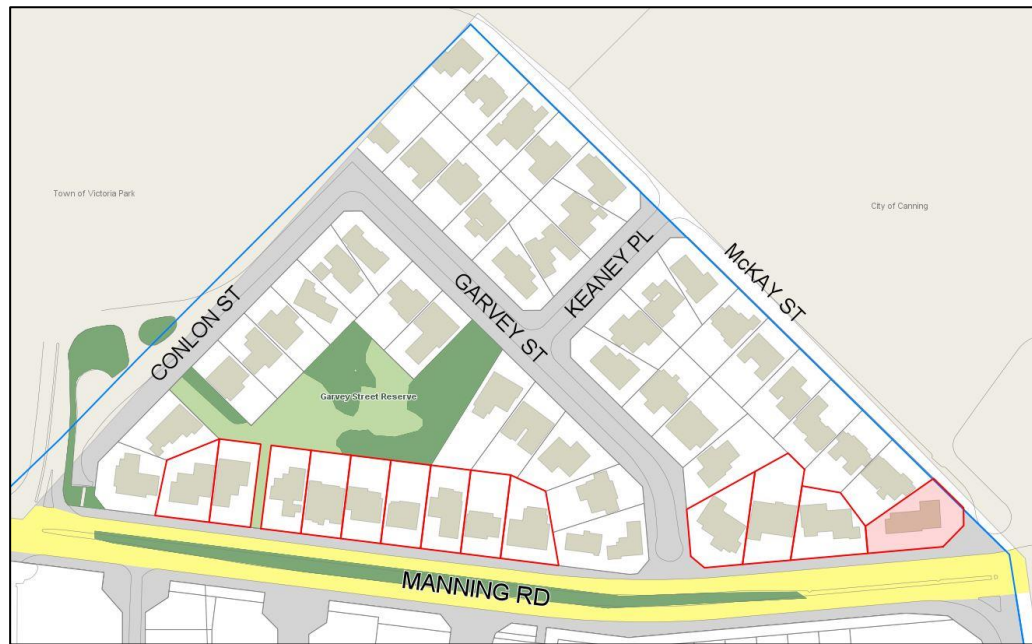


Figure 2: Properties with vehicular access directly to Manning Road

If the residential density of the properties that currently directly access Manning Road is to be increased as proposed, an alternative vehicular access arrangement is required in order to enable these properties to be redeveloped, as the Department of Planning will generally not support new development that relies on direct access to an Other Regional Road (as defined in the State's Functional Road Hierarchy). There are a number of ways that alternative access may be achieved, which have implications for the funding of infrastructure upgrades in the precinct and the content of the proposed town planning scheme amendment. Table 1 refers to construction of laneways parallel to Manning Road, based on the Urban Design Plan recommendation, shown in Figure 1 (ceding of land from privately owned properties). **Attachment (c)** presents an assessment of the access options, including funding implications and impacts on the town planning scheme.

Notwithstanding the Council resolution of November 2012 to adopt the Urban Design Plan, with the two laneways created on land ceded from privately owned properties, further analysis has identified a number of issues that make this impractical (see **Attachment (c)**), including:

- If land is required to be purchased by the City, the cost is prohibitive and it is unlikely that all required land could be acquired in a timely manner;
- If landowners are required to cede land to the City at the time of development, it is likely to take many years for all land to be ceded to allow construction of the laneway;
- In either scenario described above, development would be inhibited or temporary access arrangements would be required until the laneway is constructed.

It is therefore recommended to incorporate the following approach into a town planning scheme amendment:

- Construct Stage 1 of the laneway between Conlon and Garvey Streets on park land as a cul-de-sac.
- Introduce a town planning scheme provision to require amalgamation of numbers 225 and 227 Manning Road with adjoining properties, in order to remove access from Manning Road.

- Introduce a second town planning scheme provision to require amalgamation of numbers 217 and 219 Manning Road with adjoining properties, in order to remove access from Manning Road.
- Adopt a Local Development Plan to illustrate the access requirements for all properties adjacent to Manning Road and/or that are serviced by the proposed laneway.

These changes from the Urban Design Plan are recommended as the most practical and cost effective means to facilitate development of the subject properties. This will improve the surveillance, use and safety of the park by increasing the local population and providing an active interface in place of the existing rear fences. Further, it is recommended that the park be upgraded at the same time the laneway is constructed to improve facilities, landscaping and lighting.

Infrastructure upgrade funding options

The Infrastructure Funding Feasibility Report (Attachment B) outlines four potential options for the City to fund the abovementioned infrastructure upgrades:

- Funding of infrastructure from the City's capital works budget
- Preparation and implementation of a Development Contributions Plan (DCP)
- Funding of infrastructure through introduction of a Specified Area Rate
- Funding of infrastructure through Land Owner Agreements

A development contributions plan is the only one of these options that directly captures some of the land value uplift created by any amendment to the town planning scheme and uses this to fund upgrades to infrastructure, without impacting land owners who do not redevelop their properties. The City has therefore investigated this option in detail in order to determine whether a DCP could be implemented for the Waterford Triangle (see **Attachment (d)**).

Development contributions for infrastructure are governed by State Planning Policy 3.6 (SPP 3.6), which sets out the principles and considerations that apply to development contributions. The key principle underlying the development contributions system, as set out in SPP 3.6, is that the 'beneficiary' pays. As discussed in **Attachment (d)**, where the benefits will accrue to both existing and new residents, developers will only fund the infrastructure and facilities that are reasonable and necessary for the development over the life of a development contribution plan and to the extent that the infrastructure and facilities are necessary to service the development.

If development contributions are to be applied, the cost of any new infrastructure or upgrades must be apportioned according to the principles of need and nexus. SPP 3.6 explains these principles as follows:

The need for the infrastructure included in the development contribution plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

There are a number of potential difficulties in establishing "need and nexus" in the Waterford Triangle to the extent required under SPP 3.6, primarily as a result of the fact that the upgrades are needed to improve the amenity of the area, rather than to increase the capacity of the infrastructure to accommodate redevelopment. This brings into question whether there is a clearly demonstrated 'need' for the infrastructure, as development can proceed without the upgrades. Further, most of the items that would be included in a DCP would benefit the occupants of all developments within the precinct equally, i.e. both new and existing residents. This

presents a difficulty for establishing 'nexus', as it could be argued that all landowners in the precinct should contribute, not just those who develop. It would also be difficult to establish the connection (nexus) between individual developments and the demand created and to apportion each individual development's contribution to the overall need in a transparent and equitable way that allows for calculation of a development contribution.

The exception to the above is the proposed laneway, which is required to enable redevelopment of properties that currently have vehicular access directly to Manning Road. If the recommended option of creating a cul-de-sac laneway on park land is to be implemented and the full costs recouped via a development contributions plan, the cost per property is estimated in excess of \$35,000. It should be noted that only those properties that require the laneway can be responsible for funding the laneway under a DCP, as only those properties have a "need and nexus", as discussed above. This is a significant impost on land owners and may discourage redevelopment; however the City may consider requiring a lesser contribution to partially recover the cost to the City of laneway construction. This should be considered along with the resources and expertise required to prepare and administer a DCP and the likely timeframe for cost recovery, as discussed in **Attachments (c) and (d)**.

As the subject infrastructure upgrades are required to improve the amenity of the area, for the benefit of both new and existing residents, they are therefore considered to be a public benefit and are considered to be capital works rather than a requirement to facilitate and accommodate redevelopment. Such works are generally the responsibility of local government as part of normal capital works programs. It is therefore not possible to clearly demonstrate the 'need and nexus' for the proposed infrastructure upgrades. Consequently, development contributions are not a suitable mechanism for funding infrastructure upgrades in the Waterford Triangle, with the possible exception of the proposed laneway. It is recommended that all other proposed upgrades be planned to be delivered over time and funded as part of the City's ongoing capital works budget. It should be noted that redevelopment will improve the condition of private property, which will help improve amenity in the area, and will increase the rates base of the area, which will in turn help offset the cost of infrastructure upgrades.

Although development contributions may be possible to partially recover the cost of constructing the proposed laneway, there are a number of issues that make implementation impractical, including:

- The City would be required to fund construction to provide the laneway, before recovering costs from development contributions;
- The timing of receipt of development contributions is uncertain and likely to be spread over a number of years as properties develop over time;
- There are 12 separate property owners, of which five are owner occupiers, adjacent to the proposed laneway and this makes it very unlikely that all of the subject properties will redevelop over the 10-15 year life of the development contribution plan. This in turn makes it very unlikely that the City would recover the full cost of laneway construction;
- The City would be required to prepare, administer and annually review a development contribution plan, which involves significant expertise and resources but may not recoup a large portion of the upfront costs, for the reasons outlined above;

- Development contributions could only be required from the properties that access the laneway, which makes full cost recovery expensive for land owners, as discussed above. However if only partial cost recovery were sought via development contributions the funds that would be recovered are unlikely to justify the cost to the City to implement the development contribution plan.

As discussed above and in **Attachment (d)**, development contributions are not recommended as a funding mechanism for infrastructure upgrades in the Waterford Triangle. Rather, infrastructure and public open space upgrades should be planned and delivered over time as part of the City's capital works program.

Proposed draft Town Planning Scheme amendment

The Urban Design Plan provides a conceptual framework and objectives for development within the Waterford Triangle. The overall intent of the Urban Design Plan is to respond to community-identified issues of degraded streetscapes, aging housing stock, perceptions of safety, unwelcoming parks and poorly lit open spaces (see **Attachment (a)**). The Urban Design Plan and associated recommendations have been comprehensively reviewed in light of the changes to the planning context that have occurred in the five years since the plan was finalised in 2012 and the infrastructure investigations (outlined above) completed. **Attachment (e)** assesses the likely built form outcomes of the recommended provisions from the Urban Design Plan and recommends provisions to be included in a town planning scheme amendment, local development plan and planning policy.

Note that the Apartment Precinct is to be the subject of a separate applicant-initiated town planning scheme amendment and therefore the provisions specific to the Apartment Precinct are not assessed in **Attachment (e)**. The City has had preliminary meetings with the applicant to assist them in preparing their proposed amendment and it is expected that they will submit it to the City in December 2017. The City would then undertake preliminary consultation with affected landowners and present the proposed amendment to Council for initiation in early 2018.

If the applicant-initiated amendment in the apartment precinct does not proceed for any reason, the City will incorporate the apartment precinct into the amendment for the remainder of the Waterford Triangle. Subject to Council approval of the amendment proposals detailed in this report, the City's "back-up" amendment for the apartment precinct is recommended to include:

- Increasing the density code to R80. This provides a slightly greater development potential than for the remainder of the Waterford Triangle, consistent with the Urban Design Plan concept for the apartment precinct to contain multiple dwellings at a higher density than for the remainder of the area.
- Increasing the building height limit from 7.0 metres to 17.5 metres (approximately five storeys), consistent with the Urban Design Plan.
- Additional scheme provisions and local planning policy to ensure the desired built form and streetscape is achieved, consistent with the remainder of the Waterford Triangle as discussed below.

These proposals would be subject to consultation with affected landowners prior to initiation of a town planning scheme amendment.

As detailed in **Attachment (e)** the Design Guidelines were prepared to implement the vision set out in the Urban Design Plan by recommending provisions for assessment of development proposals within the Waterford Triangle. In light of changes to the overarching planning framework since 2010 and the infrastructure investigations outlined above, it is recommended to modify the Design Guidelines recommendations as follows:

- Simplify the density coding of the Waterford Triangle to R60 for all sites. This provides equitable development potential consistent with the Design Guidelines and a straightforward density code is simpler to interpret and administer and provides certainty for the City, property owners and the community.
- Permit multiple dwellings on sites smaller than 1000m² in the Terrace and Park Terrace Precincts. Overall the lot width and lot layout of the precinct, coupled with the recommended minimum lot widths mean that terrace style grouped dwellings, as originally recommended, are not possible on half the lots in the precinct and where they are possible a density of R20 would only be achieved, not the recommended R30 to R60. Battle-axe lot patterns are not desirable as they will not meet the other objectives of the urban design plan, such as improving street and park surveillance. The requirements of the R-Codes should be supplemented and/or modified by a planning policy where necessary to ensure that the desired built form is achieved.
- Permit multiple dwellings in the McKay Street Precinct, consistent with the remainder of the Waterford Triangle and the draft City of Canning town planning scheme.
- Prohibit grouped dwellings throughout the precinct, as grouped dwellings that also comply with the other provisions in the Design Guidelines would not achieve the target density, and require multiple dwellings to address the street and public open space and provide visible, well-lit building entrances and car parking areas, with appropriate signage.
- Prepare a local planning policy to supplement and/or modify the requirements of the R-Codes where necessary to deliver the desired built form and streetscape.
- Prepare a local development plan to detail access requirements and building relationships with the laneway and public open space for properties adjacent to Manning Road and/or that are serviced by the proposed laneway.

It is recommended that the town planning scheme provisions recommended in the Design Guidelines be simplified as recommended in **Attachment (e)** and a scheme amendment, local development plan and planning policy be prepared for preliminary consultation with affected landowners. It is recommended that these documents include:

- Re-code the subject properties from R20 to R60;
- Increase the building height limit from 7.0 metres to 10.5 metres;
- Prohibit grouped dwellings;
- Scheme provisions and a Local Development Plan to resolve access for properties that currently directly access Manning Road;
- Provisions to reduce open space requirements for properties with direct frontage onto the park area;
- Provisions to ensure a visually permeable interface and casual surveillance of the park area; and
- A local planning policy to provide additional detail regarding objectives, expected built form outcomes and design requirements where a degree of flexibility is required.

The proposed town planning scheme amendment, local development plan and planning policy are intended to implement the vision set out in the urban design plan while updating and simplifying the specific provisions in a practical and implementable way and also reflecting the infrastructure upgrade requirements discussed above. **Attachment (e)** outlines the major components of the proposed town planning scheme amendment and the expected built form outcomes and supporting rationale. Subject to the outcomes of preliminary consultation, the detail of the scheme amendment, local development plan and local planning policy content will be finalised and presented to Council for initiation in the first quarter of 2018.

Summary

The Waterford Triangle is strategically located close to Curtin University and public transport but the existing density code does not encourage investment in the area and many of the properties have been poorly maintained over time. Public open space, including road verges, and road carriageways are also in need of upgrade to improve the amenity of the area and provide attractive and useable spaces for local residents. In December 2010 Council resolved to use the Waterford Triangle Urban Design Plan and Design Guidelines (**Attachment (a)**) as the guide for future redevelopment of the precinct.

The Urban Design Plan provides a conceptual framework for the redevelopment of the area and the basis for a town planning scheme amendment; however, a number of changes have been made to the planning framework since 2010 and a number of issues have been identified with the Urban Design Plan, including the need for infrastructure upgrades to improve the amenity of public space, changes to the town planning scheme to facilitate development and alternative vehicular access to properties that currently rely on access to Manning Road.

Infrastructure upgrades are required to improve the amenity, safety and use of public space in the Waterford Triangle and a detailed study into the required infrastructure upgrades and the associated costs is at **Attachment (b)**. The total cost of the infrastructure upgrades for which the City is responsible is estimated at approximately \$2,325,000, excluding the cost of underground power, which will be investigated separately.

There are 13 properties within the Waterford Triangle that currently have vehicular access directly to Manning Road. If the residential density of these properties is to be increased as proposed, an alternative vehicular access arrangement is required. There are a number of ways this may be achieved, as discussed in **Attachment (c)**. A number of changes are recommended from the access arrangements set out in the Urban Design Plan in order to provide alternative access in the most practical and cost effective way, as follows:

- Construct Stage 1 of the laneway between Conlon and Garvey Streets on park land as a cul-de-sac.
- Introduce a town planning scheme provision to require amalgamation of numbers 225 and 227 Manning Road with adjoining properties, in order to remove access from Manning Road.
- Introduce a second town planning scheme provision to require amalgamation of numbers 217 and 219 Manning Road with adjoining properties, in order to remove access from Manning Road.

- Adopt a Local Development Plan to illustrate the access requirements for all properties adjacent to Manning Road and/or that are serviced by the proposed laneway.

There are a number of options for the City to fund the abovementioned infrastructure upgrades and the City has investigated in detail whether a development contributions plan could be implemented to require developers to contribute funds, without impacting land owners who do not redevelop their properties. As detailed in **Attachment (d)**, development contributions are not a suitable mechanism for funding infrastructure upgrades in the Waterford Triangle. Rather, infrastructure and public open space upgrades should be planned and delivered over time as part of the City's capital works program.

The Urban Design Plan and associated recommendations have been comprehensively reviewed in light of the changes to the planning context that have occurred in the five years since the plan was finalised in 2012 and the infrastructure investigations outlined above. **Attachment (e)** assesses the likely built form outcomes of the recommended provisions from the Urban Design Plan and recommends provisions to be included in a town planning scheme amendment, local development plan and planning policy.

Consultation

Extensive community and stakeholder engagement was undertaken between 2006 and 2012 to prepare and refine the Urban Design Plan (**Attachment (a)**), including:

- Stage 1 of the Waterford Triangle Study commenced in 2006 and involved community engagement and discussion with relevant stakeholders to determine broad attitudes and preferences for the future development of the study area.
- Stage 2 commenced in early 2010 and involved a detailed urban design study for the area. This stage of the project involved additional community engagement and consultation as part of the development of specific design, planning and infrastructure proposals for the area.
- In 2011 and 2012, following a petition received from local residents, further community consultation was undertaken to discuss and compare a number of options for the location of the laneway between Conlon and Garvey Streets. As a result the Urban Design Plan was amended via a Council resolution in February 2012.

The recommendations discussed above have not yet been the subject of community consultation, although feedback has been received from servicing agencies and the Department of Planning regarding infrastructure capacity and the suitability of development contributions respectively. Subject to Council approval of the recommended approach to infrastructure upgrades and preparation of a town planning scheme amendment, associated local development plan and planning policy, preliminary consultation will be undertaken with all affected landowners in accordance with policy P301 Community Engagement in Planning Proposals. Consultation is likely to commence in February 2018 and will include the draft text of the proposed town planning scheme amendment, local development plan and planning policy.

Following preliminary consultation, and subject to the feedback received from landowners, a draft town planning scheme amendment, and associated local development plan and planning policy will be prepared and presented to Council for initiation. This will be a complex amendment and will be required to be forwarded the WAPC following initiation in accordance with Part 5, Divisions 1 and 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. If initiated, and subject to WAPC approval, these documents will be released for community consultation in accordance with the relevant statutory processes. This is likely to occur in the second half of 2018.

Policy and Legislative Implications

It is recommended that the City prepare an amendment to Town Planning Scheme No. 6 and an associated local development plan and planning policy, as discussed above. This would be a complex scheme amendment, as set out in Part 5, Divisions 1 and 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The statutory process for complex scheme amendments 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 timely completion of each stage of the process, including the WAPC undertaking preliminary assessment within the prescribed 60 day time period.

	Estimated Time
Council resolution to prepare a draft scheme amendment and undertake preliminary consultation with affected landowners.	12 December 2017
Preliminary consultation with affected landowners for a minimum 21 day time period, in accordance with policy P301 Community Engagement in Planning Proposals.	February 2018
Council resolution to initiate proposed amendment and adoption of draft Amendment for advertising purposes.	27 March 2018
Referral of draft Amendment proposals to EPA for environmental assessment and WAPC for preliminary assessment within a 60 day time period.	Early April 2018
Public advertising period of not less than 60 days	June-July 2018
Council consideration of Report on Submissions and resolution on how to proceed with amendment.	August-September 2018
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> ▪ Report on Submissions; ▪ Council's recommendation on the proposed Amendment; ▪ Three signed and sealed copies of Amendment documents for final approval 	September-October 2018
Minister's final determination of Amendment and publication in Government Gazette.	Not yet known

Financial Implications

The financial implications of the required infrastructure upgrades within the Waterford Triangle are discussed in Attachment B and the key infrastructure upgrades for which the City is responsible are listed in Table 1. The total cost of these items is estimated at \$2,325,000. The cost to underground power throughout the Waterford Triangle is not included in Table 1 and will be investigated separately.

Attachment (d) presents an assessment of the suitability of development contributions to fund some or all of the required infrastructure upgrades in the Waterford Triangle in accordance with State Planning Policy 3.6 Development contributions for Infrastructure (SPP 3.6). Based on the requirements of SPP3.6, and preliminary feedback from Department of Planning officers, development contributions are not a suitable mechanism for funding infrastructure upgrades in the Waterford Triangle.

It is recommended that the required infrastructure upgrades be planned to be delivered over time and funded in the City's capital works budget. It should be noted that redevelopment will improve the condition of private property, which will help improve amenity in the area, and will increase the rates base of the area, which will help offset the cost of any infrastructure upgrades that the City may decide to fund.

There will be a minor financial implication to the City in carrying out consultation on the proposed town planning scheme amendment.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2017-2027](#) outcome 3.2 Sustainable built form.

The State Government sets dwelling growth targets for all metropolitan local governments as part of the Perth and Peel @3.5 Million strategic planning framework. The City of South Perth's target is for an additional 8,300 dwellings by the year 2050. The Waterford Triangle has potential to accommodate up to approximately 150 additional dwellings if the town planning scheme is amended to an R60 density code, as outlined in Attachment E. Please note that this is a "maximum possible" scenario and is not a forecast of likely development as there are a number of constraints which may limit development on individual lots.

Attachments

- 10.3.2 (a):** Waterford Triangle Urban Design Plan & Design Guidelines
- 10.3.2 (b):** Waterford Triangle Infrastructure Funding Feasibility Study Report
- 10.3.2 (c):** Waterford Triangle laneway delivery mechanisms comparison
- 10.3.2 (d):** Waterford Triangle – Analysis of suitability of development contributions
- 10.3.2 (e):** Waterford Triangle – Review of Urban Design Plan recommendations for inclusion in a town planning scheme amendment

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Financial Management Reports - November 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-104205
Date:	12 December 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

Due to the timing of the December meeting schedule being closed to start of the month, the monthly Financial Management Reports for November 2017 were not been completed for the Agenda Briefing. These Reports are included for this December Ordinary Council Meeting Agenda. The monthly Financial Statements have been reformatted and incorporated in one package (**Attachments (a) – (i)**). High level analysis is contained in the comments of this report.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That Council note the Financial Statements and Report for the month ended 31 November 2017 in accordance with regulation 34 (1) of the Local Government (*Financial Management*) Regulations 1996.

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.

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.

The Financial Management Reports provide similar information to that provided in previous years, 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 previous report 'Reconciliation on Budget Movements' reports.

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 \$48.40m in comparison to budget of \$48.29m. Expenditure from Operating Activities for the year to date is \$22.62m in comparison to budget of \$24.70m. Variations year to date are primarily with respect to infrastructure grant receipts (\$1.45m) being higher than planned year to date.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.66m is higher than the budget of \$0.45m. Actual Capital Expenditure for the year to date is \$6.89m in comparison to the budget of \$10.16m; the lower Capital Expenditure is primarily with respect to timing of infrastructure capital expenditure (\$2.08m).

Cash and Investments balance was \$77.20m, traditionally a higher point of the annual cycle, following collection of rates issued with payments being received during August.

The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 being met. Currently the City holds 62.54% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, Attachment 10.6.1 (h), has been improved to illustrate the percentage invested in each of the Non-Fossil Fuel institutions as well as adding the Short Term Credit Rating provided by Standard & Poors (S&P) for each of the Banks.

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

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

10.4.2 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-104141
Date:	12 December 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 November 2017 and 30 November 2017 is presented to Council for information. During the reporting period, the City made the following payments:

EFT & BPAY Payments to Creditors	(755)	\$5,479,217.68
Cheque Payment to Creditors	(34)	\$82,955.62
Total Monthly Payments to Creditors	(789)	\$5,562,173.30
Cheque Payments to Non-Creditors	(149)	\$136,957.79
Total Payments	(938)	\$5,699,131.09

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

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

CARRIED (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 2017-2027](#).

Attachments

10.4.2 (a): November Payment Listing

10.4.3 State Planning Policy 5.4 Road and Rail Noise - Submission to Department of Planning

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-17-104598
Meeting Date:	12 December 2017
Author(s):	Mark Carolane, Senior Strategic Projects Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.2 Advocacy

Summary

The purpose of this report is for Council to consider and endorse a submission in response to the draft revised State Planning Policy 5.4 Road and Rail Noise (the Policy) (**Attachment (a)**). The Policy aims to minimise the impact of road and rail noise on noise-sensitive land uses and protect the State's key transport corridors.

The City of South Perth contains four major transport corridors to which the Policy applies and a noise management plan will generally be required for development within up to 120 metres of the road carriageway of these roads.

As outlined in the City's submission (**Attachment (b)**), the health impacts of excessive noise and vibration are relevant planning considerations; however City officers have concerns regarding the application of the Policy in inner-city areas, the resource cost to local governments of implementing the Policy, and alignment of the Policy with high-level strategies that promote infill development.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That Council endorse the submission to the Western Australian Planning Commission via the Department of Planning detailed in **Attachment (b)**.

CARRIED (8/0)

Background

State Planning Policy 5.4 Road and Rail Noise (the Policy) (**Attachment (a)**) aims to minimise the impact of road and rail noise on noise-sensitive land uses and protect the State's key transport corridors. The existing policy was gazetted in 2009 and has been reviewed by a sub-committee of the Western Australian Planning Commission (WAPC), supported by a Technical Working Group comprising relevant government and industry stakeholders, and informed by technical acoustic analysis.

Road and rail transport corridors play a vital role in moving people and goods safely and efficiently around the State and provide wide-ranging economic and social benefits to the community. However, road and rail noise can have an adverse impact on human health and the amenity of nearby communities, so it is important that it is carefully considered in land use planning and development.

Urban consolidation is placing increasing development pressure on land near busy transport corridors. The Policy ensures acceptable levels of acoustic amenity can be achieved through appropriate interface management when noise-sensitive land use and/or development is located in areas impacted by road and rail noise.

The Policy applies to the preparation and assessment of planning instruments, including region and local planning schemes, planning strategies, structure plans, subdivision and development proposals where the following is proposed:

- a) noise-sensitive land use/s within the Policy's trigger distance of a transport corridor;
- b) new or major upgrades of existing primary and secondary roads; or
- c) new railways or upgrades of existing railways or any other works that increase capacity for rail vehicle storage or movement.

Comment

The City of South Perth contains four major transport corridors to which the Policy applies:

- Kwinana Freeway and Mandurah rail line;
- Canning Highway;
- Manning Road; and
- Kent Street.

Under the Policy, a noise management plan will generally be required for development within up to 120 metres of the road carriageway of the abovementioned roads. As outlined in the City's submission (**Attachment (b)**) the modifications made to the Policy are likely to significantly increase the number of sites subject to detailed noise impact assessment.

The resource cost of undertaking noise impact assessments is likely to be significant and will fall to either the local government or the landowner. This presents a significant resource and expertise gap that local governments will be expected to fill and the City's submission recommends an approach whereby the stated trigger distances require referral of any planning proposal to the Department of Planning for assessment, as this would provide consistent and independent results and would alleviate the resource cost on local governments and landowners.

It is recognised that mitigating the health impacts of excessive noise and vibration is a relevant planning consideration. However planning, particularly at a local government level, cannot and should not be expected to control all aspects of amenity. The City's submission advocates an approach that recognises that transport noise is an inevitable aspect of City life and suggests that the WAPC adopt an approach to 'acknowledge and advise' of such impacts rather than attempting to 'calculate and control' all potential outcomes. A tiered approach whereby greater allowances are made for redevelopments affected by existing well-known noise or vibration sources is recommended; and where lesser affected properties

are simply acknowledged to be affected, rather than required to undertake an assessment and implement noise mitigation measures.

In addition, the WAPC's high level strategies encourage infill development, particularly in activity centres and corridors close to transport infrastructure. Achieving relatively dense infill development in these locations is a significant planning challenge and the draft Policy may cause delay or stagnation of some projects by adding an extra regulatory requirement. In established built-up areas where development is proposed within the existing zoning and density code the submission recommends that application of the Policy should be clarified and exemptions provided to facilitate development in support of high level strategies.

The City's full submission to the WAPC on SPP 5.4 is at **Attachment (b)**.

Consultation

The Department of Planning, Lands and Heritage made the draft policy and the associated guidelines available for public comment on the Department's website between October and December 2017.

Policy and Legislative Implications

State Planning Policy 5.4 is a State Planning Policy prepared under Part Three of the *Planning and Development Act 2005*. State planning policies provide the highest level of planning policy control and guidance in Western Australia. Local government is to have due regard to all relevant State Planning Policies.

Financial Implications

There are no financial implications to the City in making this submission. However, as discussed in the submission (**Attachment (b)**) there may be financial implications associated with implementing the policy.

Strategic Implications

This report is aligned to the City's Strategic Community Plan 2017-2027. This report and the associated submission at **Attachment (b)** contribute to outcome 4.2 Advocacy which is expressed as follows:

Advocate for public infrastructure improvements including a South Perth train station and ferry services.

Attachments

- | | |
|--------------------|--|
| 10.4.3 (a): | Draft State Planning Policy 5.4 - Road and Rail Noise |
| 10.4.3 (b): | Submission to Department of Planning - SPP 5.4 Road and Rail Noise |

10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.7.1 Recommendations from the Audit, Risk and Governance Committee Meeting - 27 November 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-104212
Meeting Date:	12 December 2017
Author(s):	Sharron Kent, Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The purpose of this report is to provide the recommendations from the Audit, Risk and Governance Committee meeting held on 27 November 2017 for Council's consideration. The Minutes and Attachments of which can be found at **Attachments (a) and (b)**.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Colin Glenn Cridland

That Council adopt the following recommendations from the Audit, Risk and Governance Committee meeting held 27 November 2017.

Note: Items 6.5 Review of Standing Orders Local Law and 6.10 2016/17 Financial Statements were withdrawn for discussion.

6.1 Internal Audit

That the Audit, Risk and Governance Committee recommend to Council that it note the initial priority areas of Procurement, Purchasing and processing, Rates and compliance, and Payroll.

Note: The Committee requested the Administration provide an analysis of the legal fees (including vendor, amounts and nature of expenditure) for the 2016/2017 financial year along with an explanation for in the increase in Staff Related Expenditure in an Explanatory Memorandum to be circulated to all Elected Members.

It was also requested that Local Government Insurance Services (LGIS) attend the next Audit, Risk and Governance Committee meeting.

6.2 Policy Review

That the Audit and Governance Committee, having reviewed the Council Policies, recommends to Council that:

- (a) the following policies having been reviewed with 'no change' to content be adopted:

Strategic Direction 2 - Environment
P202 Energy Conservation

P203 Ground Water Management
 P204 Chemical Use
 P205 Tree Preservation
 P207 Natural Areas
 P209 Shade Structures
 P210 Street Verges
 P211 Water Sensitive Urban Design
 P212 Waste Management

Strategic Direction 4 – Places

P401 Graffiti Management
 P402 Alfresco Dining
 P403 Charity Clothing Bins on City Managed Land

Strategic Direction 5 – Transport

P501 Paths – Provision and Construction
 P502 Cycling Infrastructure
 P510 Traffic Management Warrants

- (b) The following policies have been reviewed and the content revised as per Attachment (a) be recommended to Council for Adoption:

Strategic Direction 6 – Governance, Advocacy and Corporate Management

P625 Equal Employment Opportunity
 P629 Occupational Safety and Health
 P667 Member Entitlements
 P669 Training and Development

- (c) The following policy as per Attachment (b) and its content reviewed is recommended to Council for adoption.

P213 Phytophthora (dieback) Management

- (d) The following policies as per Attachment (c) have been reviewed and recommended to Council for deletion:

Strategic Direction 6 – Governance, Advocacy and Corporate Management

P626 The Elimination of Harassment in the Workplace
 P637 Employee Separation Payments

6.3 Review of Council Delegation DC Partial Closure of a Thoroughfare

That the Audit, Risk and Governance Committee, having reviewed the City's Delegation held within Strategic Direction 5 – Transport: DC511 Partial Closure of a Thoroughfare for Repair and contained at Attachment (a) be referred to Council for adoption.

6.4 Corporate Business Plan - First Quarter Update

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

6.6 Tree Damage - Review of Penalties for Offences

That the Audit, Risk and Governance Committee recommend to Council that it note the options available in relation to tree offences, and request that the City

review the trees subject to a tree preservation and maintenance order pursuant to clause 6.13 of Town Planning Scheme 6, so that if one of these trees is damaged, the City can prosecute the offender pursuant to section 218 of the *Planning and Development Act*.

6.7 Consent to Advertise - Draft Local Planning Policy P350.18 Short Term Accommodation

That the Audit, Risk & Governance Committee recommend 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 local planning policy P350.18 – Short-term accommodation as set out in Attachment (a) for public comment for a period of not less than twenty one (21) days;
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; and
3. Note that in the instance it is recommended that Council adopt draft local planning policy P350.18, a recommendation will also be made to rescind local planning policies P312 – ‘Serviced Apartments’ and P350.15 – ‘Bed and Breakfast’ accommodation.’

6.8 Report to Revoke Local Planning Policy P305 Land Reserved for Road Widening

That the Audit, Risk & Governance Committee recommend to Council that, in accordance with the provisions of Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, it:

1. revoke local planning policy P305 ‘Land Reserved for Road Widening’ City in accordance with Schedule 2, clause 6 of the *Planning and Development (Local Planning Schemes) Regulations, 2015*; and
2. note that a notice of the revocation of local planning policy P305 ‘Land Reserved for Road Widening’ will be prepared and published in the local newspaper.

6.9 Revocation of Local Planning Policy P302 'General Design Guidelines for Residential Development'

That the Audit, Risk & Governance Committee recommend to Council that, in accordance with the provisions of Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, it:

1. revoke City Policy P302 – ‘General Design Guidelines for Residential Development’ in accordance with Schedule 2, clause 6 of the *Planning and Development (Local Planning Schemes) Regulations, 2015*; and
2. note that a notice of the revocation of City Policy P302 – ‘General Design Guidelines for Residential Development’ will be prepared and published in the local newspaper.

7.1 Motion: Ticketed Functions on Reserves or Parks in the City of South Perth (Councillor Ken Manolas)

That the Committee recommends to the Council that all ticketed functions involving bands on reserves or parks in the City of South Perth, is considered at the next Audit, Risk and Governance meeting in relation to procedures to be

adopted in a Policy to ensure minimal impact to the community.

CARRIED (8/0)

6.5 Review of Standing Orders Local Law

Officer Recommendation

Moved: -

Seconded: -

That the Audit, Risk and Governance Committee recommend to Council that it:

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

LAPSED FOR WANT OF A MOVER

ALTERNATIVE MOTION AND COUNCIL DECISION

Moved: Councillor Greg Milner

Seconded: Councillor Blake D'Souza

That the Officer Recommendation is amended to remove the proposed new Clauses 6.16 (8) and (9) as follows in **red strikethrough**:

6.16 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person present or observing at a meeting shall not create a disturbance or engage in inappropriate or disruptive behaviour at a meeting, including but not limited to the following behaviour:
 - a) interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means;
 - b) booing or making other offensive noises;
 - c) expressing contemptuous laughter or making derisive comments at decisions or during debate;
 - d) refusing to give up the floor to allow other members of the public to ask questions, or demanding to ask questions before others in contradiction of an order by the Presiding Member;

- e) using abusive, inflammatory and / or derogatory language when addressing Council with a question or making a statement;
 - f) asking unnecessary repetitive questions; or
 - g) behaving aggressively or in a threatening manner towards either elected members, council staff or members of the public.
- (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or a committee.
- (5) The Presiding Member may warn a person who fails to comply with this clause.
- (6) If –
- (a) after being warned, the person again acts contrary to this clause, or to these Standing Orders; or
 - (b) a person refuses or fails to comply with a direction by the Presiding Member,

the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.

- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member, be removed from the meeting room and, if the Presiding Member orders, from the premises.

~~(8) Where a person has engaged in repeated inappropriate or disruptive behaviour in Council or committee meetings in breach of this clause, and this behaviour has resulted in that person being ordered by the Presiding Member to leave a meeting on at least three (3) separate occasions (pursuant to clause 6.16(6) herein), then the Council may resolve to suspend that person from attending any further meetings for a period of three (3) months (Suspension Order).~~

~~(9) A person who fails to comply with a Suspension Order commits an offence.~~

CARRIED (5/3)

Reasons for Alternative Motion

The reasons for the alternative motion fall into two broad categories:

- (i) issues with the drafting of the proposed new clauses 6.16(8) and (9) (“New Clauses”); and
- (ii) the public policy merits of banning members of the public from Council meetings.

Drafting issues

1. The present drafting of clause 6.16(8) is unclear.
2. Specifically, clause 6.16(8) is unclear as to whether the previous occasions (on which a member of the public has been ordered by the Presiding Member to leave a meeting, pursuant to clause 6.16(6)) (“Previous Removals”) must have been within a particular time period prior to the exercise of clause 6.16(8).

In other words, is it intended that a Suspension Order be available in respect of Previous Removals that might have occurred over (say) 20 years ago? Alternatively, is it intended that all three Previous Removals must have occurred during a relatively recent time period? (And if so,

what is that time period?)

Clause 16.6(8) is presently silent on this issue.

3. In addition, it is not clear whether the three Previous Removals that preceded an exercise of clause 6.16(8):

- (a) will be “exhausted” or “consumed” by an exercise of clause 6.16(8); or

- (b) could be used as grounds for *multiple* exercises of clause 6.16(8), potentially resulting in multiple Suspension Orders flowing from the same three Previous Removals.

Under the present drafting of clause 6.16(8), it is arguable that a single set of three Previous Removals could be used as grounds for multiple Suspension Orders, resulting in aggregate “bans” of much longer than three (3) months.

4. Until these issues are clarified by appropriate redraft of clause 16.6(8), the Council cannot know precisely what it is voting on when considering the Officer’s recommendation regarding the proposed new clauses 6.16(8) and (9).

5. Similarly, persons wishing to make public submissions on the New Clauses will be uncertain as to precisely what is intended by the New Clauses (or may make erroneous assumptions).

Public policy merits of the proposed new clauses 6.16(8) and 6.16(9)

6. Even if the Council considers that the present drafting of clause 6.16(8) is appropriate, banning a member of the public from attending Council (and committee) meetings is a serious matter. A ban could potentially have very significant consequences for the person so banned (“Suspended Person”).

7. The potential public benefit of the New Clauses must be weighed against the potential public harm.

Potential public benefit limited

8. The Presiding Member already has the power to expel a person creating a disturbance from a meeting, under clause 16.6(6).

9. The benefits of the New Clauses are therefore limited to avoiding any disturbances caused by a Suspended Person, prior to the Presiding Member expelling that person once again. Furthermore, this benefit will only be applicable during the term of a Suspension Order.

Potential public harm significant

10. The potential public harm of a Suspension Order is much greater.

Without limitation:

- (a) Suspended Persons will be denied the ability to hear, and to take part in, the business of Council (and committee) meetings. Such business might include matters significantly affecting the interests of a Suspended Person.

- (b) A Suspended Person might well have perspectives or information helpful to Council’s deliberations, or which may otherwise be of

public benefit.

- (b) The existence or exercise of the New Clauses may cause resentment within the community, who may regard the making (or threat) of a Suspension Order as an unnecessarily disproportionate response to (what might be characterised as) “*a moment of madness*” or “*a rush of blood to the head*”.

Questionable current practical need for New Clauses

11. So far as the moving Councillor is aware, no member of the public has ever been the subject of three or more Previous Removals. This strongly suggests that the New Clauses are unnecessary (at least at this time).
12. If (in the future) it appears that the New Clauses *are* necessary, Council is free to consider implementing the New Clauses (or similar clauses) again.

The amendment then became the substantive.

COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That the Audit, Risk and Governance Committee recommend to Council that it:

- note the review of the Standing Orders Local Law (as amended)
- in accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, gives state-wide and local public notice stating that:
 - a) it proposes to make a Standing Orders Amendment Local Law (as amended), 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.

CARRIED (8/0)

6.10 2016/17 Financial Statements

Officer Recommendation

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That the Audit, Risk and Governance Committee recommend to Council that it:

- 1) adopts the Financial Statements shown at Attachment (a);
- 2) accepts the 2017 Financial Statement - Audit Completion Report presented by Macri Partners Attachment (b); and
- 3) approves the 2017 Fraud and Error Assessment, Attachment (c).

Note: The Committee requested the Administration provide advice in relation to the high 2016 year end 'GST Refunded by ATO' amount compared with the 2017 amount contained in the Statement of Cash Flows, in an Explanatory Memorandum to be circulated to all Elected Members.

At 7.56pm the Presiding Member called for the meeting to be closed to the public to allow discussion on confidential matters relating to the Item.

PROCEDURAL MOTION AND COUNCIL DECISION

Moved: Councillor Greg Milner

Seconded: Councillor Glenn Cridland

That the meeting be closed to the public to allow discussion on confidential matters relating to the item in accordance with the *Local Government Act 1995* clause 5.23(a) as it relates to matters affecting an employee or employees.

CARRIED (6/2)

At 7.58pm the Chamber doors were closed.

At 8.07pm the Presiding Member called for the meeting to be re-opened to the public.

PROCEDURAL MOTION AND COUNCIL DECISION

Moved: Councillor Blake D'Souza

Seconded: Councillor Travis Burrows

That the meeting be re-opened to the public.

CARRIED (8/0)

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That the Audit, Risk and Governance Committee recommend to Council that it:

- 1) adopts the Financial Statements shown at Attachment (a);
- 2) accepts the 2017 Financial Statement - Audit Completion Report presented by Macri Partners Attachment (b); and
- 3) approves the 2017 Fraud and Error Assessment, Attachment (c).

CARRIED (7/1)

Background

The Audit, Risk and Governance Committee meeting was held on 27 November 2017 with the following Items listed for consideration on the Agenda:

- 1) Internal Audit
- 2) Policy Review
- 3) Review of Council Delegation DC Partial Closure of a Thoroughfare
- 4) Corporate Business Plan - First Quarter Update
- 5) Review of Standing Orders Local Law
- 6) Tree Damage - Review of Penalties for Offences
- 7) Consent to Advertise - Draft Local Planning Policy P350.18 Short Term Accommodation
- 8) Report to Revoke Local Planning Policy P305 Land Reserved for Road Widening
- 9) Revocation of Local Planning Policy P302 'General Design Guidelines for Residential Development'
- 10) 2016/17 Financial Statements
- 11) Motion: Ticketed Functions on Reserves or Parks in the City of South Perth (Cr Ken Manolas)

Comment

The Audit, Risk and Governance Committee considered the following Items on 27 November 2017:

Internal Audit

This report is to update the Audit, Risk and Governance Committee on the City's appointed Internal Auditors – Paxon Group, internal audit program, as well as introduce the Internal Auditors to the Committee.

Policy Review

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 following City's Policies held within Strategic Direction 2, 4, 5 and 6 are now presented for the consideration of the Committee and referral to Council for adoption.

Review of Council Delegation DC Partial Closure of a Thoroughfare

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 Delegation held within Strategic Direction 5 – Transport has been completed and is now presented for the consideration of the Committee and referral to Council for adoption.

Corporate Business Plan - First Quarter Update

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

Review of Standing Orders Local Law

This report considers the current provisions in the City of South Perth Standing Orders Local Law 2007 that deal with deputations, disruptive behaviour by members of the public and amended motions, and recommends changes to those provisions.

Tree Damage - Review of Penalties for Offences

This report provides the Audit, Risk and Governance Committee with an overview of the options for, and impediments to, very substantially increasing the penalty for public realm tree damage / destruction offences including the introduction of graduated offences and penalties and the introduction of mandatory reparation orders for convicted offenders (as requested by Council's resolution of September 2017).

Consent to Advertise - Draft Local Planning Policy P350.18 Short Term Accommodation

This report considers the review of two existing local planning policies; P312 – Serviced apartments (P312) and P350.15 – Bed and Breakfast Accommodation (P350.15). The draft modifications to the policies are intended to simplify the structure, scope and terminology of the policies and provide more robust assessment criteria when assessing discretionary land uses under Town Planning Scheme No. 6 (the Scheme). It is recommended that the two policies be combined

into a single policy, P350.18 – Short-term accommodation (P350.18), reflecting the terminology used in the Planning & Development (Local Planning Schemes) Regulations 2015 (the Regulations) and be expanded to cover all short-term accommodation land use types. It is recommended Council consent to the public advertising of P350.18.

Report to Revoke Local Planning Policy P305 Land Reserved for Road Widening

This report considers revoking local planning policy P305 Land Reserved for Road Widening (P305). P305 relates to land reserved under the Metropolitan Region Scheme (MRS) and the policy has been superseded by pre-existing delegations made by the Western Australian Planning Commission under the MRS.

The policy is considered to be redundant in the context of these delegations and should therefore be revoked.

Revocation of Local Planning Policy P302 'General Design Guidelines for Residential Development'

This report considers the revocation of an existing local planning policy; P302 – General Design Guidelines for Residential Development. It is recommended Council support the policy being rescinded given many of the references within the policy are outdated and/or are covered, often far more comprehensively, in other policies and planning documents.

2016/17 Financial Statements

This report recommends that the Audit, Risk and Governance Committee adopt the 2016/17 Financial Statements, accepts the Audit Completion Report and approves the 2017 Fraud and Error Assessment.

Motion: Ticketed Functions on Reserves or Parks in the City of South Perth (Cr Ken Manolas)

That Motion requests the Audit, Risk and Governance Committee recommend to the Council that all ticketed functions involving bands on reserves or parks in the City of South Perth be considered at the next Audit, Risk and Governance meeting in relation to procedures to be adopted in a Policy.

Consultation

The 11 Items were the subject of consideration at the 27 November 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

Attachments

10.7.1 (a): Minutes - Audit, Risk and Governance Committee Meeting - 27 November 2017

10.7.1 (b): Attachments - Audit, Risk and Governance Committee Meeting - 27 November 2017

10.7.3 Recommendations from the Property Committee - 6 December 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-104691
Meeting Date:	12 December 2017
Author(s):	Sharron Kent, Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The purpose of this report is to provide the recommendations from the Property Committee meeting held on 6 December 2017 for Council's consideration. The Minutes and Attachments of which can be found at **Attachments (a) and (b)**.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That Council adopt the following recommendations of the Property Committee meeting held on 6 December 2017:

6.1 Former Manning Library

That the Property Committee recommend to Council that:

- a) this Item be deferred;
- b) the Administration seek clarification from the Minister for Lands on the scope of commercial use that may be possible for an activity within this Reserve; and
- c) this Item be brought back to the Property Committee in February 2018 for further consideration.

6.2 Angelo Street Precinct

That the Property Committee recommend to Council it proceed with an expression of interest to engage a design consultant for the Angelo Street precinct.

6.3 Property Asset Management Review

That the Property Committee recommend to Council it receive the update report on the Property Asset Management Review.

CARRIED EN BLOC (8/0)

Background

The Property Committee meeting was held on 6 December 2017 with the following Items listed for consideration on the Agenda:

- Former Manning Library
- Angelo Street Precinct
- Property Asset Management Review

Comment

The Property Committee considered the following Items on 6 December 2017:

Consultation

The 3 Items were the subject of consideration at the 6 December 2017 Property 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

Attachments

10.7.3 (a): Property Committee - Minutes - 6 December 2017

10.7.3 (b): Property Committee - Attachments - 6 December 2017

11. APPLICATIONS FOR A LEAVE OF ABSENCE

11.1 APPLICATIONS FOR A LEAVE OF ABSENCE

Applications for Leave of Absence were received from:

- a) Councillor Glenn Cridland for the period 25 December 2017 - 4 January 2018 inclusive and 11 - 21 January 2018, inclusive;
- b) Councillor Travis Burrows for the period 18 December 2017 – 17 January 2018 inclusive;
- c) Mayor Sue Doherty for the period 17 December 2017 – 2 January 2018 inclusive; and
- d) Councillor Ken Manolas for the period 30 December 2017 – 29 January 2018.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Tracie McDougall

Seconded: Councillor Glenn Cridland

That the Leave of Absence Applications received from:

- Councillor Glenn Cridland for the period 25 December 2017 - 4 January 2018 inclusive and 11 - 21 January 2018, inclusive;
 - Councillor Travis Burrows for the period 18 December 2017 – 17 January 2018 inclusive;
 - Mayor Sue Doherty for the period 17 December 2017 – 2 January 2018 inclusive; and
 - Councillor Ken Manolas for the period 30 December 2017 – 29 January 2018.
- be approved.

CARRIED (8/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

At the November 2017 Ordinary Council Meeting no questions were Taken on Notice

13.2 QUESTIONS FROM MEMBERS

Questions were received from:

- Councillor Colin Cala
- Mayor Sue Doherty

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

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

Nil

15. MEETING CLOSED TO THE PUBLIC

Nil

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.24pm. She wished everyone a safe, healthy and happy Christmas and New Year.

RECORD OF VOTING

7.1 Confirmation of Minutes

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

7.2 Noting of Briefings

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

8.1.1 Petition: DA367/2017 - 264 Canning Highway, South Perth (proposed Farmer Jacks)

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

8.2 Presentations: Acceptance of Gift from Chinese Delegates

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

9.1 En Bloc Motion

For: Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

10.1.1 Youth Advisory Council

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

10.7.1 En Bloc (excluding 6.5 and 6.10): Recommendations from the Audit, Risk and Governance Committee Meeting - 27 November 2017

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

10.7.1 Alternative Motion to Item 6.5 Review of the Standing Orders Local Law: *Recommendations from the Audit, Risk and Governance Committee Meeting - 27 November 2017*

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

Against: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Tracie McDougall

10.7.1 Motion to Close the Meeting to the Public

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner

Against: Councillor Travis Burrows; Councillor Blake D'Souza

10.7.1 Motion to Reopen the Meeting to the Public

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

10.7.1 Item 6.10 Financial 2016/17 Financial Statements: *Recommendations from the Audit, Risk and Governance Committee Meeting - 27 November 2017*

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows

Against: Councillor Blake D'Souza

APPENDIX

6.2 PUBLIC QUESTION TIME – 12 DECEMBER 2017

1. Mr Warwick Boardman of 20 Unwin Street, Salter Point Received 22 November 2017	Response provided by: Stevan Rodic, Manager Development Services
<i>[Preamble]: The recommendation to council regarding the clearing of the bushland at Lot 500 (No. 70) Roebuck Drive, Salter Point, which was forwarded to the Environment Protection Authority (see Attachment 10.3.1 of December 2013), was in line with that of the developer. It failed to incorporate the arguments in community submissions that most of the bushland was in good condition and that most of the rest could be rehabilitated. Nor was mention of the point made by the City's environmental staff that the area was of local significance, even though mention of this was made in the Agenda for the meeting.</i>	
1. Given that the EPA seems to assume that local government submissions to it are environmentally accurate, in future, will the council consider having a policy to obtain a separate report by the city's environment staff on environmental issues when they are to be forwarded to the EPA, rather than leaving it solely in the hands of town planners?	Currently the proponent completes required environmental investigation reports and provides copies of these reports to the City and other relevant state agencies for consideration and recommendations as part of the rezone process. The City does not have any Policy that requires the City's relevant staff to undertake independent environmental investigations of development proposals on privately owned land.
2. In line with a transparent approach to the community, will the council consider adopting a policy regarding public submissions such that all points made by submitters be acknowledged and reasons given for upholding, partially upholding or rejecting their points - as has previously been the case?	The City do consider all submissions made from the public during the consultation period for scheme amendments. A report on submissions is attached to the Council report following advertising. The report on submissions is also forwarded to the WAPC for consideration as part of the package of documents the WAPC considers before approving a scheme amendment.
3. How is it that the developer could claim half of the Public Open Space, which the community wanted to be preserved as bushland, for a sump when, earlier, they had proposed to buy out the whole of the Public Open Space requirement?	Developers are allowed to use a portion of the POS for water retention. In this case the water retention system is being installed underground and will not be visible. The entire POS will be landscaped and irrigated based on the designs approved by the City. The design for the water retention system is consistent with the City of South Perth Water Sensitive Urban Design Guidelines (South Perth, 2015), Better Urban Water Management (WAPC, 2008) and Liveable Neighbourhoods policy guidelines for public open space.

13.2 QUESTIONS FROM MEMBERS – 12 DECEMBER 2017

1. Councillor Colin Cala – Manning Ward	Response provided by: Stevan Rodic, Manager Development Services
<p><i>[Preamble]: There is concern expressed by some Community members that the various approval processes for the Aquinas Subdivision were not properly followed. Can the City provide answers to the following questions:</i></p> <p><i>The City's guide on subdivisions states that subdivisions involving the creation of a new road must be consulted under Policy P301. P301 goes into much more detail on how such consultation would be carried out. This never happened, in spite of assurances provided in an email in April 2017 by the Director of Development & Community Services, Ms Lummer.</i></p> <p><i>A revised subdivision layout is currently being developed by the applicant and we are anticipating new plans within a few weeks. Once these plans have been received they will be advertised for community comment as part of the development application process. This will be in accordance with policy P301, which you refer to in your letter. The development application relates to retaining walls and earthworks rather than the actual subdivision, which as you may know is another process.</i></p> <p><i>The sub-division plan appears to have been approved under delegated authority even though there is reference to a meeting of 22 March 2016 of the WAPC in the City's Report on the latest development application considered in November, but this meeting referred to, considered no matters pertaining to South Perth.</i></p>	
<p>1. Can the City please explain how this situation arose, when the Community were assured that consultation would occur?</p>	<p>At the time of the response dated 13 April 2017, the City had received a development application from the applicant for earthworks, retaining walls and fencing (received in November 2016). This application did not show the 10% POS as it was only determined by WAPC that the POS should be provided on site in December 2016.</p> <p>The Development Application for earthworks, retaining walls and fencing was thus on hold as amended plans were required showing the Public Open Space which was to be provided. This was the revised layout referred to in our correspondence. The City's response indicated this:</p> <p>"A revised subdivision layout is currently being developed by the applicant and we are anticipating new plans within a few weeks. Once these plans have been received they will be advertised for community comment as part of the a development application process.</p>

	<p>This will be in accordance with policy P301, which you refer to in your letter. The development application relates to retaining walls and earthworks rather than the actual subdivision, which as you may know is another process.”</p> <p>The response from the City then clearly articulated that the plans were development application plans (i.e. for earthworks, retaining walls and fences) rather than subdivision plans. The subdivision application having already been determined by the WAPC in March 2016. The development application amended plans were only received in September 2017 and then advertised as required.</p> <p>In respect of the subdivision approval, the subdivision was approved by the WAPC on the 24 March 2016 with conditions. It is assumed this approval was made under delegated authority by the officers of the Department of Planning in accordance with their delegated authority and did not require submission to the WAPC Statutory Planning Committee.</p>
<p><i>Preamble: The WAPC provides a useful flowchart that summarises the various regulations that apply to subdivision applications. Most applicable clauses in the regulation carry ‘must’ clauses meaning that the requirement is not optional.</i></p> <p><i>a) The City does not appear to have resolved what type of amendment is involved (ie basic, standard, or complex). Regulation 35(1) is very specific as to what is required, and it is not a power conferred on the City by delegated authority (Delegation from council DC690).</i></p> <p><i>b) As the amendment appears to be a complex amendment (reg 34), the City is required to resolve whether or not to advertise the amendment. If somehow the amendment was determined to be a standard amendment regulation 47 still requires advertising of the amendment, and it is not a power conferred on the City by delegated authority.</i></p> <p><i>c) Assuming the process proceeds, regulation 50(3) and 50(4) require that the City prepare a separate resolution to support the amendment after assessing results of the submission process, and it is not a power conferred on the City by delegated authority.</i></p> <p><i>d) Regulation 44 sets out the items that must accompany a complex amendment when sent to WAPC. These include notices of the resolutions above. Since these items do not appear to exist, the regulation could not have been complied with.</i></p>	

2. Can the City explain why this process was not adopted?	The process described above relates to the Scheme Amendment process under the Planning and Development (Local Planning Schemes) Regulations 2015. These regulations were gazetted on the 25th August 2015 and took effect on 19th October 2015. The rezoning of the subject site (Lot 500 Roebuck Drive) was carried out under the processes of the previous regulations being the Town Planning Regulations 1967.
<i>At the November council meeting the community were informed that the COSP requested that the WAPC grant extra time to process the application.</i>	
3. Why was this necessary?	As the application was referred to the City for comment by the WAPC in mid-December 2015 and therefore the processing time being over the Christmas and New Year holiday period the City officers in January 2016 requested an extension to the comment period to enable suitable public consultation on the proposed subdivision. Community consultation is generally minimised as much as possible during this period.
4. Was it because the application was received in mid-December 2015 where council was in recess?	The application was received in mid-December 2015 and therefore the next available meeting for the application to be considered following advertising would have been the March 2016 which would have been after the 90 day statutory time frame that the WAPC had to determine the subdivision.
5. Could this request resulted in a deemed refusal?	No. The term 'deemed refusal' relates to development approval applications for the purpose of appeal rights of an applicant and not for subdivision applications. Should the City of not commented on the subdivision the WAPC would have determined the subdivision on the assumption the City had no comments to make.

[Preamble] When the area was rezoned in 2014, the Council recommended to the Western Australian Planning Commission at its meeting in July 2014, that design guidelines be prepared by the applicants or the City. These guidelines were to address visitor car bays, parking structure setbacks to address busy narrow streets and sustainable design measures.

6. Was this recommendation supported and if so have these been produced?	Condition 11 of the WAPC subdivision approval requires the applicant to prepare a Local Development Plan for the subdivision. This plan must address: <ul style="list-style-type: none"> • Location of vehicle crossovers; • Car parking requirements for visitors; • Car parking spaces, carport and garage setbacks from the street boundary; and • Sustainable design development measures
7. When will Council be expected to approve the advertising of the Guidelines that will allow community feedback?	A Local Development for the subdivision was received last week. Council consent is not required to approve advertising of a Local Development Plan. However, the Local Development will be advertised to the community and referred to Council for determination.
8. And if they have not been produced, how was the subdivision application progressed by the City when the applicant had not completed the conditions Council placed on the rezoning?	This condition of subdivision must be completed prior to the clearance of the subdivision from the City. The applicant has until March 2020 to complete this condition and all other conditions of the subdivision.
2. Mayor Sue Doherty	Response provided by: Stevan Rodic, Manager Development Services
1. In relation to Councillor Cala's question 7. Can you provide an estimate of when this will be advertised to the community and for how long?	We expect this to be advertised for at least 21 days in the last week of January or early in February 2018.

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 27 February 2018

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed