

MINUTES.

Ordinary Council Meeting

21 November 2017

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 21 November 2017 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



VICKI LUMMER
ACTING CHIEF EXECUTIVE OFFICER

24 November 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/

Contents

1.	DECLARATION OF OPENING	6
2.	DISCLAIMER	6
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
	3.1 STANDING ORDERS LOCAL LAW 2007	6
	3.2 AUDIO RECORDING OF THE COUNCIL MEETING	6
4.	ATTENDANCE	6
	4.1 APOLOGIES	7
	4.2 APPROVED LEAVE OF ABSENCE	7
5.	DECLARATIONS OF INTEREST	7
6.	PUBLIC QUESTION TIME	8
	6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
	6.2 PUBLIC QUESTION TIME: 21 NOVEMBER 2017	8
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	8
	7.1 MINUTES	8
	7.1.1 Ordinary Council Meeting Held: 17 October 2017	8
	7.1.2 Special Council Meeting Held: 23 October 2017	8
	7.1.3 Special Council Meeting Held: 25 October 2017	8
	7.1.4 Special Council Meeting Held: 14 November 2017	8
	7.2 BRIEFINGS	9
	7.2.1 Governance Induction Concept Briefing - 24 October 2017	9
	7.2.2 Town Planning Legislation and Responsibilities Concept Briefing- 31 October 2017	9
8.	PRESENTATIONS	10
	8.1 PETITIONS	10
	8.2 PRESENTATIONS	11
	8.3 DEPUTATIONS	11
	8.4 COUNCIL DELEGATES REPORTS	11
	8.5 CONFERENCE DELEGATES REPORTS	11
9.	METHOD OF DEALING WITH AGENDA BUSINESS	12
	9.1 EN BLOC MOTION	12

10. REPORTS	13
10.1 STRATEGIC DIRECTION 1: COMMUNITY	13
10.1.1 Arts Advisory Group (AAG) Membership	13
10.1.2 Connect South Proposed Concept Design Masterplan	15
10.1.3 Tender 14/2017 "Provision of Golf Course Management Services for the Collier Park Golf Course"	19
10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)	24
10.3.1 Amendment to Approved Mixed Development. Lot 3 (No. 333) Mill Point Road, South Perth.	24
10.3.2 Proposed Additions to Existing Religious Activities (Church) on Lot 83 (No. 7) Hill Street, South Perth	30
10.3.3 Proposed Three-Storey Mixed Use Development - Lot 800 (No. 2) Bessell Avenue, Como	40
10.3.4 Proposed Earthworks, Retaining Walls and Fencing. Lot 500 No. 77 Roebuck Drive, Salter Point.	55
10.3.5 Proposed 6 Multiple Dwellings in a 4 Storey Building. Lot 6 No. 24 Wooltana Street, Como.	67
10.3.6 Proposed change of use from Single House to Child Day Care Centre at Lot 7 (No. 10) Barker Avenue, Como	92
10.3.7 Proposed Road Name for New Road. Lot 500 (No. 77) Roebuck Drive, Salter Point	110
10.3.8 Final adoption - Revised local planning policy P350.02 - Lot boundary setbacks (walls built to boundaries) & P350.07 - Street walls and fences and draft local planning policy P350.17 - Site works	117
10.4 STRATEGIC DIRECTION 4: LEADERSHIP	120
10.4.1 Financial Management Reports - October 2017	120
10.4.2 Listing of Payments	123
10.4.3 2016/17 Annual Report and Electors General Meeting	125
10.4.4 Adoption of City of South Perth Cats Amendment Local Law	127
11. APPLICATIONS FOR A LEAVE OF ABSENCE	130
12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	130
13. QUESTIONS FROM MEMBERS	130
13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	130
13.2 QUESTIONS FROM MEMBERS	130
14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	130

15. MEETING CLOSED TO THE PUBLIC	131
15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED	131
15.1.1 2017 Volunteer of the Year Awards	131
15.1.2 Australia Day WA 2018 Community Citizen of the Year Awards	131
15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC	132
16. CLOSURE	132
17. RECORD OF VOTING	133
APPENDIX	135
6.2 PUBLIC QUESTION TIME – 21 NOVEMBER 2017	135
13.2 QUESTIONS FROM MEMBERS 21 NOVEMBER 2017	137
DISCLAIMER	139

Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 21 November 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.

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 Cheryle Irons	Mill Point 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 Phil McQue	Manager Governance and Marketing
Mr Stevan Rodic	Manager Development Services
Mr Bruce Moorman	Manager City Environment
Ms Danielle Cattalini	Manager Stakeholder & Customer Relations (7.06pm to 8.25pm)
Ms Natalia Francis	Governance Project Officer
Ms Christine Lovett	Corporate Support Officer

Gallery

There were 27 members of the public and 1 member of the press present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil

5. DECLARATIONS OF INTEREST

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

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

- Cr Tracie McDougall in relation to Agenda Items:
 - 10.3.3 Proposed Three-Storey Mixed Use Development – Lot 800 (No. 2) Bessell Avenue, Como
 - 15.1.1 Volunteer of the Year Awards
 - 15.1.2 Australia Day WA 2018 Community Citizen of the Year Awards
- Cr Glenn Milner in relation to Agenda Item:
 - 10.3.5 Proposed 6 Multiple Dwellings in a 4 Storey Building . Lot 6 (No. 24) Wooltana Street, Como
- Cr Cheryle Irons in relation to Agenda Item:
 - 15.1.1 2017 Volunteer of the Year Awards
- Cr Glenn Cridland in relation to Agenda Items:
 - 15.1.1 2017 Volunteer of the Year Awards
 - 15.1.2 Australia Day WA 2018 Community Citizen of the Year awards

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

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The Presiding Member advised that the responses to previous public questions Taken on Notice are available in the Appendix of the Agenda.

6.2 PUBLIC QUESTION TIME: 21 NOVEMBER 2017

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

The Presiding Member advised the meeting that questions are to be in writing and submitted 24 hours prior to the meeting. Forms are available on the City's website and at the City's Reception. Questions can also be submitted electronically via the City's website. Questions received 24 hour prior to the meeting would be dealt with first. Questions received less than 24 hours prior to the meeting would be taken on notice and the response provided in the Agenda of the next month's Council meeting.

The Presiding Member then opened Public Question Time at 7.11pm.

Written questions were received prior to the meeting from:

- Mr Glenn Heldberg of 16 Brittain Street, Como
- Mr John Stewart of 7 Keaney Place, Waterford

A table of questions and the responses provided can be found in the **Appendix**.

The Presiding Member then closed Public Question Time at 7.17pm.

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: 17 October 2017

7.1.2 Special Council Meeting Held: 23 October 2017

7.1.3 Special Council Meeting Held: 25 October 2017

7.1.4 Special Council Meeting Held: 14 November 2017

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That the Minutes of the Ordinary Council Meeting held 14 November 2017 and the Special Council Meetings held 23 October, 25 October and 14 November 2017 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

7.2 BRIEFINGS

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

7.2.1 Governance Induction Concept Briefing - 24 October 2017

Neil Douglas from McLeod's Lawyers presented to Council at the Governance Induction held 24 October 2017.

Attachments

7.2.1 (a): 24 October 2017 - Governance Induction - Briefing Notes

7.2.2 Town Planning Legislation and Responsibilities Concept Briefing- 31 October 2017

Officers of the City and a representative of McLeod's provided the Council with an overview of Town Planning Legislation and Responsibilities at a Concept Briefing held 31 October 2017.

Attachments

7.2.2 (a): 31 October 2017 - Town Planning Legislation and Responsibilities - Notes

7.2.3 Council Agenda Briefing - 14 November 2017

Officers of the City presented background information and answered questions on Items to be considered at the 21 November 2017 Ordinary Council Meeting at the Council Agenda Briefing held 14 November 2017.

Attachments

7.2.3 (a): 14 November 2017 - Council Agenda Briefing - Notes

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That the Notes of the Concept Briefings held on 24 October and 31 October 2017 and the Council Agenda Briefing held on 14 November 2017 be noted.

CARRIED (9/0)

8. PRESENTATIONS

8.1 PETITIONS

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

8.1.1 PROPOSED MEDIAN CLOSURE – CANNING HIGHWAY AND NORTON STREET, SOUTH PERTH

A petition was received on 21 November 2017 from Mr Phil Watson of 25 Norton Street, Como, together with 38 signatures requesting the urgent support of the Mayor, Council and City of South Perth in progressing the closing the dangerous right turn intersection at Norton Street – which is consistent with a unanimous Council motion at the 14 November 2017 Special Council Meeting.

The text of the petition reads:

'Please find attached the petition instigated by me and signed by named electors of the City of South Perth. The petition has the petitioners' addresses in Norton Street Como set out.

Norton Street is a short street and everyone person on that street who was spoken to about the subject of the petition signed the petition. There was strong support to extend the median strip on Canning Highway to prevent traffic turning right onto Canning Highway from Norton Street and also traffic turning right off Canning Highway onto Norton Street. This was due to the current traffic and safety concerns experienced currently and also anticipated in the future.

The petition was collected by walking along Norton Street last Saturday 18 November 2017 from 1pm – 4:30pm and Monday 20 November 2017 from 6pm – 7:30pm (which was when the petitioners signed the petition).

The petition is primarily addressed to the Minister for Transport.

The petition also seeks the urgent support of yourself, the Council and City of South Perth in progressing the closing the dangerous right turn intersection at Norton Street – which is consistent with a unanimous Council motion at the 14 November 2017 Special Council Meeting.'

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cheryle Irons

Seconded: Councillor Tracie McDougall

That the petition received 21 November 2017 from Mr Phil Watson of 25 Norton Street, Como, together with 38 signatures requesting the urgent support of the Mayor, Council and City of South Perth in progressing the closing the dangerous right turn intersection at Norton Street – which is consistent with a unanimous Council motion at the 14 November 2017 Special Council Meeting, be forwarded to the relevant Officer for consideration.

CARRIED (9/0)

8.2 PRESENTATIONS

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

RAC Intellibus

The City received a special presentation at the RAC President Function held 2 November 2017 in recognition of the City's partnership with RAC, for the trial of Australia's first fully driverless and electric shuttle bus, RAC Intellibus™ in South Perth.

The City of South Perth is proud to partner with the RAC to support this landmark initiative and continue to be a part of trialling this game changing technology, with a new Intellibus to be launched shortly in South Perth.

Earlier this month, Federal finance Minister Mathias Cormann announced \$6 million in technology grants for Smart Cities and Suburbs Program projects across Perth. A further \$980,000 will be invested in the RAC Intellibus™ trial, which is a joint initiative of the RAC, State Government and City of South Perth.

Perth Zoo Partnership

The City and Perth Zoo today signed a new agreement to renew our partnership for another three years, until 30 June 2020. The agreement will see the City and Perth Zoo continue to collaborate, consult, discuss and share information and cross promote on a number of identified initiatives.

Red25 Council Blood Challenge

The City finished 4th in the Red 25 Council Blood Challenge, with 37 blood donations made by staff, saving 111 lives. The City was also recognised by Red Cross for coming first in two categories for the Blood Challenge.

8.3 DEPUTATIONS

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

Deputations were heard at the Council Agenda Briefing of 14 November 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 14 November 2017.

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.1.1 Arts Advisory Group (AAG) Membership

Item 10.1.3 Tender 14/2017 "Provision of Golf Course Management Services for the Collier Park Golf Course"

Item 10.3.3 Proposed Three-Storey Mixed Use Development - Lot 800 (No. 2) Bessell Avenue, Como

Item 10.3.4 Proposed Earthworks, Retaining Walls and Fencing. Lot 500 No. 77 Roebuck Drive, Salter Point.

Item 10.3.5 Proposed 6 Multiple Dwellings in a 4 Storey Building. Lot 6 No. 24 Wooltana Street, Como.

Item 10.3.6 Proposed change of use from Single House to Child Day Care Centre at Lot 7 (No. 10) Barker Avenue, Como

9.1 EN BLOC MOTION

Motion and COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

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

Item 10.1.2 Connect South Proposed Concept Masterplan

Item 10.3.1 Amendment to Approved Mixed Development. Lot 3 (No. 333) Mill Point Road, South Perth.

Item 10.3.2 Proposed Additions to Existing Religious Activities (Church) on Lot 83 (No. 7) Hill Street, South Perth

Item 10.3.7 Proposed Road Name for New Road. Lot 500 (No. 77) Roebuck Drive, Salter Point

Item 10.3.8 Final adoption - Revised local planning policy P350.02 - Lot boundary setbacks (walls built to boundaries) & P350.07 - Street walls and fences and draft local planning policy P350.17 - Site works

Item 10.4.1 Financial Management Reports - October 2017

Item 10.4.2 Listing of Payments

Item 10.4.3 2016/17 Annual Report and Electors General Meeting

Item 10.4.4 Adoption of City of South Perth Cats Amendment Local Law

CARRIED (9/0)

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Arts Advisory Group (AAG) Membership

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-98240
Date:	21 November 2017
Author:	Margaret King, Community Development Coordinator
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

Summary

This report seeks an elected member nominee who would like to represent the City and the community as a member of this advisory group, following the 2017 local government elections.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Cheryle Irons

That the Council accept the nomination from Councillor Tracie McDougall (nominated by herself and seconded by Councillor Glen Cridland) to join Councillor Colin Cala as representatives to serve on the Arts Advisory Group (AAG).

CARRIED (9/0)

Background

The development of a Public Art Strategy (PAS) was to establish the strategic and administrative structure to managing and developing the City's current public art assets and future projects. Since the adoption of this strategy in 2013, the City has progressed with many action items within this PAS that have resulted in an increase in public art projects.

As tabled in recommendation item 6.1 of the PAS, the implementation of an Art Advisory Group made up of elected and community members assists the City in making educated and considered decisions within the field of public art.

Prior to the 2017 local government elections the elected member representatives on the group were Councillor Colin Cala who is a current and ongoing member, Councillor Sharron Hawkins-Zeeb and Councillor Jessica Black who are outgoing members.

10.1.1 Arts Advisory Group (AAG) Membership

Comment

The purpose of the Public Art Advisory Group (PAAG) is to:

1. Provide advice on matters relating to the review, development and implementation of the Public Art Strategy and related policies.
2. Assist to develop the creation of opportunities for a diverse range of public art
3. Vote on artwork concept designs that result from City initiated Public Art Projects (Policy P101).
4. Provide recommendations to Council on City initiated Public Art projects resulting from P101 and are procured through a Tender and therefore are over \$150,000 in value.

All decisions are considered in conjunction with officer recommendations and a 'Terms of Reference' is at **Attachment (a)**.

The AAG's meets four times a year. The last meeting was held on 1 August 2018 meetings are scheduled for March, May, August and November. The working group comprises a maximum of three elected members.

Current and upcoming items that may be put to the group may include current City projects resulting from percent-for-art contributions.

It is recommended that the Council appoint two new member representatives to the Advisory Group.

Consultation

Not Applicable.

Policy and Legislative Implications

Policy P101 Public Art and Policy P316 Developer Contributions for Public Art
City of South Perth Public Art Strategy.

Financial Implications

Budget provisions exist for Public Art.

Strategic Implications

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

Attachments

10.1.1 (a): Arts Advisory Group Terms of Reference

10.1.2 Connect South Proposed Concept Design Masterplan

Location:	Mends Street and Foreshore
Ward:	Mill Point
Applicant:	City of South Perth
File Ref:	D-17-97877
Meeting Date:	21 November 2017
Author/Reporting Officer:	Mark Taylor, Director Infrastructure Services
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

A draft Masterplan has been developed for Connect South Mends Street in response to initial funding of \$7.5 million and to create a strategic vision for the public realm that can be implemented in stages by the City. The Masterplan provides design consideration for the Mends Street precinct however provides particular focus on the Jetty Foreshore and Mends Street north for implementation.

It is recommended that Council endorse the draft Masterplan for community and stakeholder engagement until 22 December 2017.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That:

- (a) The draft Masterplan for Connect South Mends Street (**Attachment (a)**) be endorsed by Council for community and stakeholder engagement until 22 December 2017
- (b) A final draft Masterplan be developed taking into account community engagement and be considered by Council at a meeting in early 2018.

CARRIED EN BLOC (9/0)

Background

The Connect South project is a key recommendation of the South Perth Foreshore Strategy and Management Plan (SPF Plan), which was adopted by Council in 2015. The SPF Plan established a strategic vision for the future management of the South Perth foreshore between Ellam Street and the Narrows Bridge. The wider community was consulted extensively during the development of the SPF Plan and prioritised Node 1 - Mends Street and its associated foreshore as the most important area to commence redevelopment works.

The creation of Elizabeth Quay on the northern foreshore of the river has linked the Perth Central Business District to the Swan River. The Connect South project presents a similar opportunity through the development of an accessible and highly attractive entry point to Mends Street, the Perth Zoo and greater South Perth.

In October 2016 the City successfully secured \$2.5 million in Federal funding from the National Stronger Regions Fund (NSRF) to match the City's contribution of \$5 million over two financial years to help fund the project.

Comment

The City has carefully considered this site and recognises that an overall Masterplan for the precinct is required. The area encompassed by the Masterplan includes the Mends Street Jetty Foreshore, Mends Street, Harper Terrace and Windsor Park, with the immediate focus being on the Jetty Foreshore and Mends Street.

The advantages of developing a Masterplan is that it creates a cohesive character for the precinct that celebrates the precinct's unique history and outlines high level concepts for improving the public realm. It also enables future works, outside of the current funding scope, to be implemented in the knowledge they already have been the subject of community engagement and Council approval.

To that end consultants were engaged to develop a draft and later final Masterplan and deliver Stage One works (under the existing \$7.5 million budget) with the following 'place principles':

- Create a regional and international destination
- Establish a 'gateway' to South Perth
- Connect the river to the Zoo and vice versa
- Create a 'river room' and vibrant local street that is the civic heart of the community
- Fun by day, festive by night
- Connect and celebrate alternative modes of transport
- Celebrate the natural character of the Swan River and the exotic character of the Zoo
- Celebrate the view
- Develop an activation strategy
- Improve the pedestrian experience
- Enhance place through local stories
- Spark prosperity and create economic stimulus, more choice and a great experience

A draft Masterplan has been developed in response to the brief, place principles and ongoing community and stakeholder engagement - **see Attachment (a)**. Its major design components include:

- The Foreshore
 - West Promenade
 - Gateway
 - The Jetty Link
 - Play Space
 - East Promenade
- Mends Street north (of Mill Point Road)
 - Room Section
- Mends Street south (of Mill Point Road)
- Windsor Park
- Harper Terrace

A place activation strategy has also been produced and is included in the draft Masterplan.

The Masterplan also considers the Mends Street jetty, which is not a City asset however has been included to ensure a cohesive experience is maintained throughout the Precinct and to assist in lobbying State Government for future upgrades and possible expansion.

Consultation

The draft Masterplan has been developed following extensive community consultation and stakeholder engagement that took place between June and October 2017. There has been ongoing dialogue, plus formal and informal community and stakeholder engagement to date including:

- Regular traders meetings with Mends Street businesses which commenced in October 2016;
- A 'Place Proposition' workshop held with key staff of the City in June 2017;
- Individual stakeholder meetings with government agencies, representatives and interest groups, including Perth Zoo, Department of Transport and Swan River Trust;
- 'Your Say South Perth' online engagement – informing and ideas;
- Key stakeholder/community place workshop held in July 2017;
- 'Hands Up!' activation program organised by the City's place making consultant and consists of ideas gathering and active participation;
- City of South Perth Reference and working groups meetings: including Aboriginal Reference Group and ICAG;
- Community Open Day held in August 2017 to inform on principles, themes and design elements and obtain direct feedback;
- Concept design presentation to key stakeholders/participants – viewing of concept designs and outline of the process and element evaluation;
- Ongoing information via the City's communication channels including social media, website, advertising and e-newsletters.

Following Council endorsement of the Masterplan Concept Design for community comment, further engagement will commence on 22 November until 22 December 2017. Stakeholders/community will have the opportunity to provide direct feedback / comment on the 'Your Say South Perth' portal of the City's website.

The consultation will be promoted through:

- the City's communication channels;
- direct emails to special interest groups and past project participants;
- a proposed information stall at the Mends Street Sunday markets; and
- onsite at Mends Street during the week in early December 2017.

A further Concept Briefing of Council is proposed to be held prior to the final draft of the Masterplan being considered for adoption in February 2018.

Policy and Legislative Implications

Nil

10.1.2 Connect South Proposed Concept Masterplan

Financial Implications

A total budget of \$7.5 million has been allocated to this project. This includes \$2.5 million in Federal funding from the National Stronger Regions Fund (NSRF) to match the City's contribution of \$5 million.

It is clear that \$7.5 million will not implement the whole Masterplan. To that end, the Masterplan proposes that the initial allocation be used to fund Stage One works on the Jetty Foreshore and Mends Street North.

A financial strategy will be developed following adoption of the Masterplan to consider how it might be fully implemented however it is expected that projects outside of the existing allocation will be funded through:

- State and Federal grants
- The City's Infrastructure Capital Works program
- Developer contribution for Mends Street south.

Conclusion

It is recommended that Council endorse the Connect South Mends Street Masterplan (**Attachment (a)**) for community and stakeholder engagement to enable additional feedback on the concepts provided. This will afford Council greater comfort in considering a revised draft Masterplan in early 2018.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2017-2027](#) and is a key project of the Corporate Plan.

Attachments

10.1.2 (a): Draft Masterplan for Connect South Mends Street

10.1.3 Tender 14/2017 “Provision of Golf Course Management Services for the Collier Park Golf Course”

Location:	Collier Park Golf Course, Como
Ward:	Moresby Ward
Applicant:	City of South Perth
File Reference:	D-17-97881
Meeting Date:	21 November 2017
Author(s):	Paul Baines, Acting Procurement Coordinator
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 14/2017 for the “Provision of Golf Course Management Services for the Collier Park Golf Course”.

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

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That:

- (a) the Council approves the tender submitted by Clublinks Management for the “Provision of Golf Course Management Services for the Collier Park Golf Course” in accordance with Tender Number 14/2017 for the period of supply up to five years inclusive; and
- (b) the resolved tender price be included in the Minutes of this meeting.

Amended Motion AND COUNCIL DECISION

Moved: Councillor Cheryle Irons

Seconded: Councillor Ken Manolas

That part (c) be added to the Officer Recommendation as follows in red:

(c) that Rosetta Holdings Pty Ltd lease be held over for a further two months.

CARRIED (5/4)

Reason for Amendment

As the lease expires on the Australia Day long weekend, this will provide Rosetta Holdings more time for handover and disposal of assets.

The amendment became the substantive:

COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That:

- (a) the Council approves the tender submitted by Clublinks Management for the "Provision of Golf Course Management Services for the Collier Park Golf Course" in accordance with Tender Number 14/2017 for the period of supply up to five years inclusive; and
- (b) the resolved tender price be included in the Minutes of this meeting.
- (c) that Rosetta Holdings Pty Ltd lease be held over for a further two months.

CARRIED (6/3)

Background

In 2009 a Master-plan for the Collier Park Golf Course was adopted by Council. The Master-plan set the priority direction towards maintaining and improving the three nine hole courses (Island, Lake and Pines) in terms of playability, landscaping and irrigation upgrades. Included in this was the completion of a report by a professional golfer, (Terry Gale), which recommended a series of improvements to each of the holes of the entire course.

The 'Island Nine' was the first to be upgraded in 2011. This included the development of an irrigation lake and new pump station to service the entire golf course. Since that time, work on the golf course has included irrigation mainline upgrades to the Pines course.

During this time, the City has also been considering the longer term direction of the lease on the Course. The current lease covers the management of buildings at the Course. In addition, there exists a Controllers Agreement, which covers the management of the Course by the Lessee. Rosetta Holdings Pty Ltd has held the lease since the Course first opened in 1984. That lease has been extended and renewed with Rosetta Holdings since.

In line with the City's desire to continue to improve the quality of the golf course for patrons and importantly, the financial return to the City, a review of Course operations was considered timely. To that end, the City has engaged a golf business consultancy (WellPlayed) to assist with this task.

The consultant's brief was essentially to research trends in golf around Australia, and the performance of Collier Park Golf Course in that context, in order to put the Lease of Buildings and Controllers Agreement out to tender.

In order to complete this task the consultant needed to better understand Collier Park. The brief therefore included the following 'Performance Snapshot' information:

- Review the City's strategic framework in which Collier Park operates
- Clarify the City's mission and vision for Collier Park
- Develop a 'profile' for Collier Park
- Review the performance of Collier Park
- Develop a performance value for identified KPIs
- Review the financial performance (10+ year analysis).

The benefits of undertaking the Performance Snapshot included:

- Providing the City and consultant with a detailed understanding of the current position and performance of Collier Park.

- Identifying opportunities for service performance improvements:
 - Services offered
 - Overall facility performance
 - Financial performance and contribution to the City.
- Creating the relevant content, including a revised Lease of Buildings and Controllers Agreement, for Tender documentation.

The outcome of the assessment was as follows:

- Seek, via the market, a new improved Lease of Buildings and Controllers Agreement for five years, to enable more detailed planning to occur.
- During the next five years undertake the following work to prepare for redevelopment of facilities:
 - Consider the development of new Concept Plan to respond to challenges and opportunities to create a contemporary golf facility;
 - Develop a comprehensive design plan for the facilities –including arrival, car-parking, golf building, precinct and any new facilities and experiences as identified;
 - Build-on and align with the Course Masterplan.

A presentation of the findings was made to Councillors at a Concept Briefing in July. The outcome of the briefing was agreement to go to the market for tender.

A Request for Tender (RFT) 14/2017 for the 'Provision of Golf Course Management Services for the Collier Park Golf Course' was advertised in The West Australian and Australian newspapers on 12 August 2017 and closed at 2:00pm on 12 September, 2017. Tenders were invited as a Lump Sum Contract.

The contract is for the period of five years effective from 28 January 2018.

Comment

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

TABLE A - Tender Submissions

Tender Submissions
Belgravia Leisure
Clublinks Management
Golf Oracle
Rosetta Holdings

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 Relevant Experience	25%
2. Organisational Structure and Key Personnel	10%
3. Sustainable Management and Experience	5%

4. Service Transition and Delivery Plans	30%
5. Price	30%
Total	100%

In response to queries raised by several Councillors about the assessment process followed in Tender 14/2017, the City withdrew this report from the October Ordinary Council meeting, to enable time to carry out a thorough review of the process. To assist this task, the City engaged:

- The WA Local Government Association (WALGA) to undertake a Procurement Process Review;
- Jackson McDonald Lawyers to provide advice concerning aspects of the evaluation and Council's acceptance of tenders under this RFT.

The subsequent WALGA report and Jackson McDonald advice was used to update the Evaluation Panel Member's Report, along with other information about the tender assessment process.

The tender report was then placed on the agenda of a Special Council meeting held on 25 October. At that meeting further questions were raised by Councillors about the assessment process. In response, Council resolved the following with respect to Tender 14/2017:

That the matter be deferred pending further legal advice being obtained and for further consideration.

The City has sought further legal advice in respect to the questions raised. The outcome of that advice is discussed in a subsequently updated Evaluation Panel Member's Report - **Confidential Attachment (a)**.

Based on the assessment of all submissions received for Tender 14/2017 'Provision of Golf Course Management Services for the Collier Park Golf Course', the process review provided by WALGA and several pieces of legal advice provided by Jackson McDonald it is recommended that the tender submission from Clublinks Management Pty Ltd be approved by Council.

Consultation

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

A Concept Briefing of Councillors about proposed future directions for the Collier Park Golf Course was held on 17 July, 2017

Advice has been sought from the WA Local Government Association (WALGA) and several occasions from Jackson McDonald lawyers about the evaluation process.

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 and the City's Long Term Financial Plan.

Strategic Implications

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

Attachments

- 10.1.3 (a):** Tender 14/2017 - Provision of Golf Course Management Services for Collier Park Golf Course - Evaluation Panel Recommendation Report (*Confidential*)

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Amendment to Approved Mixed Development. Lot 3 (No. 333) Mill Point Road, South Perth.

Location:	Lot 3 (No. 333) Mill Point Road, South Perth.
Ward:	Mill Point Ward
Applicant:	Q Group WA Pty Ltd
File Reference:	D-17-97804
DA Lodgement Date:	1 June 2017
Meeting Date:	21 November 2017
Author(s):	Cameron Howell, Senior 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 to retrospectively amend the approved Mixed Development located at Lot 3 (No. 333) Mill Point Road, South Perth. The applicant is seeking approval to a number of minor changes which affect the streetscape appearance of the development.

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

Element on which discretion is sought	Source of discretionary power
Substantial change to the development approved	'Deemed Provisions' cl. 77(1)(c)
Building appearance	'Deemed Provisions' cl. 67(m)

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

1. That Council accepts that this application is appropriate for consideration in accordance with Schedule 2 clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. 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 the Amendment to Approved Mixed Development on Lot 3 (No. 333) Mill Point Road, South Perth be approved subject to:

(a) Approved Plans and Conditions

The approved amendments only pertains to the following:

- The windows on the street elevations of the building;
- The external colours of the building;
- Landscaping layouts, including the letterbox and planters, in the portion of the development site located between the Shop and the Alfresco dining area, adjacent to the corner of Mill Point Road and Banksia Terrace;
- The Alfresco screen walls;

- The location of the gas box and electric meter box on the building;
- The screening to the air conditioning units, located adjacent to the Shop wall facing Banksia Terrace; and
- The boundary fence and gate to the Banksia Terrace boundary.

For these amendments only, the amended development plans in this application become the approved plans. All other components of the development plans approved on 24 March 2015 and amended on 29 June 2017 remain unchanged and are not affected by this approval.

The development shall be in accordance with the approved plans unless otherwise authorised by the City.

All other conditions and requirements detailed on the previous approval dated 24 March 2014 and amended on 29 June 2017 shall remain unless altered by this application.

(b) Advice Notes

- (a) **PN01** *Development Approval Only*
- (b) **PN02** *Other Constraints*
- (c) **PNX3** *Right of Review*

CARRIED EN BLOC (9/0)

Background

The development site details are as follows:

Zoning	Local Commercial
Density coding	R15
Lot area	652 sq. metres
Building height limit	7.0 metres
Development potential	1 dwellings and/or permissible non-residential land uses
Plot ratio limit	0.50

The location of the development site is shown in **Figure 1** below:



Figure 1- Location Plan

In accordance with Council Delegation DC690, the proposal is referred to a Council meeting because it relates to a matter previously considered by Council.

Comment

(a) Background

An Application for Planning Approval was lodged with the City on 2 December 2014 for a “bakery and cafe with caretakers dwelling”. The proposal included the construction of ground and upper floor additions to the existing single storey building, and a change of use on the site to become a three storey Mixed Development (comprising Shop, Café / Restaurant and dwelling).

The application was considered by Council at its Ordinary Council Meeting held on 24 March 2015 where Council resolved to approve the proposal subject to conditions. Condition 14 of this approval, relating to the approved trading hours of the non-residential uses on site, was amended by the State Administrative Tribunal on 29 June 2017, following reconsiderations by Council at its Ordinary Council Meetings held on 23 June 2015, 22 September 2015 and 13 December 2016.

An application to amend the development approval was received on 1 June 2017. Following an inspection of the site by the City, it was identified that some of these amendments have already been implemented in the constructed development and hence approval is being sought retrospectively. This application includes the following alterations to the approved building:

- The windows on the street elevations of the building;
- The external colours of the building;
- Landscaping layouts, including the letterbox and planters, in the portion of the development site located between the Shop and the Alfresco dining area, adjacent to the corner of Mill Point Road and Banksia Terrace;
- The Alfresco screen walls;
- The location of the gas box and electric meter box on the building;
- The screening to the air conditioning units, located adjacent to the Shop wall facing Banksia Terrace; and
- The boundary fence and gate to the Banksia Terrace boundary.

Revised plans that aligned with the constructed development and changed the screening to the air condition units were received on 31 October 2017.

Other changes shown on the amended development plans, such as advertisements on the building on the perspective plans and works affiliated with the State Administrative Tribunal appeal, such as the acoustic carport, do not form part of this application.

A separate development application was lodged on 29 September 2017 and approved under delegated authority on 5 October 2017 for the proposed advertisements on the building. This approval is contained in **Attachment (e)**.

The planning approval for this development is contained in **Attachment (a)**. The revised plans are contained in **Attachment (b)**. Site photographs are contained in **Attachment (c)**.

(b) Existing Development on the Subject Site

The Mixed Development building is under construction.

(c) Description of the Surrounding Locality

The site has a frontage to Mill Point Road to the north and Banksia Terrace to the east and is located adjacent to single houses to the south and west. The surrounding locality predominately consists of single houses, with some grouped dwelling and multiple dwelling developments, as seen in **Figure 2** below:



Figure 2- Aerial Photograph (March 2017)

(d) Substantial Change to the Development Approved

An application can be made under Schedule 2 cl. 77(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* “to amend an aspect of the development approved which, if amended, would not substantially change the development approved”.

Accordingly, the local government needs to determine whether or not the proposed changes in this application constitute a substantial change to the approval granted on 24 March 2015 and amended by the State Administrative Tribunal on 29 June 2017.

The amendments that are the subject of this application do not pose conflict with any Scheme or policy provisions that are applicable to this site or to the rest of the approved development.

The proposed amendments are considered minor and capable of determination by Council as an amendment application.

(e) Building Appearance

Schedule 2 cl. 67(m) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires Council to have due regard to “the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the

locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development”.

Of the amendments subject to this application, the change to the finish of the Shop wall air conditioning unit screening (from timber with garden wall to aluminium), the provision of a much larger sized electrical meter box cabinet and the changes to the external colours of the building are most significant in terms of the clause 67(m) considerations.

The amendments to the approved development are considered to not pose any adverse impact to neighbouring properties or to the streetscape. Accordingly, it is considered that the amended development satisfies the requirements of ‘Deemed Provisions’ clause 67(m).

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

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

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

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

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

Consultation

(a) Neighbour Notification

Neighbour notification has been undertaken for this proposal, with a notice mailed to the owners of the two adjoining properties. No submissions were received. The advertised plans are contained in **Attachment (d)**.

(b) Environmental Health Services

The City’s Environmental Health Services has provided advice on the proposal, as follows:

Please ensure that all service and other equipment are compliant with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997* in relation to other premises.

10.3.1 Amendment to Approved Mixed Development. Lot 3 (No. 333) Mill Point Road, South Perth.

Advice Note 7 of Council's planning approval advises the applicant to liaise with the City's Environmental Health Services to ensure compliance with their relevant requirements.

Policy and Legislative Implications

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

Financial Implications

This determination has some financial implications to the City, should the applicant not be satisfied with Council's determination and appeals to the State Administrative Tribunal or the City is required to commence proceedings to rectify any unapproved elements of the constructed development.

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: 3.2B Sustainable Built Form - Promote and facilitate contemporary sustainable buildings and land use.

Conclusion

It is considered that the proposal constitutes an amendment that does not substantially change the development approved by Council in 2015 and amended by the State Administrative Tribunal in 2017. The proposal is considered to satisfy all of the relevant planning objectives and provisions. Accordingly, it is considered that the application should be approved subject to the recommended conditions.

Attachments

- 10.3.1 (a):** Development Approval 24 March 2015 Amended 29 June 2017: 333 Mill Point Road, South Perth - 11.2014.633.1 & SAT DR 243/2015
- 10.3.1 (b):** Amended Development Plans: 333 Mill Point Road, South Perth - 11.2014.633.5
- 10.3.1 (c):** Site Photographs: 333 Mill Point Road, South Perth - 11.2014.633.5
- 10.3.1 (d):** Neighbour Notification Plans (June 2017): 333 Mill Point Road, South Perth - 11.2014.633.5
- 10.3.1 (e):** Development Approval - Advertisements: 333 Mill Point Road, South Perth - 11.2017.341.1

10.3.2 Proposed Additions to Existing Religious Activities (Church) on Lot 83 (No. 7) Hill Street, South Perth

Location: South Perth
Ward: Mill Point Ward
Applicant: Simplex Projects
File Reference: D-17-97622
DA Lodgement Date: 30 March 2017
Meeting Date: 21 November 2017
Author(s): Kevin Tang, 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

To consider an application for development approval for Additions to Existing Religious Activities (Church) on Lot 83 (No.7) Hill Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use ('DC' use)	TPS6 clause 3.3
Car parking provision	TPS6 clause 7.8(1)
Bicycle parking provision	TPS6 clause 7.8(1)
Landscaping (<i>non-RES</i>)	TPS6 clause 7.8(1)
Lot boundary setback	TPS6 clause 7.8(1)
Signs	Council Policy (P308)

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for Additions to Existing Religious Activities (Church) on Lot 83 (No. 7) Hill Street, South Perth, **be approved** subject to the following conditions and advice notes:

(a) Conditions

1. The development shall be in accordance with the approved plans at all times unless otherwise approved by the City;
2. *Prior to the issue of an occupancy permit*, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City;
3. *Prior to the issue of an occupancy permit*, the car parking bays and accessways shall be marked on site as indicated on the approved plans, and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City;
4. A minimum of nine (9) car parking bays shall be provided on the

- development site to the standards and specifications of the Australian Standards 2890.1;
5. *Prior to the issue of an occupancy permit*, the vehicular crossovers shall be modified to the standards and specifications of the City;
 6. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City;
 7. Any overspill parking shall be directed to public street car park along Karoo Street and Forrest Street adjacent to the South Perth Primary School.
 8. The hours of operation for church meetings (defined as gatherings of more than 10 people) are limited to the following:
 - (i) Wednesdays: 7:00pm-9:00pm
 - (ii) Fridays: 7.00pm-9.30pm
 - (iii) Sundays: 2.00pm-5.00pm
 9. *Prior to the issue of an occupancy permit*, a minimum of three (3) bicycle parking spaces shall be provided;
 10. The signs shall not illuminate.
 11. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
 12. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.

(b) Advice Notes

- (i) PN01;
- (ii) PN02;
- (iii) PN07;
- (iv) PN08;
- (v) Advice note relating to vehicular crossover;

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

CARRIED EN BLOC (9/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R25
Lot area	809 sq. metres
Building height limit	7 metres
Development potential	2 dwellings
Plot ratio limit	N/A

The location of the development site is shown below:

Amended plans were received in July 2017 as a result of comments from the City's planning assessment and the amended proposal was readvertised due to substantial changes to the original application. Final plans incorporating changes to landscaping were received in September 2017.

(b) Existing Development on the Subject Site

The Site contains a masonry church building and is mostly bituminised with two vehicular crossovers from Hill Street. The existing condition of the Site and streetscape are depicted in site photographs at **Attachment (a)**.

(c) Description of the Surrounding Locality

The Site has a frontage to Hill Street to the north, located adjacent to residential properties to the west, south and east respectively, as seen in **Figure 1** below:



(d) Description of the Proposal

The proposal involves two-storey additions to the existing Church building on Lot 83 (No.7) Hill Street, South Perth (the **Site**), as depicted in the submitted final plans at **Attachment (b)**. The Site was purchased earlier in the year by the Perth Arabic Christian Church and will continue to be used for religious activities. The proposed additions include an ablution facility, new hall, kitchen on the ground floor and an attic on the first floor. The total additional gross floor area is 105.92 m². The entire ablution facility and part of the attic are proposed to be retrofitted into the existing church building and will therefore not increase the overall gross floor area.

The following components of the proposed development do not satisfy the City of South Perth Town Planning Scheme No. 6 (**Scheme; TPS6**) and Council Policy requirements and require the exercise of discretion:

- (i) car parking;
- (ii) bicycle parking;

10.3.2 Proposed Additions to Existing Religious Activities (Church) on Lot 83 (No. 7) Hill Street, South Perth

- (iii) landscaping;
- (iv) lot boundary setback; and
- (v) signage

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

(e) Land Use

The land use of Religious Activities is classified as a 'DC' (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. The subject site is located in a residential area, however, it has been used as a place of worship since 1930s and has formed part of the historical urban fabric. It is therefore considered that the proposed addition is suitable at this location so long as existing residential amenity is not adversely affected.

(f) Car Parking

When the existing Church was first built in the 1930s, private cars were not the most popular mode of transport and nor was there any car parking requirements contained in the town planning scheme at the time. As a result, no formal car parking spaces have been provided on site prior to the submission of current development application. It is common to see churches throughout the metropolitan area with limited, if not no, on site car parking. In consideration of this, it would be unfair to retrospectively impose present Scheme parking requirements on the existing building.

The car parking calculation for the proposed additions is provided below:

Land Use	TPS6 Requirement	Proposed	shortfall
Additions to Religious Activities (Church)	1 car parking bay per 5m ² GFA (105.92m ²) = 21.18 bays = 22 bays	9 bays	13 bays

The development site is constrained by the location of the existing church in the middle of the site, which leaves no room on the western part of the site for the provision of any car bays. The proposed nine (9) parking bays are located on the eastern and northern parts of the development site. In applying TPS6 standards to the proposal, there is a parking shortfall of 13 car bays. Council Policy P315 'Car Parking Reductions for Non-Residential Development' is not applicable to the proposal as the Site is more than 400 metres away from any bus stop/station.

Council discretion – cl. 6.3.(4)

Clause 6.3 (4) provides Council discretion to approve a car parking deficit if it is satisfied that the **peak parking demand** for different uses on the development site is being met.

The applicant has provided additional justification in the form of a Transport Impact Statement for Council's consideration at **Attachment (c)**.

It is noted that the existing street parking area around South Perth Primary School is entirely locate within City's road reserves and will therefore be available for public use outside of school hours. The Transport Impact Statement explains that the church runs three weekly meetings on

Wednesdays (7.00pm-9.00pm), Fridays (7.00pm-9.30pm) and Sundays (2.00pm-5.00pm), and will potentially be attended by a maximum of 40 people on Sundays. The Statement suggests that public street parking around the South Perth Primary School, which includes 44 car parking bays a short 150-200m walk from the church, can be used to address the parking shortfall. After careful examination of a range of factors, it is considered that redirecting overspill parking to the existing public car parks around the South Perth Primary School in combination with the restriction on hours of operation should adequately address potential peak parking demand for the proposed extension. Planning conditions relating to hours of operation and overspill parking have been recommended to be imposed.

In addition to town planning controls, Council will also have an opportunity to impose additional street parking restriction through its *Parking Local Law 2017*.

(g) Bicycle Parking

The bicycle parking calculation for the proposed additions is provided below:

Land Use	TPS6 Requirement	Proposed	shortfall
Additions to Religious Activities (Church)	1 car parking bay per 40m ² GFA (105.92m ²) = 2.65 bays = 3 bays	0 bays	3 bays

The applicant has agreed to provide required bicycle parking bays on site. A condition requiring the bicycle bays is recommended.

(h) Landscaping

The landscaping calculation for the proposed additions is provided below:

Development Requirement	TPS6 Requirement	Proposed	shortfall
Landscaping	25% of the site area (202.25m ²)	7% (55.4m ²)	18% (146.85m ²)

Table 4 of TPS6 requires that a minimum landscaped area of 25% of site shall be provided for the land use of Religious Activities. The proposal contains 7% landscaping of the site area, therefore seeking a variation of 18%.

Clause 5.1(5) of TPS6 states: "Notwithstanding the minimum landscaped area prescribed in Tables 3 and 4, the Council may permit a lesser landscaped area, if the developer provides outstanding landscaping in accordance with the provision of clause 6.14(1), together with landscaping within the street reserve adjacent to the development site to a standard considered by the Council to be exceptional".

A landscaping plan has been provided by the applicant at **Attachment (b)**, which proposes to establish landscaped areas at the south- and northeast corners of the site. It is important to note that the existing development was established in the 1930s well before the implementation of the City's current town planning scheme. Difficulties will arise when current development standards are applied to an old building/site, given that the existing site is mostly bituminised and is already in need for hardstand area for car parking. It should also be noted that the proposed 7% landscaped site area will be a significant improvement from the existing site condition.

It is considered that the variation can be supported and a planning condition relating to the implementation of the landscaping plan has been recommended to be imposed.

(i) Lot Boundary Setback

The proposed addition contains a 4.335 metres western lot boundary setback in lieu of 4.5 metres required under Table 4 of TPS6. The proposed lot boundary setback variation is minor in nature and will enable the addition to be built along the existing building line. It is considered that this variation can be supported.

(j) Signage

Council Policy P308 Signs contains certain restrictions on signs associated with non-residential uses in the residential zone. This includes:

1. Signs in the Residential zone

(a) Signs for Non-Residential Uses in the Residential zone:

- (i) The City may approve one sign displaying the name of the business or facility on a site used for non-residential purposes in a residential zone. Where the City approves a sign it must:*
 - (a) have an area of less than 0.6 square metres; and*
 - (b) use letters or figures with a height or width of less than 75 millimetres.*
- (ii) The City will not approve a sign displaying information other than the name of the business or facility on the site.*
- (iii) The City's Town Planning Scheme No. 6 (TPS6) may restrict a Use to designated streets. Where TPS6 permits this Use on a corner lot the City will approve signs identifying this Use on the frontage that faces the designated street only.*

(b) Names on building façades:

The City may approve the name and number of a building being fixed to the façade in letters or numbers with a height or width less than 300 millimetres.

The proposed signage is to be of acrylic or stainless steel material. It includes a cross (1.6m x 0.8m), façade sign stating "Perth Arabic Christian Church" (2.4m x 0.6m) and façade sign stating service times (2.4m x 0.6m). The dimensions of proposed signs do not comply with policy requirements, however, it is considered that the proposed signage is related to the existing land use of the site and will not have a significant visual impact on the existing streetscape. A planning condition has been recommended to be imposed to prohibit any illumination.

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

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

- (e) Ensure community aspirations and concerns are addressed through Scheme controls;*

- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;
- (g) Protect residential areas from the encroachment of inappropriate uses;

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

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

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 1' consultation method, nearby individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

Further consultation was conducted using the same consultation method for the amended plans. During the advertising period, a total of 28 consultation notices were sent and five submissions were received. A summary of submissions and City's responses have been provided below and a full copy of submissions has been provided at *confidential Attachment (d)*.

Submitter's Comments	Officer's Responses
Negative impacts on residential amenity due to parking shortfall	In order to address the parking shortfall, the applicant, in his Transport Impact Statement, states that any overspill car parking will be directed to public street parking bays around the South Perth Primary School. Coupled with the recommended planning conditions on hours of operation, it is considered that the proposal will adequately meet the peak parking demand and will have limited impact on residential amenity. This comment is NOTED .
Limit on the number of people that can go to the property	There is currently no limit on the number of people that can go onto the property contained under the City's planning regulations. There is however a restriction on the maximum number of people a public building can accommodate under the Health (Public Buildings) Regulations 1982. An advice note to this effect has been recommended to be imposed.

	This comment is NOTED .
Negative impacts on residential amenity due to hours of operation	The proposed hours of operation have been included in the Transport Impact Statement at Attachment (c). A planning condition limiting hours of operation has been recommended to be imposed. This comment is NOTED .
Privacy concerns from adjoining neighbours on the proposed first floor south facing window	The window has been amended to a high-sill window with a sill height of 1.8 metres from the floor level as requested by the Submitter. This comment is NOT UPHELD .
Future location of air conditioning unit	The existing air-conditioning unit on the roof will be decommissioned and the applicant has advised that all future air-conditioning units will be placed at the ground level. This comment is NOTED .
Noise	The development will be subject to compliance with the Environmental Protection (Noise) Regulations 1987. An advice note to this effect has been recommended to be imposed. This comment is NOTED .
Comment about neighbour consultation on another development application	The City responded to the Submitter's enquiry regarding the neighbour consultation process for another development application in a separate email. This comment is NOTED .

(b) Internal Administration

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

The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating to vehicle movements, car parking and crossover design. Initially, it was considered that additional bays could be provided within the verge area however due to the residential character of the surrounds, it was considered that this was not appropriate as only 40% of the verge area can be hardstand according to City's Engineering policy. Given the two existing vehicular crossovers, there was insufficient space for additional car bays. This section raises no objections to the proposal.

The Environmental Health section provided comments with respect to noise, kitchens and public building regulations. This section raises no objection and has provided recommended advice notes.

Accordingly, planning conditions and advice notes are recommended to respond to the comments from the above officer(s).

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Environment (built and natural)” identified within Council’s Strategic Community Plan 2017-2027 which is expressed in the following terms: 3.2B Sustainable Built Form – Promote and facilitate contemporary sustainable buildings and land use.

Conclusion

The additions to church (Religious Activities land use) has been located on the site since the 1930s. The proposed additions seek to extend the life of the church. The proposed development is considered to meet the peak parking demand for the land use on site if hours of operation are restricted and overspill parking is directed to the nearby public parking area. The proposal will also not have a significant detrimental impact on the surrounding residential area. It is considered that the proposal meets all of the relevant Scheme and Council Policy objectives and provisions, as it will not have a significant detrimental impact on adjoining residential neighbours and streetscape. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

Attachments

- 10.3.2 (a):** Site Photos
- 10.3.2 (b):** Final Plans - 7 Hill St
- 10.3.2 (c):** Transport Impact Statement - 7 Hill Street, South Perth, WA 6151
- 10.3.2 (d):** Full copy of submissions (*Confidential*)

Before discussion and voting on the following Item Councillor Tracie McDougall read aloud her Declaration of Interest as follows:

"I wish to declare an Impartiality Interest in Agenda Item 10.3.3 Proposed Three-Storey Mixed Use Development - Lot 800 (No. 2) Bessell Avenue, Como on the Ordinary Council Meeting Agenda of 21 November 2017.

I declare that my Mother lives at 2/4 Bessell Avenue adjacent to the proposed development site at 2 Bessell Avenue, Como. She made a Deputation to Council on 14 November 2017.

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

At 7.53pm Councillor Tracie McDougall vacated the Chamber.

10.3.3 Proposed Three-Storey Mixed Use Development - Lot 800 (No. 2) Bessell Avenue, Como

Location: Lot 800 (No. 2) Bessell Avenue, Como
Ward: Moresby Ward
Applicant: John Lewis
File Reference: D-17-97653
DA Lodgement Date: 5 October 2017
Meeting Date: 21 November 2017
Author(s): Erik Dybdahl, 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 Three-Storey Mixed Use Development on Lot 800 (No. 2) Bessell Avenue, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use 'Consulting Rooms' ('DC' Use)	TPS 6 Table 1
Building setbacks (<i>RES</i>)	R-Codes Performance Criteria 7.1.4 P4

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Travis Burrows

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 Three-Storey Mixed Use Development on Lot 800 (No. 2) Bessell Avenue, Como be approved subject to:

Conditions:

- (1) The development shall be in accordance with the approved plans unless otherwise authorised by the City.

- (2) In accordance with an agreement between the applicant and the City, the applicant is to provide funding for the planting of three (3) street trees (Species: *Agonis*) within the City's verge in front of the development site, as shown on the approved plans, at a cost of \$150 for each tree (\$450); \$120 for the planting of each tree (\$360); \$300 for the irrigation of each tree (\$900); and administration fee of \$110 - totalling \$1,820.00 (see Advice Note 2).
- (3) Prior to the submission of a Building Permit, A Construction Management Plan shall be submitted and approved by the City. The management plan shall include but not limited to dilapidation survey report of adjoining buildings, protection of public & adjoining buildings and traffic management, noise & vibration from demolition and construction activities, dust from demolition & construction works, stormwater runoff, removal of hazardous materials, waste water and construction traffic.
- (4) In accordance with the requirements of clause 6.14 of Town Planning Scheme No. 6, no person shall occupy or use the land or any building the subject of this approval for the purpose for which this approval is given unless and until the landscaping has been implemented, as per the approved plans. A full schedule or proposed plant species shall be provided to the City prior to the submission of a building permit for approval.
- (5) No street trees shall be removed, pruned or disturbed in any way without prior approval from City Environment Services.
- (6) Waste management shall occur in accordance with the City of South Perth Waste Guidelines for New Developments or as otherwise approved by the City's Environmental Health section.
- (7) In accordance with correspondence from *Main Roads*, dated 4 September 2017 the following conditions are to be satisfied by the applicant:
 - i. This noise sensitive development adjacent to an existing major transport corridor must implement measures to ameliorate the impact of transport noise, particularly for Unit 2 and the consulting room facing Canning Highway. The development is to comply with WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning and implement Noise Insulation "Deemed to Comply" packages.

[This to be demonstrated in plans submitted with the building permit application and all materials and measures are to subsequently implemented]
 - ii. The applicant is advised that a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of Lot 800. Notice of this notification is to be included on the diagram of survey (deposited plan). The notification is to state as follows:

"Lot 800 is situated in the vicinity of a transport corridor and is currently affected, or may be in future affected by transport noise. Further Information about transport noise, including development restrictions and noise insulation requirements for noise affected property, are available on request from the relevant Local Government Office."

These conditions are to be met to the satisfaction of the City, on the advice

of Main Roads.

- (7) The surface of the boundary wall(s) shall be finished to be compatible with the external walls of the building to a high quality standard on the development site. Details in this respect are to be included on the plans submitted with a building permit application.
- (8) No Colorbond fencing is permitted forward of the development site in the front setback area. All fencing is to comply with City Policy P350.7 'Fencing and Retaining Walls'.
- (9) In accordance with the provisions of Clause 6.8(2) of *Town Planning Scheme No. 6*, all subsoil water and stormwater from the property shall be discharged into soak wells or sumps located on the site unless special arrangements can be made to the satisfaction of the City for discharge into the street drainage system.
- (10) To meet the intent of Clause 6.4.6 of the R-Codes, external fixtures such as air conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.
- (11) The applicant shall construct a crossover between the road and the property boundary. The crossover shall be constructed in accordance with the approved drawings, associated conditions and the requirements contained within Management Practice M353, which is available at the City's website. The existing verge levels at the front property boundary shall not be altered.
- (12) The car parking bays shall be marked on site as indicated on the approved site plan, in order to comply with the requirements of clause 6.3(10)(c) of *Town Planning Scheme No. 6* and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times.
- (13) Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained in accordance with the requirements of Clause 6.3 (10) of *Town Planning Scheme No. 6*.
- (14) The property shall not be used for the approval hereby granted until an inspection has been carried out by a City Officer and the City is satisfied that the conditions of planning approval have been complied with.
- (15) The height of any letterbox, electricity installation, bin enclosure, or other structure, fence, wall or hedge within 1.5 metres of any vehicle driveway where it meets a street alignment or within the street corner truncation shall not exceed 0.75 metres, in accordance with clause 6.3(6) of *Town Planning Scheme No. 6*.
- (16) All plumbing fittings on external walls shall be concealed from external view as required by Clause 7.5(k) of *Town Planning Scheme No. 6*.
- (17) External clothes drying facilities shall be screened from view from the street or any other public place.

Standard Advice Notes

PN01

PN02

PNX1

PNX3

Important Advice Notes

- (1) Prior to lodging an application for building permit, the applicant/owner is required to satisfactorily address the outstanding planning matters identified in Condition(s) (2), (3) & (7). If associated actions are incomplete, the application for building permit will not be accepted by the City.
- (2) With regard to Condition 2, the irrigation costs (\$900.00) may be mitigated if the applicant is able guarantee and provide irrigation to the proposed street trees. The agreement will be required to be made between the applicant, future landowners and the City's City Environment section. Any agreement will need to be provided to the City in writing for records.
- (2) Noise Generally: All mechanical ventilation services, motors and pumps, e.g. air conditioners, swimming pools, to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
- (2) Car park ventilation to be designed to ensure that the carbon monoxide build up in the parking area does not exceed 50 ppm per hour in accordance with the *Health Act (Carbon Monoxide) Regulations 1975*.
- (3) The applicant is advised of the need to comply with any requirement of the City's Infrastructure Services, including but not limited to those detailed in the memorandum dated 14 August 2017, attached to this approval.
- (4) The applicant is advised of the need to comply with any requirement of the City's Environmental Health Section, including but not limited to the two items of correspondence, dated 11 August 2017 & 20 September 2017 respectively, attached to this approval.
- (5) It is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures.

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

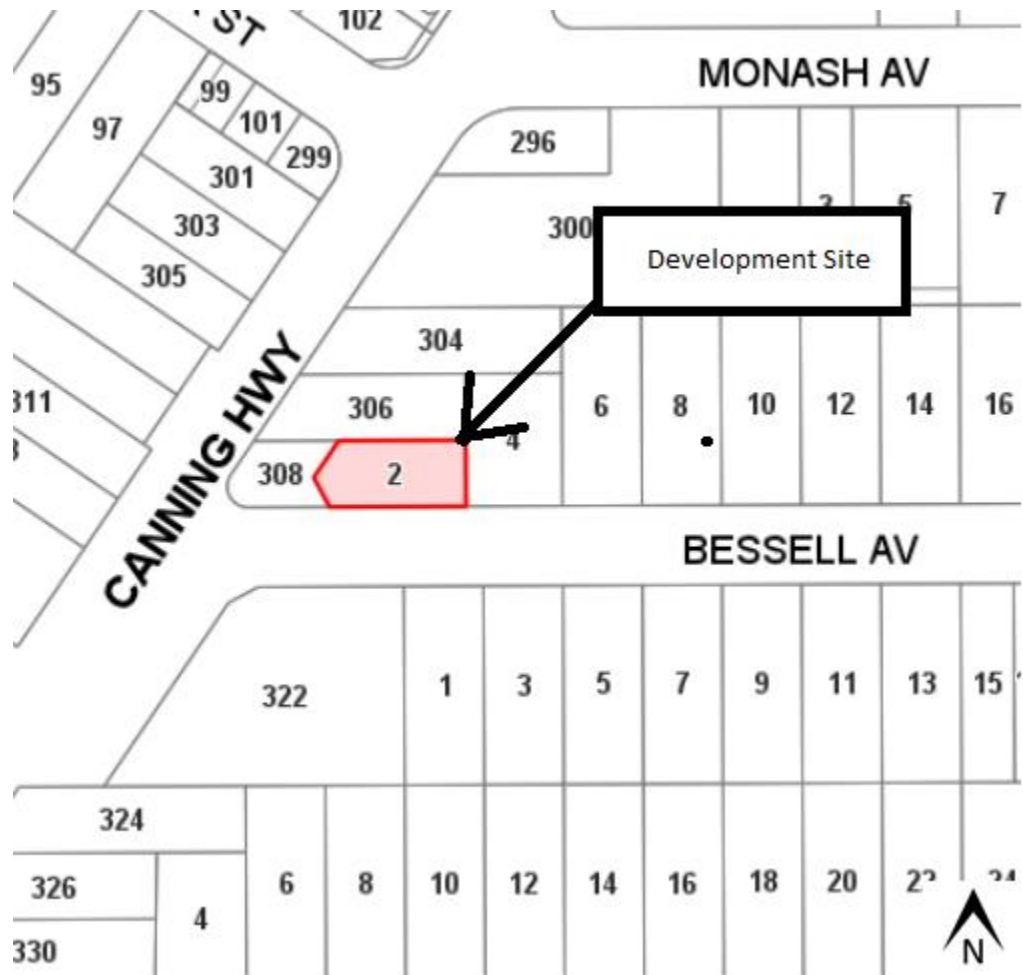
CARRIED (8/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	601 sq. metres
Building height limit	10.5 metres
Plot ratio limit	1.0

The location of the development site is shown below:



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

1. Specified uses

- (g) Non-residential “DC” uses within the Residential zone;

Comment

(a) Background

In August 2017, the City received an application for 4 x Multiple Dwellings and a Consulting Room Tenancy (Podiatry) in a 3-storey building on Lot 800 (No. 2) Bessell Avenue, Como (the **Site**).

Since Main Roads acquired the front portion of the original parent lot (now Lot 801 Canning Highway) for the purposes of eventual future road widening, the landowner considered options to redevelop site which currently contains a podiatry consultancy operating from what was originally approved as a single house. It should be noted the widening of Canning Highway is not in any current future estimates of works for Main Roads.

Concurrently, the City has recently issued the temporary approval of a demountable structure on the adjoining site, Lot 801 Canning Highway (now acquired by Main Roads), which is intended to be occupied by the existing podiatry consulting rooms on the site while the existing development is

demolished and this mixed use proposal is developed. This will allow the podiatry clinic to continue operating during demolition and construction periods.

(b) Existing Development on the Subject Site

The existing development on the Site currently features the approved land use of Consulting Rooms in the form a Podiatry Clinic which operates from an existing and originally approved single house development. The site also provides 10 on-site parking bays and the front portion of the original parent lot (now Lot 801 Canning Highway) has been acquired by Main Roads for the purposes of future road widening.

(c) Description of the Surrounding Locality

The Site has a frontage to Bessell Avenue to the south as is located adjacent to Canning Highway, primary distributor road, to the west, as seen in **Figure 1** below:



Surrounding development is largely characterised by low-medium density residential development and is in proximity to other non-residential development on selected sites along Canning Highway.

(d) Description of the Proposal

As noted above, podiatry consulting rooms currently operate from the site and existing development; the applicant's intent is to redevelop the site, retaining the podiatry and consulting room use within a proposed new mixed use development that also provides four residential multiple dwellings and a total of 18 car bays on site including a visitor and disabled car bay.

The Applicant's covering letter, **Attachment (a)**, describes the proposal in more detail. The latest revisions of plans and perspective images of the development, dated 27 September 2017, can be found via **Attachments (b) & (c)** respectively.

The following components of the proposed development require discretionary assessment against the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* the *Residential Design Codes of WA 2008 (R-Codes)* and Council Policy requirements:

- (i) ('DC') Discretionary Land Use, TPS6 Table 1;
- (ii) Landscaping, TPS6 Table 4; and
- (ii) Lot Boundary Setbacks – Table 5, R-Codes.

While the proposal is considered largely compliant with all other development controls, a brief assessment table is provided below demonstrating how the proposal is compliant with the primary controls and any other elements requiring further discussion, including the proposed 'DC' (discretionary use with consultation) land use, will be elaborated on in further sections of the report.

(e) Primary Development Control Assessment Table

Development Control	Requirement	Proposed
Plot Ratio <ul style="list-style-type: none"> • <i>R-Codes Table 4</i> • <i>TPS6 Table 4</i> 	Residential: maximum 1.0 Non-Res: Not Applicable	Residential: 0.64 Non-Res: 0.3 (N/A) <u>Total 0.94</u> (Complies)
Building Height <ul style="list-style-type: none"> • <i>TPS6 Clause 6.1A</i> 	Maximum: 10.5 metres	Highest NGL: 21.5 BHL Measurement: 31.76 <u>Building Height: 10.26m</u> (Complies)
Car Parking <ul style="list-style-type: none"> • <i>R-Codes Clause 6.3.3</i> • <i>TPS6 Table 6</i> • <i>P315 'Car Parking Reductions for Non-Residential Uses</i> 	Residential: minimum 4 + 1 Visitor bay (5 total) Non-Res: 1 per FTE (3) + 1 per 19sqm. GFA (196sqm.) = Total (13.3) 14 bays before reductions applied via P315 Total requirement after reductions applied $0.612 \times 14 = (8.6)$ <u>9 Bays</u>	Residential: 8 bays (including 1 visitor bay and an additional 6 bicycle bays. (Complies) Non-residential: 10 bays provided including 1 disable bay and an additional 3 bicycle bays and end-of-trip facilities for staff. (Complies)
Street Setback (Bessell) <i>R-Codes Table 4</i>	Minimum 2.0 metres	Minimum 2.0 metres (Complies)
Secondary Street (West to Canning Highway) <i>TPS6 Table 5</i>	19.0 metres to retain for future road widening while retaining 1.5m setback to	Main Roads have already acquired the land desired for the future widening and the

	development	development maintains the 1.5 metre setback from the western (Canning Highway) boundary (Complies)
Visual Privacy <i>R-Codes 6.4.1</i>	Bedrooms & Studies: 3.0m Other Habitable Rooms: 4.5m Unenclosed Outdoor Habitable Spaces: 6.0m	All bedrooms and studies provided minimum 3.0m setback, All other habitable rooms provided Hi-Lite windows or obscured glass and balconies overlook public front setback area toward front of development and balcony to the rear is screened sufficiently in accordance with R-Code requirements. (Complies)
Landscaping <i>TPS6 Table 4</i>	Minimum 25%	Approx. 159.6m ² (27%) Landscaping consists of vertical gardens (approx. 29.4m ²) and verge treatments (approx. 43.7m ²) to achieve required percentage, as is to be discussed further below. (Complies)
Side and Rear Setbacks <i>R-Codes Table 5</i>	Given lot width >16.0m northern and eastern setbacks required to be no less than 4.0m	Proposed setbacks to northern and eastern boundaries only 3.0 metres. (Does Not Comply - supported on design principles and DRP comment as discussed further below.

(f) Land Use ('Consulting Rooms' - 'DC' Use Within the Residential Zone)

Consulting rooms are a 'DC' Use (Discretionary Use with Consultation) under TPS6 and are subject to specific development requirements set out under Table 4 of the Scheme. As demonstrated above the proposal complies with the requirements of Table 4 and no submissions pertained to the proposed Land Use.

The existing site already contains approved consulting rooms in the form of a podiatrist that intends to re-occupy the new development once constructed and is to operate in a similar fashion.

Given the use is already approved on the site and the proposal satisfies the requirements of Table 4, the proposed land use is considered appropriate in this location.

(g) Landscaping (TPS6 Table 4)

As is demonstrated in the assessment table above, the latest revised plans (**Attachment (b)**) achieve the required minimum landscaping provision (27% in lieu of the required minimum 25%). To achieve this however, the applicant has provided additional vertical garden spaces along the facades of the building and has agreed, with a suggestion from the City Environment Officer (**Attachment (d)**) to fund the planting of three (3) mature street trees (Agonis, >3.0m in height) within the City's verge. Given the applicant is to cover the entire costs of planting the trees within the verge, it is considered reasonable to allow the areas where the verge treatments and planting is to occur to contribute to the landscaping area of the proposal and thus, complying with the Scheme requirement. A condition of approval will ensure the applicant provides the funds for the planting of the verge trees.

Additionally, the adjoining site now acquired by Main Roads for future road widening, is to be landscaped and maintained by the developer until such time as the road is widened. This will provide a large additional area of open space and landscaping which will abut the proposed development. An advice note is provided to ensure this is upheld.

The applicant has also provided some comment with respect to landscaping within their response to the City's Further Information Request (**Attachment (e)**).

(h) Wall Setback – Northern and Eastern Walls

Element	Deemed-to-Comply	Proposed
Lot Boundary Setback R-Codes, Table 5	4.0 metres	3.0 metres
Design Principles	<p><i>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</i></p> <ul style="list-style-type: none"> • <i>ensure adequate daylight, direct sun and ventilation for buildings and the</i> • <i>open space associated with them;</i> • <i>moderate the visual impact of building bulk on a neighbouring property;</i> • <i>ensure access to daylight and direct sun for adjoining properties; and</i> • <i>assist with the protection of privacy between adjoining properties.</i> 	

For sites zoned R80, the R-Codes do not specify setback requirements based on a walls height, length and openings but rather place a standard minimum rear and side setback based on lot width. In this case, Table 5 of the R-Codes requires the proposed development to have 4.0 metres side and rear setbacks as the lot width is greater than 16.0 metres.

The proposed development provides 3.0 metre setbacks from the rear (northern) and side (eastern) boundary and as such, this variation needs to be evaluated in terms of the design principles of the R-Codes and whether the variations are expected to cause any adverse amenity impacts on adjoining residential sites. In this particular circumstance, it is not expected that any adverse impacts upon adjoining residential sites will result as the proposed side

setbacks are considered to satisfy the design principles, for the following reasons:

- The shadow from the proposed development is to fall south onto the front setback area of the site and public street (Bessell), not impacting any adjoining residential sites. Thus, the setback variations to the north and east will not contribute or increase any overshadowing of adjoining sites;
- The 3.0 metres setback is considered to allow for adequate ventilation within and between the sites;
- No sensitive outdoor living areas of the adjoining dwellings are located within the northern or eastern boundaries of the subject site. Each adjoining site has their parking structures (carport to the north and garage to the east) abutting the affected boundaries, therefore no habitable rooms or openings are expected to be impacted by the proposed setback variations;
- At the request of the eastern neighbour the applicant has obscured or provided high level sill heights to all eastern facing openings to address a concern of privacy that was raised. It should be noted that the applicant was not actually required to do this as the opening are setback as required by the R-Codes;
- Had the eastern wall setback requirement been calculated based on the walls height, length and opening as per Table 2 of the R-Codes, the proposed setback would be considered compliant; and
- Lastly, no objections specific to the wall setback variations were received from either of the adjoining landowners.

The applicant provides some further justification in their response to the City's *Further Information Request* letter (**Attachments (e) & (f)**).

(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:

- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (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 matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

Consultation

(a) Design Review Panel Comments

The design of the proposal was considered by the City's Design Review Panel (DRP) at their meeting held in September 2017. The panel reviewed the originally proposed plans (**Attachment (g)**) and made comments on the design, materials and functionality of the building which are summarised in **Attachment (h)**.

In response, the applicant revised plans, adopting some recommendations of the DRP and also provided some written responses to the DRP comments as detailed in **Attachment (e)**. Upon receipt of the latest revised plans, **Attachment (b)**, members were supportive of the changes (see **Attachments (i) and (j)**).

(b) 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 1' consultation method, individual property owners, occupiers and/or strata bodies within proximity or potentially affected by the proposal were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 72 consultation notices were sent and 2 submission(s) were received. The comment(s) of the submitter(s), together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
<i>Three stories is likely to take the height of the units above our and possibly enabling residents to see into our courtyard. This will not be acceptable and the designs should be adjusted to provide adequate screening.</i>	The height of the development is compliant with the building height limit prescribed to the site. As per the latest revised plans, all major openings and outdoor living areas are setback sufficiently or effectively in accordance with R-Code requirements. The applicant has obscured or provided highlight window sill heights to the east facing openings at the request of the adjoining landowner notwithstanding the sufficient setback. NOT UPHELD.
<i>I am concerned that parking in and around the compound will be an issue.</i>	The on-site parking provision is in excess of the R-Code and Scheme requirements and therefore no issues of parking are expected. Furthermore a number of marked on street parking bays are available for nearby developments.

	NOT UPHELD
<i>All three of the owners at 4 Bessell are most concerned that the residential units will be rental properties or worse, social housing. We have had an ongoing issue with 306 Canning Highway, a former private residence now owned by the WAPC, and used for social housing. This has been a constant source of disruption to our lives resulting in multiple police reports and security issues. We would strongly object to more people like this coming in to our neighbourhood.</i>	<p>The applicant has advised there is no intent for these residences to be sold to the Housing Authority and they will be sold individually to private owners.</p> <p>The comment is not a relevant planning consideration.</p>
	NOT UPHELD
<i>Will this development of Offices be needing more parking during office hours and the Residential be needing extra parking if there is more vehicle owners to each of the Residential units that are included in the development. The off street parking that already exists, how will this affect the car bays that are already there, will it mean that these carpark bays will be reduced in number to the local residents that live in this area.</i>	<p>No Office is proposed and as noted above, the development provides a greater number of on-site parking bays than required by the R-Codes and Scheme. Furthermore, marked street parking is available for surrounding sites.</p>
	NOT UPHELD

The applicant has also provided responses to these submissions detailed in their response to the City's *Further Information Request* letter (**Attachment (e)**).

(c) Infrastructure Services

Comments from the City's Infrastructure Services, dated 14th August 2017, can be found at **Attachment (k)** and provide commentary on vehicle movements, stormwater, crossing design and property levels.

The applicant has also provided some comment with respect to these comments within their response to the City's Further Information Request, see **Attachment (f)**. It is noted that all car parking bays and access ways satisfy the Australian Standards for bay size and vehicle manoeuvrability.

Accordingly, the applicant is to address any relevant comments and planning conditions and important notes are recommended to deal with any issues raised by Infrastructure Services.

(d) Environmental Health

Initial comments from the City's Environmental Health section can be found at **Attachment (l)** and related to waste management, laundries, noise and ventilation.

The applicant subsequently addressed these comments and provided a revised waste management plan and the final comments from Environmental Health (**Attachment (m)**) indicate they are satisfied with the proposal. Additionally, planning conditions and important notes are recommended to deal with any remaining issues.

(e) City Environment

The City Environment section provided comment with regard to street trees in the development site verge. No existing street trees are to be impacted by the proposal however there was scope to plant additional street trees within the City's verge in front of the development (see **Attachment (b)**).

As the minimum on site landscaping percentage is not being achieved, using the comments from City Environment, the applicant was offered the opportunity to fund the planting of additional street trees within the City's verge allowing these verge areas to contribute to landscaping calculations. The applicant agreed to this. This requirement forms a recommended condition of approval as outlined above and City Environment Officers provided the following costing (see **Attachment (n)**):

- *\$150 for each tree ;*
- *\$120 each to plant;*
- *one off \$110 administration fee; and*
- *if not irrigated, \$300 to water for two years each.*

The costing will be detailed in the recommended condition of approval, as outlined above.

(f) Main Roads

Given the sites proximity to the Canning Highway primary regional road reserve, the application was referred to Main Roads for comment. Main Roads response can be found at **Attachment (o)**. Comments pertain to traffic, noise sensitive development and requiring a notification on the certificates of title.

The applicant provided traffic information to Main Roads, although traffic from the non-residential use is not expected to be any greater than the existing situation with the approved podiatry operation.

In accordance with noise comments, the applicant has notated on the plans that the development and materials will comply with WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Consideration in Land Use Planning" and agreed to implement Noise Insulation "Deemed to Comply" packages. Details of this compliance will be required to be demonstrated at the building permit stage and forms a recommended condition of approval.

A further recommended condition is that a notification will be placed on all certificates of title on Lot 800 which states:

“Lot 800 is situated in the vicinity of a transport corridor and is currently affected, or may in future be affected by transport noise. Further information about transport noise, including development restrictions and noise insulation requirements for noise-affected property, are available on request from the relevant Local Government Office.”

It is considered that with the recommendation of relevant planning conditions and advice notes, as discussed above, comments from Main Roads have been adequately addressed.

Policy and Legislative Implications

This site is included in the City’s Canning Highway #Shape Our Place study area which looks to revise built form along and within close proximity to the Canning Highway Primary Regional Road. The proposal is broadly consistent with the future built form for the site as in the draft documents, the site is flagged to retain its R80 zoning and be prescribed a building height limit of 4 storeys for which this proposed development, at 3 stories, is within.

The study only looks at built form though mixed use developments are generally encouraged and as demonstrated above is consistent with Scheme objectives.

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction: Environment (Built and Natural) identified within Council’s Strategic Plan 2017-2027 which is expressed in the following terms: *Promote and facilitate contemporary sustainable buildings and land use.*

Sustainability Implications

The applicant has employed design elements, such as the skillion roof skylights which allow northern sun to penetrate all apartments and good cross-ventilation through most apartments, which are seen to demonstrate sustainability features have been considered.

Conclusion

It is considered that as per the latest revisions of plans, dated 27 September 2017, the proposal generally satisfies all relevant development controls of the City’s Town Planning Scheme, R-Codes and any other relevant policies with the exception of side and rear setbacks which have been adequately justified and are supported. All other matters are considered to be able to be addressed by the implementation of the recommended conditions and advice notes as are outlined above. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.3 (a):** Applicant Covering Letter - Proposed Mixed Use Development (Multiple Dwellings and Consulting Rooms) in Three Storey Building - 2 Bessell Avenue, Como.PDF
- 10.3.3 (b):** Revised and Final Plans (27.9.17) - Three Storey Mixed Development - Lot 800 (No. 2) Bessell Avenue, Como
- 10.3.3 (c):** Revised Perspective Images - 2 Bessell Avenue, Como
- 10.3.3 (d):** City Environment Street Tree Comments - 2 Bessell Avenue, Como
- 10.3.3 (e):** Applicant Responses to City's Further Information Request - 2 Bessell Avenue, Como
- 10.3.3 (f):** Addenda to Applicants Response to Further Information Request - 2 Bessell Avenue, Como
- 10.3.3 (g):** Original Development Plans - Proposed Mixed Development (Consulting Rooms in a 3 Storey Building) - Lot 406 (No. 2) Bessell Avenue, Como
- 10.3.3 (h):** Design Review Panel Comment - 2 Bessell Avenue - September 2017
- 10.3.3 (i):** DRP satisfied with revised plans (1) - 2 Bessell Avenue, Como
- 10.3.3 (j):** DRP satisfied with revised plans (2) - 2 Bessell Avenue, Como
- 10.3.3 (k):** Infrastructure Services Comment - 2 Bessell Avenue, Como
- 10.3.3 (l):** Initial Environmental Health Comment - 2 Bessell Avenue, Como
- 10.3.3 (m):** Final Environmental Health Comment - 2 Bessell Avenue, Como
- 10.3.3 (n):** Proposed Street Tree Planting Costing - City Environment - 2 Bessell Avenue, Como
- 10.3.3 (o):** Main Roads Comment - 2 Bessell Avenue, Como

At 7.55pm Councillor Tracie McDougall returned to the Chamber.

10.3.4 Proposed Earthworks, Retaining Walls and Fencing. Lot 500 No. 77 Roebuck Drive, Salter Point.

Location: Lot 500 No. 77 Roebuck Drive, Salter Point (Salter's Landing Subdivision)
Ward: Manning Ward
Applicant: Richard Noble and Company
File Reference: D-17-97805
DA Lodgement Date: 3 November 2016
Meeting Date: 21 November 2017
Author(s): Cameron Howell, Senior 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

To consider an application for development approval for earthworks, retaining walls and fencing on Lot 500 (No. 77) Roebuck Drive, Salter Point (Salter's Landing Subdivision). Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Finished Ground Levels	TPS6 cl. 6.10(3)
Fence Height	R-Codes cl. 5.2.4 P4

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Mayor Sue Doherty

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 earthworks, retaining walls and fencing on Lot 500 (No. 77) Roebuck Drive, Salter Point **be approved** subject to:

(a) Conditions

- (1) Prior to the issue of a building permit or a demolition permit, or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City. The Construction Management Plan must address the following issues, where applicable:
 - a. public safety and amenity;
 - b. site plan and security;
 - c. contact details of essential site personnel, construction period and operating hours;
 - d. community information, consultation and complaints management Plan;
 - e. noise, vibration, air and dust management;
 - f. dilapidation reports of nearby properties;

- g. traffic, access and parking management;
 - h. waste management and materials re-use;
 - i. earthworks, excavation, land retention/piling methods and associated matters;
 - j. stormwater and sediment control;
 - k. street tree management and protection;
 - l. asbestos removal management Plan; and/or
 - m. any other matter deemed relevant by the City.
- (2) The development shall be in accordance with the approved plans unless otherwise authorised by the City.
- (b) Advice Notes**
- | | |
|---------------------------------------|--------------------------------|
| PN01 Development Approval Only | PNX1 2 Year Validity |
| PN02 Other Constraints | PNX2 If Approval Lapses |
| PN21 Minor Variations | PNX3 Right of Review |
- FOOTNOTE:** A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.
- CARRIED (6/3)**

Background

The development site details are as follows:

Zoning	Residential
Density coding	R25
Lot area	15,957 sq. metres
Building height limit	7.0 metres
Development potential	27 Single Houses
Plot ratio limit	Not Applicable

The location of the development site is shown in **Figure 1** below:



Figure 1 Location Plan

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:

2. Major developments

(d) *Development not of the kind referred to in items (a) to (c) above, which, in the opinion of the delegated officer, is contentious and is the subject of significant community interest.*

3. The exercise of a discretionary power

(c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies;*

4. Applications previously considered by Council

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

Comment**(a) Background**Subdivision

The land in Lot 500 was originally part of the Aquinas College grounds. The subdivision of this land from the rest of the Aquinas College grounds commenced in 2012 and was finalised in 2015.

TPS6 Amendment No. 44 rezoned the site from Private Institution R20 to Residential R25. The scheme amendment process was initiated by Council in December 2013, with the public advertising commencing in March 2014. The Scheme Amendment documents included a concept plan of a 29 lot residential subdivision. A copy of this concept plan is contained in **Attachment (f)**. Council made its recommendation to the Western Australian Planning Commission (WAPC) and Minister for Planning on the Scheme Amendment in July 2014 and at the same time provided recommendations to the developer and the WAPC relating to the concept subdivision plan.

A subdivision application for a 30 lot subdivision was submitted to the WAPC in December 2015. A conditional approval was granted in March 2016. A copy of this approval is contained in **Attachment (e)**.

The subdivision approval includes a public open space contribution condition (Condition 13). The developer sought approval from Council in September 2016 to make a cash-in-lieu contribution to the City rather than incorporate a public open space reservation into the subdivision. Council resolved not to accept a cash-in-lieu contribution. The developer subsequently sought approval from the WAPC that a cash-in-lieu contribution would fulfil the requirements of Condition 13. The WAPC Statutory Planning Committee upheld Council's decision when this matter was considered in December 2016.

From this point forward, the developer has until March 2020 to fulfil the subdivision conditions, to obtain WAPC final endorsement. This endorsement is required for the developer to obtain the new titles. To fulfil

10.3.4 Proposed Earthworks, Retaining Walls and Fencing. Lot 500 No. 77 Roebuck Drive, Salter Point.

these conditions, the developer will need to complete all necessary subdivision works on site, to the satisfaction of the relevant agency (Water Corporation, Western Power or the City, as applicable) or the WAPC.

Recently, the engineering drawings and specifications for road works and drainage have been approved by the City.

Development Application

In November 2016, the City received an application for the proposed earthworks and retaining walls associated with the 30 lot residential subdivision of Lot 500 (No. 77) Roebuck Drive, Salter Point. The application was placed on hold in December 2016 following the WAPC decision to require an on-site public open space contribution.

Revised plans for a 27 lot residential subdivision that incorporated the public open space contribution and fencing details were submitted to City's Planning Department in September 2017. The applicant made minor revisions to these plans in October 2017.

(b) Existing Development on the Subject Site

The site is undeveloped and contains remnant bushland.

(c) Description of the Surrounding Locality

The site has a frontage to Roebuck Drive to the north and Redmond Street to the east. Single House and Grouped Dwellings developments are located to the north and east of the site, with an Educational Establishment (Aquinas College) located adjacent to south and west, as seen in **Figure 2** below:



Figure 2 Surrounding Locality - Aerial Photograph

(d) Description of the Proposal

The development application pertains to the proposed earthworks to create level sites for the future residential development, the associated retaining walls and fencing, as depicted in the submitted plans at **Attachment (a)**.

The submitted plans also show the location of the public open space reserve and details of road works, drainage, vegetation clearing and water/sewerage supply.

(e) Finished Ground Levels

TPS6 cl. 6.10(3) requires the finished ground level to generally achieve equal cutting below and filling above the natural ground level at the perimeter of the site. Variations can be approved if the development satisfies the discretionary provisions in subclauses (a) and (b).

The finished ground level beyond the external walls of the building shall be calculated to generally achieve equal cutting below and filling above the natural ground level at the perimeter of the site, provided that the Council may permit or require the finished level to be varied to the extent necessary to comply with the following:

- (a) The site shall not be filled to a level which, in the Council's opinion, would unreasonably adversely affect the amenity of neighbouring properties in relation to visual impact and overshadowing.*
- (b) Portions of the site beyond the external walls of the building shall be filled to a level which, in the Council's opinion, is necessary to maintain visual privacy for the occupiers of any adjoining lot, consistent with the provisions of any planning policy.*

Figure 3 below identifies the proposed finished ground levels and the variation to the 'equal cut and fill' calculation for each residential lot.



Figure 3 Proposed Finished Ground Levels and the Variation to the 'Equal Cut and Fill' Calculation

Figure 4 below identifies the height of the proposed retaining walls, measured from the lower ground level.



Figure 4 Proposed Finished Ground Levels and the Height of the Proposed Retaining Walls

One component of the subdivision approval is for the developer to fill, stabilise, drain and/or grade the site as required to accommodate the future development. It is noted that the proposed extent of cutting and filling of the existing levels and the resultant retaining wall heights, to create the flat residential sites, is largely the result of the sloping nature of the site. The proposed finished ground levels are seen to generally align with the average verge level at the street boundary of each new residential lot, to maintain a consistent streetscape appearance.

It is considered that the proposed finished ground levels are consistent with the scheme provisions and accordingly these levels are recommended for approval.

(f) Fence Height

The application proposes the construction of fencing on top of the proposed retaining walls on the rear boundaries of all residential lots (Lots 1-27), the northern boundary of Lots 1 and 27 (adjacent to the public open space reserve) and the secondary street boundaries of Lots 11 and 16. This fencing is proposed at 1.6 metres total height above the top of the retaining wall, consisting of a 1.1 metres high solid base (limestone) and piers and open panels above.

Separately, the developer is proposing to relocate the portion of the existing Aquinas College perimeter fencing affected by the Salter's Landing subdivision, onto the neighbouring Aquinas College site (Lot 503), generally positioned adjacent to the new road on the western and southern boundary of Lot 500.

Policy P350.07, varying the R-Codes deemed-to-comply requirements, specifies maximum fence heights and materials. All of this fencing is compliant with P350.07 requirements except for the new fencing on the street boundaries of Lots 11 and 16 and the relocated existing fencing on the neighbouring Aquinas College site, as the fence height above the adjacent verge level exceeds 1.8 metres.

A variation to the deemed-to-comply requirements can be permitted if the fencing demonstrates compliance with the corresponding R-Codes design principles. Policy P350.07 provides additional guidance in this regard, specifically cl. 1.5 in the June 2016 adopted version and cl. 2.0 in the 2017 draft version that has been advertised.

R-Codes	Policy P350.07 (2016)	Draft Policy P350.07
5.2.4 P4 <i>Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:</i> <ul style="list-style-type: none"> • <i>for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and</i> • <i>for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.</i> 	Cl. 1.5 <i>Where the finished ground level of the development site near the street boundary is higher than the street verge or footpath, a 1.8 metres high fence, measured from the finished ground level rather than as specified in clause 1.4, may be permitted where the design of the fence minimises the visual impact on the street.</i>	Cl. 2.0 ... (a) <i>Whether the height, materials and visual permeability of the proposed fence is consistent with the established pattern of fences within the surrounding streetscape or will not materially impact on the character or amenity of the surrounding streetscape. This includes matters such as excessive shadow and restriction on sun penetration, restriction on views of significance and adverse bulk and scale.</i> (b) <i>Additional fence height where necessary by virtue of the sloping topography of the site, including any level difference between a site and the adjacent</i>

		<p>street verge.</p> <p>(c) Where privacy screening is needed in the street setback (primary, secondary or communal street) area because there is no alternate outdoor living area or where privacy screening is needed for a north facing outdoor living area. ...</p>
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The proposed Lot 11 and Lot 16 street fencing, as viewed from the street side of the fencing, is shown in **Figure 5** below:

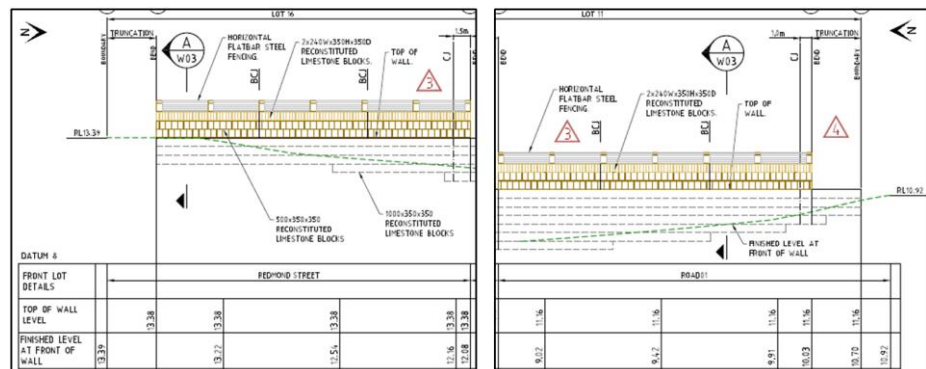


Figure 5 Proposed Lot 16 and Lot 11 Street Fencing (on Top of Proposed Retaining Walls)
(Constructed from Reconstituted Limestone Blocks and Horizontal Flatbar Steel Fencing)

It is considered that the proposed fencing and relocated school perimeter fencing is consistent with the existing and proposed policy provisions and accordingly this fencing is recommended for approval.

(g) Bushfire Risk Management

The site is located within a bushfire prone area, as designated by an order under the *Emergency Services Act 1998*. Part 10A of the Deemed Provisions for Local Planning Schemes ‘Bushfire Risk Management’ does not apply to this application, as the proposed development is not a ‘habitable building’ or a ‘specified building’. The future residential developments will qualify for an exemption from the Part 10A provisions, being Single Houses built on lots less than 1,100m² in size (the bushfire construction requirements will apply to the building permits, unless these sites are no longer within bushfire prone land).

As the site is located within a bushfire prone area, Council is required to have due regard to State Planning Policy 3.7 ‘Planning in Bushfire Prone Areas’ (SPP 3.7). However, in this instance, the policy provisions are seen to not specifically apply to developments like the proposed retaining walls and fencing (Class 10b structures). Additionally, the Map of Bush Fire Prone Areas indicates that the bushfire hazard affecting this site is largely from the existing bushland vegetation. Much of this vegetation will be cleared by the developer to undertake subdivision works and may result in the designated bushfire prone area being reduced or eliminated in a future

review. As a result of the above, it is considered the bushfire risk requirements have been met for this application.

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

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

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

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

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

In considering an application for development approval the local government is to have due regard to the matters listed in clause 67 of the 'Deemed Provisions' to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

Consultation

(a) Design Review Panel Comments

This application did not necessitate referral to the City's Design Review Panel.

(b) Neighbour Consultation

Council Policy P301 'Community Engagement in Planning Proposals' does not specifically require public consultation or notification for this type of proposal. However, noting community interest in this residential subdivision, individual property owners and occupiers within 'Area 2' were invited in September 2017 to inspect the plans and to submit comments during a minimum 21-day period.

During the advertising period, a total of 56 notices were sent and 10 submissions were received. The main comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
Drainage Sump within the Public Open Space reserve.	Since public advertising, the applicant has amended to proposal to replace the drainage sump with underground infrastructure.
Tree retention.	The subdivision results in most of the existing bushland being removed. The eastern portion of the public open space reserve is outside the area nominated for clearing on the submitted plans. The trees on the Redmond Street and Roebuck Drive verges are retained, except those affected by the new road.
Provision of Public Open Space as a reserve.	The Western Australian Planning Commission requires a public open space reserve to be provided in the subdivision. The reserve shown on the submitted plans meets the minimum 10% area required by the subdivision approval.
Electrical and communications infrastructure.	These provision and location of these assets are outside the scope of the application and are the responsibility of other agencies.
Traffic.	No road works are proposed in Redmond Street or Roebuck Drive, other than to connect the new road to the existing road network.
Development construction works.	The City has recommended that a Construction Management Plan be approved to respond to potential construction issues and specify the measures to be undertaken by the proponent.
Subdivision design.	The subdivision has been approved by the Western Australian Planning Commission.
Aquinas College developments.	Matters relating to future development of the Aquinas College site are outside of the scope of this application.

The public comments are contained in **Attachment (b)**, with the applicant's responses contained in **Attachment (c)**.

(c) Engineering Infrastructure

The developer is directly liaising with Engineering Infrastructure officers to satisfy their requirements and the associated subdivision conditions. Engineering Infrastructure has advised the developer that these plans satisfy the City's road works and drainage requirements. There are no comments in relation to this development application.

(d) City Environment

The developer is directly liaising with City Environment officers relating to the landscaping of the public open space reserve and the street verges. There are no comments in relation to this development application.

(e) External Agencies

This application did not necessitate referral to any external agencies.

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 could have significant financial implications should the developer not be satisfied with Council's determination, in the event an appeal to the State Administrative Tribunal is lodged.

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: 3.2B Sustainable Built Form - Promote and facilitate contemporary sustainable buildings and land use.

Sustainability Implications

The determination of this application has minimal sustainability implications.

Conclusion

The proposed subdivision layout has been approved and the layout and design is not under consideration as part of this application. The finished levels, retaining walls and fencing are considered appropriate and create a consistent streetscape. Therefore the proposal is considered to meet all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.4 (a):** Development Plans: 77 Roebuck Drive, Salter Point - 11.2016.421.1
- 10.3.4 (b):** Public Submissions: 77 Roebuck Drive, Salter Point - 11.2016.421.1
- 10.3.4 (c):** Applicant's Responses to Public Submissions: 77 Roebuck Drive, Salter Point - 11.2016.421.1
- 10.3.4 (d):** Additional Subdivision Plans: 77 Roebuck Drive, Salter Point
- 10.3.4 (e):** WAPC Subdivision Approval: 77 Roebuck Drive, Salter Point - 153004
- 10.3.4 (f):** Concept Subdivision Plan (2013): 77 Roebuck Drive, Salter Point - TPS6 Amendment No. 44

Before discussion and voting on the following Item Councillor Greg Milner read aloud his Declaration of Interest as follows:

"I wish to declare an Impartiality Interest in Agenda Item 10.3.5 Proposed 6 Multiple Dwellings in a 4 Storey Building. Lot 6 No. 24 Wooltana Street, Como on the Ordinary Council Meeting Agenda of 21 November 2017.

I declare that my I have formerly worked with a law firm engaged by Momentum Wealth and have previously acted on behalf of Momentum Wealth.

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

At 8.24pm Councillor Greg Milner vacated the Chamber.

10.3.5 Proposed 6 Multiple Dwellings in a 4 Storey Building. Lot 6 No. 24 Wooltana Street, Como.

Location: Lot 6 No. 24 Wooltana Street, Como
Ward: Como Ward
Applicant: Momentum Wealth
File Reference: D-17-97806
DA Lodgement Date: 10 April 2017
Meeting Date: 21 November 2017
Author(s): Cameron Howell, Senior 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

To consider an application for development approval for 6 Multiple Dwellings in a 4-storey building on Lot 6 (No. 24) Wooltana Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Minimum Vehicle Accessway Dimensions	TPS6 cl. 7.8
Street Setback	'Deemed Provisions' cl. 43(1)
Side and Rear Setbacks	'Deemed Provisions' cl. 43(1)
Street Fencing	'Deemed Provisions' cl. 43(1)

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for 6 Multiple Dwellings in a 4-storey building on Lot 6 (No. 24) Wooltana Street, Como **be approved** subject to:

(a) Conditions

- (1) The following elements of the development shall be set back at least 4.0 metres from the side and rear lot boundaries, in accordance with Requirement 5.6 and Desired Outcome 5 of the Canning Bridge

Activity Centre Plan:

- a. Unit 1 rear balcony, measured to the closest component of the balcony floor to the western lot boundary (i.e. excluding the planter box); and
 - b. Unit 1 and Unit 4 front balconies, measured to the closest component of the balcony floor to the western lot boundary (i.e. excluding the block screen and the external wall).
- (2) Prior to the issue of a building permit or a demolition permit, or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City. The Construction Management Plan must address the following issues, where applicable:
- a. public safety and amenity;
 - b. site plan and security;
 - c. contact details of essential site personnel, construction period and operating hours;
 - d. community information, consultation and complaints management Plan;
 - e. noise, vibration, air and dust management;
 - f. dilapidation reports of nearby properties;
 - g. traffic, access and parking management;
 - h. waste management and materials re-use;
 - i. earthworks, excavation, land retention/piling methods and associated matters;
 - j. stormwater and sediment control;
 - k. street tree management and protection;
 - l. asbestos removal management Plan; and/or
 - m. any other matter deemed relevant by the City.
- (3) The Construction Management Plan must be complied with at all times during development, to the satisfaction of the City.
- (4) Prior to the issue of a building permit, the applicant shall prepare and submit a Waste Management Plan detailing the number and size of general waste and recycling bins, storage method and collection details, to the satisfaction of the City.
- (5) The Waste Management Plan shall be implemented and adhered to all times, to the satisfaction of the City.
- (6) Prior to the issue of a building permit, a public art concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the total capital cost of development (maximum \$500,000 contribution) shall be submitted to the City. The approved public art concept shall be to the satisfaction of the City. (Refer to the associated Advice Note)
- (7) Prior to the issue of an occupancy permit, the approved public art concept shall be implemented and maintained thereafter, to the satisfaction of the City.
- (8) Prior to the issue of an occupancy permit, the car parking bays and accessways shall be marked on site as indicated on the approved plans, and such marking shall be subsequently maintained so that

- the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City.
- (9) Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
 - (10) Prior to the issue of a building permit, details of the proposed lighting to pathways and car parking areas shall be provided that is to the satisfaction of the City.
 - (11) Prior to occupation of the dwelling the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City. (Refer to the associated Advice Note)
 - (12) The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City.
 - (13) The surface finishes of the communal bin store boundary walls on the northern and eastern sides of the lot are to match the external walls of the neighbour's dwelling, unless the owner(s) of the adjoining property consent to another finish and their written agreement for the selected finish is supplied to the City. These walls shall be finished in a clean material to the same standard as the rest of the development prior to the issue of an occupancy permit, to the satisfaction of the City.
 - (14) All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
 - (15) External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
 - (16) Prior to the issue of an occupancy permit, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
 - (17) The development is to achieve the equivalence of a 5 Star Green Star design rating. All recommendations contained within the Sustainability House report dated 22 September 2016 and 30 March 2017, prepared for this development are to be implemented in full. At the building permit stage, the applicant is to submit an updated sustainability report confirming the final green star strategy that will guide the construction stage and further demonstrate an equivalent sustainable design rating is to be achieved.
 - (18) The development shall be designed so as to discourage vandalism by use of materials such as sacrificial paint or architectural features to discourage inappropriate activity, in accordance with Requirement 9.5 of the Canning Bridge Activity Centre Plan.
 - (19) All fencing and blank walls at ground level are to be treated with a

non-sacrificial anti-graffiti coating to discourage potential graffiti and/or be decorated in such a way to reduce the effect of blank facades, in accordance with Requirements 15.1 and 16.1 of the Canning Bridge Activity Centre Plan.

- (20) The development shall be designed to incorporate adequate lighting that enables safe use by occupants and visitors on site at night and limits dark shadows in open spaces on site and to the adjacent street, in accordance with Requirements 20.1 and 20.5 of the Canning Bridge Activity Centre Plan. Street furniture and lighting shall be made of durable materials to a vandal-resistant design, in accordance with Requirement 20.4 of the Canning Bridge Activity Centre Plan.
- (21) External clothes drying facilities shall be screened from view from the street or any other public place.
- (22) Prior to the issue of an occupancy permit, all screening devices shown on the approved plans shall be installed and remain in place permanently, to the satisfaction of the City.
- (23) The development shall be in accordance with the approved plans unless otherwise authorised by the City.
- (24) A vertical garden wall to be provided along the eastern elevation of the building to the satisfaction of the City prior to the issue of an occupancy permit. Details of the landscaping to be provided prior to the submission of a building permit.
- (25) The vertical garden shall be maintained to the City's satisfaction.

(b) Advice Notes

- (1) PNX1 *2 Year Validity*
- (2) PNX2 *If Approval Lapses*
- (3) PNX3 *Right of Review*
- (4) PN01 *Development Approval Only*
- (5) PN02 *Other Constraints*
- (6) PN21 *Minor Variations*
- (7) PN05 *Address Planning Conditions Prior to Permit(s)*
- (8) The applicant is advised of the need to comply with any relevant requirements of the City's Engineering Infrastructure Services and Environmental Health Services, including but not limited to those detailed in the memorandums, dated 4 July 2017 and 29 June 2017 respectively.
- (9) Planning Approval or the subsequent issuing of a Building Permit by the City is not consent for the construction of a crossing. As described in Management Practice M353 a 'Crossing Application' form must be formally submitted to City's Engineering Infrastructure Services for approval prior to any works being undertaken within the road reserve.
- (10) In relation to the public art conditions, the City will be required to give final consent for the proposed public art, including any art fund

contribution arrangement. The public art contribution must be in line with the guidelines as indicated in the City's Developer's Toolkit. Once the developer has sourced an artist, determined the design and artwork they are to lodge an 'Artwork Concept Application' form and supporting material to the City for assessment. See Appendix 1 of City of South Perth Local Policy P316 – 'Developer Contribution for Public Art and Public Art Spaces' for the full Public Art Toolkit document.

- (11) The applicant/developer and the owners are to comply with the requirements set out in City of South Perth Local Policy P352 'Final Clearance Requirements for Completed Buildings'. As detailed in the policy, the applicant is to engage a licensed land surveyor to undertake survey measurements and to submit progress reports and the final report to the City for approval. The City will only issue the final clearance letter when all relevant requirements have been met.
- (12) Car park ventilation to be designed to ensure that the carbon monoxide build up in the parking area does not exceed 50 ppm per hour in accordance with the *Health Act (Carbon Monoxide) Regulations 1975*.
- (13) All mechanical ventilation services, motors and pumps e.g. air conditioners to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
- (14) PN12 *Dividing Fences Act 1961*
- (15) PN22 *Dilapidation Report Recommended*

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

CARRIED (8/0)

Background

The development site details are as follows:

Zoning	TPS6: Centre Activity Centre Plan: H4 (Residential Up to 4 Storeys) Q4 Davilak Quarter
Density coding	N.A.
Lot area	799 sq. metres
Building height limit	4 storeys and 16 metres
Development potential	Residential development up to 4 storeys
Plot ratio limit	N.A.

The location of the development site is shown in **Figure 1** below:



Figure 1 Location Plan

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:

2. Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings; and
- (c) Development of the kind referred to in items (a) and (b) above, but which, in the opinion of the delegated officer, is contentious or is of significant community interest.

3. The exercise of a discretionary power

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

6. Amenity impact

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

Comment

(a) Background

Development Application

In September 2016, the City received a pre-lodgement proposal for 6 Multiple Dwellings in a 4-storey building on Lot 6 (No. 24) Wooltana Street, South Perth (the **Site**), for referral to the Canning Bridge Activity Centre Plan Design Review Panel. In April 2017, the City received the application for development approval. In response to referral comments and the City's assessment, revised plans were submitted in October 2017.

Canning Bridge Activity Centre Plan [CBACP]

The CBACP envisions that the properties surrounding the development site will remain as residential developments when redeveloped, but of greater scale and density than currently exists, generally up to 4 storeys in height on the north side of Wooltana Street and up to 6-8 storeys on the south side of Wooltana Street.

The CBACP became fully operative when TPS6 Amendment No. 47 was gazetted in February 2017. This amendment and the CBACP replaced most of the previous development controls applicable within this activity centre.

The Canning Bridge Activity Centre is located less than 8km from the Perth CBD, with direct road, public transport, walking and cycling access.

The CBACP has been prepared to provide a guide to development of this centre, an area recognised as an 'activity centre' under the Western Australian Planning Commission's State Planning Policy 4.2 'Activity Centres for Perth and Peel'. The area is generally considered to be within a convenient walkable distance from the Canning Bridge bus and rail interchange which is located at the junction of the Canning Highway and Kwinana Freeway.

It is proposed that the CBACP area will comprise a mix of residential, civic, office, retail and entertainment uses against the backdrop of the Swan and Canning Rivers and the adjacent open space. The CBACP area comprises land within both the City of Melville and the City of South Perth and includes a substantial area of the river.

The CBACP establishes a foundation for the future of the area including objectives and goals for its ongoing development, guidelines for the style of built form which is expected, and an implementation framework for orderly improvements to infrastructure over time.

The CBACP was prepared by the Western Australian Planning Commission, Department of Planning, City of Melville, City of South Perth, Department of Transport, Public Transport Authority and Main Roads WA as a joint initiative to progress long term planning for the Canning Bridge Activity Centre.

(b) Existing Development on the Subject Site

The existing development on the Site is a single-storey Single House, as depicted in the site photographs at **Attachment (c)**.

(c) Description of the Surrounding Locality

The Site has a frontage to Wooltana Street to the south. The neighbouring properties currently consist of single or two storey Single Houses or Grouped Dwelling developments, in line with the former Residential zoning, R15 and R20 density codings and 7.0m building height limit that was applicable to this area prior to the gazettal of TPS6 Amendment No. 47 in February 2017, as seen in **Figure 2** below:



Figure 2 Surrounding Locality – Aerial Photograph

(d) Description of the Proposal

The proposal involves the demolition of the existing development and the construction of 6 x Multiple Dwellings in a 4-storey building on the Site, as depicted in the submitted plans at **Attachment (a)**. The applicant's reports on the proposal are contained in **Attachment (b)**. Furthermore, the site photographs and the three dimensional building model images show the relationship of the Site and the proposed development with the surrounding built environment at **Attachment (c)**.

The tables in the Planning Assessment section provide a summary of the development's compliance with the operative planning framework. Where discretion is being sought, specific comments are provided separately.

(e) Planning Assessment

Local Planning Scheme: TPS6

Requirement	Proposal
Minimum Car Parking Dimensions: cl. 6.3(8)	
As per the Australian Standards AS2890.1 (User Class 1A: 2.4m bay width, 5.4m bay depth, 5.8m accessway width).	Car Bays – Compliant. Accessway – Not Compliant (5.7m).
Minimum and Maximum Floor and Grounds: cl. 6.9 & cl. 6.10	
<ul style="list-style-type: none"> Min. 1.70-2.30m AHD. Finished levels to achieve 'equal cut and fill'. Maximum driveway gradients. 	Compliant.

Activity Centre Plan: CBACP

CBACP was approved by the Western Australian Planning Commission in April 2016. In accordance with 'Deemed Provisions' cl. 43(1), Council is to have due regard to the activity centre plan when determining this application for development approval.

Requirement	Proposal
Land Use: Req. 1.8.3	
Preferred land uses.	Multiple Dwellings – Preferred land use.
Dwelling Diversity: Req. 1.13	
Not applicable.	<ul style="list-style-type: none"> • 4x 2 bedroom dwellings and • 2x 3 bedroom dwellings.
Roof Top Active Uses: Req. 2.5	
Active uses on roof top spaces that are accessible to the public are encouraged.	A private communal roof terrace is provided. The CBACP requirement appears to have been written with an intention to only apply to M10 and M15 zone developments.
Building Height: Req. 3.1, 3.5, TPS6 cl. 6.1A(11)	
Max. 4 storeys and 16 metres.	Compliant.
Street Setbacks: Req. 4.5, 4.8	
<ul style="list-style-type: none"> • Min. 4m and Max. 6m. • Street setback area landscaped. 	<ul style="list-style-type: none"> • Street setback – Not Compliant (Min. 3.5m balcony setback). • Street setback area landscaping – Compliant.
Side and Rear Setbacks: Req. 5.6	
Min. 4m.	Not compliant.
Facades: Element 9	
<ul style="list-style-type: none"> • Developments sympathetic to the surrounding environment • Substantial glazing and semi-active frontages • Provision of windows and balconies into building design. Balconies: Min. 2.4m depth & 10m² area. • Development designed to discourage vandalism. • Floor Level: Max. 0.5m above footpath. 	Compliant.
Open Space and Landscaping: Element 10	
<ul style="list-style-type: none"> • Min. 319.6m² (40%) landscaping. • Landscape design • Max. 1.2m height – landscaping and fencing. 	Landscaping – Compliant. Street fencing – Compliant, except for a portion of the letterbox (Max. 1.3m high).
Sustainability: Req. 11.5	
Designed to maximise passive solar principles & 5 star Green Star level of performance.	5 star Green Star performance rating report supplied – Compliant.
Universal Access: Req. 15.2	
Universal access to be provided.	Compliant.
Street Fencing: Req. 16.1 & 15.1	
Fencing treated to discourage graffiti & is of high quality.	Planning condition required to ensure compliance.
Public Art: Element 17	
1% contribution	Planning condition required to ensure compliance.
Parking: Req. 18.3, 18.8	
Min. 6 car bays and Min. 2 bicycle bays.	12 car bays and 8 bicycle bays – Compliant.
Storage Area: Req. 19.5	

Provision of a compliant storage area for each dwelling.	Compliant.
Safety: Element 20	
Access, visibility, graffiti resistant and lighting design requirements.	Planning condition required to ensure compliance.

R-Codes

In accordance with TPS6 cl. 4.3(1)(p), for any dwellings within the Canning Bridge Activity Centre, the applicable development requirements are contained within the Canning Bridge Activity Centre Plan and provisions of the R-Codes do not apply, other than provisions relating to:

- (i) Utilities and facilities; and
- (ii) Sight lines at vehicle access points and street corners.

Requirement	Proposal
Utilities and Facilities: cl. 6.4.6	
<ul style="list-style-type: none"> • Provision of a compliant storage area for each dwelling. • Provision of a compliant bin area. • Clothes drying screened from view from the street. 	<ul style="list-style-type: none"> • Storage area – satisfies the deemed-to-comply requirement. • Rubbish – planning condition required to satisfy the deemed-to-comply requirement. • Clothes drying – planning condition required to satisfy the deemed-to-comply requirement.
Sight Lines: cl. 6.2.3	
Maximum 0.75m height within 1.5m of where the driveway meets the street boundary.	Satisfies the deemed-to-comply requirement.

Local Planning Policies

Requirement	Proposal
Boundary Wall Surface Finish: P350.02	
Surface finish to match the neighbour's dwelling, unless the neighbour consents to another finish.	Planning condition required to comply.
Trees on the Development Site: P350.09	
Existing trees on the site should be retained where possible. The payment of a fee or planting a replacement tree is required on site, for the proposed removal of an existing tree.	Removed trees to be replaced with new trees on site.

Draft Planning Instruments that are 'Seriously Entertained'

Local Planning Scheme: TPS6

The Council initiated a 'basic amendment' (Amendment 54) on 23 May 2017 for the purpose of modifying TPS6 to be consistent with the 'Deemed Provisions', State legislation and the R-Codes. These minor amendments do not affect the assessment or determination of this application.

Local Planning Policies

The Council has resolved to advertise an amended Policy P350.02 'Lot Boundary Setbacks (Walls to Lot Boundaries)', an amended P350.07 'Street Walls and Fences' and a new P350.17 'Site Works' for public comment, with

advertising completed on 11 October 2017. In relation to these draft policies that are 'seriously entertained', they do not affect the assessment or determination of this application.

(f) Minimum Vehicle Accessway Dimensions

TPS6 cl. 6.3(8) specifies minimum dimensions for car bays and accessways, by reference to the Australian Standard – AS2890.1.

The proposal is compliant with the minimum 2.4 metres x 5.4 metres car bay dimensions and is not compliant with the minimum 5.8 metres accessway width applicable in this instance. A minimum 5.7 metres accessway width is proposed (0.1 metres shortfall).

The car bay and accessway dimensions proposed are shown in **Figure 3** below. The 5.7 metre accessway width has been measured from the rear of the car bays to the closest edge of the retaining wall (shown in Orange in **Figure 3**) and the trellis columns.

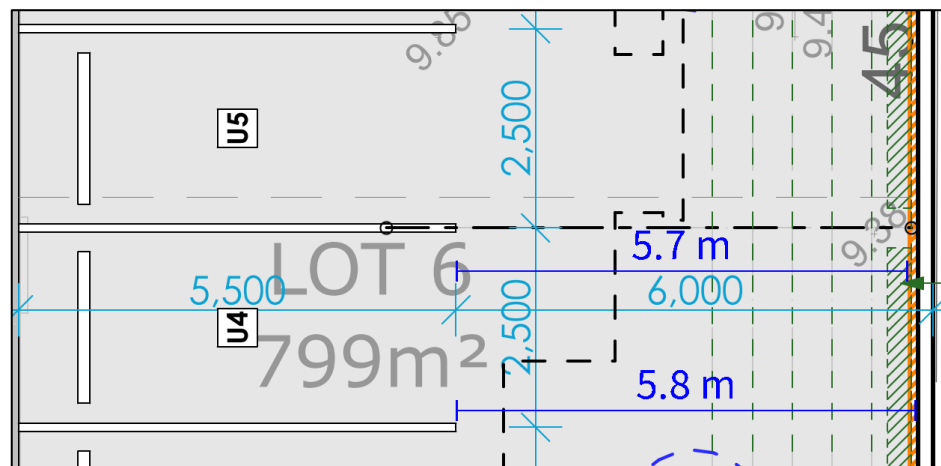


Figure 3 Car Bay and Accessway Dimensions

The Council can approve the proposed car parking layout if the Council is satisfied that the development meets the requirements of TPS6 cl. 7.8(1)(b).

The power conferred by this sub-clause may only be exercised if the Council is satisfied that:

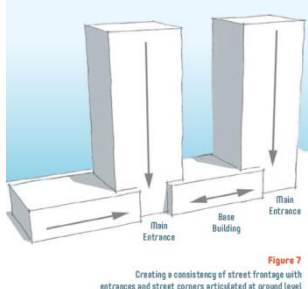
- (i) approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
- (ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the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

The retaining wall does not pose any obstruction to vehicle movements as the top of this retaining wall is constructed at a similar level as the accessway paving. In essence, a 5.8 metre wide accessway space is provided except where the 6 trellis columns pose an obstruction. It is also noted that the car bay depth is 0.1 metres longer than the minimum requirement.

It is seen that sufficient space is available for vehicle manoeuvring in and out of the car bays and for vehicles passing without the minor obstructions posing an adverse impact. Accordingly, this setback variation is considered to be suitable for approval as proposed on the development plans.

(g) Street Setbacks

CBACP Requirement 4.5 specifies a minimum 4 metre and a maximum 6 metre street setback.

Objective	Desired Outcomes	Requirements
<p>Element 2 - Site Planning and Built Form</p> <p><i>To reinforce the unique identity of the CBACP area by creating distinct street character, to form urban landmarks and urban vistas to key locations inside and outside the CBACP area.</i></p>	<p>DO 4</p> <p><i>To ensure that the setback to buildings contributes to a distinct street character and that the form of multi-level development is sensitive to pedestrian scale.</i></p> <p><i>Podiums will provide an opportunity for creating a diversity of scale and form at lower levels, whilst taller elements are encouraged with setbacks comprising rooftop terraces and gardens at varying levels throughout development.</i></p> <p><i>Alternative means to reduce bulk and scale such as green walls and façade articulation are also encouraged.</i></p> <p><i>New buildings that are setback from the street boundary should not adversely affect the vibrancy and activity required to support the expected outcomes of the CBACP by creating unnecessary breaks in active frontages as per Figure 7.</i></p> 	<p>4.5 ... All development within H4 Zones in Q3, Q4 and Q5 shall have a minimum 4 metre and maximum 6 metre setback.</p>

The proposed minimum street setback of the building is less than the minimum 4.0m street setback requirement, highlighted in **Figure 4** below:



Figure 4 Street Setback Variations (Highlighted in Yellow)

Specifically, the First Floor and Second Floor balconies (minimum 3.5 metres setback proposed – 0.5 metres variation) and the First Floor and Second Floor ‘pop-out’ window (minimum 3.8 metres setback proposed – 0.2 metres variation) encroach into the 4.0 metre setback.

The balconies within the 4.0 metre setback area consist of the floor slab / roof, a side wall and glass balustrading. The ‘pop-out’ windows within the 4.0 metre setback area consist of the frame surrounding the glazing.

The Design Review Panel was generally supportive of the streetscape presentation of the development.

The balcony and ‘pop-out’ window setbacks are seen to pose minimal streetscape impacts and are considered to be consistent with the objectives and desired outcomes. The front setback is articulated and provides interest and relief on the streetscape, while the clear glazing balcony balustrade and narrow window frame reduces the building bulk impact on the street. Accordingly, these setback variations are considered to be suitable for approval as proposed on the development plans.

(h) **Side and Rear Setbacks**

CBACP Requirement 5.6 specifies a minimum 4 metre side and rear setback.

Objective	Desired Outcomes	Requirements
<p>Element 2 - Site Planning and Built Form</p> <p>To reinforce the unique identity of the CBACP area by creating distinct street character, to form urban landmarks and urban vistas to key locations inside and outside the CBACP area.</p>	<p>DO 5</p> <p>To provide a continuity of frontage at ground and podium levels to encourage activity whilst providing interest.</p> <p>To allow opportunities for tower elements to access sunlight, ventilation and view corridors throughout the area from and between multi-level developments.</p> <p>To ensure that development opportunities throughout the precinct are maximised.</p> <p>Developers should minimise overlooking and overshadowing of adjacent and adjoining properties through appropriate design response, supported by the setback provisions of this Element.</p>	<p>5.6 Side and rear setbacks for all development within the H8 and H4 Zones shall be ... 4 metres for any lot which is equal to or greater than 16 metres in width. Setbacks do not apply to any eaves and sun shading devices.</p> <p>5.7 Provisions of privacy and solar access and overshadowing do not apply within the CBACP area.</p>

The proposed minimum side and rear setbacks of the building are less than the minimum 4.0m setback requirement, highlighted in **Figure 5** below:





Figure 5 Side and Setback Variations (Highlighted in Yellow)

Development Element	Location	Proposal
Communal Bin Store	Ground Floor Level: North & East	Nil setback.
Car Park Trellis	Ground Floor Level: East	0.20m setback.
Communal Stairs	All Levels: West	2.87m setback.
Communal Lobby & Unit 1 – Rear Balcony	Ground and First Floor Levels: West	2.87m setback.
Units 3 & 6 – Bed 1 partial ‘pop-out’ wall	First and Second Floor Levels: West	3.15m setback.
Units 3 & 6 – Bed 2 ‘pop-out’ wall	First and Second Floor Levels: West	3.15m setback.
Units 2 & 5 – Bed 1 ‘pop-out’ wall	First and Second Floor Levels: East	3.15m setback.
Units 2 & 5 – Bed 2 ‘pop-out’ wall	First and Second Floor Levels: East	3.15m setback.
Units 1 & 4 – Living & Front Balcony	First and Second Floor Levels: West	3.75m setback.
Units 3 & 6 – Rear Balcony	First and Second Floor Levels: West	3.90m setback.
Units 2 & 5 – Rear Balcony	First and Second Floor Levels: East	3.90m setback.

Communal Bin Store

The proposed communal bin store boundary walls are located in the right rear corner of the development site and are located adjacent to a detached Workshop building on the eastern adjoining property (26 Wooltana Street) and adjacent to the rear garden of the northern adjoining property (9 Philp Avenue).

In relation to the objectives and desired outcomes, these setback variations (nil in lieu of 4.0 metres) are not seen to pose adverse impacts to sunlight

access, ventilation access, view corridors or privacy to either property. Accordingly, this setback variation is considered to be suitable for approval as proposed on the development plans.

Car Park Trellis

The proposed trellis structure is built over a large proportion of the uncovered portion of the car park between the eastern lot boundary and the proposed building. The support columns are positioned adjacent to the eastern lot boundary. This structure is located adjacent to the neighbouring house (includes bedroom windows) and its rear garden.

In relation to the objectives and desired outcomes, this setback variation (0.2 metres in lieu of 4.0 metres) is not seen to pose adverse impacts to sunlight access, ventilation access, view corridors or privacy to either property. Accordingly, this setback variation is considered to be suitable for approval as proposed on the development plans.

Communal Stairs, Communal Lobby & Unit 1 Rear Balcony

These walls are located adjacent to the neighbouring house (includes a habitable room window) on the western adjoining property (22 Wooltana Street).

In relation to the objectives and desired outcomes, these setback variations (2.87 metres in lieu of 4.0 metres) are not seen to pose adverse impacts to ventilation access or view corridors to either property.

In terms of sunlight access, the lobby and balcony on the ground and first floor levels would pose no greater overshadowing impact (during the morning) upon the neighbouring property than the compliant component of the building. The proposed setback of the communal staircase wall would pose some additional overshadowing upon the neighbouring property (during the morning) compared to a 4m side setback, though this additional impact is relatively minor.

In terms of visual privacy, the staircase and lobby are expected to be only occupied for short periods of time. Accordingly, any overlooking impact from the windows from these walls over the neighbouring property is anticipated to be limited and would not pose an adverse amenity impact. The balcony is a space that is expected to be used for extended periods. To increase the effective visual privacy setback, the balcony is provided with a perimeter planter, which increases the minimum viewing position to 3.75 metres from the western lot boundary. This setback variation is seen to reduce the level of visual privacy to the adjoining property. The CBACP already provides reduced visual privacy setback distances compared to the R-Codes and it considered inappropriate to grant further variations where the variations causes overlooking of active habitable spaces of an adjoining property.

This setback variation is considered to be unsuitable for approval as proposed on the development plans, due to adverse visual privacy impacts upon the neighbouring property from the proposed balcony. Accordingly, it recommended that a minimum of 4.0m viewing distance be provided, to be

consistent with the CBACP requirements. The recommended amendment can be achieved without significant redesign to the development.

'Pop-Out' Walls

The development includes 4 'pop-out' bedroom walls, 2 each on the western and eastern elevations, which have a reduced 3.15 metre setback compared to the 4.0 metre setback of the main building. These walls are located adjacent to the neighbouring houses (includes habitable room windows) and their rear gardens.

In relation to the objectives and desired outcomes, these setback variations are not seen to pose adverse impacts to sunlight access, ventilation access, view corridors or privacy to either property.

In terms of sunlight access, these walls pose no greater overshadowing impact than the compliant component of the building. In terms of visual privacy, the highlight windows on the western and eastern elevations limits direct overlooking of the neighbouring property. Meanwhile, the small glazing width and resultant viewing angle restrictions of the full height windows on the north and south facing components of the pop-outs walls are not seen to pose any significant visual privacy impacts.

Accordingly, these setback variations are considered to be suitable for approval as proposed on the development plans.

Units 1 & 4 Living & Front Balconies

This wall is located adjacent to the neighbouring house and the front garden. The component of the wall adjacent to the front balcony is open with block screening. The screening is not designed to provide absolute prevention of overlooking.

In relation to the objectives and desired outcomes, these setback variations (3.75 metres in lieu of 4.0 metres) are not seen to pose adverse impacts to sunlight access, ventilation access or view corridors to either property.

In terms of sunlight access, the proposed setback of this wall would pose some additional overshadowing upon the neighbouring property (during the morning) compared to a 4m side setback, though this additional impact is relatively minor.

In terms of visual privacy, the balcony is a space that is expected to be used for extended periods. To increase the effective visual privacy setback, the balcony block screen increases the minimum viewing position to approx. 3.9 metres from the western lot boundary. This setback variation is seen to reduce the level of visual privacy to the adjoining property. The CBACP already provides reduced visual privacy setback distances compared to the R-Codes and it considered inappropriate to grant further variations where the variations causes overlooking of active habitable spaces of an adjoining property.

This setback variation is considered to be unsuitable for approval as proposed on the development plans, due to adverse visual privacy impacts upon the neighbouring property. Accordingly, it recommended that a minimum of 4.0m viewing distance be provided, to be consistent with the CBACP requirements. The recommended amendment can be achieved without significant redesign to the development.

Units 2, 3, 5 & 6 Rear Balconies

These walls are located adjacent to the rear gardens and detached rear buildings of the western and eastern adjoining properties. The wall contains an opening with block screening. The screening is not designed to provide absolute prevention of overlooking.

In relation to the objectives and desired outcomes, these setback variations (3.9 metres in lieu of 4.0 metres) are not seen to pose adverse impacts to sunlight access, ventilation access, view corridors or privacy to either property.

In terms of sunlight access, the proposed setback of these walls would pose some additional overshadowing upon the neighbouring properties (during the morning and during the afternoon respectively) compared to a 4m side setback, though this additional impact is relatively minor.

In terms of visual privacy, the balconies are spaces that are expected to be used for extended periods. To increase the effective visual privacy setback, the balcony block screens increases the minimum viewing position to approx. 4.2 metres from the western and eastern lot boundaries.

Accordingly, these setback variations are considered to be suitable for approval as proposed on the development plans.

(i) **Street Fencing**

CBACP Requirement 10.7 specifies a maximum 1.2m height for landscaping and fencing on property boundaries. It is interpreted that this requirement is referring to the street boundary.

Objective	Desired Outcomes	Requirements
<p>Element 2 - Site Planning and Built Form</p> <p><i>To reinforce the unique identity of the CBACP area by creating distinct street character, to form urban landmarks and urban vistas to key locations inside and outside the CBACP area.</i></p>	<p>DO 10</p> <p><i>To encourage intensity of development whilst also catering for the enjoyment, comfort and sense of security of centre users, The majority of M15 and M10 development sites will have significant site coverage at ground level, particularly at the street frontage, to maintain a continuous and interesting frontage as per Elements 2 - 8 of these Guidelines. However, open space at ground levels in the form of active plazas, public or</i></p>	<p>10.7 Landscaping and/or low fencing below 1.2 metres on property boundaries, where buildings are setback from the boundary, shall reinforce the separation between public and private realm.</p>

	<p><i>private open space at podium levels which are visible from the streetscape, terraced areas and balconies and rooftop gardens is encouraged. Ground floor or podium level open space should comprise trees and other vegetation to contribute to the overall leafy nature of the CBACP area.</i></p> <p><i>In particular, the Guidelines encourage the development of areas that provide opportunities for communal meeting and interaction within the CBACP area.</i></p>	
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The proposal conflicts with the fence height requirement, as the maximum height of the letterbox is 1.3 metres high.

This street fencing is seen to be consistent with the objectives and desired outcomes applicable to Elements 10 and 20 (Safety and Security). Accordingly, this street fencing is considered to be suitable for approval as proposed on the development plans.

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

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

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

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

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

In considering an application for development approval the local government is to have due regard to the matters listed in clause 67 of the 'Deemed Provisions' to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

Consultation**(a) Design Review Panel Comments**

The design of the proposal was considered by the Canning Bridge Activity Centre Plan Design Review Panel (DRP) at their meetings held in November 2016 (pre-lodgement proposal) and June 2017 (development application proposal). The DRP comments and responses from the Applicant are contained in **Attachment (h)**, with the June 2017 comments and responses provided below.

Development Application Proposal

DRP Comments	Officer's Comments
Design Quality Principles	
a) Character - a place with its own identity • Not discussed.	The comment is NOTED .
(b) Continuity and enclosure - where public and private spaces are clearly distinguished • The roof terrace should be provided with screening for the benefit of neighbours, such as through the inclusion of a higher wall or a landscaping strip. • The development should provide some visual privacy screening through building design and/or landscaping, to mitigate the effects upon neighbouring buildings.	Applicant's Response: <i>Plans amended to include landscaping strip for added screening.</i> Revised plans were lodged that included a landscaping strip around the perimeter of the roof terrace and additional trees adjacent to the western and northern lot boundaries. The comment is UPHELD .
(c) Quality of the public realm - a place with attractive and well-used outdoor areas • Not discussed.	The comment is NOTED .
(d) Ease of movement - a place that is easy to get to and move through • Upper floor apartments have very long corridors that could prove unpleasant. However the panel is comfortable with the general planning and layout.	The comment is NOTED .
(e) Legibility - a place that is easy to navigate • Not discussed.	The comment is NOTED .
(f) Adaptability - a place that can	The comment is NOTED .

<p>change easily</p> <ul style="list-style-type: none"> • Not discussed. 	
<p>(g) Diversity - a place with variety and choice</p> <ul style="list-style-type: none"> • Not discussed. 	The comment is NOTED .
<p>(h) Sustainability</p> <ul style="list-style-type: none"> • Applicant to be mindful on how much light comes in with the 'pop out' windows to bedrooms; a second window is suggested. • Applicant to investigate capacity for deep soil planting around building. 	<p>Applicant's Response: <i>A second window has not been added due to the buildings requirement to meet the green star sustainability equivalent rating. A number of trees will be retained along the boundary of the site with further established trees to be planted, creating a deep soil zone around 2 side of the property.</i></p> <p>Revised plans were lodged that included highlight windows on each 'pop-out' wall facing the western or eastern lot boundary (as applicable) and additional trees adjacent to the western and northern lot boundaries. The comment is UPHELD.</p>
<p>General comment</p> <ul style="list-style-type: none"> • No particular concerns with setbacks. • Clarification should be provided regarding the side and rear retaining wall, such as its height and size and depth of the planters adjacent to the boundaries. 	The comment is NOTED .
Design Assessment	
<p>(a) Strengths of the proposal</p> <ul style="list-style-type: none"> • This design is an improvement in the manner that the building and its entrance addresses the street, as ground floor activation is good and there is significant improvement with the entry and how it connects to the street. • The 'pop-outs' on the side elevations are seen to mitigate bulk and visual privacy concerns for the neighbours. 	The comment is NOTED .
<p>(b) Suggested improvements to the proposal</p> <ul style="list-style-type: none"> • This design is an improvement in the manner that the building and its entrance addresses the street. • An obscured glazing window should be provided to the lobbies. • The internal walls near the dwelling entrances should be shifted to provide a wider entry area to these dwellings. • The balconies are not an appropriate location for the air conditioning unit as they are too 	<p>Applicant's Response:</p> <ul style="list-style-type: none"> • <i>No comment.</i> • <i>Completed – to the stairwell</i> • <i>Considered to be subjective and not completed.</i> • <i>AC units relocated to the roof.</i> • <i>Specifications of plant sizes included on landscaping plan.</i> <p>Revised plans were lodged that changed the staircase glazing from clear to obscure glazing, clarified the location of the air conditioning condensers (on the roof) and provided</p>

<p>small to provide sufficient outdoor space and an air conditioning unit. Preferable to locate within the roof space or in the carpark. Details of the air conditioning will need to be submitted.</p> <ul style="list-style-type: none"> • More landscaping variation should be provided, including some plants that are of greater size. 	<p>additional landscaping.</p> <p>The revised plans amended the foyer layout to accommodate a larger staircase side lot boundary setback, though the entry area sizes are not significantly changed. No additional glazing to the foyers is provided. The comment is NOTED.</p>
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(b) 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'. Individual property owners and occupiers within 'Area 1' were invited in April 2017 to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 20 consultation notices were sent and 9 submissions were received, 2 in favour and 7 against the proposal. The main comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
4 storey building height	The current planning framework permits building up to 4 storeys and 16 metres in height on this site – the proposal is compliant with the CBACP building height restrictions. The existing developments in the surrounding area are generally consistent with the former planning framework that was in place prior to the approval of the CBACP and TPS6 Amendment 47 in 2016 and 2017 respectively. It is noted that the proposal will contrast with the existing Single House developments while the Activity Centre goes through this period of transition. The comment is NOTED .
Supportive of car parking reductions (close proximity to Canning Bridge Interchange)	The CBACP permits a lesser number of car bays to be provided than in areas that are not located in close proximity to high frequent public transport services. The comment is NOTED .
Visual privacy impacts	The CBACP does not have specific visual privacy controls, though the side and rear setback controls (min. 4m for this site) are effectively also the minimum visual privacy setback requirements. Where discretion has been sought, specific visual privacy comments have been provided in the Side and Rear Setbacks section of this report. The comment is NOTED .
Building setback impacts.	The CBACP has a minimum 4m side and rear setback requirement. Where discretion has been sought, specific comments have been provided in the Side and Rear Setbacks section of this report. The comment is NOTED .

Noise impacts	The development is required to comply with the Environment Protection (Noise) Regulations. The comment is NOTED.
Overshadowing impacts	The CBACP does not have specific overshadowing controls, though the side and rear setback controls (min. 4m for this site) and building height limit are effectively setting the overshadowing requirements. Where discretion has been sought, specific overshadowing comments have been provided in the Side and Rear Setbacks section of this report. The comment is NOTED.
Construction work impacts	The City has recommended that a Construction Management Plan be approved to respond to potential construction issues and specify the measures to be undertaken by the proponent. The comment is NOTED.
Traffic impacts	The density of the development and the resultant traffic impacts is consistent with the expected redevelopment outcomes of the CBACP. The comment is NOTED.
Development plan inconsistencies	It is noted that the artist impressions supplied by the applicant do not accurately reflect neighbouring development. The City has prepared images that superimpose the supplied 3D building model into the City's 3D survey (2016) of the Canning Bridge Activity Centre, contained in Attachment (c) . The comment is NOTED.
Excessive car parking	The CBACP only has minimum car parking controls for residential development in the Como quarters. The comment is NOTED.
Air quality impacts	There are no specific planning controls addressing potential vehicle exhaust impacts. The comment is NOTED.
Removal of vegetation	The landscaping plans have been revised since the proposal was advertised. The trees identified for removal are to be replaced on site. The comment is NOTED.
Excessive number of dwellings	The density of the development is consistent with the intent of the CBACP. The comment is NOTED.
Provision of visitor car parking	The proposal is compliant in relation to visitor parking as the CBACP does not require parking for visitors to residential developments to be provided. The comment is NOTED.
Building quality	There are no specific planning controls addressing the construction cost expenditure of the development. The proposed external building finishes are identified on the development plans. The comment is NOTED.
5 star Green Star certification	Developments within the H4 and H8 zones of the CBACP are only required to achieve an equivalent level of performance as a 5 star Green Star certified building. Obtaining Green Star

	certification is usually cost prohibitive for relatively small scale developments. The comment is NOTED .
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The public comments are contained in **Attachment (d)**, with the applicant's responses contained in **Attachment (e)**.

(c) City Environment

The application was referred to the City's City Environment officers as a small tree is growing in the verge which would be affected by the construction of the new crossover.

City Environment advised that the small tree growing in the verge is not one of the City's registered trees. Hence, there is no restriction on the owner removing this tree to construct the crossover. The City will plant a tree on the verge after construction.

(d) Engineering Infrastructure / Network Operations

The application was referred to the City's Engineering Infrastructure and Network Operations officers for comment. Comments have been received regarding construction management, traffic, stormwater, dewatering, crossover, parking, vehicle access and the verge.

The comments are contained in **Attachment (f)**.

Accordingly, planning conditions and important notes are recommended to deal with issues raised.

(e) Environmental Health / Waste Management

The application was referred to the City's Environmental Health and Waste officers for comment. Comments have been received regarding waste management, noise and car park ventilation.

The comments are contained in **Attachment (g)**.

Accordingly, planning conditions and important notes are recommended to deal with issues raised.

(f) External Agencies

This application did not necessitate referral to any external agencies.

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 could have significant financial implications should the developer not be satisfied with Council's determination, in the event an appeal to the State Administrative Tribunal is lodged.

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: 3.2B Sustainable Built Form - Promote and facilitate contemporary sustainable buildings and land use.

Sustainability Implications

The applicant has supplied a report prepared by a Green Building Council of Australia qualified consultant stating that the development will achieve the equivalent of a 5 star Green Star level of performance, as required by CBACP Requirement 11.5.

Conclusion

The proposal is considered to satisfactorily meet the relevant requirements of the Scheme and the CBACP. The development of 6 Multiple Dwellings in a 4-storey within the Davilak Quarter meets the objectives of the CBACP which promotes the creation of a vibrant and rejuvenated area with housing catering to multiple users. Subject to the recommended conditions, it is considered that the application should be conditionally approved.

Attachments

- 10.3.5 (a):** Development Plans: 24 Wooltana Street, Como - 11.2017.132.1
- 10.3.5 (b):** Applicant's Reports: 24 Wooltana Street, Como - 11.2017.132.1
- 10.3.5 (c):** Photographs & 3D Images: 24 Wooltana Street, Como - 11.2017.132.1
- 10.3.5 (d):** Public Submissions: 24 Wooltana Street, Como - 11.2017.132.1
- 10.3.5 (e):** Applicant's Responses to Public Submissions: 24 Wooltana Street, Como - 11.2017.132.1
- 10.3.5 (f):** Engineering Infrastructure Comments: 24 Wooltana Street, Como - 11.2017.132.1
- 10.3.5 (g):** Environmental Health Comments: 24 Wooltana Street, Como - 11.2017.132.1
- 10.3.5 (h):** Design Review Panel Comments & Responses: 24 Wooltana Street, Como - 11.2017.132.1

At 8.31pm Councillor Greg Milner returned to the Chamber.

10.3.6 Proposed change of use from Single House to Child Day Care Centre at Lot 7 (No. 10) Barker Avenue, Como

Location: Lot 7 (No.10) Barker Avenue, Como
Ward: Moresby Ward
Applicant: MPS1 Pty Ltd
File Reference: D-17-97777
DA Lodgement Date: 4 September 2017
Meeting Date: 21 November 2017
Author(s): Brendan Phillips, 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

To consider an application for development approval for a Child Day Care Centre on Lot 7 (No. 10) Barker Avenue, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use (Child Day Care Centre - 'DC' use)	Clause 3.3 of TPS6
Maximum number of children in Child Day Care Centre	Clause 5.2 of TPS6
Fencing height	Clause 4.1 of P350.07

Officer Recommendation

Moved: Councillor Tracie McDougall

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 Child Day Care Centre on Lot 7 (No. 10) Barker Avenue, Como **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. The hours of opening of the hereby approved Child Day Care Centre are limited to the following:
 - (i) Monday to Friday - 7:00am to 6:00pm.
1. The number of children on site at any one time is to be restricted to a maximum of 43.
2. The number of staff on site at any one time is to be restricted to a maximum of 7.
3. *Prior to the issue of a building permit*, the development plans are to be amended to specify a brick fence of 1.8m in height enclosing the play area adjoining Barker Avenue, with associated screening in the form of landscaping, to the satisfaction of the City.
6. *Prior to the issue of a building permit*, the applicant shall prepare and

submit a Parking Management Plan for visitors of the building to the satisfaction of the City. The plan should outline how the parking for the proposed development will be managed and identify practical strategies to minimise parking demand and conflict. The Parking Management Plan shall be implemented and adhered to all times, to the satisfaction of the City.

7. *Prior to use*, all noise attenuation measures, identified in the Environmental Noise Assessment completed by EcoAcoustics (ref no. 17060458-01b) shall be implemented or installed and remain in place permanently, to the satisfaction of the City.
8. *Prior to use*, the car parking bays and access-ways shall be marked on site as indicated on the approved plans, and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City.
9. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
10. *Prior to use*, the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
11. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.
12. *Prior to the issue of a building permit*, a landscaping plan for the site shall be submitted by the applicant that is to the satisfaction of the City. The landscaping plan shall demonstrate adequate screening of the car parking area.
13. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
14. The signage shall be limited to no more than 700mm wide and 500mm high, to the satisfaction of the City.

Advice Notes

Specific

- (i) In relation to condition 5, the applicant is advised that moderate to large trees are preferred as a form of landscaping in order to act as natural bollards.
- (ii) The applicant is advised of their obligation to satisfy relevant requirements under the Child Care Services Act 2007.

Standard

- (iii) PN1
- (iv) PN2
- (v) PN3
- (vi) PN01
- (vii) PN02
- (viii) PN04

(ix) PN08

Amended Motion AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Greg Milner

The following modification is made to Condition 3 and a new Condition 5 (with the current Conditions renumbered accordingly) as shown in red:

4. The number of children on site at any one time is to be restricted to a maximum of 30.
5. A maximum of 3 car parking bays (as marked on the plan) being allocated for the use of staff. All other car parking bays are to be made available to users of the Child Day Care Centre only.

CARRIED (6/3)

Reasons for the Amendment

The addition of condition 5 will mean that 9 parking bays will be allocated purely to users of the Centre. The reduction in children numbers will reduce traffic movements and further limit potential over flow parking into the surrounding area.

The amendment then became the substantive:

COUNCIL DECISION

Moved: Councillor Tracie McDougall

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 Child Day Care Centre on Lot 7 (No. 10) Barker Avenue, Como **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. The hours of opening of the hereby approved Child Day Care Centre are limited to the following:
 - (i) Monday to Friday - 7:00am to 6:00pm.
3. The number of children on site at any one time is to be restricted to a maximum of 30.
4. The number of staff on site at any one time is to be restricted to a maximum of 7.
5. A maximum of 3 car parking bays (as marked on the plan) being allocated for the use of staff. All other car parking bays are to be made available to users of the Child Day Care Centre only.
6. *Prior to the issue of a building permit*, the development plans are to be amended to specify a brick fence of 1.8m in height enclosing the play area adjoining Barker Avenue, with associated screening in the form of landscaping, to the satisfaction of the City.
7. *Prior to the issue of a building permit*, the applicant shall prepare and submit a Parking Management Plan for visitors of the building to the satisfaction of the City. The plan should outline how the parking for the proposed development will be managed and identify practical strategies to

minimise parking demand and conflict. The Parking Management Plan shall be implemented and adhered to all times, to the satisfaction of the City.

8. *Prior to use*, all noise attenuation measures, identified in the Environmental Noise Assessment completed by EcoAcoustics (ref no. 17060458-01b) shall be implemented or installed and remain in place permanently, to the satisfaction of the City.
9. *Prior to use*, the car parking bays and access-ways shall be marked on site as indicated on the approved plans, and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City.
10. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
11. *Prior to use*, the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
12. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.
13. *Prior to the issue of a building permit*, a landscaping plan for the site shall be submitted by the applicant that is to the satisfaction of the City. The landscaping plan shall demonstrate adequate screening of the car parking area.
14. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
15. The signage shall be limited to no more than 700mm wide and 500mm high, to the satisfaction of the City.

Advice Notes

Specific

- (i) In relation to condition 5, the applicant is advised that moderate to large trees are preferred as a form of landscaping in order to act as natural bollards.
- (ii) The applicant is advised of their obligation to satisfy relevant requirements under the Child Care Services Act 2007.

Standard

- (iii) PN01
- (iv) PN02
- (v) PN03
- (vi) PN01
- (vii) PN02
- (viii) PN04
- (ix) PN08

CARRIED (5/4)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1202m ²
Building height limit	7 metres
Development potential	2 Grouped Dwellings
Plot ratio limit	N/A

The location of the development site is shown below:

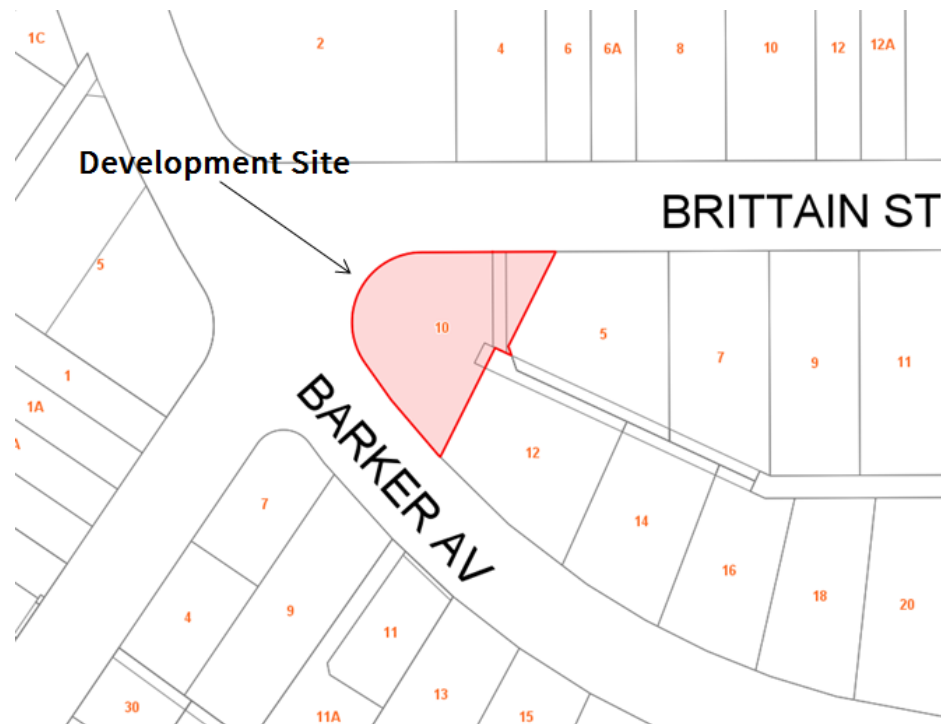


Figure 1: Development site

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:

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

Comment

(a) Background

In September 2017, the City received an application for a change of use from Single House to Child Day Care Centre on Lot 7 (No. 10) Barker Avenue, Como (the **Site**). The existing development on the Site currently features a Single House, as depicted in the site photographs at **Attachment (a)**. The Site has a frontage to both Barker Avenue and Brittain Street, located at the intersection of a roundabout. Access to the site is currently obtained via Brittain Street.

10.3.6 Proposed change of use from Single House to Child Day Care Centre at Lot 7 (No. 10) Barker Avenue, Como

The property is located opposite a mixed use development and a range of commercial uses to the west, a Bridge Club to the north-west, and residential uses (predominantly Single Houses and Grouped Dwellings) immediately to the south and east, as shown in the aerial image below.



7. *Figure 2: Aerial image of the subject site*

(b) Description of the Proposal

The proposal involves the conversion of a Single House to a Child Day Care Centre. The application encompasses additions and alterations to the premises in order to fit out the building for the use of a Child Day Care Centre, as depicted in the submitted plans at **Attachment (b)**.

The Child Day Care Centre proposes to accommodate a maximum of 43 children and 7 staff, with hours of opening from 7:00am – 6:00pm, Monday to Friday. Vehicle parking is proposed on the northern aspect of the site adjacent to Brittain Street, while the outdoor playing area is situated to the eastern and southern sides of the property.

The following components of the proposed development require discretionary assessments against the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6) and Council Policy requirements:

- (i) Discretionary land use
- (ii) Maximum number of children within Child Day Care Centre (Table 4 of TPS6)
- (iii) Fencing height

The proposal is considered to meet the relevant discretionary criteria of the Scheme and relevant Council policies. The various discretionary assessments are discussed in further detail below.

(c) Land Use

The proposed Use of 'Child Day Care Centre' is classified as a 'DC' (Discretionary with Consultation) land use within the Residential Zone, as prescribed in Table 1 (Zoning - Land Use) of the Scheme. This particular land use therefore requires an assessment against clause 3.3 (5) of TPS6, which states the following:

In respect of a Discretionary Use or a Discretionary Use with Consultation, in exercising its discretion as to whether or not planning approval ought to be granted, the Council shall have regard to the Scheme objectives listed in clause 1.6 and to any objectives for the precinct as stated within the relevant Precinct Plan and to such matters referred to in clause 67 of the Deemed Provisions as Council considers to be relevant in the circumstances.

A discussion of clause 1.6 of TPS6 is outlined in the 'Scheme Objectives' section of this report. The following matters listed in clause 67 of the Deemed Provisions within the Planning and Development (Local Planning Schemes) Regulations 2015 are considered relevant to this application:

- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following –*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (s) the adequacy of –*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

In relation to (m) above, the zoning map below reveals the mix of zones in immediate proximity to the site, with residential zoning surrounding the site to the east and south, and commercial zoning to the west and north-west.

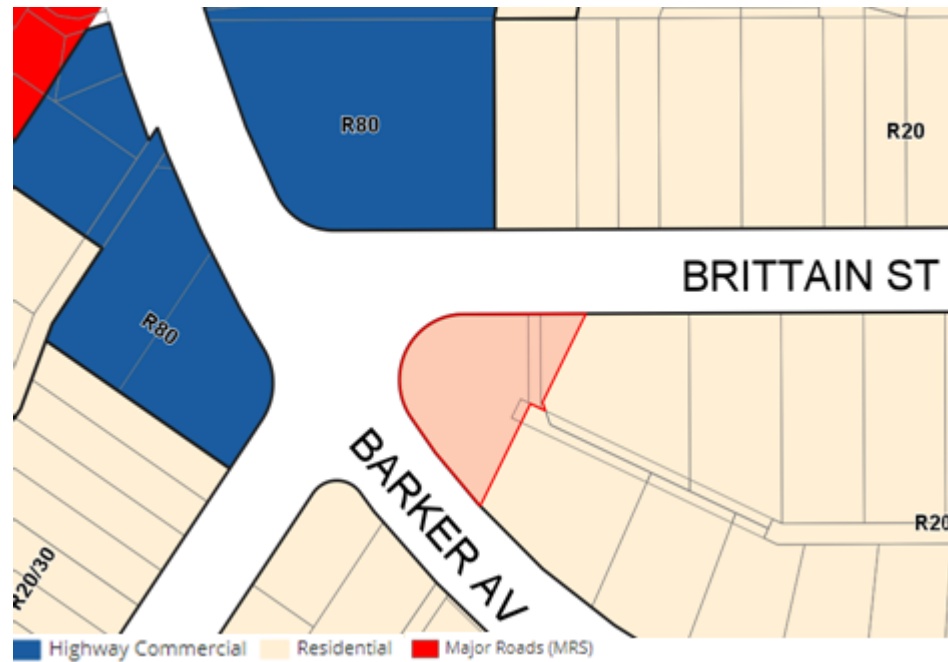


Figure 3: Zoning map of the site and surrounding properties

Given the existing zoning of surrounding properties, the proposed Child Day Care Centre for No. 10 Barker Avenue could be seen to act as an intermediary between the more traditional commercial uses to the west (ie. office, convenience store, etc), and residential uses further to the east of the site. The application proposes to retain the building currently used for the purpose of a Single House, with some modifications to fit out the premises appropriately for the use of a Child Day Care. In this respect, the use will largely retain the appearance of a residential property. This is a requirement prescribed by Table 4 of TPS6, which will enable the external appearance of the building to be in keeping with the predominantly residential character of the street. Having regard to the above, the proposed Child Day Care Centre is considered to be a suitable, transitional land use from commercial uses to west of the site and toward residential uses further to the east. As such, the use is considered to be compatible within its setting.

In relation to (n) above, the applicant has provided an acoustic report (refer to **Attachment (c)**) which demonstrates that the use would achieve compliance with the Environmental Protection (Noise) Regulations 1997, subject to appropriate noise attenuation measures. The City's Environmental Health department have also endorsed this report. Additionally, the presentation of the development to the street will generally appear as a Single House. The site will also have adequate screening in the form of landscaping adjacent to the car parking area. This will largely obscure the view of the car park and will further act to soften the impact of the development in terms of its presentation to the streetscape. On the basis of the above, the development is considered to have an acceptable impact on, and is compatible with, the amenity of the locality.

In relation to (s) above, the applicant has provided a traffic impact report (refer to **Attachment (d)**) which supports the access and egress configuration to the site, as well as the arrangements for vehicles to manoeuvre and park in a safe and efficient manner. The traffic report also

notes that small service vehicles will be able to access the parking area on the proviso that such service vehicles enter the site outside of peak hours (ie. from 9am to 2pm). It is therefore recommended that the adoption of a parking management plan is included as a condition of approval so as to ensure that service vehicles will not ordinarily create conflict with other vehicles during peak hours of operation.

The City’s Engineering and Network Operations departments have reviewed the access arrangements and vehicle parking proposed and are supportive of the configuration. The information provided in the traffic impact report is considered to be satisfactory in addressing the car parking access considerations outlined in Policy P307 (Family Day Care and Child Day Care Centres). Given the nature of the land use proposed, parents dropping off and collecting their children will, generally, only occupy a bay for a relatively short period of time. To this end, the anticipated transient pattern of vehicle movements is considered to facilitate the necessary turnover of vehicle parking bays so as to reduce any potential parking conflict. It is further acknowledged that the applicant’s traffic report indicates that trips to the site would exhibit a degree of distribution from 7am to 9am, rather than all trips falling within a more constrained period of time. It is also a reasonable proposition to expect that some parents may drop off, and collect, more than one child at a time.

It is noted that the vehicle access currently obtained from Brittain street is proposed to be retained (refer to image below).

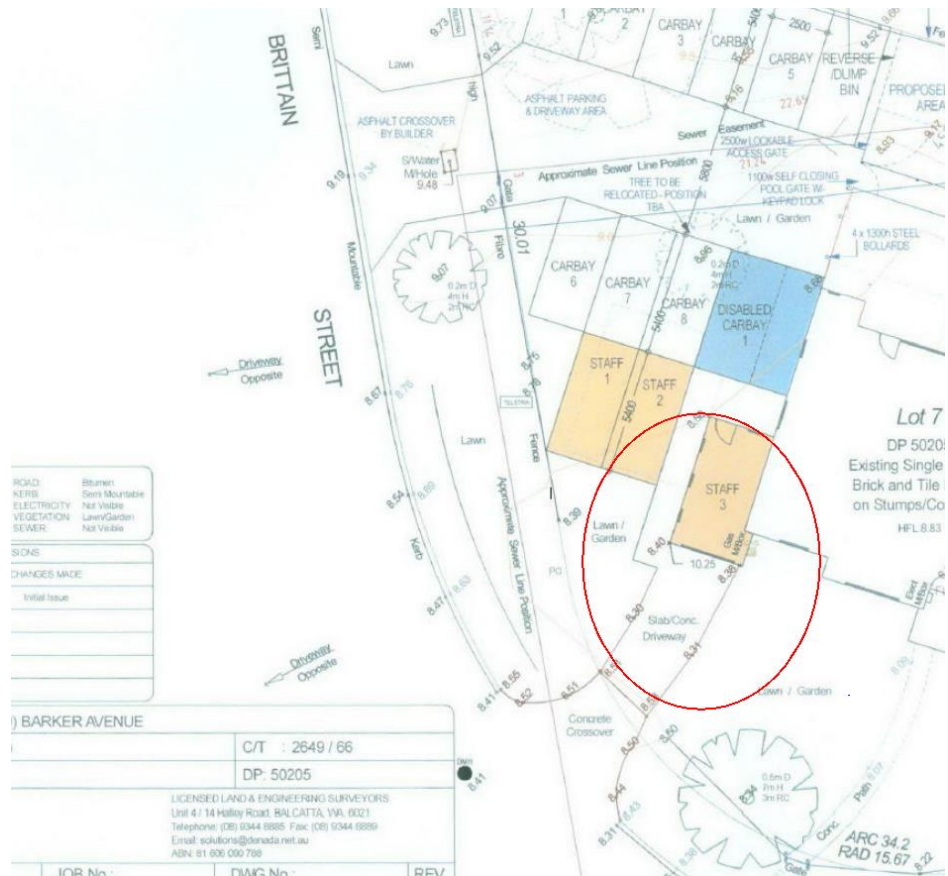


Figure 4: Existing vehicle access from Brittain Street to subject site

While it is preferred that the vehicle occupying the Staff Parking Bay No. 3 has the ability to exit the site in a forward gear, it is considered that the increase in paving to accommodate for a satisfactory turning circle would result in an undesirable impact on the streetscape, with a reduction in landscaping and an increase in hard-stand surface. Additionally, it is deemed that there is not a sufficient nexus between this development and the need to retrospectively require a vehicle to enter in a forward gear for Staff Bay 3. If, for example, there was an increase in the number of vehicles utilising this crossover as an entry point, the need to install a turning circle may become more apparent. However, in this case, there is no change to the number of vehicles that would be entering and exiting the site via this particular crossover, and as such it is not recommended to install a turning circle at this section of the site.

In relation to (t) above, Network Operations have reviewed the impact on the surrounding road network and the information provided within the applicant's traffic impact statement. Network Operations outlined that the impact on the surrounding road network as a result of the development would be seen as negligible and not directly lead to any future capacity issues. The comments from Network Operations are discussed further in the 'Consultation' section of this report. On the basis of this advice received, the amount of traffic anticipated to be generated by the proposal is considered to have an acceptable impact on the road system and traffic flows. Appropriate measures are recommended as conditions to ensure an acceptable standard of safety in accordance with the City's Policy P307 (Family Day Care and Child Day Care Centres). Such measures include provision for landscaping, with moderate to large trees to act as natural bollards along Barker Avenue, as well as a brick fence enclosing the designated play area adjacent to the road.

It is also recognised that *Planning Bulletin 72 – Child Care Centres* (ref. 72/2009) states the following in respect to the consideration of safety and amenity impacts as part of Child Day Care Centres:

A child care centre should be approved only if it can be demonstrated that it will have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians or road users (pg. 3, 72/2009).

Based on the aforementioned reasons, it is considered that the proposed use would have a minimal impact on the functionality and amenity of the surrounding area. Appropriate conditions of approval are deemed to address concerns relating to safety, as well as the amenity of the area, particularly through mitigation of noise penetration associated with the use.

(d) Number of children within Child Day Care Centre

The number of children in a Child Day Care Centre is to be limited to 30 as prescribed in Table 4 of TPS6, unless the City exercises its discretion in permitting a greater number of children. An assessment of Table 4 is provided below for reference:

Table 4 Assessment – Child Day Care Centre

Element	Required	Proposed	Variation
Minimum setbacks	Street – 6m, Rear 6m	Main building >6m from both street frontages, 4.5m from side boundary	Nil – not considered to be a rear setback, given it is a corner site. Boundary to the east is considered to be a side boundary, as the access is obtained via Brittain Street. Setbacks comply with the R-Codes in this respect.
Landscaping	40% of site (480.8m ²)	44.7% of site (540m ²)	Nil
Minimum lot area	900m ² and of regular shape lot	1202m ² , corner lot	Nil - lot is not considered to be such an unusual shape to result in the development being unorderly or dysfunctional.
Minimum lot frontage	20m	Frontage of approximately 35m to Brittain Street	Nil
Maximum number of children	30 (unless otherwise approved by Council)	43	13
External appearance	In keeping with residential character	Retaining existing dwelling, small patio addition and car parking extension	Nil – retaining house is considered to be in keeping with residential character.
Car parking	12 (1 per required employee; Plus 1 per 10 children permitted to receive care; Bicycle parking not required)	12 vehicle bays	Nil
Location	Sites adjoining schools, POS, non-residential uses.	Mixed use development directly to the west, Club Premises (Bridge Club) to the north-west. Otherwise surrounding residential properties.	Range of non-residential uses in close proximity. Considered to be a suitable location for the use to act as an intermediary between commercial and residential uses. The Child Day Care Centre would also generally maintain the appearance of a residential premises,

			given the current dwelling is to be converted.
Corner sites	Child Day Care Centre to address primary street. Emphasis on traffic and parking impacts.	Current building addresses the roundabout (splay). Applicant has provided a traffic impact report and also complies with the vehicle parking requirements.	Nil - difficult to reposition dwelling without significant modifications to the building. Parking is available via Brittain Street, and the main entry gate (at the rear) also addresses this particular street. Considered to act as the primary street in this respect. Traffic report has been reviewed by Network Operations and Engineering, and has been deemed acceptable.
Canning Highway	n/a	n/a	n/a
Suitable Premises	Converted Single House or purpose built building	Converted Single House	Nil
Minimum indoor and outdoor playing space	As per Child Care Services Act 2007 – based on number of children to be accommodated (139.72m ² of Indoor Space & 301m ² of outdoor space)	Indoor Space: 149m ² Outdoor Space: 354m ²	Nil
Signs	One sign – 700mm wide & 500mm high. Only permitted to frontage which faces designated road	Height exceeding 500mm.	Condition of approval to comply.

While the number of 43 children proposed exceeds the 30 stipulated within Table 4 of TPS6, this section of the Scheme provides discretion to vary the number of children accommodated as part of a Child Day Care Centre. Having regard to the size of the property (1,202m²) and that the use would comply with the Environmental Protection (Noise) Regulations 1997, it is considered acceptable to permit an increase of 13 children on site. The vehicle parking requirement is also compliant with the amount specified in Table 4 of TPS6.

It is additionally noted that the number of children and staff, as well as the indoor and outdoor playing areas, will achieve compliance with the Child Care Services Act 2007. Advice notes informing the applicant of their obligation to satisfy requirements under separate legislation are recommended.

(e) Fencing Height

Element	Deemed-to-comply	Provided
Eastern boundary fencing height	1.8m in height	Up to 2m in height
<p><i>Discretionary assessment:</i> For the City to grant written consent for a fence to exceed a height of 1.8 metres on a side or rear boundary, the City must be satisfied that the proposed fence will not adversely affect the amenity of any property in the locality, considering the following factors:</p> <p>(a) Excessively dominant and unattractive visual impact; (b) Increased shadow effect; (c) Restriction on sunlight penetration; and (d) Restriction on views.</p>		

The fencing height proposed on the eastern elevation is considered to be supportable against clause 4.1 of the City’s P350.07 (Fencing and Retaining Walls) for the following reasons:

- It is considered that the fencing on the eastern elevation will not result in an excessively dominant and unattractive visual impact, noting the topography of the site, increasing in height from west to east, which would further lessen the impact on the eastern neighbour (refer to image below).

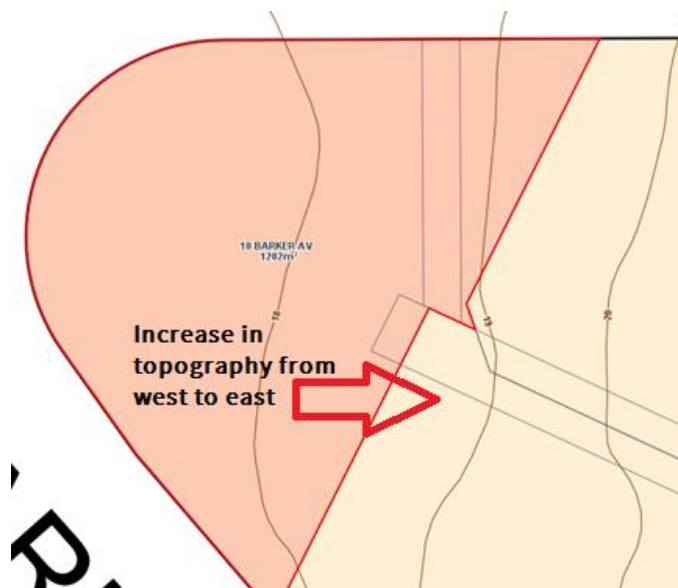


Figure 5: Contour map of the subject site

- There is not considered to be a substantial increase in the shadow effect due to the eastern boundary fencing. It is also noted that overshadowing, as defined in the Residential Design Codes, is measured to the south.
- There are not considered to be any views of significance impacted by the proposal.

Additional to the above, it is noted that the height of 2 metres for the eastern boundary fencing is a recommended noise attenuation measure as provided in the applicant's acoustic report. In this regard, the additional 200mm of height is considered to be necessary to achieve an acceptable amenity impact on the neighbouring property to the east.

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

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

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

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

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

8. In considering an application for development approval the local government is to have due regard to matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

(h) Consultation

Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 2' consultation method, individual property owners, occupiers and/or strata bodies identified in the below map (refer to image below) were invited to inspect the plans and to submit comments during a minimum 28-day period. In addition, signs were placed on Site inviting comment from any other interested person.

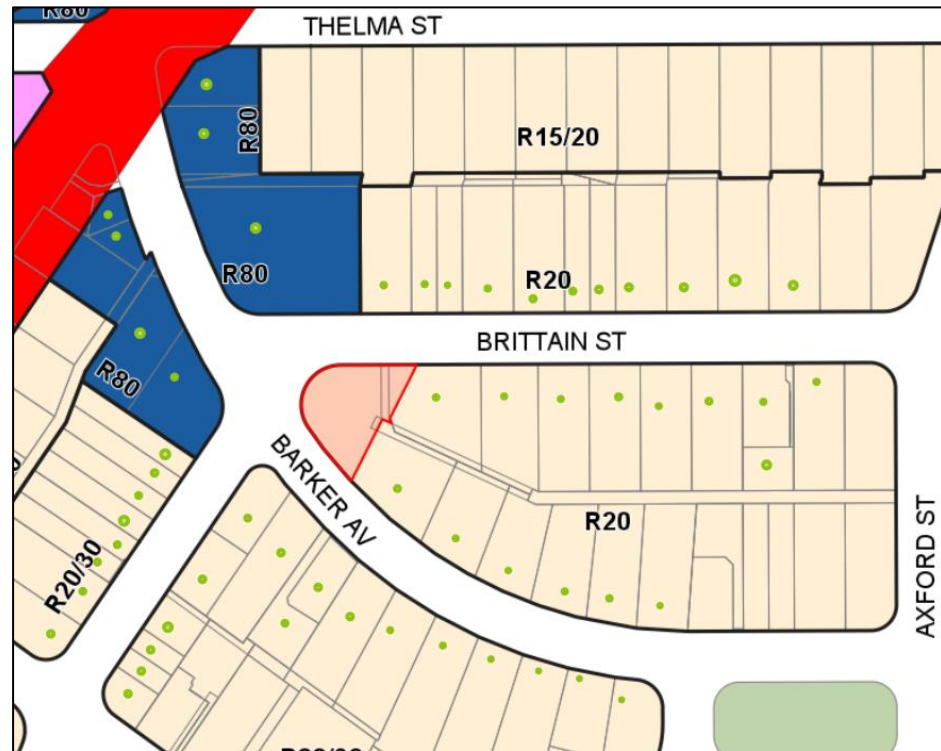


Figure 6: Consultation map

During the advertising period, a total of 105 consultation notices were sent and 28 submissions were received, with all submitters objecting to the proposal. The comments from the submitter(s), together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p><u>Car parking:</u> <i>Where will parents drop off their children in peak hours when there is no on-site parking available? Not satisfied there is sufficient car parking on site to cater for the number of staff and parents dropping off/collecting their children.</i></p>	<p>The number (12) of vehicle parking bays on site complies with the required amount specified in Table 4 of TPS6. The requirement is based on the number of staff and children accommodated on site. Therefore there is no variation being sought from TPS6. In the event that parents were required to find parking bays off site, it is noted that there is an existing public parking area to the south of the Bridge Club. Based on advice from the City's Ranger Services department, timed parking restrictions may need to be explored as an option for this parking facility in order to ensure there is an adequate turnaround of vehicles. There are also a number of other public parking bays further to the north along Barker Avenue.</p> <p>Additionally, the vehicle parking and access arrangements have been supported as per the 'Land Use' section of this report.</p>

	<p>The comment is NOT UPHELD.</p>
<p><u>Safety:</u> Concerns with vehicles parking on street or attempting to enter other off-street parking facilities, such as the Bridge Club via Brittain Street, which is currently the exit point for the site. Also some issue has been raised with children potentially wandering onto adjoining streets.</p>	<p>As previously stated, the vehicle parking provision on site complies with the number required in the Scheme. The monitoring of vehicle movement and parking would need to be considered by the City's Rangers Services and reviewed on a case by case basis. If illegal parking and access was to occur on neighbouring sites (ie. the Bridge Club) such an issue would need to be raised with the City's Rangers to investigate further and devise an appropriate solution, should such an issue continue to occur. However, based on the advice received from Engineering and Network Operations, the parking arrangement and impact on the road network is considered to be acceptable.</p> <p>In relation to safety on site and children wandering off the premises, it is noted that most parents and children will exit the building via the rear of the site to access the parking area. The play areas elsewhere on the site are to be fully enclosed.</p>
<p><u>Traffic:</u> Concerns relating to high traffic generation as a result of the business, particularly in the morning period, and what impact this will have on existing traffic flows on the surrounding network (ie. congestion close to roundabout intersection of Barker Avenue and Park Street).</p>	<p>The comment is NOTED.</p> <p>As stated in the 'Land Use' section of this report, the City's Network Operations department are satisfied with the impact the development would have on the surrounding road network. The advice provided outlined that the impact on traffic flows, as a result of the development, would be negligible. Network Operations also concur with the comments provided within the applicant's traffic impact statement.</p>
<p><u>Noise</u> Concerns with the amount of noise likely to be generated as part of the child day care.</p>	<p>The comment is NOTED.</p> <p>The applicant has provided an acoustic report which states that the proposed land use will achieve compliance with the Environmental Protection (Noise) Regulations 1997. The City's Environmental Health department have also endorsed the report and the recommendations. A condition of approval is recommended requiring the applicant to install/carry out the noise attenuation measures prior to use of the premises.</p>

	The comment is NOTED .
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The applicant has also provided a response to the submissions received, which can be found at **Attachment (e)** of this report.

(i) Internal Administration

Comments were invited from Engineering Infrastructure, Network Operations, Environmental Health, and Ranger Services section(s) of the City's administration.

Engineering Infrastructure was invited to comment on a range of issues relating to car parking and vehicle access. The comments from Engineering discuss considerations relating to vehicle manoeuvring, access and safety. Engineering also provided additional comment to the effect that the width of the car parking area would meet the relevant standard, although expressed a preference for a slightly increased width. Refer to **Attachment (f)** for a full copy of the referral comments.

Network Operations were invited to comment on the impact the proposed development would have on surrounding traffic flows. Network Operations have advised that the impact on the road network would be negligible as a result of the development insulation. Refer to **Attachment (g)** for a full copy of the referral comments.

Environmental Health provided comments with respect to the Food Act 2008 and the acoustic report provided. Environmental Health accepts the acoustic report provided and also confirmed the proponent would need to comply with all aspects of the Food Act 2008. Appropriate conditions/advice notes are recommended to reflect these comments. Refer to **Attachment (h)** for a full copy of the referral comments.

Ranger Services provided comments on parking availability and current demand in the surrounding area. Ranger Services noted that measures to improve vehicle turnaround in the immediate area, such as timed vehicle parking bays could be explored if required in the future.

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 Plan 2017-2027 which is expressed in the following terms: 3.2B – Promote and facilitate contemporary sustainable buildings and land use.

10.3.6 Proposed change of use from Single House to Child Day Care Centre at Lot 7 (No. 10) Barker Avenue, Como

Sustainability Implications

Being a non-residential land use, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions. The anticipated impact on the surrounding road network is considered to be negligible on the basis of the applicant's traffic impact statement and advice received internally by Network Operations. The alterations to the building will not dramatically alter its presentation to the streetscape and it is considered that it will still generally appear as residential development. Furthermore, the proposed use is considered to have an acceptable impact on the amenity of the area, noting the Child Day Care Centre is able to satisfy the Environmental Protection (Noise) Regulations 1997, subject to certain measures being implemented. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.6 (a):** Site Visit Photos – 10 Barker Avenue – Change of use to Child Day Care Centre - 11.2017.309.1
- 10.3.6 (b):** Development plans (final) - 10 Barker Avenue - Proposed Child Day Care Centre - 11.2017.309.1
- 10.3.6 (c):** Acoustic Report - 10 Barker Avenue - Child day care centre - 11.2017.309.1
- 10.3.6 (d):** Traffic Report - 10 Barker Avenue - Child day care centre - 11.2017.309.1
- 10.3.6 (e):** Response to submissions (from applicant) - 10 Barker Avenue - Child day care centre - 11.2017.309.1
- 10.3.6 (f):** Engineering Comments - Planning Application 11.2017.309.1 - 10 Barker Avenue
- 10.3.6 (g):** Network Operations Comments - 10 Barker Avenue - Child day care centre - 11.2017.309.1
- 10.3.6 (h):** Environmental Health Comments - Proposed Change of Use from Residential Dwelling to Childcare Centre 10 Barker Ave, Como

10.3.7 Proposed Road Name for New Road. Lot 500 (No. 77) Roebuck Drive, Salter Point

Location:	Lot 500 (No. 77) Roebuck Drive, Salter Point
Ward:	Manning Ward
Applicant:	Richard Noble and Company
File Ref:	D-17-95989
Meeting Date:	21 November 2017
Author(s):	Sarah Wickham, Administration 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

This report requests Council support for the applicant's preferred new road name and alternative names for a new road to be built as part of the subdivision of Lot 500 Roebuck Drive, Salter Point.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That:

- a) Council support the naming of the new road at Lot 500 Roebuck Drive, Salter Point as "Sawyer Way";
- b) Support the alternative names of "Elburgh", "Leyden", "Reliance", "Lioness" and "Tryall", with the road type of "Way".

CARRIED EN BLOC (9/0)

Background

Location

The proposed road name is for the new road that will be created as part of the subdivision of Lot 500 (No. 77) Roebuck Drive, Salter Point. The location of the development site is shown in **Figure 1** on the next page. The extent of the new road that requires a name is shown in **Attachment (a) Road Name Plan**.



Figure 1 Location Plan

Subdivision

The land in Lot 500 was originally part of the Aquinas College grounds. The subdivision of this land from the rest of the Aquinas College grounds commenced in 2012 and was finalised in 2015.

TPS6 Amendment No. 44 rezoned the site from Private Institution R20 to Residential R25. The scheme amendment process was initiated by Council in December 2013, with the public advertising commencing in March 2014. The Scheme Amendment documents included a concept plan of a 29 lot residential subdivision. A copy of this concept plan is contained in **Attachment (b)**. Council made its recommendation to the Western Australian Planning Commission (WAPC) and Minister for Planning on the Scheme Amendment in July 2014 and at the same time provided recommendations to the developer and the WAPC relating to the concept subdivision plan.

A subdivision application for a 30 lot subdivision was submitted to the WAPC in December 2015. A conditional approval was granted in March 2016. A copy of this approval is contained in **Attachment (c)**.

The subdivision approval includes a public open space contribution condition (Condition 13). The developer sought approval from Council in September 2016 to make a cash-in-lieu contribution to the City rather than incorporate a public open space reservation into the subdivision. Council resolved not to accept a cash-in-lieu contribution. The developer subsequently sought approval from the WAPC that a cash-in-lieu contribution would fulfil the requirements of Condition 13. The WAPC Statutory Planning Committee upheld Council's decision when this matter was considered in December 2016.

From this point forward, the developer has until March 2020 to fulfil the subdivision conditions, to obtain WAPC final endorsement. This endorsement is required for the developer to obtain the new titles. To fulfil these conditions, the developer will need to complete all necessary subdivision works on site, to the satisfaction of the relevant agency (Water Corporation, Western Power or the City, as applicable) or the WAPC.

A road name needs to be approved before new titles can be issued for lots that adjoin the new road.

Development Application

In November 2016, the City received an application for the proposed earthworks and retaining walls associated with the 30 lot residential subdivision of Lot 500 (No. 77) Roebuck Drive, Salter Point.

That application is being considered by Council elsewhere in this agenda.

Decision Maker and Landgate Policy

Under delegation from the Minister from Lands, the Geographic Names Committee (based at Landgate) is the decision maker regarding naming of roads. Landgate's "Policies and Standards for Geographical Naming in Western Australia" guides the naming of roads.

The policy requires that in the circumstances of a new subdivision, the developer obtain the support of the local government for their proposed road name(s). Landgate's policy also has numerous requirements regarding the selection of names, e.g. not being within 10km of the same name within the metro area, and not sounding like another name within the local government area.

Policy, Council Resolutions and Road Name Themes

Council's Policy P111 "Commemoration" allows for the naming of a facility or location (including a road) after a deceased person, and that "the requirements of the Land Administration Act 1997 relating to the Western Australian Geographic Names Committee apply to the naming of these facilities and/or locations".

The Council has also adopted (10.0.2 on 26 October 2010 and 10.0.1 on 22 March 2011) lists of names approved for the naming of future roads and right-of-way's within the City (see **Attachment (d)**), subject to availability at the time, and for new additions to be made to existing themes. Those new lists introduced two new road naming themes: local marine species and local Chinese Market Gardeners.

The applicant's first choice proposed name does not draw from those lists and does not fit an existing theme.

Comment

Main proposal - "Sawyer"

The applicants preferred proposal is "Sawyer". This was the occupation of Samuel August Salter, after whom the suburb Salter Point was named. The following is an extract from Appendix 1 in Council's Local Heritage Inventory:

“SALTER POINT

Named for Samuel August **SALTER** (August 1849 - 1930), **sawyer** and timber contractor, who had a landing stage on the point known as “**Salter’s Landing**”, later known as “**Salter’s Point**”. Logs were floated down the Canning River from Kelmscott and Jarrahdale to Salter’s Landing for transportation to a mill by barge. Salter operated here around 1879 - 1881. This is the first known European activity in the area prior to the establishment of Clontarf Boys’ Home in 1901. Samuel Salter was the son of Samuel Salter (a farmer) and Sarah Ellen Buckingham (married 22.9.1875) who arrived in WA as British migrants on the ‘*Diadem*’ in April 1842. At that time, Salter Point was virgin bushland. There was no access to the area by road, and could only be accessed from the river.”

(Appendix 1 “A Heritage in Names – the Origin and Meaning Street and Place Names in the City of South Perth”, *City of South Perth Local Heritage Inventory*.)

The proposed name does not fit with the theming of the immediately adjacent roads:

- Roebuck Drive – Early explorers’ ships.
- Redmond Street – Christian Brothers.

Neither does the proposal fit with any other existing road name theme within the city. It is noted that there are some road names within the city that do not fit a theme; Trumper Road is named after an Australian cricketer and Warrego Street is possibly named after an Australian Military Ship. There are also numerous road names of which the origin of their name is unknown.

The name “Sawyer” does, however, connect with the namesake of the suburb, being Samuel Salter’s occupation, which was carried out in the suburb. Further, the applicant proposes to reinforce the “sawyer” theme within the future public open space which may include related artwork, wood carving and furniture styling.

So far as meeting the requirements of Landgate, “Sawyer” does pass Landgate’s online preliminary test (as at 26/10/2017). However, the online preliminary test is not able to determine whether a proposed name is similar sounding to other existing road names within the district. A manual look at the list of names within the city found a somewhat similar looking name in “Lawler Street”. However, phonetically, they are different enough that this is unlikely to pose a problem.

Alternative Proposals

Landgate’s “Policies and Standards for Geographical Naming in Western Australia” recommend providing additional alternative proposals to avoid delays should the preferred name be rejected. The following names fit the existing themes of nearby roads and passed the Landgate online test.

Proposed Name	Origin of Name	Officer Comment
Elburgh	<p>“Jacob Pieterszoon in the <i>Elburgh</i> visits the Geographe Bay area and sees evidence of Aboriginal settlements” http://www.wanowandthen.com/explorers.html</p> <p>“In 1658, three Dutch Republic ships, also partially searching for the <i>Vergulde Draeck</i> visited the area. The <i>Waekende Boey</i> under Captain S. Volckertszoon, the <i>Elburg</i> under Captain J. Peereboom and the <i>Emeloort</i> under Captain A. Joncke sighted Rottneest but did not proceed any closer to the mainland because of the many reefs.” https://en.wikipedia.org/wiki/Swan_River_Colony#cite_note-Appleyard_26_Manford.2C_1979-1</p>	<p>Passed Landgates Preliminary test as at 26/10/2017</p> <p>Fits the early explorer ships theme.</p>
Leyden	<p>1623 the <i>Leyden</i> (or <i>Leijden</i>) captained by Claes Hermanszoon, sailed through the waters of Shark Bay. ... 1626 Daniel Cock sails the <i>Leijden</i> along the coast from Zuytdorp Cliffs to Dirck Hartog Island but does not land. http://www.wanowandthen.com/explorers.html</p>	<p>Passed Landgates Preliminary test as at 26/10/2017.</p> <p>Fits the early explorer ships theme.</p> <p>Uncertain whether it will pass Landgate’s similar sounding requirement as it begins the same as existing road name with the city, “Ley Street”</p>
Reliance	<p>“1795 Mathew Flinders came out to Port Jackson aboard the <i>Reliance</i> with George Bass.” http://www.wanowandthen.com/explorers.html</p>	<p>Passed Landgates Preliminary test as at 26/10/2017</p> <p>Fits the early explorer ships theme.</p>
Lioness	<p>“1622 the <i>Leeuwin</i> (Lioness) sighted the southern cape that now bears the same name.” http://www.wanowandthen.com/explorers.html</p>	<p>Passed Landgates Preliminary test as at 26/10/2017</p> <p>Fits the early explorer ships theme.</p>
Tryall	<p>“The <i>Trial</i> (also spelled <i>Tryall</i> in some sources) was wrecked (24th May 1622) between Barrow Island and the Monte Bellos at a site now known as Trial Rocks. Captain Brooks (or Brookes) abandoned the ship and most of its crew to their fate while he and 9 hand picked men sailed away to Java with the treasure the ship was carrying. Of the original crew of 143, only 46 escaped the sinking ship. Soon afterwards Brooks was at it again when the <i>Moone</i> foundered off the coast of England, but on that occasion the stolen treasure re-</p>	<p>Passed Landgates Preliminary test as at 26/10/2017</p> <p>Fits the early explorer ships theme.</p>

	<p>appeared after Brooks had been charged with the theft. (Another source says he was imprisoned for the 2 year duration of the trial but that the company ultimately dropped the case.)</p> <p>“The <i>Trial</i> (or <i>Tryall</i>) is the earliest ship known to have been wrecked in Australian waters. Its resting place was discovered in 1969 and the W.A. Museum investigated the site in 1971. Although there has been no conclusive proof that the wreck found is the <i>Trial</i>, it is generally accepted that the identification is correct.”</p> <p>(http://www.wanowandthen.com/explorers.html)</p>	
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“Leyden” passes Landgate’s Preliminary online test, however, it may not pass the “similar sounding” requirements; “Leyden” begins the same as “Ley Street”, an existing street between Manning and Como. It is uncertain whether Landgate will view this as “similar sounding”, however should “Leyden” be called upon and not succeed, there are adequate alternatives submitted for a name to succeed.

Rejected Proposals

The following proposals were also submitted; however the applicant has agreed to not proceed with these proposals.

Rejected Name	Origin of Name	Officer Comment
Salters	SALTER POINT: Named for Samuel August SALTER (August 1849 - 1930), sawyer and timber contractor, who had a landing stage on the point known as “ Salter’s Landing ”, later known as “ Salter’s Point ”. (Appendix 1 “A Heritage in Names – the Origin and Meaning Street and Place Names in the City of South Perth”, <i>City of South Perth Local Heritage Inventory</i> .)	<p>The applicant has named the subdivision project “Salter’s Landing”, and had initially requested the road be named “Salter’s Way” to fit with the projects naming theme.</p> <p>Passed Landgate’s preliminary online test as at 26/10/2017.</p> <p>However there is already a “Salter Point Parade” nearby, and therefore doesn’t meet the requirement regarding similar sounding names.</p>
No	Chinese Exploration Ship	Failed Landgate’s preliminary online test.

Road Type – “Way”

The applicant has requested the road type to be appended to the road name be “Way” or “Lane”. The Landgate Road Naming Guidelines provides a list of road types that can be used, and their definition:

- “Lane” is defined as a “narrow way between walls, buildings or a narrow country or city roadway”. This definition does not quite fit the circumstances of the new road, and in any case the City has been mostly using “Lane” when naming right-of-ways.

- “Way” is defined as a “roadway affording passage from one place to another. Usually not as straight as an avenue or street”. This definition fits the circumstances of this new road, with it having a 90 degree bend near its southern end.
- Of the other road types permitted by the Landgate Guidelines, “Road” (“Open way or public passage primarily for vehicles”) is the only other road type than could fit.

The applicant has agreed to pursue “Way” as the road type. Therefore, “Way” is recommended as the road type for this new road.

Consultation

Neighbours

Landgate’s “Policies and Standards for Geographical Naming in WA” and Council’s Policy P301 “Community Engagement in Planning Proposals” require neighbours directly abutting the road be consulted. The yet to be created lots in the subdivision and the adjoining Aquinas College are all owned by the same owner who the applicant act on behalf of. Therefore consultation is not required in this instance.

Geographic Names Committee

Council’s Policy P301 “Community Engagement in Planning Proposals” requires that the Geographic Names Committee be provided opportunity to provide comment. Landgate advises that they no longer provide comment on naming proposals prior to formal submission.

Policy and Legislative Implications

There is no legislative implication in relation to this report. However, in selecting names, the Council must be mindful of Landgate’s “Policies and Standards for Geographical Naming in WA”. Comments on this and related Council policies are made elsewhere in this report.

Financial Implications

There are no financial implications in relation to this report.

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: 3.2B Sustainable Built Form - Promote and facilitate contemporary sustainable buildings and land use.

Attachments

- 10.3.7 (a):** Road Name Plan
- 10.3.7 (b):** Concept Subdivision Plan (2013): 77 Roebuck Drive, Salter Point - TPS6 Amendment No. 44
- 10.3.7 (c):** WAPC Subdivision Approval: 77 Roebuck Drive, Salter Point - 153004
- 10.3.7 (d):** Proposed Road Names Adopted by Council in 2010 and 2011

10.3.8 Final adoption - Revised local planning policy P350.02 - Lot boundary setbacks (walls built to boundaries) & P350.07 - Street walls and fences and draft local planning policy P350.17 - Site works

Location:	N/A
Ward:	Not applicable
Applicant:	N/A
File Ref:	D-17-98243
Meeting Date:	21 November 2017
Author(s):	Aaron Augustson, Senior Strategic 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

At its meeting of 22 August 2017, the Council resolved to consent to the advertising of amendments to two existing local planning policies, P350.02 – Lot boundary setbacks (walls built to boundaries) & P350.07 – Street walls and fences, as well as a new draft local planning policy P350.17 – Site works.

The policies were advertised for public comment for a period of 22 days and at the conclusion of this period (being 11 October 2017) no submissions had been received.

It is recommended the Council adopt the policies without any modifications.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That Council:

- 1) in accordance with the provisions of Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a) Adopt the draft amended local planning policies P350.02 – Lot boundary Setbacks (Walls Built to Boundaries) & P350.07 – Street Walls and Fences, as included at attachments (a) and (b) respectively, in this report, and,
 - b) Publish a notice of the policy adoptions in the local newspaper circulating in the local area.
- 2) in accordance with the provisions of Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a) Adopt draft local planning policy P350.17 – Site Works as included as attachment (c), and,
 - b) Publish notice of the policy adoption in the local newspaper circulating in the local area.

CARRIED EN BLOC (9/0)

Background

At its meeting of 27 June 2017, the Council resolved to commence a review of the Scheme. Part of this review includes a comprehensive review of the City's local planning policy framework. At its meeting of 22 August 2017, Council resolved to advertise the following draft or modified local planning policies for public comment:

- Draft revised local planning policies P350.02 – Lot boundary setbacks (walls built to boundaries) included at **Attachment (a)** & P350.07 – Street walls and fences included at **Attachment (b)**, and,
- A new draft local planning policy P350.17 – Site works included at **Attachment (c)**.

The policies were advertised for public comment in accordance with the Scheme and P301 – Consultation for Planning Proposals, as detailed under the 'Consultation' section of this report.

Comment

A detailed discussion on the proposed modifications to the three policies listed above are contained in the minutes from the Council's meeting of 22 August 2017 (refer to item 10.7, matters 6.1 and 6.2 listed in the resolution).

The modified and new local planning policies are intended to address the following matters:

- Formatting of the policies to reflect, as much as reasonable, the pro-forma policy outlined in the explanatory guidelines of the R-Codes,
- A general re-structure to establish which criteria of the deemed-to-comply criteria of the R-Codes are varied/replaced/modified,
- Introduction of provisions to guide the exercise of discretion under the design principles,
- Relocation of explanatory information such as diagrams into an 'explanatory notes' section where applicable, noting that this information should not form part of the policy criteria directly,
- Titling, terminology and headings of the policies amended to reflect the applicable sections of the R-Codes; and,
- Specifically in the case of the existing P350.07, dividing the policy into two separate documents with one relating solely to fencing and street walls and the other relating to site works (draft P350.17). The existing 'retaining wall' requirements of the original P350.07 have, in effect, been relocated to the new policy and have been subject to the same re-formatting, re-structuring and review as the original P350.07 and P350.02.

The modifications made to the policies are not intended to result in significant changes to the built form outcomes arising from the policy criteria. The intent of the modifications is to align the policies with the structure set out in the R-Codes, and in an overall sense be more concise and easier to understand.

It is recommended, having regard to the outcome of public consultation that Council adopt the modified and draft local planning policies without any modifications. The policies will then come into effect upon publishing of a notice in a newspaper circulating in the local area.

Consultation

The amendment and draft new policies were advertised for a period of 22 days, concluding on 11 October 2017. This consultation involved:

- Two notices in the South Gazette, appearing in the additions issued 19 September and 3 October 2017,
- Notice and copies of the local planning policies being published on 'Your Say South Perth' throughout the consultation period,
- Hard copy notices and copies of the local planning policies being available at the City's Civic Centre and libraries throughout the consultation period.

At the conclusion of the consultation period no submissions had been received on any of the proposed policies.

Policy and Legislative Implications

A planning policy does not form part of a Scheme, and cannot bind a decision maker in respect of an application or planning matter. However, the decision maker is required to have due regard to the provisions and objectives of the policy in its decision making.

Part 7.3 of the R-Codes allows amendment or replacement of certain design elements that are relevant to the matters dealt with by the subject policies. The revised policies are consistent with Part 7.3.

In regard to planning policies, clause 3(4) of the Deemed Provisions states that the Council may amend or repeal a local planning policy. The draft amended policies ought to be appropriately adopted under that provision.

Financial Implications

There are no financial implications to the City resulting from this report.

Strategic Implications

This report is aligned to Strategic direction 3.2 in the City's [Strategic Community Plan 2017-2027](#), which is expressed in the following terms: *"Develop a local planning framework to meet current and future community needs and legislative requirements"*

Attachments

- 10.3.8 (a):** P350.02 Lot boundary setbacks (Walls to lot boundaries) - For final adoption
- 10.3.8 (b):** P350.07 Street walls and fences - For final adoption
- 10.3.8 (c):** P350.17 - Site works - For final adoption

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Financial Management Reports - October 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-98244
Date:	21 November 2017
Author:	Andre Brandis, Manager Finance
Reporting Officer:	Colin Cameron, Director Corporate Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

Summary

The monthly financial statements have been reformatted and incorporated in one package (**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 Glenn Cridland

That Council note the financial statements and report for the month ended 31 October 2017 in accordance with regulation 34 (1) of the Local Government (*Financial Management*) Regulations 1996.

CARRIED EN BLOC (9/0)

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 attachment Financial Management Reports provides 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 \$47.12m in comparison to budget of \$47.19m. Expenditure from Operating Activities for the year to date is \$17.47m in comparison to budget of \$19.88m. Variations year to date are primarily with respect to infrastructure costs (\$1.75m) being lower than planned year to date.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.42m in in line with the budget of \$0.41m. Actual Capital Expenditure for the year to date is \$5.09m in comparison to the budget of \$7.55m.

Cash and Investments balance was \$77.22m, 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 60.47% 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 Change 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-17-98246
Date:	21 November 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 October 2017 and 31 October 2017 is presented to Council for information. During the reporting period, the City made the following payments:

EFT & BPAY Payments to Creditors	(480)	\$5,043,906
Cheque Payment to Creditors	(18)	\$26,655
Total Monthly Payments to Creditors	(498)	\$5,070,561
Cheque Payments to Non-Creditors	(107)	\$89,851
Total Payments	(605)	\$5,160,412

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

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

CARRIED EN BLOC (9/0)

Background

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

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

Comment

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

It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. The report records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party.

- **Non Creditor Payments**

(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non-creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts are within existing budget provisions.

Strategic Implications

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

Sustainability Implications

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

Attachments

10.4.2 (a): October Payment Listing

10.4.3 2016/17 Annual Report and Electors General Meeting

Location:	NA
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-17-98217
Meeting Date:	21 November 2017
Author(s):	Phil McQue, Manager Governance and Marketing
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report recommends that the Council adopt the 2016/17 Annual Report and Financial Statements and hold the Electors General Meeting 7.00pm Monday 11 December 2017.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That the Council:

- 1) adopt the 2016/17 Annual Report and Financial Statements shown at **Attachments (a) and (b)**; and
- 2) note that the Electors General Meeting will be held 7.00pm Monday 11 December 2017.

CARRIED EN BLOC (9/0)

Background

The Council is required to accept the Annual Report and Financial Statements and present it to an Electors General Meeting.

Comment

The 2016/17 Annual Report and Financial Statements (shown at **Attachment (a)** and **Attachment (b)** respectively) provides our community with an open and accountable insight into how we have progressed our vision and strategic objectives outlined in our Strategic Community Plan 2015-2025, including our main achievements and challenges, our financial performance, and our key targets for the year ahead.

Please note that there may be minor amendments to the Annual Report prior to it being presented to the Elector's General Meeting, scheduled for 7.00pm Monday 11 December 2017.

The City's 2015/16 Annual Report was the recipient of a Silver Award in the prestigious Australasian Reporting Awards, and this Annual Report will be submitted for consideration in the 2016/17 Awards.

Consultation

The *Local Government Act 1995* provides that the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable

10.4.3 2016/17 Annual Report and Electors General Meeting

after it has been accepted by the local government. Public notices will be placed in the *Southern Gazette* advising of the availability of the Annual Report together with details of the proposed Electors' General Meeting, with notices to be displayed on the City's website and City libraries.

This Annual Report will be made available to the public on the City's website with hard copies also available to collect at City Centres and copies also to be made available at the 11 December 2017 Electors General Meeting.

Policy and Legislative Implications

Section 5.53(1) of the *Local Government Act 1995* requires a local government to prepare an annual report for each financial year. Sections 5.53(2) of the *Local Government Act 1995* specifies that the Annual Report is to contain the financial report and auditor's statement for that financial year.

Section 5.54 of the *Local Government Act 1995* prescribes that an annual report for the financial year is to be accepted by the local government no later than 31 December after that financial year.

Section 5.27 of the *Local Government Act 1995* requires a local government to hold an Electors' General Meeting no later than 56 days after the adoption of the Annual Report for that financial year.

Financial Implications

There are design and printing expenses associated with the production of the 2016/17 Annual Report, which is provided for within the Governance and Marketing Budget.

Strategic Implications

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

Attachments

- 10.4.3 (a):** 2016/17 Annual Report
- 10.4.3 (b):** 2016/17 Financial Statements

10.4.4 Adoption of City of South Perth Cats Amendment Local Law

Location:	City of South Perth
Ward:	All Wards
Applicant:	City of South Perth
File Ref:	D-17-97767
Meeting Date:	21 November 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

At its meeting held on 22 August 2017 Council resolved to make a Cats Amendment Local Law in response to a request from the WA Parliamentary Joint Standing Committee on Delegated Legislation to make a minor amendment to the City's Cats Local Law 2017. The Amendment Local Law was advertised for comment; none were received from the public.

It can now be made subject to some minor amendments as detailed in the report below.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Glenn Cridland

That the Council:

- Adopt the City of South Perth Cats Amendment Local Law 2017 (the local law) in accordance with section 3.12(4) of the Local Government Act 1995, subject to various amendments as shown 'marked up' on **Attachment (a)** to the report to Council.
- Publish the local law in the Government Gazette and a copy be sent to the Minister for Local Government, in accordance with s3.12(5) of the Local Government Act 1995;
- Give local public notice after Gazettal, in accordance with s3.12(6) of the Local Government Act 1995—
 - Stating the title of the local law;
 - Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - Advising that copies of the local law may be inspected or obtained from the City office.
- Send to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation, following Gazettal, a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010.

ABSOLUTE MAJORITY REQUIRED

CARRIED EN BLOC (9/0)

Background

The *City of South Perth Cats Local Law 2016* was published in the Government Gazette on 4 November 2016.

The local law complements the provisions of the Cat Act 2011, the Cats Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013. In essence it simply established the maximum number of cats (three) that can be kept without the need for a permit from the City.

Comment

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

3.2 Objection

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

An amendment to the local law was duly adopted by Council on 22 August 2017 and advertised for public comment.

No comments were received from the public. The WA Department of Local Government, Sport and Cultural Industries made a number of suggestions in relation to the appearance and formatting of the local law. The proposed changes are shown 'marked up' on the attached copy of the Local Law and are considered minor in nature.

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

Consultation

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

The draft City of South Perth Cats Amendment Local Law was advertised for public comment for a 45 day period closing on 24 October 2017. No feedback was received from the public, and as noted above the WA Department of Local Government and Communities made a number of suggestions in relation to appearance and format of the local law.

Policy and Legislative Implications

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

The proposed Local Law is attached.

Financial Implications

There are some administrative expenses involved in amending the Standing Orders Local Law.

Strategic Implications

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

Attachments

10.4.4 (a): City of South Perth Cats Amendment Local Law 2017 (marked up)

11. APPLICATIONS FOR A LEAVE OF ABSENCE

Applications for a Leave of Absence were received from:

- Councillor Tracie McDougall for 6 and 7 December and for the period 14 December 2017 – 25 January 2018, inclusive.
- Councillor Cheryle Irons for 2 December - 9 December 2017 inclusive.

Motion AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Ken Manolas

That the applications for a Leave of Absence submitted by:

- Councillor Tracie McDougall for 6 and 7 December and for the period 14 December 2017 – 25 January 2018, inclusive; and
- Councillor Cheryle Irons for 2 December 9 December 2017 inclusive

be approved.

CARRIED (9/0)

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 October 2017 Ordinary Council meeting questions were taken on notice. The questions and responses provided can be found in the Appendix of the Agenda.

13.2 QUESTIONS FROM MEMBERS

Questions were received from:

- Councillor Cheryle Irons relating to Item 10.5.1 Parking Management Action Plan – Ordinary Council Meeting 17 October 2017
- Mayor Sue Doherty relating to Item 10.5.1 Parking Management Action Plan – Ordinary Council Meeting 17 October 2017
- Councillor Glenn Cridland relating to proposed median strip extension – Norton Street, South Perth
- Councillor Blake D'Souza relating to Waterford Salter Point Management Plan Forum to be held Saturday 25 November 2017

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

The Chief Executive Officer advises that there are matters for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the Local Government Act 1995.

The Reports regarding these matters have been circulated separately to Councillors.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

At 8.50pm the Presiding Member called for a Motion to Close the Meeting to the Public to consider the following Confidential Items.

15.1.1 2017 Volunteer of the Year Awards

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (h) as it contains information relating to "such other matters as may be prescribed"*

Location: City of South Perth
Ward: Not Applicable
Applicant: Council
File Ref: D-17-97765
Meeting Date: 21 November 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: 1.3 Community Safety & Health

15.1.2 Australia Day WA 2018 Community Citizen of the Year Awards

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (h) as it contains information relating to "such other matters as may be prescribed"*

Location: City of South Perth
Ward: Not Applicable
Applicant: Council
File Ref: D-17-97766
Meeting Date: 21 November 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

MOTION TO CLOSE THE MEETING TO THE PUBLIC AND COUNCIL DECISION

Moved: Councillor Tracie McDougall

Seconded: Councillor Greg Milner

That the following Agenda Items be considered in closed session, in accordance with *s5.23(2) of the Local Government Act 1995*:

15.1.1 2017 Volunteer of the Year Awards

15.1.2 Australia Day WA 2018 Community Citizen of the Year Awards

CARRIED (9/0)

At 8.52pm the Presiding Member called for a Motion to re-open the Meeting to the Public.

MOTION TO REOPEN THE MEETING TO THE PUBLIC AND COUNCIL DECISION

Moved: Councillor Cheryle Irons

Seconded: Councillor Tracie McDougall

That the meeting be reopened to the public.

CARRIED (9/0)

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

The Manager Governance and Marketing, Mr Phil McQue, read aloud the confidential Resolutions at Items 15.1.1 and 15.1.2: that Council endorse the Officer Recommendations at Confidential Items 15.1.1 and 15.1.2.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.53pm.

17. RECORD OF VOTING

7.1 Minutes

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza, Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

7.2 Briefings

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza, Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

8.1 Petition

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza, Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.1.1 Arts Advisory Group (AAG) Membership

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza, Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.1.2 Connect South Proposed Concept Design Masterplan

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza, Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.1.3 Amended Motion: Tender 14/2017 "Provision of Golf Course Management Services for the Collier Park Golf Course"

For: Cr Colin Cala, Cr Blake D'Souza, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

Against: Mayor Sue Doherty, Cr Travis Burrows, Cr Tracie McDougall, Cr Glenn Cridland

10.1.3 Tender 14/2017 "Provision of Golf Course Management Services for the Collier Park Golf Course"

For: Cr Colin Cala, Cr Blake D'Souza, Cr Greg Milner, Cr Travis Burrows, Cr Tracie McDougall, Cr Glenn Cridland

Against: Mayor Sue Doherty, Cr Cheryle Irons, Cr Ken Manolas

10.3.1 Amendment to Approved Mixed Development. Lot 3(No. 333) Mill Point Road, South Perth.

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza, Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.3.2 Proposed Additions to Existing Religious Activities (Church) on Lot 83 (No. 7) Hill Street, South Perth

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza, Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.3.3 Proposed Three-Storey Mixed Use Development – Lot 800 (No. 2) Bessell Avenue, Como

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

Absent: Cr Tracie McDougall

10.3.4 Proposed Earthworks, Retaining Walls and Fencing. Lot 500 No. 77 Roebuck Drive, Salter Point.

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Travis Burrows, Cr Greg Milner,
Cr Cheryle Irons, Cr Tracie McDougall

Against: Cr Colin Cala, Cr Blake D'Souza, Cr Ken Manolas,

10.3.5 Proposed 6 Multiple Dwellings in a 4 Storey Building. Lot 6 No. 24 Wooltana Street, Como

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza,
Cr Cheryle Irons, Cr Ken Manolas, Cr Tracie McDougall

Absent: Cr Greg Milner

10.3.6 Amended Motion: Proposed change of use from Single House to Child Day Care Centre at Lot 7 (No. 10) Barker Avenue, Como

For: Cr Colin Cala, Cr Tracie McDougall, Cr Glenn Cridland, Mayor Sue Doherty, Cr Travis Burrows, Cr Greg Milner

Against: Cr Blake D'Souza, Cr Ken Manolas, Cr Cheryle Irons

10.3.6 Proposed change of use from Single House to Child Day Care Centre at Lot 7 (No. 10) Barker Avenue, Como

For: Cr Colin Cala, Cr Tracie McDougall, Mayor Sue Doherty, Cr Travis Burrows, Cr Greg Milner

Against: Cr Glenn Cridland, Cr Blake D'Souza, Cr Ken Manolas, Cr Cheryle Irons

10.3.7 Proposed Road Name for New Road. Lot 500 (No. 77) Roebuck Drive, Salter Point

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza,
Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.3.8 Final adoption – Revised local planning policy P350.02 – Lot boundary setbacks (walls built to boundaries) & P350.07 – Street walls and fences and draft local planning policy P350.17 – Site Works

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza,
Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.4.1 Financial Management Reports – October 2017

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza,
Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.4.2 Listing of Payment

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza,
Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.4.3 2016/17 Annual Report and Electors General Meeting

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza,
Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

10.4.4 Adoption of City of South Perth Cats Amendment Local Law

For: Mayor Sue Doherty, Cr Glenn Cridland, Cr Colin Cala, Cr Travis Burrows, Cr Blake D'Souza,
Cr Tracie McDougall, Cr Greg Milner, Cr Cheryle Irons, Cr Ken Manolas

APPENDIX

6.2 PUBLIC QUESTION TIME – 21 NOVEMBER 2017

1. Mr Glenn Heldberg of 16 Brittain Street, Como Received 3 October 2017	Response provided by: Ms Vicki Lummer, Director Development and Community Services
1. Why has Brittain Street experienced regression of R-Zonings?	The City's records indicate that the property has been zoned 'Residential R20' since at least 1986.
2. Why can't I put 4 houses on my property when the block next door (which is smaller than mine) already has 4?	The property is zoned 'Residential R20', which requires an average lot area 450 square metres per dwelling, therefore due to the size of the lot it cannot be further subdivided. It is noted that the subject property already contains two strata units
3. What plan does the City of South Perth have in place for infill in my street?	There are currently no plans in place to upcode Brittain Street; however the City is currently in the process of preparing a Local Planning Strategy which will identify areas within the City for further investigation and review of density codes. At this stage we have not identified what areas will be considered for further investigation.
2. Mr John Stewart of 7 Keaney Place, Waterford Received 13 November 2017	Response provided by: Ms Vicki Lummer, Director Development and Community Services
<i>As the Waterford Triangle is an infrequent inclusion on Council Agendas, I seek a public response to the following questions. The first two are based on occurrences this year and the third on a relatively definitive letter from the City to land owners in the Triangle in 2012.</i>	
1. At what point does the City consider it appropriate to notify property owners that their properties are included in a proposed Scheme Amendment for which the City has provided in principle support?	The City's Town Planning Scheme requires (clause 9.8(3)), that before initiating any amendment to the zoning of land, other than an amendment proposed by the owner of the land, comment is invited from the owner of the land. In relation to 7 Keaney Place, a landowner has engaged planning consultants to prepare an amendment proposal. The City has provided preliminary feedback to the consultants indicating concerns with the proposal and advising that in its current form the amendment would not receive officer support. The proposal has not

	received in principle support. For this reason, it has not yet been appropriate to notify property owners.
2. What is the Current policy/process for ratepayers to access senior City Officers – eg Directors?	Speaking for myself, rather than other Directors, I am available to meet with anyone, ratepayers included. A meeting can be arranged via phone call or email.
3. Post the 24 August 2012 correspondence headed “Water Sensitive Urban Design Works and Costings”, authorised by Chris Schooling, what changes have occurred in relation to WSUD within the Triangle?	<p>The City has reviewed the Waterford Triangle Urban Design Plan and Design Guidelines (completed in 2010 and updated in 2012) and other documents prepared at that time in light of changes to the planning framework (Legislation and State Planning Policy changes) and new technology for treating urban stormwater. These changes require extensive amendment to the plans Council endorsed in 2012.</p> <p>Council will be requested to allow community engagement to take place for a new proposed planning framework for the Triangle. To this end Councillors will be briefed on the matter in early December and the proposed framework is intended to be included on the December Ordinary Council meeting agenda to seeking Council endorsement to prepare a draft scheme amendment and undertake preliminary engagement on the amendment with landowners in the Waterford Triangle.</p>

13.2 QUESTIONS FROM MEMBERS 21 NOVEMBER 2017

Councillor Cheryle Irons	Response provided by: Geoff Glass CEO
<i>[Preamble] Item 10.5.1 Parking Management Action Plan – Ordinary Council Meeting 17 October 2017</i>	
<p>1. In regards to the Ordinary Council Meeting held on 17 October 2017, I move that due to delays at providing information, the parking management action plan, strategic parking documents which were to be considered by Council at the December Ordinary Council Meeting, be deferred until the February 2018 Ordinary Council Meeting.</p>	<p>As I understand in relation to the amendment as moved there were a number of strategic parking reports which were removed as an amendment from that resolution so that they could then be considered by Council at the December Ordinary Council Meeting.</p> <p>I do understand that there has been a delay in the compilation of that information and getting it to the members of the Parking Management Group. Therefore they are essentially requesting an extension of time to consider that information.</p> <p>This is an operational matter that we can accommodate and the reports will be presented to the first Ordinary Council Meeting in February 2018.</p>
Mayor Sue Doherty	Response provided by: Geoff Glass CEO
<p>1. One supplementary question, will that provide enough time or is it better to come back to the March meeting?</p>	<p>Originally it was intended to the December meeting, so that will in my view be ample time.</p>
Councillor Glenn Cridland	Response provided by: Geoff Glass CEO
<i>[Preamble] Proposed Median strip extension – Norton Street, South Perth</i>	
<p>1. Since Mr Croxford tried to speak to Department of Main Roads on Friday in relation to the Norton Street Median strip extension, has he or have you heard back about the Department of Main Roads issue?</p>	<p>The latest information I have from Les Croxford is that he had on a number of times attempted to make contact and was still awaiting a response from Main Roads. He knows that we want to pursue the matter and that it is a priority, but I am not aware of any further communication, other than I have already advised.</p>

Councillor Blake D’Souza	Response provided by: Bruce Moorman, MCE
<i>[Preamble] Waterford Salter Point Management Plan</i>	
<ol style="list-style-type: none"> 1. What is the format of the forum this Saturday? 2. What chance do the residents have to present formal submissions and what will be the benefit to the residents to put a submission forward? 3. Will there be Officers there to answer questions? 	<p>It will be an open format, there will be both Officers and Consultants available to answer questions throughout their presentations and take any suggestions the public may have throughout the day.</p> <p>I encourage any Councillors to attend if they can.</p>

DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at the Ordinary Council Meeting on Tuesday 12 December 2017.

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed