

# MINUTES.

## Ordinary Council Meeting

**17 October 2017**

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 17 October 2017 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

19 October 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 19.9km<sup>2</sup> divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

[www.southperth.wa.gov.au/Our-Council/](http://www.southperth.wa.gov.au/Our-Council/)

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# Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 17 October 2017.

## 1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.02pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

## 2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 3.1 STANDING ORDERS LOCAL LAW 2007

This meeting is held in accordance with the City's Standing Orders Local Law which provides rules and guidelines that apply to the conduct of meetings.

### 3.2 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member reported that the meeting is being audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 of the Standing Orders Local Law 'Recording of Proceedings'.

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

## 4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

### Councillors

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

### Officers

Mr Geoff Glass	Chief Executive Officer
Mr Colin Cameron	Director Corporate Services
Mr Mark Taylor	Director Infrastructure Services
Mr Stevan Rodic	Acting Director Development and Community Services

Mr Phil McQue  
Ms Sharron Kent  
Ms Christine Lovett

Manager Governance and Marketing  
Governance Officer  
Corporate Support Officer

#### Guests

Mr Mick McRae                      President of the South Perth Bowling Club (Item 8.2)

#### Gallery

There were approximately 26 members of the public and 1 member of the media present.

### **4.1 APOLOGIES**

Nil

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

Nil

## **5. DECLARATIONS OF INTEREST**

*Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City's Code of Conduct. 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 Declarations of Interest had been received from:

- Councillor Ken Manolas in relation to Agenda *Item 10.1.1 Australia Day 2018; and*
- Chief Executive Officer, Mr Geoff Glass in relation to Agenda *Item 15.1.2 Chief Executive Officer Performance Review.*

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

## **6. PUBLIC QUESTION TIME**

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

At the September 2017 Ordinary Council Meeting public questions were Taken on Notice. The Presiding Member advised that the responses to these questions were provided to the individual and made available in the Appendix of the Agenda.

### **6.2 PUBLIC QUESTION TIME: 17 OCTOBER 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, at the City's Reception and in the Council Chamber foyer on the night of the Council meeting. 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 7.06pm.

Written questions were received prior to the meeting from:

- Ms Vicki Redden (for South Perth Peninsula Action Group Inc.) of 63 Mill Point Road, South Perth
- Ms Cecilia Brooke of 8/20 Garden Street, South Perth
- Ms Penny and Mr Nigel Spicer of 12 Redmond Street, Salter Point
- Ms Sue Gillieatt of 7 Howard Parade, Salter Point
- Ms Jodie Parry of 74 Roebuck Drive, Salter Point

At 7.21pm the Presiding Member called for a Motion to extend Public Question Time to hear those questions not yet heard.

#### **Motion to Extend Public Question Time AND COUNCIL DECISION**

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Fiona Reid

That Public Question Time be extended for 15 minutes to hear those not yet heard.

**CARRIED (9/0)**

Written questions were received late (less than 24 hours prior to the meeting) from:

- Mr Geoff Defrenne of 24 Kennard Street, Kensington

The questions were read aloud by the Presiding Member and Taken on Notice. The responses will be provided to Mr Defrenne and made available in the Agenda of the November 2017 Ordinary Council Meeting Agenda.

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

The Presiding Member then closed Public Question Time at 7.31pm.

## **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: 26 September 2017**

#### **7.1.2 CEO Evaluation Committee Meeting Held: 27 September 2017**

#### **Officer Recommendation and COUNCIL DECISION**

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the Minutes of the Ordinary Council Meeting held 26 September 2017 and the CEO Evaluation Committee Meeting held 27 September 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 New Manning Road On-Ramp Concept Briefing - 3 October 2017

Officers of the City provided Council with an overview of the New Manning Road On-Ramp at a Concept Briefing held 3 October 2017.

#### Attachments

**7.2.1 (a):** 3 October 2017 - Concept Briefing Notes – New Manning Road On-Ramp

### 7.2.2 Council Agenda Briefing - 10 October 2017

Officers of the City presented background information and answered questions on Items to be considered at the 17 October 2017 Ordinary Council Meeting at the Council Agenda Briefing held 10 October 2017.

#### Attachments

**7.2.2 (a):** 10 October 2017 - Council Agenda Briefing - Notes

#### Officer Recommendation and COUNCIL DECISION

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

That the Notes of the New Manning Road On-Ramp Concept Briefing held 3 October 2017 and the Council Agenda Briefing held 10 October 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.*

Nil

### 8.2 PRESENTATIONS

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

Mr Mick McRae, President of the South Perth Bowling Club presented the City with a limited edition print of the South Perth Bowling Club.

The Presiding Member called for a Motion to receive the gift.

### **Motion to Receive Gift and COUNCIL DECISION**

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Glenn Cridland

That the limited edition print of the South Perth Bowling Club presented to the City from the President of the Club, Mr Mick McRae, be accepted.

**CARRIED (9/0)**

## **8.3 DEPUTATIONS**

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

Deputations were heard at the Agenda Briefing of 10 October 2017.

A Request for a Deputation to speak in favour of Councillor Colin Cala's Motion at Item 12.2 (New Local Planning Strategy for Precinct 13) was received prior to the meeting from Ms Sue Gillieatt of 7 Howard Parade, Salter Point. As this meeting is the first occasion at which this matter can be considered, the Presiding Member called for a Motion that the Deputation be heard this evening.

### **Motion for Deputation to be Heard and COUNCIL DECISION**

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Jessica Black

That the Request for a Deputation received from Ms Sue Gillieatt, speaking in favour of Councillor Colin's Cala's Motion at Item 12.2, be heard this evening.

**CARRIED (9/0)**

The Presiding Member welcomed Ms Gillieatt to the microphone.

## **8.4 COUNCIL DELEGATES REPORTS**

### **8.4.1 Rivers Regional Council (RRC) Meeting - 21 September 2017**

A report summarising the Rivers Regional Council (RRC) Meeting - 21 September 2017 is attached.

#### **Attachments**

**8.4.1 (a):** 21 September 2017 - Rivers Regional Council (RRC) Meeting - Delegates' Report

### **Officer Recommendation and COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That the report on the Rivers Regional Council (RRC) Meeting - 21 September 2017 be received.

**CARRIED (9/0)**

## 8.5 CONFERENCE DELEGATES REPORTS

Nil

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 10 October 2017.

The Chief Executive Officer, Mr Geoff Glass, confirmed that this was correct. Mr Glass also advised that there were three Items on the *Council Agenda Briefing Agenda* which were withdrawn to be considered by the Council at a future meeting:

- Item 10.3.1      Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation*
- Item 10.3.2      Consent to Advertise – Draft Local Planning Policy P350.19 – Canning Highway (East)*
- Item 10.4.1      Tender 14/2017 “Provision of Golf Course Management Services for the Collier Park Golf Course*

### ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.1.1    Australia Day 2018
- Item 10.5.1    Parking Management Action Plan

## 9.1 EN BLOC MOTION

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

**Moved:**        Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Jessica Black

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

- Item 10.2.1    Tender 12/2017 Collier Park Golf Course Irrigation Upgrade Stage 2
- Item 10.3.1    Proposed two storey Single House at Lot 501 (No. 72) River Way
- Item 10.3.2    Proposed Temporary Public Parking. Lot 200 (No. 151) Robert Street, Como
- Item 10.3.3    Proposed Additional Use of Child Day Care Centre. Lot 10 (No. 23) Paterson Ave, Manning
- Item 10.3.4    Proposed Amendment to Trading Hours of Development Approval for a Small Bar. Lot 32 (No. 79) Angelo Street, South Perth
- Item 10.6.1    Listing of Payments
- Item 10.6.2    Financial Management Reports - September 2017

**CARRIED (9/0)**

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

Prior to discussion and voting on Item 10.1.1 Australia Day 2018 the Presiding Member invited Councillor Ken Manolas to read aloud his Declaration of Interest at the Item:

*"I wish to declare a proximity interest in Agenda Item 10.1.1 Australia Day 2018 on the Ordinary Council Meeting Agenda of 17 October 2017. I declare that the matter concerns a proposed development of land that adjoins the land owned by me at 193 Mill Point Road, South Perth. It is my intention to vacate the Council Chamber before the Item is discussed and voted on".*

At 7.55pm Councillor Manolas vacated the Chamber.

#### 10.1.1 Australia Day 2018

Location:	South Perth Foreshore
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-17-86263
Meeting Date:	17 October 2017
Author(s):	Sandra Watson, Manager Community, Culture & Recreation
Reporting Officer(s):	Stevan Rodic, Acting Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.3 Community Safety & Health

#### Summary

This report outlines the plans and strategies to manage the 2018 Australia Day celebrations on the South Perth Foreshore and seeks approval of the parking restrictions and road closures applicable to the event.

#### Officer Recommendation and COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Travis Burrows

That

- (a) Council adopts the 2018 Safer Australia Day Strategy as detailed in this report;
- (b) The general 'No Parking' clause in section 7.4, schedule 4 of the City's Parking Local Law 2003 (as amended) be approved for:
  - (i) the temporary road closures, bounded by Labouchere Road to Angelo Street to Douglas Avenue to Canning Highway to Ellam Street, from 12.00pm to 10.30pm on 26 January 2018; and
  - (ii) the parking restrictions, bounded by Labouchere Road, corner of Angelo Street to Hensman Street to Canning Highway to Ellam Street as outlined.

**CARRIED (8/0)**

### Background

In July 2004, Council adopted Skyworks Strategy 2005 (the Strategy – later renamed Safety Australia Day) to address crowd control, traffic management, litter, anti-social behaviour and excessive alcohol consumption on the South Perth foreshore for future Australia Day events. These issues were identified in a post-2004 event review after significant anti-social problems were experienced at the 2004 event.

The Strategy focused on the following areas:

- The introduction of new Local Laws;
- Increased crowd control measures;
- Revised traffic management and road closure plans;
- Initiatives to improve public transport and waste management; and
- A significant media and communications campaign.

The Strategy aimed to improve the experience of the event for the wider community by controlling liquor consumption, traffic and parking management, improving policing and reducing the amount of anti-social behaviour on the South Perth foreshore. Central to the Strategy was the concept of encouraging the community to come to the Foreshore for not only the fireworks, but for the entire day. Following the Australia Day celebrations in January 2005, the City conducted a community survey to determine what effect the Strategy had had in terms of addressing the concerns of the previous year. The results showed that the Strategy had worked well and as a result, from 2006 through to 2008 successful events were conducted based on this formula.

In 2009 the City introduced a 'Family Zone' and a 'Youth Zone' as part of the celebrations. Both areas were extremely well received and they provided a range of creative and physical activities for families, young people and the community in general to enjoy throughout the day leading up to the fireworks. These initiatives were generously funded in part by Lotterywest. In 2011 the decision was made to combine the Family and Youth Zones into one 'Celebration Zone' located on Sir James Mitchell Park directly behind the flagpole area. This decision was taken to enable families and groups to come together in one area, rather than being separated across two 'zones'. The 'Celebration Zone' was expanded to 100,000m<sup>2</sup>, which was more than double the size of the two previous zones combined. This initiative was so successful that it has been continued with up until 2017 and it is proposed to maintain the same strategy in 2018.

### Comment

The 2018 event will have 100 free activities for all ages laid out in seven activity zones including the 'Toddler & Kids Zone', the 'Challenge Area', the 'Sports Zone', the 'Art Section', the 'Adrenalin Corner', the 'Big Top' and a food court.

For 2018 the Safer Australia Day Strategy will be conducted along the same format and operations as previous years and the 'Celebration Zone' will again be an integral part of the Strategy. Strategies for Australia Day 2018 will consist of the following:

#### *1. Public Transport*

In 2018 the City will continue the free bus shuttle service from the George Burnett Leisure Centre (GBLC) and the Civic Centre to the 'Celebration Zone'. A total of twenty (20) buses will run every fifteen minutes between the hours of 2.00pm and 9.30pm following the fireworks. This service is targeted towards City of South Perth residents in Manning, Karawara and Salter Point in particular, however

anyone including non-residents is able to utilise this service as long as they have parked in the designated 'pick up' and 'drop off' zones – e.g. the Civic Centre and GBLC.

### *2. Local Laws*

The Special Events Local Law provides City officers and other enforcement agencies with a range of offences that are backed up by additional powers under the Local Government Act (WA) 1995. The additional offences include the possession of liquor (whether or not the liquor is in a sealed container), possession or use of a large object ("large object" includes lounge chair, bed, refrigerator, spa/wading pool etc., and excludes shade shelters/umbrella's) and possession or use of loud stereos (as determined by amplification outputs). Since the introduction of these local laws, there has been a dramatic reduction in the number of large items being brought to the foreshore. In previous years large items such as lounges and inflatable swimming pools would be brought down to the foreshore resulting in the creation of nuisance obstructions or litter after the event had concluded.

### *3. Crowd Control*

The Western Australian Police (WAPOL) and City of South Perth Rangers will patrol the restricted areas and Sir James Mitchell Park (SJMP) on 26 January 2018. City Rangers will focus on illegal parking and large objects being taken to the foreshore, plus assist with the control of sensitive access points into the Celebration Zone. Management of the crowd will also be facilitated by exclusion zones on Sir James Mitchell Park, Coode Street car park and Queen Street Jetty area. This will provide access for the various emergency services and hazard management agencies (HMA's) including the Police Command Posts. These restriction zones will assist with patrolling and rapid responses from the various HMA's. In addition, first aid personnel will be providing primary treatment facilities on the South Perth foreshore aimed at reducing the need for patient transfer to hospital and Constable Care Child Safety Foundation will have a lost children's facility close to the Celebration Zone.

### *4. Celebration Zone*

As in previous years the 'Celebration Zone' will cover 100,000 m<sup>2</sup> immediately behind the flagpole area on Sir James Mitchell Park.

### *5. Road Closures (Access Restricted Area)*

The roads bounded by Labouchere Road, Angelo Street, Douglas Avenue, Canning Highway and Ellam Street will be closed from 12.00pm to 10.30pm on Australia Day. These closures are required to prevent people parking their vehicles in the access restricted areas and/or in car parks on the foreshore, congesting traffic and conflicting with pedestrian movement at the closure of the event. The road closures will be advertised in accordance with the requirements of the Local Government Act 1995 and in a number of different mediums including City publications, the community newspaper and on the City's website.

The City may declare general no parking zones, in accordance with the City's Parking Local law, section 7.4 which states as follows:

## General No Parking Zones

- (a) General no parking zones are established as prescribed in Schedule 4;
- (b) Where the City establishes a general no parking zone, the City must erect a sign at entry points to the general no parking zone indicating;
  - (i) The area that is a general no parking zone, and
  - (ii) The dates and times during which the area is a general no parking zone.
- (c) Where the City establishes a general no parking zone and erects signs at each entry point to the general no parking zone then it is an offence to park on any road or nature strip within the general no parking zone.
- (d) A driver must not park a vehicle on the road or a nature strip in a general no parking zone.
- (e) A driver commits an offence under this clause notwithstanding the fact that there are no signs in the immediate vicinity of the area in which the driver parked the vehicle indicating that the area in which the driver parked the vehicle is a general no parking zone.

Schedule 4.4 of the Parking Local Laws states that the general no parking locations and effective times for Australia Day are as follows:

- (a) General no parking zone means the area bounded by and including South Terrace to the south, Canning Highway to the east and the Swan River foreshore to the west and north; and
- (b) The general no parking zone applies from 6.00am on 26 January to 6.00pm on 27 January each year.

On Australia Day 2018 this area will be restricted with no parking on the road or verge and have staffed road closures at each intersection. Several intersections will still be accessible into the access restricted area for use by residents, visitors, local businesses and event staff and artists. Permits to access the restricted area will once again be issued to residents, their visitors (those who can be parked on site only) and businesses. Verge parking permits will also be provided to residents within the access restricted area who do not have any physical onsite parking and as a result, are required to park their vehicles on the verge normally. To ensure vehicle and pedestrian safety, Police Traffic Branch and emergency services support the exclusion of vehicles parking on the road verge within the access restricted area. The exclusion of parked cars enables clear vision for pedestrians and access throughout the restricted area by authorised emergency vehicles.

The Coode Street boat ramp will be closed during the event to support the closure of Perth Waters to boats due to the fireworks. During the Australia Day event the Coode Street boat ramp parking area is used for the WA Police compound and by State Emergency Services and first aid personnel. There will be three 'ACROD' parking areas along the foreshore: at the end of Hurlingham Street, in the 'Boat Shed Restaurant' car park and inside the Celebration Zone (entry off Millpoint Road opposite Forrest St). The City will employ the services of traffic management officers to secure the road closures as previously outlined in this report.



#### *6. Traffic Management (Parking Restricted Area)*

The proposed parking restricted area during Australia Day 2018 will extend from the access restricted area (as per item 5 of this report) to Hensman Street, to Canning Highway and to Ellam Street and be effective from 6.00 am to 10.00 pm.

Street signage, advertising in the community newspaper and a pamphlet drop will publicise all restrictions to local residents.

#### *7. Waste Management*

Event organisers (City of Perth and City of South Perth) will provide sufficient mini-skips for rubbish and recycling, which will be located at regular intervals along the foreshore. Biodegradable rubbish/recycling collection bags will also be distributed amongst the crowd for their use and to facilitate the post event clean-up.

#### *8. Media and Communications*

The Safer Australia Day Strategy 2018 provides for a number of initiatives and strategies which when combined are designed to more effectively manage the event. In that regard, the City will undertake some of this campaign directly and work closely with the event organisers and their radio and TV media partners to ensure the various elements of the City's Strategy are effectively communicated. In addition, the City will liaise with the Community Newspaper Group in terms of media releases and editorial leading up to Australia Day, as well as post event coverage.

### **Consultation**

In reviewing and developing the Safer Australia Day Strategy 2018, consultation has occurred with officers of the following external organisations:

- City of Perth
- Town of Victoria Park
- Botanic Gardens & Parks Authority
- Main Roads
- WA Police
- Department of Health
- DPI Marine Safety
- Constable Care Child Safety Foundation
- Traffic management companies
- Public Transport Authority
- Lotterywest
- Civic Aviation Safety Authority
- First aid providers
- Department of Mines and Petroleum
- Department of Fire and Emergency Services
- Private security providers

### **Policy and Legislative Implications**

Nil

### **Financial Implications**

Funding has been allocated in the 2017/2018 operating budget for the implementation of this strategy and event logistics in general. The total budget is \$750,000 comprised of \$280,000 for event logistics and \$470,000 for the Celebration Zone.



Lotterywest have confirmed a grant allocation of \$300,000 towards the Celebration Zone activities and the City expects to recoup a further \$7000.00 approximately in minor event costs.

The net event estimated cost to the City is therefore \$443,000.

**Strategic Implications**

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

**Attachments**

Nil

At 7.56pm Councillor Manolas returned to the Chamber.

## 10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

### 10.2.1 Tender 12/2017 Collier Park Golf Course Irrigation Upgrade Stage 2

Location:	Como
Ward:	Not Applicable
Applicant:	City of South Perth
File Reference:	D-17-86136
Meeting Date:	17 October 2017
Author(s):	Paul Baines, Acting Procurement Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment
Council Strategy:	2.2 Foster and promote sustainable water, waste management and energy management practices.

#### Summary

This report considers submissions received from the advertising of Tender 12/2017 for the "Collier Park Golf Course Irrigation Upgrade Stage 2".

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

#### Officer Recommendation and COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Jessica Black

That Council approves Alternative Tender No 1 tender submitted by Total Eden Pty Ltd for the "Collier Park Golf Course Irrigation Upgrade Stage 2" in accordance with Tender Number 12/2017 for the lump sum schedule of \$438,375.00 for the period of supply up to 2017/18 financial year inclusive.

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

#### Background

A Request for Tender (RFT) 12/2017 for the 'Collier Park Golf Course Irrigation Upgrade Stage 2' was advertised in The West Australian on Saturday 9 September, 2017 and closed at 2:00 PM on Wednesday 27 September, 2017.

Tenders were invited as a *Lump Sum Contract* for the 2017/18 financial year.

#### Comment

At the close of the tender advertising period seven (7) submissions from four (4) contractors had been received. One contractor submitted a conforming tender and three alternatives. The four contractors are tabled below:

TABLE A - Tender Submission

<b>Tender Submission</b>
Total Eden
LD Total
Horizon West Landscape and Irrigation
Elliotts Irrigation Pty Ltd

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

TABLE B - Qualitative Criteria

<b>Qualitative Criteria</b>	<b>Weighting %</b>
Methodology	30%
Demonstrated understanding	20%
Key personnel	20%
Company similar experience	10%
Skills	10%
Resources	10%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 12/2017 'Collier Park Golf Course Irrigation Upgrade Stage 2', it is recommended that the alternative tender one submission from Total Eden Pty Ltd be approved by Council.

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

### Consultation

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

### Policy and Legislative Implications

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

The following Council Policies also apply:

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

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

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

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

**Financial Implications**

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

**Strategic Implications**

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

**Attachments**

**10.2.1 (a):** Evaluation Panel Member's Report (*Confidential*)

## 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

### 10.3.1 Proposed Two Storey Single House at Lot 501 (No. 72) River Way

Location:	Lot 501 (No. 72) River Way, Salter Point
Ward:	Manning Ward
Applicant:	EcoLogic Homes
File Reference:	D-17-85875
DA Lodgement Date:	1 August 2017
Meeting Date:	17 October 2017
Author(s):	Brendan Phillips, Statutory Planning Officer
Reporting Officer(s):	Stevan Rodic, Acting Director Development & Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

To consider an application for development approval for a two storey Single House at Lot 501 (No. 72) River Way. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Site works	R-Codes Design Principles 5.3.7
Retaining wall height	R-Codes Design Principles 5.3.8
Building setbacks	R-Codes Design Principles 5.1.3
Visual privacy	R-Codes Design Principles 5.4.1
Fencing height	Council Policy P350.7 - Clause 4.1

#### Officer Recommendation and COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Jessica Black

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 two storey Single House at Lot 501 (No. 72) River Way **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. 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.
3. Prior to the issue of a building permit, details of the surface of the boundary wall(s) to the Garage not visible from the street, on western side of the lot shall be provided. The finish of the boundary wall is to be compatible with the external walls of the neighbour's dwelling, to the satisfaction of the City.

4. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
5. The height of any wall, fence or other structure, excepting one brick pier (maximum size of 470 mm x 470 mm), shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City.
6. Prior to occupation of the dwelling, the major opening to Bedroom 2 on the eastern elevation is to be screened or otherwise amended to address the visual privacy requirements of clause 5.4.1 C1.2 of the Residential Design Codes of WA, to the satisfaction of the City.
7. 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.
8. A separate application will be required for any primary street fencing.
9. At least one tree, not less than 3.0 metres in height, shall be planted on the site preferably within the front setback area, prior to occupation of the dwelling. The tree shall be maintained in good condition thereafter, to the satisfaction of the City.

#### **Advice Notes**

##### Specific

- (i) The applicant is to ensure all stormwater falling on the site is contained and disposed on site. The developer is to ensure stormwater cannot drain off their property into the next lower property. An area of above ground storage (recessed grass (sewer easement) area) bounded by retaining wall/fence will be required to stop these flows. The developer is also to ensure that stormwater cannot run from the River Way road reserve into their property (or vice versa) via either:
  - (a) A longitudinal grate along the property boundary connected to a suitable soakwell, or;
  - (b) A crest along the property boundary that will only allow extreme flows (100ARI or greater) out into the road reserve.

The applicant is advised to contact the City's Engineering Infrastructure department on 9474 0777 or [enquiries@southperth.wa.gov.au](mailto:enquiries@southperth.wa.gov.au) should any further clarification be required in relation to this advice.

##### General

- (i) PN01
- (ii) PN02
- (iii) PN21
- (iv) PNX1
- (v) PNX3
- (vi) Standard crossover advice note

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

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	1031 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Two (2) Grouped Dwellings
<b>Plot ratio limit</b>	N/A – 50% open space requirement

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:

### **3. Developments involving 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.*

### **6. Amenity impact**

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

### **7. Neighbour comments**

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



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

In August 2017, the City received an application for a two storey Single House on Lot 501 (No. 72) River Way (the **Site**).

Further information was requested from the proponent to demonstrate the impact the development would have on views of significance toward the Canning River.

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

The Site is currently vacant, with the previous Single House being demolished in approximately mid-2013.

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

The Site has a frontage to River Way to the north, located east of Sulman Avenue and to the west of Salter Point Parade, as seen in **Figure 2** below:



**Figure 2: Aerial image of the Site.**

**(d) Description of the Proposal**

The proposal involves the construction of a two storey Single House on the Site, as depicted in the submitted plans at **Attachment (a)**. The proposed Single House includes the following:

- Four bedrooms;
- Three bathrooms and two powder rooms;
- Kitchen, meals and family rooms;
- Activity room;
- Two study rooms;
- Piano room;
- Alfresco and pool;



- Balcony; and
- Garage with two visitor bays in front setback area.

Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment (b)**.

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

- Site works
- Retaining wall height
- Building setbacks
- Visual privacy
- Fencing height

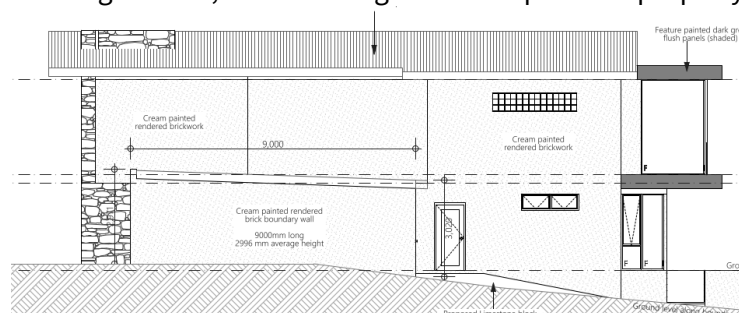
The proposal is considered to meet the relevant Design Principles or discretionary criteria of the Scheme, the R-Codes and relevant Council policies. The various discretionary assessments are discussed in further detail below.

(f) **Site Works**

Element	Deemed-to-comply	Provided
Fill	0.5m	Up to 1m
<p><i>Design Principles:</i></p> <p><i>P7.1: Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</i></p> <p><i>P7.2: Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</i></p>		

The proposed level of fill is considered to meet the Design Principles of the R-Codes for the following reasons:

- It is recognised that, due to the substantial gradient in the topography of the site, some fill and excavation is necessary to create a relatively level pad for construction. The building is proposed on the rear section of the site where the slope becomes more gradual toward the southern boundary. In this regard, by proposing the building at this section of the site, the extent of fill is minimised. As such, the development is considered to respond to the natural features of the site in order to minimise the level of fill required.
- As shown in the western elevation of the development below, it is effectively the rear portion of the building which has site works exceeding 500mm, due to the significant slope of the property.



**Figure 3: Western elevation of proposed dwelling**

- For the majority of the building on the ground floor, the finished floor level (FFL) is less than 500mm from natural ground level (NGL). This configuration is considered to respect the natural ground level at the lot boundary of the site, as well as the view of the general topography of the property as viewed from the street.

The maximum finished floor level permitted for the rear (southern) portion of the building is RL 12.7 metres above AHD, when applying equal cut and fill above the ground level at the perimeter of the building. The proposed finished floor level is 13.8 metres. Therefore, the proposed development needs to be considered under clause 6.10.1 (b) of TPS6.

The floor level proposed is considered to be supportable under clause 6.10.1 (b) of TPS6 for the following reasons:

- The proposed development would achieve a visually balanced streetscape taking into consideration the floor levels of adjoining lots.
- The floor level will not unreasonably or adversely affect the amenity of the neighbouring properties in relation to visual impact and overshadowing.

**(g) Retaining Walls**

Element	Deemed-to-comply	Provided
Retaining wall height	Up to 0.5m within 1m of a lot boundary	Up to 1m in height
<i>Design Principles:</i> <i>P8: Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.</i>		

The proposed retaining wall heights are considered to meet the Design Principles of the R-Codes for the following reasons:

- The retaining walls are considered to result in land which can be effectively used for the benefit of residents, by levelling the rear portion of the site appropriately for construction.
- While a section of retaining wall is proposed to be built to an overall height of 1m from NGL, the remainder of retaining graduates down to a height of 100mm. Taking into account the graduating nature of the retaining wall heights, there is not considered to be a detrimental impact on adjoining properties. Subject to appropriate conditions of approval, the design of the retaining is also considered to address clauses 5.3.7 (site works) and 5.4.1 (visual privacy) of the R-Codes.

The retaining has also been assessed against clause 6 of Policy P350.07 (Fencing and Retaining Walls). The retaining is largely considered to be necessary to level the site for the effective use of residents. It is also noted that the retaining would be setback a considerable distance from the primary street, thus having little influence on the presentation to the streetscape.

(h) **Lot boundary setbacks**

Element	Deemed-to-comply	Provided
West – Ground Floor (Study to Laundry)	1.5m	Minimum of 1.34m
East – Upper Floor (Living room to Balcony)	1.5m	Minimum of 1.24m
<p><i>Design Principles:</i>  <i>P3.1: Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <li>• <i>Reduce impacts of building bulk on adjoining properties;</i></li> <li>• <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li>• <input checked="" type="checkbox"/> <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul>		

The proposed western and eastern lot boundary setbacks are considered to meet the Design Principles of the R-Codes for the following reasons:

West

- The western lot boundary setback from the laundry to study room elevation is considered to be a sufficient distance so as to reduce building bulk impacts on the western adjoining property. The height and length of this section of the building on the western elevation, being between 3m-3.4m and 6.4m, respectively, are not considered to result in an adverse building bulk impact.
- Due to the angle of the lot, only a portion of this section of the building is setback at 1.34m, whereas the remainder graduates to a maximum of 1.5m further to the south. This layout is considered to further reduce any sense of confinement to the west.
- Based on the lot orientation, there would not be an overshadowing impact as per the measurement of shadow defined in the R-Codes (cast to the south).
- There is considered to be a reasonable setback afforded to the western adjoining property to facilitate the infiltration of necessary sunlight and ventilation.
- Overall, there is not considered to be a significant adverse impact on the amenity of the western adjoining property for the abovementioned reasons.

East

- Any perceived building bulk impact to the eastern property is considered to be lessened by the ground floor being open in nature. It is also noted that a significant portion of the upper floor balcony area has privacy screening as the eastern elevation, which is considered to be slightly more lightweight in comparison to a solid, rendered brick wall.
- The overall length of this section of building, being 10.5m, is not considered to be excessive to the extent that it would result in a significant sense of confinement. It is noted that the overall length of the eastern boundary is 56.8m. As such, the section of the upper floor from the living room to balcony on the eastern elevation accounts for

only 18.5% of the overall length of the eastern lot boundary. Taking into account this context of the site, it is considered that there would be necessary sunlight and ventilation afforded to the eastern adjoining property.

- Due to the angle of the lot, only a portion of this section of the building is setback at 1.24m, whereas the remainder graduates to a maximum of 2.65m further to the south. This layout is considered to further reduce any sense of confinement to the east.
- Based on the lot orientation, there would not be an overshadowing impact as per the measurement of shadow defined in the R-Codes (cast to the south).
- Overall, there is not considered to be a significant adverse impact on the amenity of the eastern adjoining property for the abovementioned reasons.

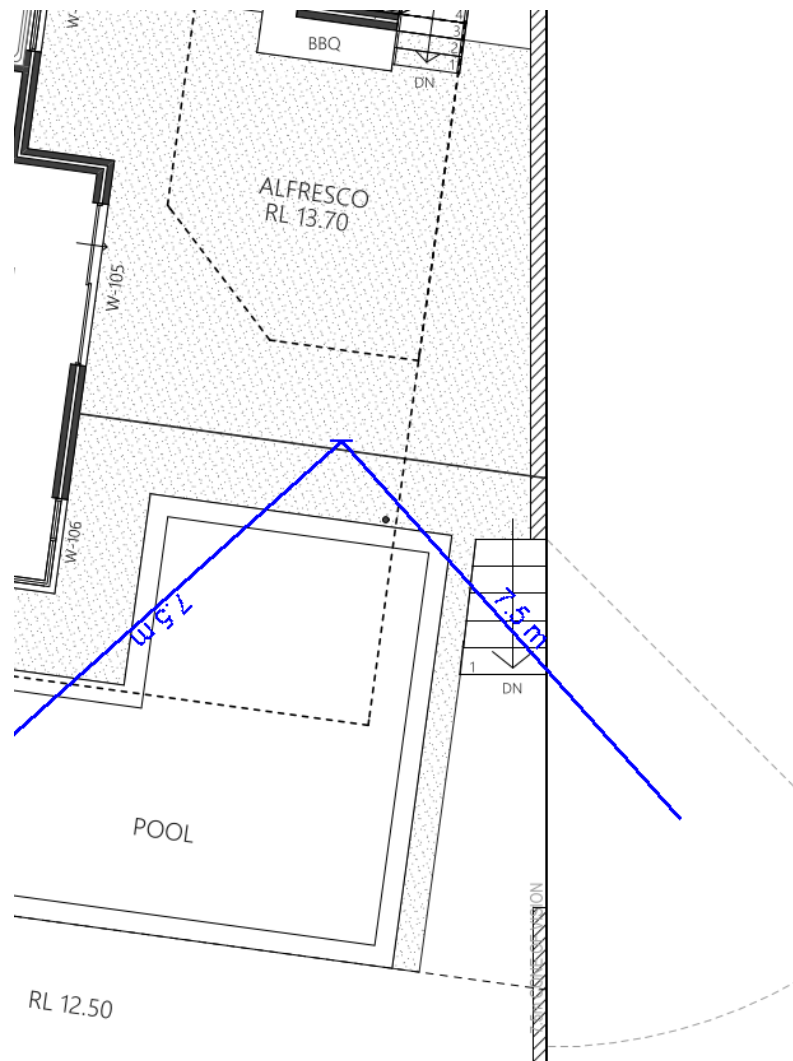
(i) **Visual Privacy Setbacks**

Element	Deemed-to-comply	Provided
East – alfresco area, ground floor	7.5m	1.5m
East – meals room, upper floor (southern elevation)	6m	5m
East – balcony, upper floor (northern elevation)	7.5m	2.1m
East – bed 2, upper floor (eastern elevation)	4.5m	4.4m
West – master suite, upper floor (northern elevation)	4.5m	2.7m
<p><i>Design Principles:</i>  <i>P1.1: Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> <li>• <i>Building layout and location;</i></li> <li>• <i>Design of major openings;</i></li> <li>• <i>Landscape screening of outdoor active habitable spaces; and/or</i></li> <li>• <i>Location of screening devices.</i></li> </ul>		

The proposed visual privacy setbacks for the respective rooms, excluding Bedroom 2, are considered to meet the Design Principles of the R-Codes for the following reasons:

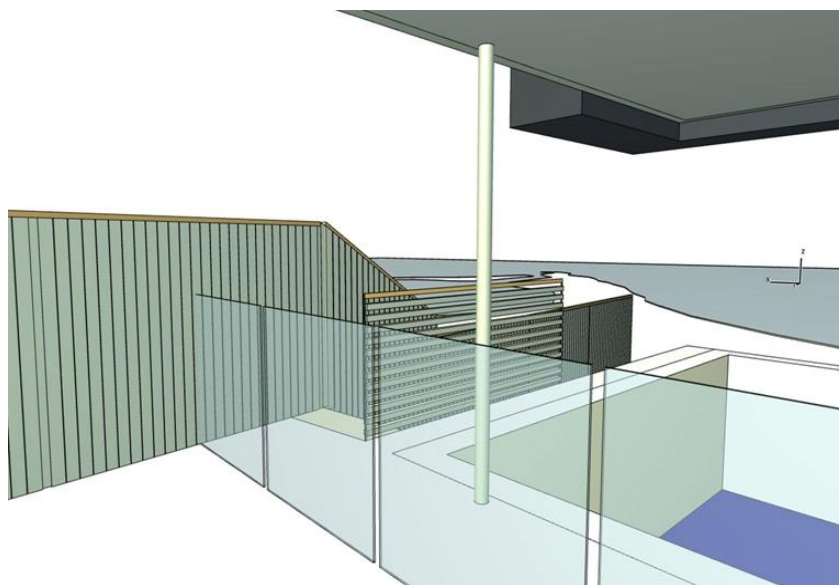
Alfresco (GF) – East

- The overlooking from the alfresco area in an easterly direction is largely mitigated through the provision of a standard 1.8m high fence on top of retaining. The area overlooked is shown below for reference.



**Figure 4: Overlooking from alfresco area to eastern adjoining property**

- The applicant also provided a 3D perspective to demonstrate how any screening alongside the pool would appear in conjunction with the boundary fence. This image is shown below:



**Figure 5: 3D perspective showing hypothetical screening adjacent to pool**

- In this case, it can be observed that even with the inclusion of additional screening adjacent to the pool, the boundary fence mitigates the majority of overlooking to the eastern neighbour. As such, further screening is considered to be superfluous and consequently, the visual privacy variation is supported.

#### Meals Room (UF) – East

- Due to screening proposed on the eastern elevation of the window to the meals room, the viewing angle, based on the cone of vision prescribed in the R-Codes, would effectively only facilitate overlooking of the below section of the eastern adjoining property.

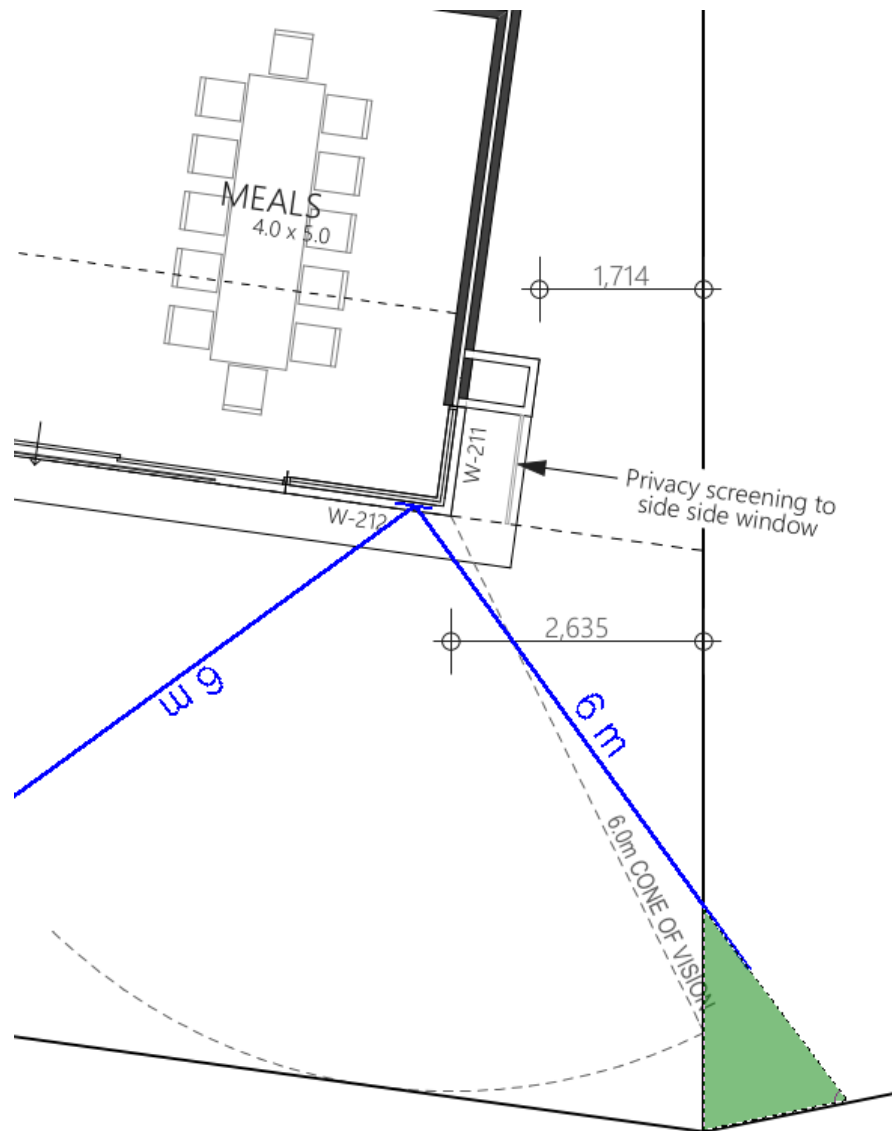


Figure 6: Overlooking from Meals Room to eastern adjoining property

- The *Explanatory Guidelines for the Residential Design Codes WA* states the following in respect to the cone of vision for reduced visual privacy setbacks:

*Evaluation of proposals should take into account only the potential impact of sight lines within the **cone of vision** where separation distances do not meet the deemed-to-comply provisions (Design element 7 – pg. 61, additional emphasis added).*

- As the separation distance in this case does not meet the 6m prescribed setback, any overlooking within the cone of vision area is to be assessed. In this regard, the overlooking within the cone of vision is only a small triangular portion toward the rear of No. 74 River Way, which, in isolation, is not considered to result in a significant adverse impact on the amenity of the property by way of visual privacy.

#### Balcony (UF) - East

- The predominant extent of overlooking from the balcony is toward the primary street, with some of the cone of vision overlooking the eastern adjoining site. It is considered that the extent of any overlooking would be at an angle and therefore would not readily facilitate direct overlooking into any future major openings, should No. 74 River Way be developed at some point. In this regard, the viewing would be oblique and, further, it is unlikely the outdoor living area would be overlooked, with these spaces typically being positioned to the rear of the site and not in the front setback area, as required in clause 5.3.1 of the R-Codes. Additionally, there is a requirement within the City's P306 (Development of Properties Abutting River Way) for properties to provide two (2) visitor car parking bays in addition to the two (2) bays already required by the R-Codes. To this end, it could be reasonably expected that a portion of the front setback area would be used for visitor parking and a driveway, thereby not constituting sensitive spaces for the purposes of a visual privacy assessment.

#### Bedroom 2 (UF) - East

- It is considered that the window to Bedroom 2 on the eastern elevation would facilitate unreasonable overlooking toward No. 74 River Way, as the cone of vision would be direct rather than oblique toward the likely portion of site to be developed. As such, a condition of approval is recommended to appropriately screen the major opening on the eastern elevation to Bedroom 2 so as to satisfy the Deemed-to-comply of clause 5.4.1 of the R-Codes.

#### Master Suite (UF) – West

- It is acknowledged that the major opening on the northern elevation of the proposed master suite would overlook a bedroom to the west at No. 68 River Way. However, taking into account the angle of looking, it is at an angle which only facilitates a narrow viewing corridor.



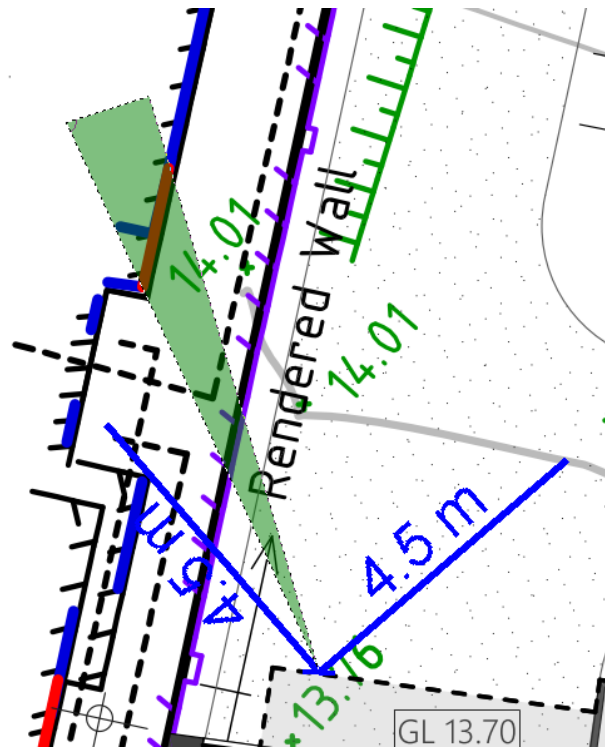


Figure 7: Overlooking from Master Suite to western adjoining property

- It should also be noted that the approved development plans for the current Single House at No. 68 River Way show that the windows are to be built as follows:

*Commercial grade aluminium powder coated window frames with **grey tint laminate** (additional emphasis added).*

- A site inspection also revealed that windows of the adjoining property to the west have in fact been constructed using a grey tint as specified on the plans, allowing for little visibility into the major openings (refer to image below).



Figure 8: Major opening to bedroom in upper floor of dwelling at 68 River Way



- The overlooking would not be toward any active habitable spaces or outdoor living areas.
- Having regard to the above factors, the visual privacy setback is considered to be supportable and addresses the design principles of clause 5.4.1 of the R-Codes.

**(j) Significant Views**

Council Planning Council Policy P350.9 (Significant Views) at times requires the consideration for the loss of significant view from neighbouring properties.

The neighbouring property to the west of the subject site currently enjoy views of the Canning River, and, while the one (1) submission received does not completely oppose the development by virtue of the loss of views in insolation, some concern is raised with the view diagrams provided and the potential impact on some existing view corridors to the east.

It is noted that in *APP Corporation Pty Ltd and City of Perth [2008] WASAT 291*, reference was made to a 'four - step assessment' in respect to determining what is considered to be a reasonable impact on views of significance in a development application (ref. *Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC 140*). The City's Policy P350.09 (Significant Views) makes reference to considering a 'reasonable expectation' in relation to maintaining a significant view, or at least reducing the extent a development may affect such views. However, it remains somewhat ambiguous within the policy as to how a particular impact on view(s) can be classified as a reasonable expectation. Given the City's P350.09 (Significant Views) provides no specific criteria in assessing the reasonableness of an impact, the four step assessment is outlined below:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are more highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to*

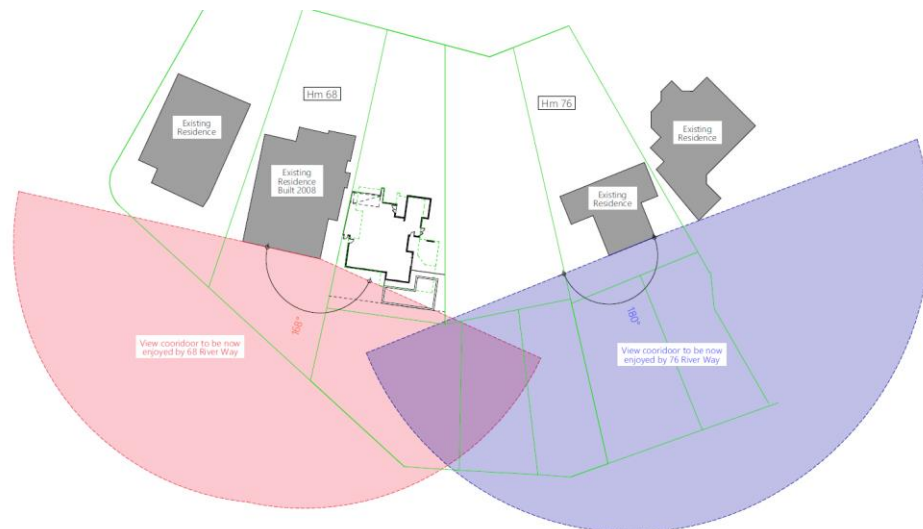
*say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

A response to each of the above assessment criteria is provided for below in numerical order:

1. It is observed that the property to the west of the subject site, being No. 68 River Way, currently enjoys a wide angle of viewing toward the Canning River from the south-west to the south-east, with some foreshore vegetation in immediate view directly to the south. Salter Point Lagoon is also situated to the south-east of the affected property and is within view. It is noted that the interface of vegetation is not of a substantial height and length to adversely impinge upon the views to the river and, aside from some trees of a moderate height, the views are generally uninterrupted. In this regard, the view is considered to be more aligned with what would be considered a 'whole' view of the river rather than a partial view or simply a glimpse of the Canning River. Taking these factors into consideration, it is concluded that the views of Canning River currently enjoyed by the residents at No. 68 River Way are of significance, which is also in accordance with the definition of a significant view provided in P350.09 (Significant Views).
2. The views of significance currently available at No. 68 River Way are largely obtained via the balconies on the first and second floors of the development at the rear of the site, with some views still available from the ground level area at the rear, although it is recognised that some view corridors may be obscured by vegetation due to the lower elevation profile at ground level. It is noted that, in reference to the application proposed, the submitter has raised concerns with views being impacted in an immediate east-south-easterly direction. This, of course, is a view which is facilitated through a side boundary. As stated previously, it is difficult to protect a view which is enjoyed from a side boundary compared with the rear. It must be reasonably expected that a vacant property zoned as 'Residential' under TPS6 would, at some stage in the future, be developed for residential purposes, and such vacant sites will not necessarily remain vacant in perpetuity. The objecting submitter also acknowledges this and recognises that some loss of views is to be expected.

3. In terms of assessing the extent of impact on views, the applicant has provided a series of view diagrams in an effort to illustrate the viewing angle afforded with the previous development on site (demolished in approximately mid-2013), the views at present with a vacant site, and the views deemed to be accessible based on the development proposed. These diagrams can be found at Attachment (c). The approximate range of view that will be available as a result of the proposed development at No. 72 River Way is shown below:



**Figure 9: View corridors with proposed development at 72 River Way**

It is acknowledged the view diagram does not necessarily factor in views from windows or other major openings on the eastern elevation of 68 River Way. Notwithstanding, and having regard to point 2 above, it is considered a more pragmatic approach to assess the extent of views that may be impacted via the rear of the site, given that Canning River is, generally speaking, situated to the south of the subject site.

Based on an assessment of the building permit plans for No. 68 River Way, the main areas affected are an outdoor living/play area on the ground floor, a living room on the first floor, and two bedrooms on the second floor. It is noted the rooms on the first and second floors are appurtenant to balconies on the southern elevation. With the exception of the outdoor living area, these rooms are spaces in which residents would usually sit rather than stand, and as a consequence it is inherently more difficult to protect views from such rooms. Having regard to the view corridor that is affected by the development proposed, and particularly acknowledging the location and siting of the former development, it is considered that the view loss should be qualitatively described as minor.

4. With respect to the reasonableness of the proposal itself, there are a number of variations from the R-Codes and various Local Planning Policies. However, these variations are considered to be supportable, and it is considered that a large number of the variations are a direct consequence of unique circumstances of the site, such as the substantial slope in topography.

There is no obvious design approach that could be implemented to reduce the impact on views, aside from moving the building further to the north. Although the applicant has selected the portion of site for development as it is the section of the land with a more gradual slope and is therefore most conducive for development. The proponent could also reduce the height of the development at the rear to single storey, however the building height limit for the site is 7 metres. As such, the development is fully compliant with building height. Furthermore, the City's P350.09 (Significant Views) states the following with respect to development potential:

### *2.3 Normal Development Entitlements Retained*

*The City will not require the following elements of the proposed development to be modified:*

- (a) A reduction to permitted residential density; or*
- (b) A reduction to building height in terms of the number of storeys that the building height limit would normally permit (additional emphasis added).*

It is also worth noting that, in response to the subdivision of Lots 501 (No. 72) and 502 (No. 74) River Way, a scheme amendment to TPS6 was gazetted, which states the following:

### *Clause 4.3 (q)*

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

In summary, taking into account all of the relevant points above, the impact on views is considered to be reasonable. Additionally, there is not considered to be a need to setback the property any further than 6 metres from the rear boundary. Therefore, the proposal is considered to satisfy the objectives of the City's Policy P350.09 (Significant Views).

### **(k) Fencing**

<b>Element</b>	<b>Deemed-to-comply</b>	<b>Provided</b>
Eastern boundary fencing height	1.8m in height	Up to 2.8m in height
Southern boundary fencing height	1.8m in height	Up to 2.2m in height
<i>Discretionary assessment: 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</i>		

*the following factors:*

- (a) Excessively dominant and unattractive visual impact;*
- (b) Increased shadow effect;*
- (c) Restriction on sunlight penetration; and*
- (d) Restriction on views.*

Clause 4.1 of the City's P350.07 (Fencing and Retaining Walls) states the following in relation to visual privacy and fencing:

*Except in circumstances where higher fencing is employed to achieve compliance with the visual privacy requirements of the Residential Design Codes, it is not generally necessary for a fence to exceed a height of 1.8 metres.*

In this case, it is evident the fencing on the eastern boundary is necessary to achieve compliance with visual privacy provisions. Additionally, the fencing heights proposed on both the eastern and southern elevation are 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 southern and eastern elevations will not result in an excessively dominant and unattractive visual impact, noting that the retaining situated underneath the fencing is considered necessary to effectively level the land for construction.
- There is not considered to be a substantial increase in the shadow effect due to the southern boundary fencing. The shadow cast also complies with the requirements of clause 5.4.2 (overshadowing) in the R-Codes.
- The impact on views is considered to be minor for the reasons previously mentioned in the 'Significant Views' section of this report. This part of the site is the lowest point and as such views from most other locations on the property will be enjoyed from a higher elevation profile. A 400mm departure from the permitted height of 1.8m on the southern elevation is not considered to be excessive to the effect that it would result in an unreasonable impact on views.

Additional to the above, the owners of No. 74 River Way to the east have consented to this development application and consequently support the fencing height on the eastern boundary.

It is noted that no elevations of primary street fencing are shown. Consequently any primary street fencing proposed would be the subject of a separate development approval.

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

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

- (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.

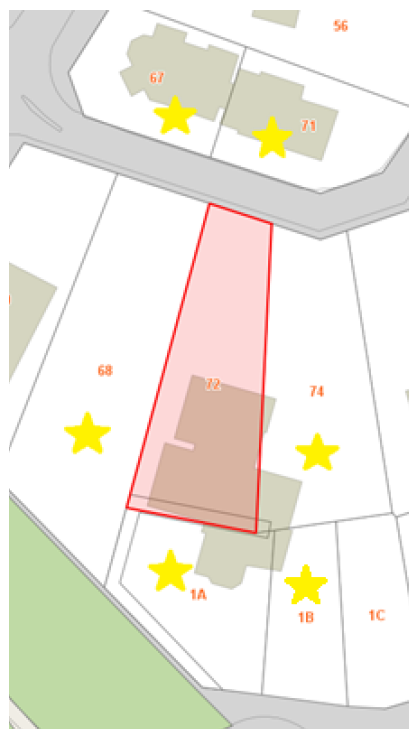
**(m) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

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**

**(n) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos 67, 68, 71 and 74 River Way, as well as 1A and 1B Salter Point Parade, were invited to inspect the plans and to submit comments during a minimum 14-day period (refer to image below).



**Figure 10: Neighbour consultation map**



During the advertising period, a total of six (6) consultation notices were sent and one (1) submission was received objecting to the proposal. The comments of the submitter, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<i><u>View-shed analysis:</u> the view shed provided is simplistic and does not properly consider the impact the development will have on views.</i>	Irrespective of any minor modifications to the view corridor diagrams, the <i>general</i> impact on the viewing angle is largely shown in the comparative plans provided by the applicant. The impact on views is considered to be supportable as per the 'Significant Views' section of this report. The comment is <b>NOTED</b> .
<i><u>Boundary wall:</u> it is requested that the boundary wall to the west is finished to match the existing boundary wall.</i>	This request is considered to be reasonable and generally in accordance with the City's P350.02 (Boundary Walls Policy). As such a condition of approval is recommended to reflect this preference for finish.  The comment is <b>UPHELD</b> .
<i><u>Side setbacks:</u> The setback of 1.34m for a portion of the western elevation is unacceptable and would result in an adverse building bulk impact.</i>	The western lot boundary setback is supported under the Design Principles of clause 5.1.3 in the R-Codes. Refer to the 'Lot Boundary Setback' section of this report for further information.  The comment is <b>NOT UPHELD</b> .
<i><u>Overlooking and privacy:</u> The overlooking from the master suite to an upper floor bedroom at 68 River Way would result in an intrusion of privacy.</i>	The visual privacy setback variation from the master suite on the upper floor to the west is supported under the Design Principles of clause 5.4.1 of the R-Codes. Refer to the 'Visual Privacy Setback' section of this report for further information.  The comment is <b>NOT UPHELD</b> .
<i><u>Southern boundary fencing:</u> The proposed southern boundary fence should be reduced in height to 900mm to 1200mm so as to lessen the impact on views.</i>	The fencing height is supported under the 'Fencing' section of this report. It is considered that the 400mm of retaining is necessary to appropriately level the site. Further, a departure of 400mm from the standard fencing of 1.8m is not considered to be significant in respect to the extent of view(s) that may be impacted. The impact on views is also supported as per the 'Significant Views' section of this report.  The comment is <b>NOT UPHELD</b> .

The applicant has also provided a response to the submission received, which can be found at **Attachment (d)**.

**(o) Engineering Infrastructure**

The City's Engineering Infrastructure department was invited to comment on a range of issues relating to drainage and site access arising from the proposal. A full copy of the comments from Engineering can be found at **Attachment (e)**.

Planning conditions and important notes are recommended to deal with issues raised by the Engineering.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has no financial implications

**Strategic Implications**

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

**Sustainability Implications**

Noting the favourable orientation of the lot, the officers observe that a number of north facing windows have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it is not considered to have a detrimental impact on adjoining residential neighbours and streetscape. In particular, it is considered that the proposal would result in an acceptable impact on significant views for neighbouring properties in accordance with the City's Significant Views policy. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

**Attachments**

- 10.3.1 (a):** Final set of development plans - 72 River Way - Two storey Single House - 11.2017.265.1
- 10.3.1 (b):** Site Visit Photos – 72 River Way - 11.2017.265.1 - Two storey Single House
- 10.3.1 (c):** View diagrams - 72 River Way - Two storey Single House - 11.2017.265.1
- 10.3.1 (d):** Response to submission from applicant - 72 River Way - Two storey Single House - 11.2017.265.1
- 10.3.1 (e):** Engineering Comments - Planning Application 11.2017.265.1, 72 River Way, Salter Point



### 10.3.2 Proposed Temporary Public Parking. Lot 200 (No. 151) Robert Street, Como

Location: 151 Robert Street, Como  
Ward: Como Ward  
Applicant: Mr V J Stuart  
File Reference: D-17-85848  
DA Lodgement Date: 3 July 2017  
Meeting Date: 17 October 2017  
Author(s): Matthew Andrews, Statutory Planning Officer  
Reporting Officer(s): Stevan Rodic, Acting Director Development and Community Services  
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
Council Strategy: 3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

To consider an application for planning approval for a Temporary Public Parking on Lot 200 (No. 151) Robert Street, 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	Clause 5: Operation, of the Canning Bridge Activity Centre Plan

#### Officer Recommendation and COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Jessica Black

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 Temporary Public Parking on Lot 200 (No. 151) Robert Street, Como **be approved** subject to:

#### Conditions

- (1) The Use of Public Parking shall expire three (3) years from the date of this approval being no later than 17 October 2020. At the end of this period the Use will no longer be valid.
- (2) Prior to the expiry of the temporary Use, all hardstand and structures associated with the Public Parking shall be removed from the site and the land shall be reinstated, to the satisfaction of the City.
- (3) Prior to operation of the Public Parking, the proposed solid portion of retaining wall facing Kwinana Freeway and the public reserve shall be finished in a clean material and treated with an anti-graffiti coating, to the satisfaction of the City.
- (4) The tree located on the south-eastern side of the lot, as indicated in red on the approved plans, is to be retained, to the satisfaction of the City.
- (5) Amended plans indicating the retention of the tree on the south-

eastern side of the lot shall be provided to the City prior to any works commencing on the site.

- (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) Landscaping areas shall be installed in accordance with the approved plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
- (8) All vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover(s), are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City.
- (9) All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
- (10) Any lighting of the carpark will require separate development approval from the City.
- (11) The development shall be in accordance with the approved plans unless otherwise authorised by the City.

#### Advice Notes

- (1) PN01, PN02, PN07, PN13, PNX2, PNX3

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

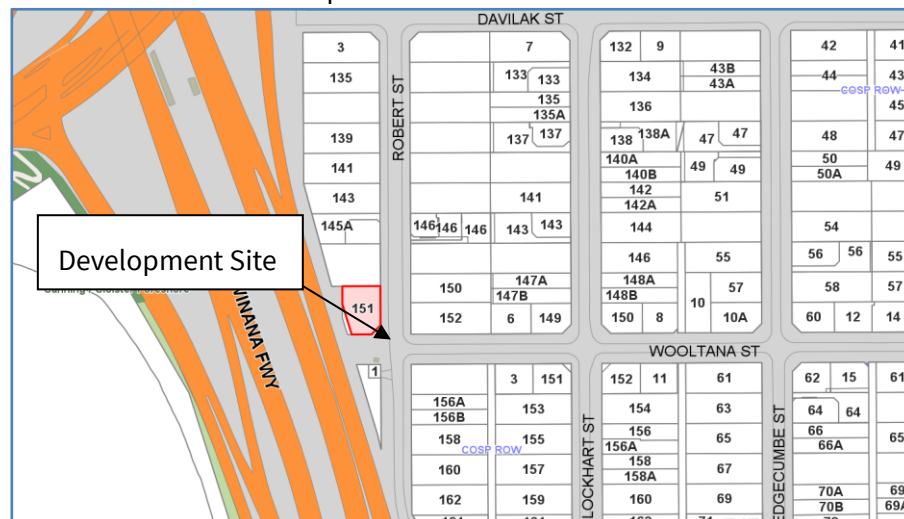
**CARRIED EN BLOC (9/0)**

## 1. Background

The development site details are as follows:

<b>Zoning</b>	Centre (CBAC - Q4 Davilak Quarter)
<b>Sub-zone</b>	Nil
<b>Lot area</b>	730 sq. metres
<b>Building height limit</b>	Not defined

The location of the development site is shown below:



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

**1. Specified uses**

- (i) *Temporary Uses being considered under Clause 64 of the Deemed Provisions; and*

**3. The exercise of a discretionary power**

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

**Comment**

**(a) Background**

In July 2017, the City received an application for Public Parking on Lot 200 (No. 151) Robert Street, Como (the **Site**). The Site is currently vacant as has been vacant since the extension of the Kwinana Freeway in the late 70s. There are some medium sized trees and shrubs on the Site but otherwise it is vacant sandy soil as depicted in the site photographs at **Attachment (b)**.

The site is located within the Davilak Quarter (Q4) of the Canning Bridge Activity Centre (CBAC). The Site however, is not sub-zoned and therefore there are no applicable specific development standards. As such, any development of the Site must be assessed against the objectives of the Town Planning Scheme and the Objectives of the Canning Bridge Activity Centre. The site is located adjacent to the M15 sub-zone to the north and the Desired Outcomes for this sub-zone have also been used for general guidance in the assessment of this proposal.

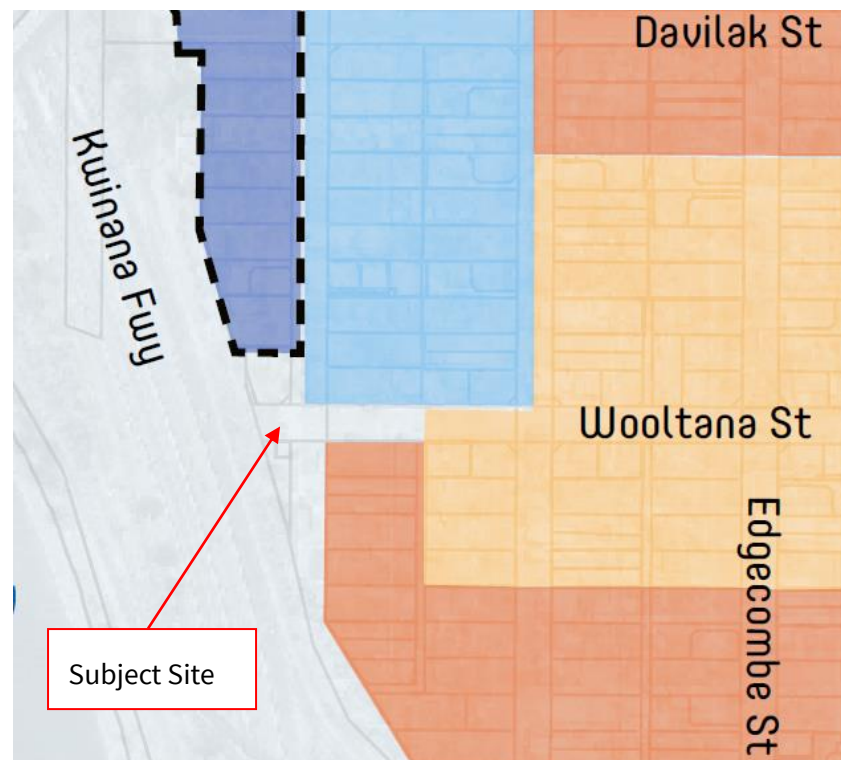


Figure 1 – CBAC zoning map detail

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

The Site has a frontage to Robert Street to the east, located adjacent to residential dwellings to the north, vacant Crown land to the South and Kwinana Freeway to the west, as seen in **Figure 2** below:



*Figure 2– Aerial Photograph*

The boundary to the west abuts the Regional Road Reserve for Kwinana Freeway which is classified as a Category 1 Primary Regional Road as can be seen in **Figure 3** below:



*Figure 3 – Scheme Zoning Map*

**(c) Description of the Proposal**

The proposal involves the construction of a Public Parking on Lot 200 (No. 151) Robert Street, Como, as depicted in the submitted plans at **Attachment (a)**. The applicant has applied for a temporary approval for a period of 3 years from the date of practical completion.

The Site is proposed to be paved bitumen with a single 5 metre wide crossover to Robert Street. The perimeter of the site will restrict vehicular access by way of bollard with a low barrier cable fence at the entry point



which will be remotely controlled through a smartphone application by paying customers. No lighting is proposed on the site as it is anticipated by the applicant that all parking will be during the day as it is expected to be used by commuters using the nearby train station to get to work and the existing lighting from the Robert Street and Kwinana Freeway were considered sufficient by the applicant.

**(d) Land Use**

The Site is located within an area in which development is guided by the Canning Bridge Activity Centre Plans (CBACP). This document is considered to be a policy of the City of South Perth and due regard must be given to it when making decisions on development applications.

As there is no sub-zone for the Site there are no applicable development provisions. As such, the proposed has been assessed against the objectives of the Scheme and the CBACP. The objectives of the Scheme are addressed in section (e) of this Report.

The objectives of the CBACP are:

1. *Meet district levels of community need and enable employment, goods and services to be accessed efficiently and equitably by the community.*
2. *Support the activity centre hierarchy as part of a long-term and integrated approach to the development of economic and social infrastructure.*
3. *Support a wide range of retail and commercial premises and promote a competitive retail and commercial market.*
4. *Increase the range of employment within the CBACP area and contribute to the achievement of sub-regional employment self-sufficiency targets*
5. *Increase the density and diversity of housing in and around the CBACP to improve land efficiency, housing variety and affordability and support the facilities in the area.*
6. *Ensure the CBACP area provides sufficient development intensity and land use mix to support and increase high frequency public transport.*
7. *Maximise access to and through the CBACP area by walking, cycling and public transport while reducing private car trips.*
8. *Plan development in the CBACP area around a legible street network and quality public spaces.*
9. *Concentrate activities, particularly those that generate steady pedestrian activation, within the CBACP area.*

The temporary Public Parking will encourage the use of the existing Public Transport network that is available meeting the overall objective of Transit Oriented Development. The Site and surrounds are already being utilised by motorists for parking as can be seen in the Site photographs at **Attachment (b)** which demonstrates a need for additional parking in the area. Removing cars parked on the side of the street will reduce congestion and increase safety for motorists and pedestrians. The Public Parking will encourage the use of walking and public transport by allowing motorists an alternative to driving in to the City or place of employment. The proposed is considered to meet the objectives of the CBACP.

The proposed land Use of Public Parking is a defined use within the CBAC. In considering a Use that is defined but is not a preferred Use, the proposal shall meet with the Desired Outcomes for the Quarter which are as follows:

*“Q4 is a rejuvenated residential area with a vibrant local main street of local shops and employment. Both residential and office development will be encouraged in the M10 and M15 areas, although more focus on cafe and retail opportunities will be encouraged for the development of the ground floor in buildings along Davilak Street between the Freeway and Edgcombe Street. Uses within the Residential zone will remain as residential only to establish an appropriate buffer between the centre and the surrounding suburb, although some appropriate scale non-residential uses may be considered along the residential edges of Davilak Street.”*

Uses of retail and café are encouraged for the ground floor to activate the façade of the building at the street level improving connectivity with the street. The Use of Public Parking is a preferred use within the M15 sub-zone for all other floors excepting the ground floor which indicates that the Use is suitable for the area. Although a Public Parking on the ground floor is not ideal, as the Use is temporary it is not considered that it will have a negative impact on the street or on connectivity to the ground floor in the long term. It is expected that this site will be developed as high density at the end of the temporary use.

Accordingly, the Use is regarded as satisfying the Desired Outcomes for the land uses within the Davilak Quarter, as well as satisfying the objectives of the CBACP.

**(e) 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;*
- (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.

**(f) 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

#### (g) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 2' consultation method, individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 14-day period. Letters were sent to all owners and occupiers within the area highlighted in blue in **Figure 3** below:



Figure 3 – Consultation Area



During the advertising period, a total of 96 consultation notices were sent and 3 submission(s) were received, 0 in favour and 3 against the proposal. The comments from the submitter(s), together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
Impact on privacy to adjoining residential properties.	In accordance with element 5.7 of the Canning Bridge Activity Centre Plan, provisions of privacy, overshadowing and solar access do not apply to lots within the CBAC area. In addition, the privacy issue arises from the fencing along the northern boundary of the Site being visually permeable rather than solid up to 1.8m which is the requirement for dividing fences. The comment is <b>NOT UPHELD</b> .
Car headlights shining in to adjoining properties.	As advised by the applicant, it is not anticipated that there will be vehicles using the Public Parking during the night time hours as it will be used by commuters using the nearby public transport system. The potentially affected properties to the north may decide to install new solid fencing along the lot boundary as the existing fence is open in style. Issues relating to boundary fencing are a civil matter and are not the responsibility of the City. The comment is <b>NOTED</b>
Noise impact from cars entering and exiting the carpark either early or late in the day.	As stated above, it is not anticipated that there will be vehicles using the Public Parking during the night time hours. Although vehicles may be entering and exiting early and late in the day it is not expected that there will be a noise impact any greater what will be generated by vehicles using the adjacent street. All vehicles will be moving at low speeds and will therefore not generate significant noise. The comment is <b>NOT UPHELD</b> .
Increase in theft and vandalism from increased foot traffic and people loitering in the area.	The Use will not have a significant impact on the amount of pedestrians in the area and will therefore have no effect on loitering or safety. The comment is <b>NOT UPHELD</b> .
Impact on traffic safety and congestion.	The size of the carpark will, at maximum capacity, add a total of 46 daily trips to the existing road network. This number is not considered significant and will not impact on congestion or traffic safety. The comment is <b>NOT UPHELD</b> .
Potential restriction of views.	Whist views are extremely desirable and universally sort-after, they are not a property right in WA, and should not be a means to stop other landowners realising their potential views. Current Planning theory suggests that only through standardised building-height restrictions can the maximum benefit be gained by the maximum proportion of the community, to which this proposal complies. The comment is <b>NOT UPHELD</b> .

**(h) Internal Administration**

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

The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating to car parking and traffic generated from the proposal. This section raises no objections and has provided the following comments:

- (i) The development will need to ensure that all stormwater falling on site is collected, contained and disposed of on site.
- (ii) The verge levels are not to be lowered or altered in any way to accommodate the development.
- (iii) The maximum allowable crossing width will be 6.0 metres.

Accordingly, important notes are required to respond to the comments from the above officer.

**(i) External Agencies**

Comments were also invited from Main Roads WA due to the proximity to Kwinana Freeway.

Main Roads WA provided comments with respect to the Site being on or abutting a regional road reservation. This agency raises no objections and provided the following comments:

- (i) Main Roads is currently developing a detailed design for the upgrading of the Kwinana Freeway/Manning Road interchange. Please be aware, there may be additional land requirements affecting this lot in the future (see Attachment (c))
- (ii) No earthworks are to encroach onto the road reserve
- (iii) No stormwater drainage is to be discharged onto the road reserve
- (iv) The landowner/application shall make good any damage to the existing verge vegetation within the road reserve.

Accordingly, planning conditions and/or important notes are not required to respond to the comments from the above officer(s).

**Policy and Legislative Implications**

The Canning Bridge Activity Centre Plan will need to be amended to give the Site at 151 Robert Street a sub-zone to appropriately guide any future development on the Site. The Strategic Planning department has provided the following comment:

*"The City will undertake a review of the CBACP in mid-2018. Part of this review will be correcting anomalies in the plan, such as the lack of sub-zone applied to the site. An assessment of the most appropriate sub-zone to apply to the site will be made at the time of the review. Correcting this kind of anomaly will not require any change to the zone of the site under the Scheme. "*

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

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

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

**Sustainability Implications**

Nil

**Conclusion**

The temporary Public Parking will provide opportunity for motorists to take advantage of nearby public transport and therefore meeting a key objective of the Activity Centre. Accordingly, it is considered that the application should be conditionally approved.

**Attachments**

- 10.3.2 (a):** Plans
- 10.3.2 (b):** Site Photographs
- 10.3.2 (c):** Main Roads Future Freeway Proposal

### 10.3.3 Proposed Additional Use of Child Day Care Centre. Lot 10 (No. 23) Paterson Ave, Manning

Location: 23 Paterson Ave, Manning  
Ward: Como Ward  
Applicant: St Pius X Catholic Primary School  
File Reference: D-17-85847  
DA Lodgement Date: 2 June 2017  
Meeting Date: 17 October 2017  
Author(s): Matthew Andrews, Statutory Planning Officer  
Reporting Officer(s): Stevan Rodic, Acting Director Development and Community Services  
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
Council Strategy: 3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

To consider an application for planning approval for an additional use of 'Child Day Care Centre' to the existing 'Religious Activities' Use (Parish Hall) on Lot 10 (No. 23) Paterson Street, Manning. Council is being asked to exercise discretion on the following matters:

Element on which discretion is sought	Source of discretionary power
Land Use (Public Assembly 'DC' Use)	TPS6 clause 3.3

#### Officer Recommendation and COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Jessica Black

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 an additional use of 'Child Day Care Centre' to the existing 'Religious Activities' Use on Lot 10 (No. 23) Paterson Street, Manning **be approved** subject to:

#### Conditions

- (1) Prior to operation of the 'Child Day Care Centre', the applicant shall submit an Acoustic Report prepared by a qualified Acoustic Consultant to ensure that noise received inside, or emitted from the premises does not exceed the levels stipulated in the *Environmental Protection (Noise) Regulations 1997* (as amended) and the Building Code of Australia, to the satisfaction of the City.
- (2) Prior to the commencement of the Use, all noise attenuation measures, identified in the Acoustic Report shall be implemented or installed and remain in place permanently, to the satisfaction of the City.
- (3) The number of children on site at any one time shall not exceed fifty (50).
- (4) The number of employees for the 'Child Day Care Centre' shall not exceed five (5).

- (5) 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.
- (6) The hours of operation for the 'Child Day Care Centre' shall be restricted to the following:
  - (i) Monday to Friday - 7:30am to 6:30pm (excluding Public Holidays).
- (7) The uses of 'Child Day Care Centre' and 'Religious Activities' shall not operate within the Parish Hall building simultaneously.

#### Advice Notes

- (1) The applicant is reminded of the requirement to comply with any applicable legislation in relation to the operation of a Child Day Care Centre.
- (2) PN01, PN02, PN07, PNX1, PNX2, PNX3

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

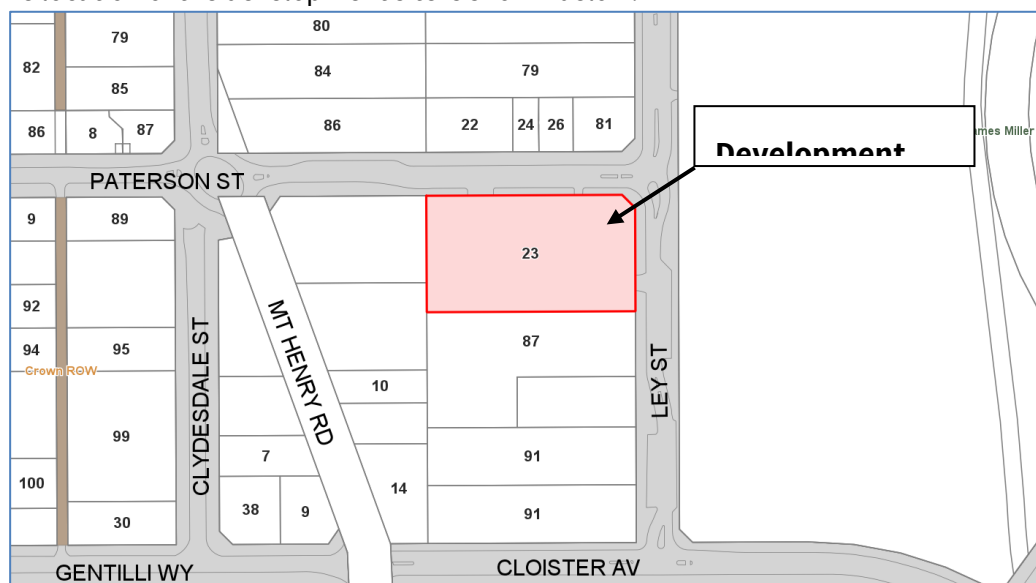
**CARRIED EN BLOC (9/0)**

#### Background

The development site details are as follows:

<b>Zoning</b>	Public Assembly
<b>Density coding</b>	R 50
<b>Lot area</b>	5,200 sq. metres
<b>Building height limit</b>	7.0 metres

The location of the development site is shown below:



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

#### 1. Specified uses

- (a) Child Day Care Centres;

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

In June 2017, the City received an application for an additional Use of 'Child Day Care Centre' to an existing Parish Hall ('Religious Activities' Use) on Lot 10 (No. 23) Paterson Street, Manning (the **Site**). The applicant for the proposed development is St Pius X Primary School which is located at No. 91 Ley Street, Manning on the corner of Ley Street and Cloister Avenue, who intends to operate the 'Child Day Care Centre' to provide before and after school care. The Site and the Primary School are both owned by the Catholic Archdiocese of Perth.

On 26 June 2017, the application was put on hold until further notice at the request of the applicant. The application was taken on hold on 20 August 2017 to resume formal assessment and determination.

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

The existing development on the Site currently features a land Use of Religious Activities. The building that the 'Child Day Care Centre' is proposed to operate is currently used as a Parish Hall. The Site also contains a Presbytery building and a Church building. The Site has 59 on-site parking bays as well as three ACROD parking bays.

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

The Site has two street frontages with Paterson Street to the north and Ley Street to the east. It is located adjacent medium density residential to the south and west as seen in **Figure 1** below:

**(d) Description of the Proposal**

The proposal involves the additional use of a 'Child Day Care Centre' within the existing Parish Hall located in the centre of the Site as depicted in the submitted plans at **Attachment (a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment (b)**.



The 'Child Day Care Centre' is proposed to be operated for the purpose of before and after school care for children attending St Pius X Primary School. The approximate operating times provided by the applicant are 7.30am to 9.30am and 2.30pm to 6.30pm on school days only. The 'Child Day Care Centre' will have a maximum of 50 children and a maximum of 5 staff.

When the Child Day Care Centre is not operating the Parish Hall will be used by the parishioners for their daily activities.

**(e) Land Use**

The proposed Use of 'Child Day Care Centre' is classified as a 'DC' (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of the Scheme.

The Use is proposed to be in addition to the existing 'Religious Activities' Use that is already operating on the Site. The 'Child Day Care Centre' will be used by parents who have children who attend the nearby primary school, which as stated previously, has the same owner. As can be seen from the site photographs at **Attachment (b)** the building is already setup to accommodate children with existing playground facilities located adjacent to the Parish Hall. The building also contains a kitchen, bathroom facilities and an office.

The Use is considered to be compatible with the existing Use on the Site which already caters to high numbers of patrons and activities daily, and the availability of on-site car parking. The location of the existing Parish Hall is setback approximately 17m from the adjoining residential dwellings to the south and approximately 30m adjoining residential dwellings to the west. The existing carpark separates the building from the adjoining residential properties. As advised by the Environmental Health section, an Acoustic Report shall be undertaken to ensure that the impact on the adjoining residential dwelling is within appropriate levels.

The proposed development is considered appropriate for the Site subject to the recommended conditions.

**(f) Car Parking**

Table 6 of the Scheme specifies the minimum required parking and bicycle bays for specified Uses. The table below details the required and existing parking on the Site.

Use	Bays Required
Existing Use of 'Religious Activities' (1 per 5sqm of gross floor area)	22 (based on gross floor area of 110sqm for the Parish Hall)
'Child Day Care Centre' (1 per employee, plus 1 per 10 children permitted to receive care)	10 (based on 5 employees and 50 children)

As the proposed is for an additional Use, the parking that would normally be used in relation to the 'Religious Activities' would be used for the 'Child Day Care Centre'. The internal area of the building that will be used for the Child Day Care Centre is approximately 110sqm in size. Table 6 of the Scheme



requires a minimum of 1 bay per 5sqm of Gross Floor Area for Religious Activities which would equate to a parking requirement of 22 bays.

As the required bays for the 'Child Day Care Centre' is less than that of the existing Use that would normally be operating in the same space, there is no shortfall in bays proposed. The proposal is considered to satisfy the requirements of clause 6.3 of the Scheme relating to Car Parking.

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

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

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

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

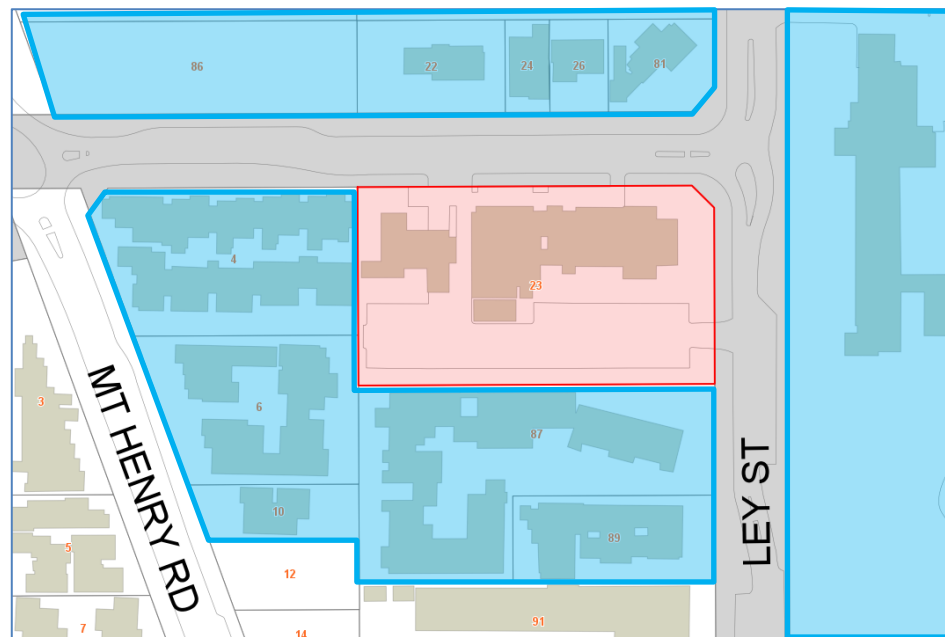
**(h) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

In considering an application for development approval, the local government is to have due regard to the 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**

**(i) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at were invited to inspect the plans and to submit comments during a minimum 14-day period. The following properties identified in blue on the below map were invited to make comment.



During the advertising period, a total of 48 consultation notices were sent and 1 submission was received.

The concerns of the submitter related to the existing building not being suitable for a Child Day Care Centre due to inadequate facilities and safety issues. The building will be required to comply with the requirements of *Child Care Services (Child Care) Regulations 2006* prior to commencing the Use, and therefore this comment is noted. An Advice Note advising the applicant of the need to comply with these regulations has been proposed.

**(j) Internal Administration**

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

The Manager, Engineering Infrastructure section was invited to provide a general comment in relation to the application. This department raises no objection to the development given the existing car parking facilities on the Site.

The Environmental Health section was invited to provide general comments in relation to the application. This section provided the following comments:

- (i) Any activities conducted will need to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
- (ii) If the business intends to serve food as would be usual for a daycare it will be a food business as defined in the *Food Act 2008* and will be required to meet the requirements of *Australia New Zealand Food Standards Code 3.2.1 3.2.2 3.2.3* and as a high risk premise- *Standard 3.3.1*.
- (iii) Consideration needs to be given to the design of all internal and external play areas to ensure that compliance with the *Environmental Protection (Noise) Regulations 1997* in relation to surrounding properties. An acoustic assessment is required to confirm the impact of this proposal on the surrounding residential properties.

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

**Policy and Legislative Implications**

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

**Financial Implications**

Nil

**Strategic Implications**

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

**Sustainability Implications**

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

**Conclusion**

The additional Use of ‘Child Day Care Centre’ within the existing Parish Hall is considered appropriate in the Public Assembly zone and is compatible with the existing Use on the Site. The existing car parking is considered adequate having regard to the expected peak parking demand generated by the Uses. It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

**Attachments**

- 10.3.3 (a):** Plans
- 10.3.3 (b):** Site Photographs

### 10.3.4 Proposed Amendment to Trading Hours of Development Approval for a Small Bar. Lot 32 (No. 79) Angelo Street, South Perth

Location: Lot 32 (No. 79) Angelo Street, South Perth  
Ward: Mill Point Ward  
Applicant: Matthew Williams  
File Reference: D-17-85652  
DA Lodgement Date: 10 August 2017  
Meeting Date: 17 October 2017  
Author(s): Victoria Madigan, Statutory Planning Officer  
Reporting Officer(s): Stevan Rodic, Acting Director Development and  
Community Services  
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a  
diverse and growing population  
Council Strategy: 3.3 Review and establish contemporary sustainable  
buildings, land use and environmental design standards.

#### Summary

To consider an application for Development Approval for an Amendment to Trading Hours (Condition 2) of a previous Development Approval for a Small Bar on Lot 32 (No. 39) Angelo Street, South Perth. Council is being asked to exercise discretion in relation the following:

Element on which discretion is sought	Source of discretionary power
Amendment to management plan – trading hours	‘Deemed Provisions’ cl. 77(1)(c)

#### Officer Recommendation and COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Jessica Black

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 Proposed Amendment to Trading Hours of Development Approval for a Small Bar on Lot 32 (No. 39) Angelo Street, South Perth be **approved** subject to:

#### (a) Deleted Conditions

Condition 2 of the approval granted 25 February 2014 being deleted, as the amended management plan in this application is to comply with the additional Condition(s) 1 and 2 below.

#### (b) Additional Conditions

- (1) The operations of the venue shall occur in accordance with the approved Management Plan dated 2 August 2017.
- (2) The Management Plan dated 2 August 2017 shall be implemented and adhered to at all times, to the satisfaction of the City.

- (3) All other conditions and requirements detailed on the previous approval dated 25 February 2014 (I.D. 11.2013.542.1) remains unchanged and is not affected by this approval. This approval only pertains to the amendments associated with the trading hours of the venue.

**(c) Additional Advice Notes:**

- (1) The applicant is reminded of the conditions of the Development Approval for a Change of Use from “Shop” to “Use not Listed” (Small Bar) dated 25 February 2014 (I.D. 11.2013.542.1).
- (2) PN02,PN03,PNX1,PNX2,PNX3

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

A copy of the Management plan submitted to the City dated 2 August 2017 is contained in **Attachment (a)** of this report.

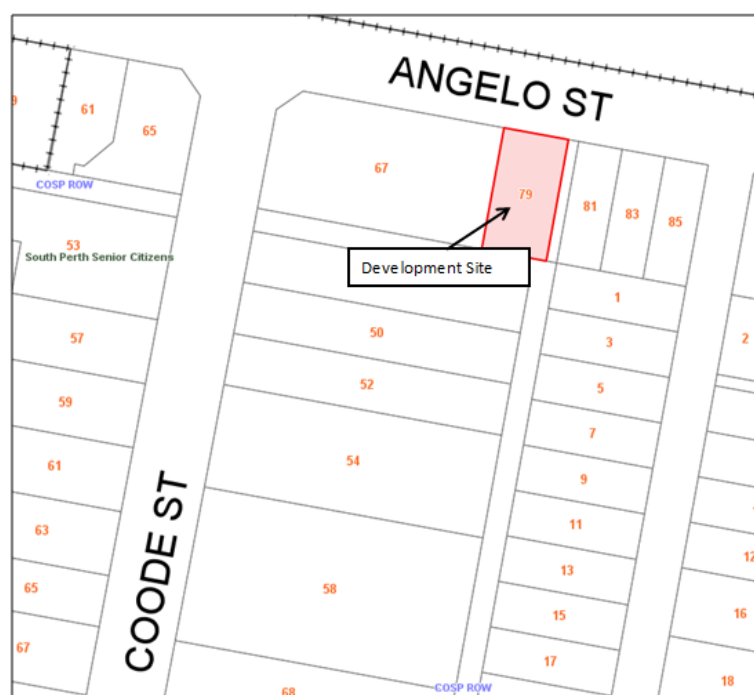
**CARRIED EN BLOC (9/0)**

## Background

The development site details are as follows:

<b>Zoning</b>	Neighbourhood Centre Commercial
<b>Density coding</b>	R50
<b>Lot area</b>	552 sq. metres

The location of the development site is shown below:



**Figure 1 – Location of 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:

**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.*

**6. Amenity impact**

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

**7. Neighbour comments**

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

**Comment**

**(a) Background**

In August 2017, the City received an application to amend Condition 2 (Trading Hours) of a Development Application for a Small Bar previously approved by Council on Lot 32 (No. 79) Angelo Street, South Perth (the **Site**) in accordance with Schedule 2 Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

On 21 October 2013, the City received an application for a “use not listed” (small bar) within the existing single storey building on Lot 32 (No.79-79A) Angelo Street, South Perth. Council on 25 February 2014 determined to approve the application with relevant conditions as detailed in **Attachment (d)**. Since the gazettal of TPS6 Amendment No. 50 on 4 March 2016, ‘Small Bar’ has been listed in TPS6 Table 1 and accordingly the approved use is no longer a “use not listed”.

Condition 2 of the approval is as follows:

*2. The operations of the venue shall occur in accordance with the approved Management Plan contained in Attachment 10.3.2(b) of the report presented to the 25 February 2014, Ordinary Council Meeting (City of South Perth Record No. D-14-2992 received 13 January 2014).*

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

The existing development on the Site currently features a single storey building with commercial land use of Small Bar on Lot 32 (No. 79) Angelo Street, South Perth as depicted in the site photographs in **Attachment (a)**.

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

The subject site is located between Coode Street to the west, and Waverley Street in the east. It has a frontage to Angelo Street to the north, and also has rear access via the right-of-way to the south. The subject site is located within the Neighbourhood Centre Commercial zone, and is flanked by a mix



of non-residential uses, to the east and west, Wesley College to the north of Angelo Street, and residential properties to the south.



**Figure 2 – Surrounding Locality**

**(d) Description of the Proposal**

The proposal involves an amendment to Condition 2 (trading hours) of the development approval dated 25 February 2014, to propose earlier opening hours to accommodate breakfast at the existing small bar venue. The proposed trading hours are as follows:

Monday to Saturday: 8am to Midnight  
Sunday: 8am to 10pm

The approved trading hours are as follows:

Monday to Saturday: 11am to Midnight  
Sunday: 11am to 10pm

The Applicant's letter and management plan, **Attachment (b)**, describes the proposal in more detail.

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. There are no changes to the existing building being proposed.

The proposed amendment of trading hours is considered minor and capable of determination by Council as an amendment application under the provisions of Schedule 2 clause 77 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.



The applicant has advised in the management plan, **Attachment (b)** there will be no amendment proposed to the permitted liquor licensing hours as a result of the proposed amendment to trading hours (to permit breakfast).

**(e) 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;*
- (e) Ensure community aspirations and concerns are addressed through Scheme controls;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (i)*
- (j) In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) the preservation of the amenity of the locality;*

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

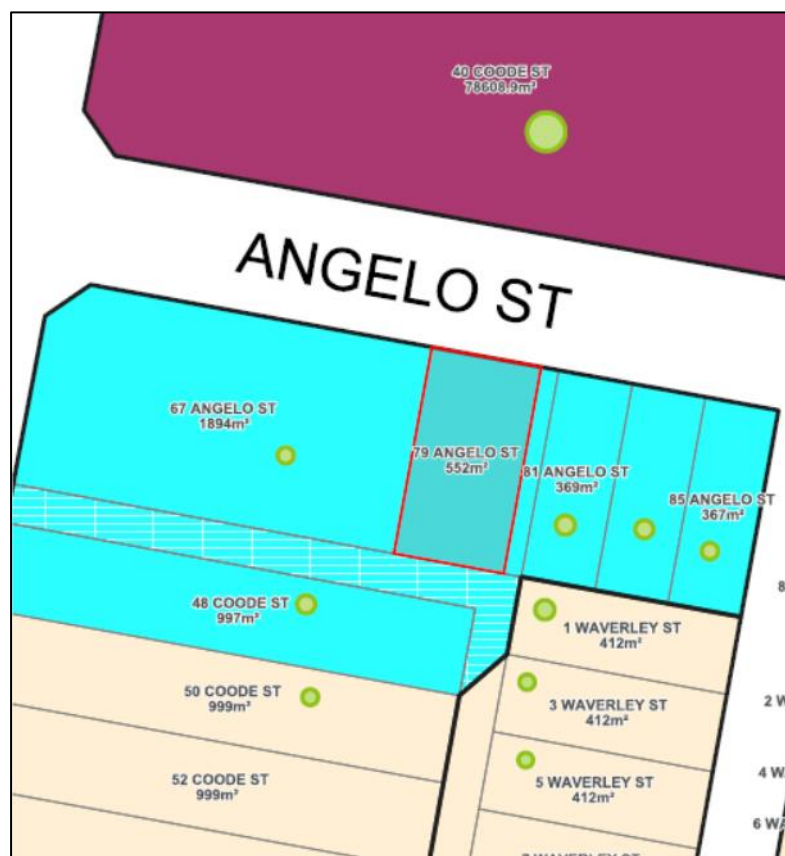
**(f) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

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

**Consultation**

**(a) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies were invited to inspect the plans as evident in **Figure (3)** below, and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).



**Figure 3 – Neighbour Consultation Letters**

During the advertising period, a total of 21 consultation notices were sent and 1 submission was received, against the proposal. The comments from the submitter, together with officer responses are summarised below. The submission sent to the City was emitted from the attachments due to the extensive length (120 pages) of the document, including a general report on bottle crushing, sound level measurements and advice on WRAP noise exposure in glass collection for recycling, however can be produced if required. The submitter's comments are copied below.

Submitters' Comments	Officer's Responses
<p>Since January 2015, noise levels generated from 79-79A Angelo Street have been consistently above the Western Australian Environmental (Noise) Regulations 1997. Due to the ongoing significant noise intrusion, I recently submitted to the City of South Perth Senior Environmental Officer, the attached an independent Noise Assessment Report. I have reviewed the applicant's covering letter and Management Plan - Hopscotch No 79 Angelo Street, South Perth.</p> <p>The Management Plan does not provide sufficient guidance for staff to understand their legislative obligations in regards to compliance with the</p>	<p>The applicant is proposing no change to the existing and previously approved, bin storage area. The previously plans were not included as part of this application as the applicant is proposing to amend the trading hours.</p> <p>The Coordinator Environmental Health responded to the submitters comments with the following:</p> <p>"The City has reviewed the comments provided by the complainant and advise the following;</p> <p>☒ The application for amendment to trading hours, if approved will not cause any noise to significantly impact upon the houses on Waverley Street</p>

<p>Department of Racing Gaming &amp; Liquor Licencing (Licence 15053) requirements, the Environmental (Noise) Regulations 1997, Health Act 1911 (Public Health Act 2016) City of South Perth Health Local Law 2002 requirements.</p> <p>On that basis, I object to the applicants proposed increase in trading hours and requesting the relevant legislation and the relevant City of South Perth Health Local Law requirements is incorporated with the following amendments to the final City of South Perth approved Management Plan: GENERAL Amend item I to read:</p> <p>The Licensee and Management will comply with the Environmental (Noise) Regulations 1997 in accordance with noise levels for "highly sensitive" residential areas, to ensure that the mechanical plant (eg exhaust fans, refrigeration units, air-conditioning units, etc) glass &amp; general waste disposal and other business activity of HOPSCOTCH does not have undue adverse impact on residents of the surrounding neighbourhood.</p> <p>Amend item 7 to read: 7. To eliminate the noise from empty glass bottles being dumped into bins, and to minimise the number of bins and glass waste collections, the Licensee and Management will utilise appropriate technology (eg bottle crushing machine), which achieves Occupational Safety and Health Act 1984 and Environmental (Noise) Regulations 1997 requirements and enclose all receptacles in a purpose built storage and accessible structure, which will be vermin proof, noise insulated bin enclosure to eliminate the spread of waste and odours and minimise noise when disposing of waste. This Waste Bin enclosure shall provided sufficient size to accommodate all waste receptacles including kegs etc and in accordance with the City of South Perth Health Local Law 2002.</p> <p>Comment in regards to item 7: Please see attached, some photographs of the</p>	<p>adjoining No. 79 Angelo Street.</p> <ul style="list-style-type: none"> <li>☒ A sound level measurement has been undertaken, as a result of the complaint and the City is currently working with the Owners of the bar to address non-compliance. This issue will be resolved as soon as possible.</li> <li>☒ All other items raised in the submission do not actually relate to the specific application".</li> </ul> <p>The applicant has responded to the submitters comments outlining the willingness to comply with the City's Environmental Regulations and will work with the City's Environmental Health Officer to rectify any issues regarding noise in accordance with the noise mitigation measures for Hopscotch as outlined in <b>Attachment (b)</b>.</p> <p>Additionally, a Patisserie at No. 79 Angelo Street, has operating hours from 6.30am Monday to Saturday and a Butchers operating from 9-530pm Monday to Saturdays.</p> <p>The comment is <b>NOTED</b>.</p>
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existing bin enclosure with waste bin receptacles, waste cooking oil and beer kegs outside, which is not compliant with the City of South Perth Health Local Law 2002. This has been the case since 2015 when Hopscotch first opened. It should be noted that the applicant has not included in the advertised Management Plan a copy of the proposed bin enclosure.

In regards to item 3 & 5, which reads as follows: 3. Any Music played within the bar/ restaurant will be of background volume, so as to never overshadow conversation between patrons and only function being to create and compliment the ambiance of the bar! restaurant. 5.

No live acts or entertainment are to perform at the venue Comment: The Department of Racing Gaming & Liquor Licensee (15053) Clause 63 states that Doors are to remain closed when customers are not entering building and that no amplified music, however please note that for quite a number of months the Licensee! Management has had a DJ regularly playing dance music in excess of the "background volume", the sound does overshadow conversations between patrons and at night the front door of the venue frequently left open. It appears highly unusual that the Licensee is conducting business operations in breach of the Department of Racing Gaming & Liquor Licencing (Licence 15053) requirements.

I Amend item 6 to read 6. To eliminate the noise from empty glass bottles being dumped into bins, to minimise the number of bins and glass waste collections, the Licensee and I Management will utilise appropriate technology (eg bottle crushing machine), which achieves Occupational Safety and Health Act 1984 and Environmental (Noise) Regulations 1997 requirements and enclose all receptacles to manage glass waste and the noise in a purpose built storage and accessible structure, which will be vermin proof, noise insulated enclosure at the rear of the

building. To minimise noise generated from the removing of glass and other waste from the premises into bins, will reduce the number of bins so only 1 waste collection per week is required after 9am to minimise waste collection noise”.	
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**(b) Internal Administration**

Comments were invited from Engineering Infrastructure and Environmental Health Services section(s) of the City’s administration.

The Engineering Infrastructure section was invited to comment on a range of issues relating to car parking and traffic generated from the proposal. This section raises no objections and has provided the following comments:

*“No issues from a Technical Perspective”*

The Environmental Health section provided comments with respect to noise. This section raises no objections and has provided recommended important notes.

Accordingly, or important notes are recommended to respond to the comments from the above officer(s).

**Policy and Legislative Implications**

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

**Financial Implications**

This application has no financial implications.

**Strategic Implications**

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

**Sustainability Implications**

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

**Conclusion**

The inclusion of a breakfast venue to the existing establishment provides various dining choices for the local community within the neighbour centre. It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential and commercial neighbours or streetscape. Provided that relevant conditions and advice notes are applied as recommended, it is considered that the application should be conditionally approved.

**10.3.4 Proposed Amendment to Trading Hours of Development Approval for a Small Bar. Lot 32 (No. 79)  
Angelo Street, South Perth**

**Attachments**

- 10.3.4 (a):** Site Photographs - No. 79 Angelo Street, South Perth
- 10.3.4 (b):** Applicant's Management Plan - No. 79 Angelo Street, South Perth
- 10.3.4 (c):** Applicant Response to Neighbour Submission
- 10.3.4 (d):** Planning Approval Dated 25 February 2014 - 11.2013.542.1

## 10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

### 10.5.1 Parking Management Action Plan

Location:	City of South Perth
Ward:	Mill Point Ward
Applicant:	Council
File Ref:	D-17-86167
Meeting Date:	17 October 2017
Author(s):	Les Croxford, Manager Engineering Infrastructure Paul Edwards, Network Operations Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Infrastructure and Transport -- Plan and facilitate safe and efficient infrastructure and transport networks to meet the current and future needs of the community
Council Strategy:	5.2 Advocate for, provide and maintain a safe, efficient and reliable transport network based on safe system principles.

#### Summary

This report presents the final draft of the *Parking Management Action Plan* for endorsement by Council, as developed by Cardno under the direction of City Officers and the assistance of a Community Advisory Group. The *Parking Management Action Plan* has been the subject of a community workshop and briefing to Council with the revisions made available to Councillors in July.

Three additional strategic parking reports (*Parking Demand Forecast*, *Parking Policy Review* and *Public Parking Provision*) have also been finalised and are included for endorsement by Council.

#### Officer Recommendation

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Glenn Cridland

That Council:

- endorse the *Parking Management Action Plan* (PMAP) and its recommendations for Parking Control Area One (PCA1) as presented in Attachment 10.5.1(a);
- accept the fundamental premise of the PMAP that the PCA 1 precinct will transition over time to an integrated and demand responsive parking system, incorporating a number of different public paid parking and/or time restricted measures that prioritise parking opportunities around the future usage and demand;
- endorse the three strategic parking reports (*Parking Demand Forecast*, *Parking Policy Review* and *Public Parking Provision*) as presented in Attachments 10.5.1 (b) (c) & (d) that will be utilised to inform future strategic planning initiatives for PCA1
- formally recognise the efforts of the community members who assisted in the development of the PMAP and note their feedback both in relation to parking within the South Perth Station Precinct along with their other concerns regarding the future challenges within PCA1.



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

That the Officer's Recommendation be amended to remove c) as follows:

That Council:

- a) endorse the *Parking Management Action Plan* (PMAP) and its recommendations for Parking Control Area One (PCA1) as presented in Attachment 10.5.1(a);
- b) accept the fundamental premise of the PMAP that the PCA 1 precinct will transition over time to an integrated and demand responsive parking system, incorporating a number of different public paid parking and/or time restricted measures that prioritise parking opportunities around the future usage and demand;
- ~~c) endorse the three strategic parking reports (*Parking Demand Forecast*, *Parking Policy Review* and *Public Parking Provision*) as presented in Attachments 10.5.1 (b) (c) & (d) that will be utilised to inform future strategic planning initiatives for PCA1 and that~~
- d) formally recognise the efforts of the community members who assisted in the development of the PMAP and note their feedback both in relation to parking within the South Perth Station Precinct along with their other concerns regarding the future challenges within PCA1.

**CARRIED (9/0)****Reasons for the Amendment**

Members of the Parking Community Advisory Group have approached me concerned with the data set used to develop the Parking Demand Forecast document (Attachment 10.5.1(b)).

I would like the three strategic parking reports ((*Parking Demand Forecast*, *Parking Policy Review* and *Public Parking Provision*) withdrawn from the recommendation to allow the Parking Demand Forecast to be reviewed with members of the Advisory Group to ensure better consensus around the data set it has utilised.

The three strategic parking documents can then be considered by Council at the December 2017 Ordinary Council Meeting.

The amendment then became the substantive.

**COUNCIL DECISION****Moved:** Councillor Colin Cala**Seconded:** Councillor Glenn Cridland

That Council:

- a) endorse the *Parking Management Action Plan* (PMAP) and its recommendations for Parking Control Area One (PCA1) as presented in Attachment 10.5.1(a);
- b) accept the fundamental premise of the PMAP that the PCA 1 precinct will transition over time to an integrated and demand responsive parking

system, incorporating a number of different public paid parking and/or time restricted measures that prioritise parking opportunities around the future usage and demand;

- c) formally recognise the efforts of the community members who assisted in the development of the PMAP and note their feedback both in relation to parking within the South Perth Station Precinct along with their other concerns regarding the future challenges within PCA1.

**CARRIED (9/0)**

### Background

Council at the May 2016 Meeting adopted a Parking Strategy as developed by City Officers and Luxmoore Parking. Council also resolved that a Community Advisory Group would be established to provide advice to Council and City staff on the implementation of the Parking Strategy and parking issues that crossover the traditional public and private boundaries.

The Parking Strategy contained 22 recommendations, with six being reproduced below:

- Change the City's approach from the current predict and provide to a demand management approach whereby parking facilities are used more effectively and parking is proactively managed to align with the agreed strategy
- Adopt the following five parking principles which are to underlie future strategies relating to travel behaviour:
  - Focus on people access not vehicle access
  - Provide efficient and effective alternatives to car access
  - Parking policy and strategy must support sustainable transport
  - The appropriate amount of parking for the centre will be well below the unconstrained demand for parking
  - The provision of parking requires a demand management, not a demand satisfaction approach.
- Implement a parking user hierarchy for different parking precincts to support growth and intensification goals
- Evaluate the introduction of parking controls and eventually pay parking particularly in areas adjacent to major trip generators. These controls should be used to encourage the use of alternative modes, but should also be set at a level which does not detract from the vitality of the city precincts
- Gradually expand pay parking areas based on regular and comparative surveys of usage. Pay parking fees are to be structured to favour short-term users and encourage a high churn of spaces
- Adjust prices either up or down in response to the occupancy surveys undertaken. In each case the goal is to maintain an average of 85% occupancy, as much as is practicable.

To achieve the objectives, the Parking Strategy concluded that the delivery of any operational plans that deal with the issue of public parking supply and associated costs / restrictions must be done in close consultation with community representatives.

The Parking Strategy also nominated 14 separate "Parking Control Areas" that would enable the staff to review specific parking requirements on a "localised" basis. As the South Perth Station Precinct is an area that is going through a

transformational phase and presented both risks and opportunities, that area and its immediate surrounds was defined as “Parking Control Area Number One” (PCA1). PCA1 was determined to be the focus for the development of a Parking Management Action Plan (PMAP).

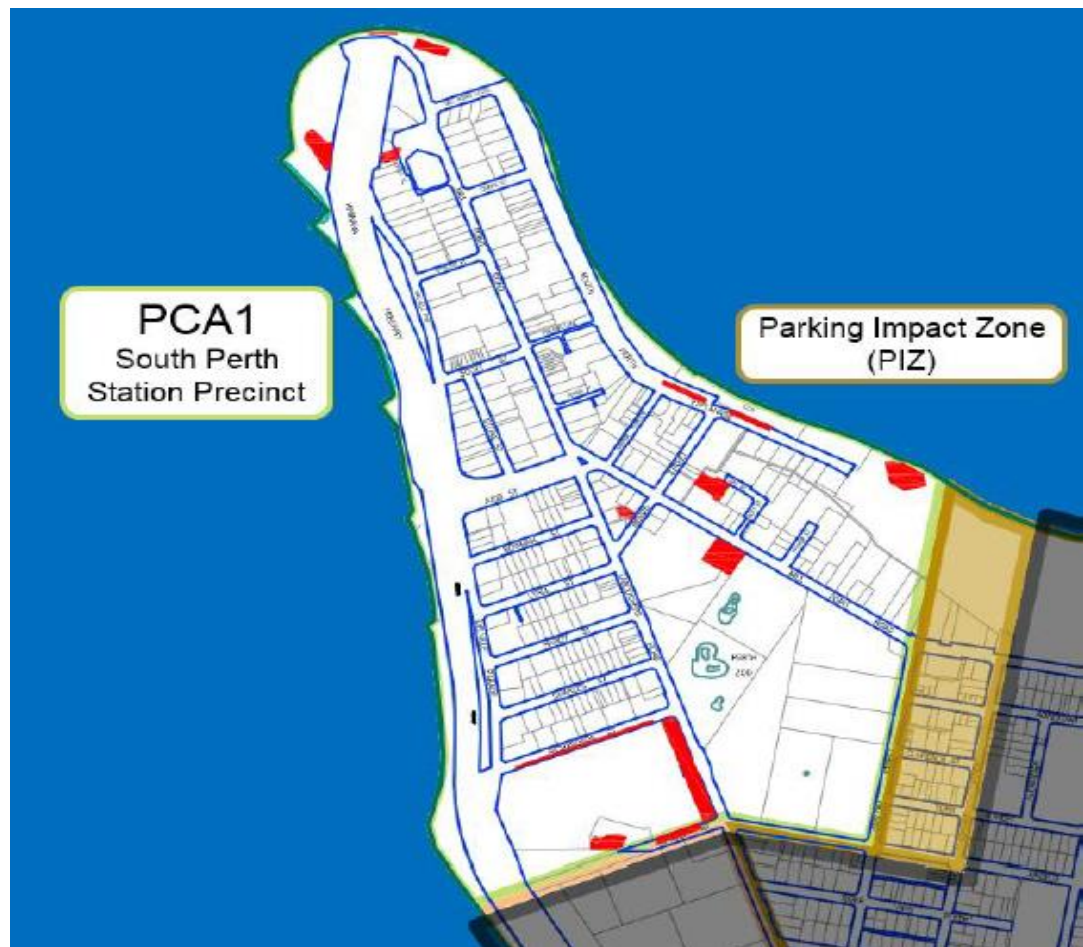


Figure 1: PCA 1 – Study Area

Cardno (WA) Pty Ltd (trading as Cardno) was commissioned by the City to deliver the following documents:

- Parking Management Action Plan for PCA1 (Attachment 10.5.1 (a))
- Parking Demand Forecast (Attachment 10.5.1 (b))
- Parking Policy Review (Attachment 10.5.1 (c))
- Public Parking Provision (Attachment 10.5.1 (d))

Note: The Attachment 10.5.1 (a) and dated 13 September replaces the previously circulated document (dated 29 March 2017). The September PCA1 will be the implementation document. The revision has been identified as an “*Update to Reflect Parking Changes*”. The changes in the two documents are minimal and have no bearing on the content of the report. A further general comment (not previously listed in the summary but evident in the body of the report) has been added to the Executive Summary and there has been a change to the listing of the recommendations in the Summary with minor changes only to the wording. The September PCA1 also includes the revised plans at Appendix A (Paid Parking Rollout) and Appendix B (Parking Rollout) where the existing position is 2017 (not 2016). The legend colours have also been changed to provide more clarity.

A Community Advisory Group (CAG) was established to provide advice and assistance to the consultant and the staff on various parking issues including those that crossed over the traditional public and private boundaries. The CAG met formally on six separate occasions and their input and local experience has assisted in the development of the Parking Management Action Plan and the associated strategic documents by Cardno.

### **Comment**

#### **Parking Control Area Number One (PCA 1)**

For operational effectiveness PCA 1 has been subdivided into seven sub-precincts:

- Sub-precinct 1: Labouchere Road
- Sub-precinct 2: Melville Parade
- Sub-precinct 3: Mill Point Road
- Sub-precinct 4: Zoo
- Sub-precinct 5: Mends Street
- Sub-precinct 6: South Perth Esplanade
- Sub-precinct 7: Onslow Street

PCA 1, while relatively small in area offers a broad land use profile including the following examples:

- The Perth Zoo, which operates both as a significant employment node and as a visitor destination
- The south-eastern quadrant from Bowman Street to Richardson Street which is typified by a combination of commercial and residential development
- The Mends Street Activity Precinct
- Varying types of residential development ranging from single-unit developments to high density multi-storey developments.

Specific sub-precinct action plans have been developed for six of the above and included as Part 5 in the Parking Management Action Plan.

#### **Parking Management Action Plan (PMAP) (attachment 10.5.1 (a))**

The PMAP has been developed as an operational three year plan for six of the seven individual “Sub-Precincts” within PCA 1. The aim is to deliver a phased transition in the area to a “paid parking” environment, incorporating a number of different time restrictions based around the proposed future usage.

The objectives of the PMAP are to *identify changes in the existing management to optimise the function of parking in the study area, both on-street and off-street*. The changes are proposed for progressive implementation over a one to three year period.

#### **Key Findings**

- a. *There is available parking capacity within a reasonable walking distance (400m) of the key parking generators*
- b. *Existing parking management situation is inconsistent and inefficient, with conflicting management strategies between on-street and off-street, public and private, as well as between adjacent parking zones*

- c. Prime parking bays adjacent to high-demand destinations are still being used for commuter and construction vehicle parking, despite existing parking restrictions*
- d. Free duration-restricted on-street parking, while intended to support short-stay parking does not adequately prevent use by local employees through periodic rotation of vehicles within a zone*
- e. There are opportunities to use paid parking and duration restrictions to more effectively distribute demand across the zone, prioritising “prime” parking locations for the highest value purposes.*

#### Major Recommendations

- 1. Consider the existing private and public parking supply as part of an integrated system. Work with and provide guidance to private suppliers to maximise their parking efficiency*
- 2. Manage demand to promote parking for specific users and land use types, using time restrictions and fee payment schedules. These mechanisms may change to reflect different demand scenarios: weekday, weekend, school holidays, intense local construction periods*
- 3. Demand responsive parking may be used (assuming high-quality occupancy data) to maximise the efficiency of the public parking supply, redistributing demand across a wider area and freeing up prime parking locations for high-value purposes*
- 4. Ongoing annual review of the PMAP, alongside the City’s statutory parking charges review; to adapt to changes in the built environment and road network, and to accommodate construction traffic and parking requirements. Fine-grained changes in parking will be required throughout the year, which use the PMAP as a baseline document*
- 5. Parking Wayfinding is an important tool to maximise the effectiveness of the parking system and should be employed in stages of increasing information and complexity, from static signage in the short term to dynamic signage or mobile application tools, corresponding to the availability of data and funding.*

The proposed changes to parking are broadly in-line with what is expected in a higher density area and are subject to specific demand targets being reached for the on street supply of public parking.

#### Annual Review of the PMAP

An annual review of the PMAP, alongside the City’s statutory parking charges review is proposed to be undertaken prior to the implementation of significant actions within the Plan. The diagram below identifies the process to be followed.

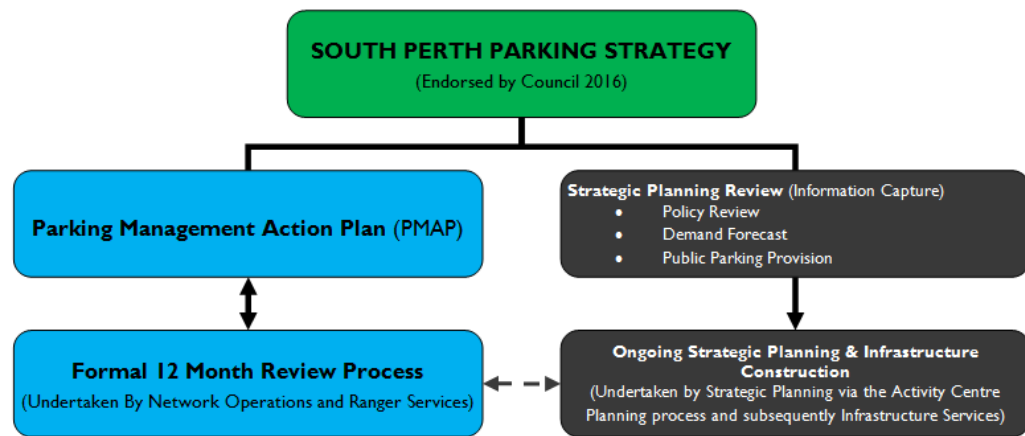


Figure 2 – PMAP Review Process

As part of the proposed annual review process for parking controls within area, City officers will provide to Council:

- A detailed listing of all changes to parking restrictions completed over the previous twelve months under Delegated Authority
- A proposed list of changes to either paid parking rates and/or paid parking areas as established within the Parking Management Action Plan for PCA 1
- Supporting data and associated justifications for the implementation of the proposed changes for the consideration of Council.

The annual review should normally occur later in the financial year, in the lead up to the annual budget adoption, as parking rates will need to be included in the Fees and Charges Schedule.

### **Strategic Parking Documents**

In addition to the PMAP, three strategic documents were also developed that will now be utilised to inform at a high level the City's preparation of the "Activity Centre Plan" for the South Perth Station Precinct and the review of Town Planning Scheme 6 (TPS 6).

- Parking Demand Forecast
- Parking Policy Review
- Public Parking Provision.

The three documents aim to provide a strategic parking framework for the short, medium and longer terms for the City.

### **Parking Demand Forecast (PDF) (attachment 10.5.1 (b))**

The objectives of the PDF are to:

- Establish and characterise the existing land uses within PCA1
- Calculate the theoretical parking demand for existing and future scenarios using Cardno's in-house parking model
- Predict the future land uses within the area based on available information provided by the City
- Calculate the potential requirement for future parking demand within the study area.



Selected extracts from the PDF include:

- *The intermediate parking demand models are analysed through Cardno's mixed development spreadsheet with the inclusion of future land uses proposed in the SPSP. The future land uses to be included are based on the Council approved developments within the area which have been summarised in Table 6-1*
- *The same methodology used to calculate the existing parking demand has been applied to estimate the parking demand for the intermediate scenario (2021)*
- *It is noted that this implies on-site occupancy rates which are higher than the average observed. There is therefore potential that demand for public parking will increase. However, there appears to be sufficient excess parking supply across PCA1, even on the design day, to accommodate peak parking demand*
- *The supply of public parking is considered to be sufficient for the interim 2021 scenario on the design day. Beyond this time horizon, travel demand management and/or parking supply increases may be necessary to support the ongoing development of the PCA1 South Perth Station Precinct.*

#### **Parking Policy Review (PPR) (attachment 10.5.1 (c))**

The PPR compares the outcomes of the Parking Strategy and PMAP for PCA1 to the City's existing policy to identify gaps and discrepancies that might hinder implementation.

Cardno state that *the application of effective and transparent parking standards is important for all levels of development and approval. The commercial viability of development may be highly dependent on the requirement for car parking and associated space due to the high cost of land and construction within a constrained Town Centre environment. It is therefore imperative that parking policies reflect the true need for parking across all of the different types and uses.*

The PPR contains a number of recommendations for consideration/assessment in the review of TPS 6.

#### **Public Parking Provision (PPP) (attachment 10.5.1 (d))**

Cardno has constructed a parking demand model to investigate the existing use of public and private parking using a land-use generation basis and calibrated to observed behaviour. The following is the introduction from the PPP.

*This Technical Memorandum is intended to provide preliminary advice regarding the requirement and potential for future public car parking, the likely scale of investment required and indicative timeframes or triggers for acquisition of land and construction of bays.*

The stated outcomes from the PPP include

- *Publicly accessible parking currently accommodates about 50% of the non-residential parking demand within PCA1 on an average day, and as much as 60% on the design day*
- *The peak occupancy rate of non-residential parking in the publicly accessible bays is 67% is with an average occupancy rate of 40% across PCA 1*
- *There are days of the year when parking demand exceeds the design day and approaching the overall parking capacity of the Precinct. These periods are*

*generally associated with specific events or during high patronage days for Perth Zoo.*

Selected extracts from the PPP include:

- *The results of occupancy surveys suggest that there is still a high degree of parking vacancy within PCA1, and that this represents some capacity to accept short-term overflow during the intense construction period*
- *The sufficiency of the public parking supply relies on effective parking management, addressed within this Parking Management Plan through the Parking Management Action Plan component*
- *The volume of parking can be accommodated in the short-term without construction of additional supply, assuming again effective parking management*
- *Long-term development assessment has not yet been undertaken, as it relies on the work currently being undertaken by the City with respect to land-use planning.*

### **Consultation**

The CAG met on six separate occasions in a facilitated setting with the consultant and City staff. While much of the discussion was direct and appropriate to the development of a PMAP, conversation did digress into areas that were outside of the realm of an operational plan and more closely aligned to the broader planning strategies, the challenges and opportunities that the higher densities within the precinct can bring to the City.

A Concept Briefing of Council was held on 4 April 2017 to discuss the development of the PMAP and the three strategic parking documents (Parking Policy Review, Parking Demand Forecast and Public Parking Provision).

The CAG was invited to provide feedback on the draft PMAP following the Council briefing. Three members of the CAG provided feedback on the documents distributed with all providing multiple comments in relation to one or more of the documents. Member comment was received from two of the submitters on the PMAP, with single comments being received on each of the three strategic documents and one member offering comment on matters described as “other considerations”. A summarised version of the submissions with officer feedback is provided within Attachment 10.5.1(e). Copies of the full submissions have also been made available for Councillors to review.

### **Policy and Legislative Implications**

There are no immediate Policy or Legislative implications with the Parking Management Action Plan, and associated strategic documents however recommendations from the Parking Policy Review contains a number of recommendations for consideration / assessment in the review of Town Planning Scheme Six.

### **Financial Implications**

There are no immediate financial implications with accepting the PMAP. As recommendations within the Plan relating to pricing are implemented there will be some financial impact. These will be considered via the annual review and budget process.

**Strategic Implications**

The Report is a direct response to the City's Strategic Community Plan and Corporate Business Plan 2015 – 2019 - Infrastructure and Transport ("Plan and facilitate safe and efficient infrastructure and transport") and Strategic Objective 5.2 ("Advocate for, provide and maintain a safe, efficient, and reliable transport network based on safe system principles") with direct reference to 5.2.3 – "Develop a Parking Strategy for the City".

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

**Sustainability Implications**

The appropriate management of the local road system is extremely important to ensure that it meets the current and future traffic, transport and road safety needs of the community.

**Attachments**

- 10.5.1 (a):** Cardno Report - South Perth Station Precinct Parking Management Action Plan
- 10.5.1 (b):** Cardno Report - South Perth Station Precinct Management Action Plan - Intermediate Scenario (2021) Parking Demand Forecast
- 10.5.1 (c):** Cardno Report - South Perth Station Precinct Parking Management Action Plan - Parking Policy Review
- 10.5.1 (d):** Public Parking Provision
- 10.5.1 (e):** South Perth Station Precinct Parking Management Action Plan - Working Party Feedback - June 2017

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

### 10.6.1 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-85638
Date:	17 October 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 September 2017 and 30 September 2017 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(439)	\$5,926,497
Cheque Payment to Creditors	(24)	\$91,869
<b>Total Monthly Payments to Creditors</b>	<b>(463)</b>	<b>\$6,018,366</b>
Cheque Payments to Non-Creditors	(97)	\$103,418
<b>Total Payments</b>	<b>(560)</b>	<b>\$6,121,784</b>

#### Officer Recommendation and COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Jessica Black

That the Listing of Payments for the month of September 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 2017-2027](#).

**Attachments**

**10.6.1 (a):** Listing of Payments - September 2017

## 10.6.2 Financial Management Reports - September 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-85639
Date:	17 October 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 Sharron Hawkins-Zeeb

**Seconded:** Councillor Jessica Black

That Council:

- (a) Note the financial statements and report for the month ended 30 September 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 \$46.08m in comparison to budget of \$45.90m. Expenditure from Operating Activities for the year to date is \$13.27m in comparison to budget of \$15.72m. Variations in the month of September are common with a lower activity at the commencement of the year, awaiting the Budget adoptions, as well as many year-end processes being finalised.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.19m in comparison to the budget of \$0.24m. Actual Capital Expenditure for the year to date is \$2.99m in comparison to the budget of \$4.76m.

Cash and Investments balance was \$78.53m, 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 58.84% 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 2017-2027](#).

**Sustainability Implications**

Financial reports address the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising pro-active identification and response to apparent financial variances.

**Attachments**

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

## 11. APPLICATIONS FOR A LEAVE OF ABSENCE

A Leave of Absence application was received from Councillor Travis Burrows for the period 24-31 October 2017, inclusive.

The Presiding Member called for a Motion to approve the application.

### **Officer Recommendation and COUNCIL DECISION**

**Moved:** Councillor Jessica Black

**Seconded:** Councillor Cheryle Irons

That the Leave of Absence application received by Councillor Travis Burrows for the period 24 October-31 October 2017, inclusive be approved.

**CARRIED (9/0)**

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

### 12.1 DECLARATIONS OF INTEREST ON WEBSITE (CR FIONA REID)

At the Council Agenda Briefing held 19 September 2017 Councillor Fiona Reid gave notice that at the 17 October 2017 Ordinary Council Meeting she would move the following Motion:

#### **Motion and COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That the City of South Perth:

- i) investigates how 'Declarations of Interest' can be made available on the City of South Perth website;
- ii) implements a 'Declarations of Interest' register on the City of South Perth website by December 2017; and
- iii) makes available all 'Declarations of Interest' from July 2017 on the City of South Perth website".

**CARRIED (9/0)**

#### Reasons for the Motion

This motion is about continuing to improve on our transparency and good governance, by ensuring information is easily accessible to our community, in the same way Gifts and Travel Contributions are made available on the City's website.

#### CEO Comment

As required under the Local Government Act 1995, the City records all declarations of interest in the Minutes of Council Meetings and Special Council Meetings.

Should the Council wish to resolve to place these declarations of interest on the City's website, this can be accommodated.

## 12.2 NEW LOCAL PLANNING STRATEGY FOR PRECINCT 13 (CR COLIN CALA)

Councillor Colin Cala gave notice that at the 17 October 2017 Ordinary Council Meeting he would move the following Motion:

### **Motion**

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Sharron Hawkins-Zeeb

As a matter of urgency, undertake a new Local Planning Strategy for Precinct 13, and following this, a new Town Planning Scheme Amendment. It is intended that the height clauses of the Scheme will be reviewed as part of this Amendment, along with all other aspects of the Town Planning Scheme.

With the agreement of the Seconder, Councillor Sharron Hawkins-Zeeb, the Motion was amended as follows:

*That, as a matter of urgency, the City undertake a new Local Planning Strategy for Precinct 13 a review of building heights in Precinct 13, and following this, a new Town Planning Scheme Amendment. It is intended that the height clauses of the Scheme will be reviewed as part of this Amendment, along with all other aspects of the Town Planning Scheme.*

### **COUNCIL DECISION**

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Sharron Hawkins-Zeeb

That, as a matter of urgency, the City undertake a review of building heights in Precinct 13 and following this, a new Town Planning Scheme Amendment.

**CARRIED (6/3)**

### Reasons for the Motion

The present difficulties that Applicants, Adjoining Property Owners, Planning Officers and Councillors alike are experiencing in the assessment of Development Applications for Precinct 13 are not new and Amendment 17 was meant to address these problems, but clearly hasn't. I quote from an extract from the Ordinary Council Meeting of the 24 July 2012:

*For some years, City Officers have experienced difficulties in using the Town Planning Scheme No. 6 (TPS6) provisions relating to building height. The difficulties have resulted from certain ambiguities in the wording of the Scheme Text and have created problems in explaining the provisions to applicants. The need for more clearly worded provisions to enable accurate and consistent assessment of development applications has led to the preparation of this amendment.*

*The intention of Amendment No. 17 is not to change the building height limits contained in the Scheme Maps, nor to change the historic method of measuring building height. Rather, the objective of the Amendment is to clarify, refine and, where necessary, elaborate on the existing provisions, still based on the same principles that have existed in TPS6 since 2003.*

*Similar principles were also contained in the previous TPS5. Based on operational experience in the use of the existing TPS6 clauses, it has become apparent that there is a need to ensure that the objectives and intentions of the building height provisions of the Scheme are more clearly expressed, more easily applied and better understood.*

As recently as July of this year, the Director of Development and Community Services, Ms Lummer, wrote in response to concerns expressed by Sue Gillieatt, Chair of the Salter Point Community Group that:

*“Notwithstanding, I understand your concerns and the City sees its long term actions to be the development of a new Local Planning Strategy, and following this, a new Town Planning Scheme. It is intended that the height clauses of the Scheme will be reviewed at that time, along with all other aspects of the Town Planning Scheme. In due course, the City will conduct community engagement on both the draft Local Planning Strategy and the draft new Town Planning Scheme before they are finalised.”*

*In the short term, the City will continue to implement the existing provisions of the Scheme, including the stated objectives and specifically for Precinct 13, clause 6.1A (9) (c) of the Scheme, which is to ensure “that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed.”*

There is no timetable provided for this Review, so to ensure that clarity can be provided to the Scheme, for the benefit of all parties, whether they are Applicants, Adjoining Property Owners, Planning Officers or Councillors, it must be done as a matter of urgency. And so that there can be consistency in assessment, and have a Scheme that is in line with the Covenants that still exist from the subdivision, there needs to be serious consideration given in this Review to the previous method of measurement under TPS3, that had absolute height requirements

#### CEO Comment

A local planning strategy would only apply to the City in its entirety and not just one precinct, therefore a local planning strategy for the precinct would not be a possibility. Notwithstanding, a scheme amendment to review the heights and any other appropriate built form scheme requirements for the precinct can be prepared.

If this work is to be undertaken other strategic planning initiatives will need to be put on hold. It is noted that the City previously considered changes to building heights limits applicable in Precinct 13 under Amendment 42 in 2014 and resolved not to proceed with the amendment.

## **13. QUESTIONS FROM MEMBERS**

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

At the September 2017 Ordinary Council Meeting there were no questions from Member Taken on Notice.

### **13.2 QUESTIONS FROM MEMBERS**

Questions were received from:

- Councillor Cheryle Irons in relation to the Design Review Panel (DRP)

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 advised 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.*



Prior to closure of the meeting to the public and prior to discussion and voting on *Item 15.1.2 CEO Performance Review* the Presiding Member invited the Chief Executive Officer, Mr Geoff Glass, to read aloud his Declaration of Interest at the Item:

*"I wish to declare a financial interest in Agenda Item 15.1.2 CEO Performance Review on the Ordinary Council Meeting Agenda of 17 October 2017. I declare that the Item relates to my employment contract as the Chief Executive Officer of the City of South Perth. It is my intention to vacate the Council Chamber before the Item is discussed and voted on".*

At 8.52pm the Chief Executive Officer, Mr Geoff Glass vacated the Chamber.

## **15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

At 8.52pm 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:	Not Applicable
File Ref:	D-17-86301
Meeting Date:	17 October 2017
Author(s):	Rene Polletta, Youth & Children's Officer
Reporting Officer(s):	Stevan Rodic, Acting 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 Chief Executive Officer Performance Review**

***This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (a) as it contains information relating to "a matter affecting an employee or employees"***

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-17-86251
Meeting Date:	17 October 2017
Author(s):	Pele Phillips, Manager Human Resources
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### **Officer Recommendation and COUNCIL DECISION**

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That the following Agenda Items be considered in closed session, in accordance

**15.1.1 CEO Evaluation Committee Meeting - 27 September 2017**

with *s5.23(2) of the Local Government Act 1995*:

15.1.1 CEO Evaluation Committee Meeting - 27 September 2017

15.1.2 2017 Volunteer of the Year Awards

**CARRIED (9/0)**

At 8.53pm the Presiding Member invited the Gallery to vacate the Chamber.

At 8.56pm the Presiding Member invited the Gallery back into the Chamber.

**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.

*Note: these Resolutions remain confidential.*

## **16. CLOSURE**

Prior to closing the Presiding Member said a few words for the outgoing Councillors – Councillor Jessica Black who has resigned the office of Como Ward, and Councillors Cheryle Irons, Fiona Reid, Sharron Hawkins-Zeeb and Glenn Cridland who are running for re-election. She thanked the Councillors for their contributions to the City of South Perth.

The Presiding Member then thanked everyone for their attendance and closed the meeting at 9.09pm.

## **17. RECORD OF VOTING**

### **6.2 Extension of Public Question Time**

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

### **7.1 Confirmation of Minutes**

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

### **7.2 Noting of Briefing Notes**

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

### **7.2 Briefings**

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

### **8.2 Acceptance of Gift**

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

### **8.3 Acceptance of Deputation in Relation to Item 12.1**

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

### **8.4 Noting of Council Delegates Reports**

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

### **9.1 En Bloc Motion**

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

### **10.1.1 Australia Day 2018**

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

### **10.5.1 Amended Motion: Parking Management Action Plan**

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

#### **10.5.1 Parking Management Action Plan**

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

#### **11. Applications for Leave of Absence**

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

#### **12.1 Declarations of Interest on Website (Cr Fiona Reid)**

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

#### **12.2 New Local Planning Strategy for Precinct 13 (Cr Colin Cala)**

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

Against Cr Glenn Cridland, Councillor Jessica Black, Cr Travis Burrows

#### **15 Meeting Closed to the Public**

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

## APPENDIX

### 6.2 PUBLIC QUESTION TIME – 17 OCTOBER 2017

<b>1. Ms Vicki Redden (for South Perth Peninsula Action Group Inc.)</b> <b>63 Mill Point Road, South Perth</b> <b>Received 15 October 2017</b>	<b>Response provided by: Mr Geoff Glass, Chief Executive Officer</b>
<p><i>[Preamble] Just after the approval of Amendment 25 there was significant concern within the community that what had been communicated to the public regarding new development and what was actually proposed by developers was vastly different. Civic Heart is a perfect example where the sales brochure clearly shows an example of possible development of 17-20 storeys and yet the DA approved was 38 storeys, more than twice the size and bulk. The community is still very confused as to how this complete disconnect occurred. In the Economic Strategy 2013-2016 in the last chapter regarding performance measures, it describes KPI's being measured against the value of new development proposals in South Perth. (This is now out-of-date and the new Strategy is yet to be tabled/finalised)</i></p>	
<p>1. Have any members of staff received any component of their total remuneration that is linked to the value of any new property development application that is a) received.... or b) assessed ...or c) approved?</p>	<p>The simple answer to the question is no. No employees receive remuneration linked to the value of new property development applications.</p> <p>With respect to myself as CEO and the City's Directors and Managers, we each have contracts which have tasks derived from the Council's adopted Strategic Community Plan which in turn is translated into a working Corporate Plan.</p> <p>No Director or Manager has a KPI that relates to specific approval of particular development applications or the value or scale of those applications.</p> <p>With respect to the majority of the staff they are bound by an Enterprise Bargaining Agreement which has set annual increments at 1 July in which eligible employees may receive the increment. Once again there is no reference to the value of any new property development.</p>
<p>2. Where do South Perth staff publicly declare any gifts, donations, subsidized purchases, discounts etc from any developer or anyone related to any work being done as part of their role or responsibility?</p>	<p>The Local Government Act 1995 (sections 5.82 and 5.83) and the Local Government (Rules of Conduct ) Regulations 2007 (regulations 12-15) prescribes requirements in relation to gifts.</p> <p>The check the Register go to the City website and the easiest way is to type in 'gifts' in</p>



	<p>the search box and it will direct you to the City of South Perth Gift Register.</p> <p>For information in checking that information myself today I don't think I saw a gift to either a Councillor or a staff member from someone that could be identified as a developer.</p>
<p>3. Where is the documentation that stipulates the behaviour regarding advice, suggestions, direction, meeting notes, alternatives etc, of Council staff attending meetings with proponents regarding possible new developments?</p>	<p>Staff behaviour is guided and legally bound by their employment contract with the City of South Perth and its Code of Conduct. This contains general principles of conduct and the requirement to follow professional standards and behaviour including registration of interests in professional and other associations that conduct business with the City. It also outlines disclosures in relation to conflicts of interest and interests affecting impartiality.</p> <p>As a general comment contact with developers, architects, proponents and opponents is implicit in the day to day activity of the City's town planning staff. From induction onwards planning staff (and in fact all other staff with statutory responsibilities) are regularly briefed on their conduct and their obligations as professionals to provide objective and informed advice in a full, free and frank manner. Their words and behaviours are subject to public scrutiny and are approached on the assumption that they may be judged at some stage by a Court, a Joint Development Assessment Panel, a State Administrative Tribunal, a Freedom of Information request and also in this Chamber.</p> <p>For Elected Members they themselves are also bound by the City of South Perth Code of Conduct and the State Government issued Local Government Operational Guideline No. 12: Elected Members Relationship with Developers.</p>

2. Ms Cecilia Brooke, 8/20 Garden Street, South Perth Received 15 October 2017	Response provided by: Mr Mark Taylor, Director Infrastructure Services
<p><i>I refer you to the UWA study for the rising Swan River as on the ABC on 2nd October. Whilst the Study suggests that major flooding may be many years away; Government policies have to be implemented now. The report estimates the Freeway could flood at least four times per year within the next 20 to 30 years. Also, Dr Kerry Taylor, the principal scientist from the Rivers and Estuaries Division of the Department of Biodiversity, Conservation and Attractions, said “We need to be looking at solutions that are around the world. We’re not dealing with this on our own”.</i></p>	
<p>1. Beside those areas that are the responsibility of the Department of Main Roads, what is the City’s response to this Study and is it the City’s intention to initiate any action to protect the foreshores bounding the City, from Cygnia Cove to Sir James Mitchell Park</p>	<p>The City is already taking action to protect its foreshores from the potential impact of climate change. The City is using adopted state government policy – the Department of Water’s <i>Flood and Storm Surge Study</i> in design studies for coastal protection structures. No one can really predict river level rise accurately, so the City is ensuring all new coastal protection structures can be raised in a relatively inexpensive manner if required.</p> <p>Investigations are being carried out by the City on its southern and northern foreshores, utilising the <i>Flood and Storm Surge Study</i>, to ensure property is appropriately protected in response to rising river levels.</p> <p>On the Kwinana Freeway foreshore, the City is working with Main Roads WA via a Memorandum of Understanding to manage this important foreshore and the freeway from flooding. A working group has been in place for a number of years now and a plan adopted by Council and Main Roads WA to manage the area.</p> <p>One of the major issues requiring the attention of the City is stormwater drainage into the river. The City will be modelling its drainage systems to ensure flow is maintained as river levels rise. This may require the deployment of additional pumping systems to those already in place.</p>

3. Penny & Nigel Spicer, 12 Redmond Street, Salter Point Received 16 October 2017	Response provided by: Mr Stevan Rodic, Acting Director Development and Community Services
<i>We live at 12 Redmond Street, Salter Point, directly opposite lot 500 (No. 77) Roebuck Drive, which is the subject of a DA submitted by Richard Noble and Associates (Developer). We have concerns regarding the proposed development and the impact it will have on our lives. We are also concerned at the lack of community consultation which appears to be a requirement under P301.</i>	
1. Has the developer submitted a Construction Management Plan for the proposed site works and if so will it be available to the public?	No construction management plan has been submitted by the developer. There was no requirement under the subdivision approval to submit a construction management plan to the City.
2. Does the Earthworks and Retaining Walls Development Application need to be approved by Council before clearing commences and if so, has it been approved by Council?	The developer does not require development approval from the local government to clear the site and carry out earthworks. Engineering drawings and specifications for road works and drainage have been approved by the City. The development application for retaining walls and fencing will be submitted to Council for determination.
3. Are there any plans to widen Roebuck Drive to accommodate the increase in traffic flow resulting from the additional 27 houses being proposed?	No road widening (road reserve width or kerb/road pavement alignment) is proposed on Roebuck Drive.

4. Sue Gillieatt of 7 Howard Parade, Salter Point Received 16 October 2017	Response provided by: Mr Stevan Rodic, Acting Director Development and Community Services
<p><i>[Preamble] Four weeks ago, the SPCG received a first Public Notice from the City inviting us to view a DA proposal for Lot 500 and requesting that public comment to be made within 21 days. This Notice stated that all comments would be taken into consideration as part of the assessment process. This indicated to us that community engagement had commenced. However, yesterday the developer informally advised some residents that site work could get going tomorrow if he so wished. Re the Public Open Space (POS), the material accompanying the consultation for Earthworks and Retaining walls places an underground drainage sump in the POS, and situates the POS at the intersection of what will become two very busy roads.</i></p> <p><i>Our three questions pertain to the City's responsibility for engaging with its local community in line with its Community Engagement Policy 301 as well as to the nature of the Public Open Space</i></p>	
<p>1. In spite of inviting Public Comment, which we presumed was commensurate with Policy P301, is it correct that the City Planning Officer has already approved the DA for the Earthworks and Retaining Walls and has also approved the road layout and allotment boundaries?</p>	<p>The development application submitted by the applicant for earthworks, retaining and fencing has not been approved by the City. The road layout and lot configurations were approved by the Western Australian Planning Commission (WAPC) in March 2016. Engineering drawings and specifications for road works and drainage associated with the WAPC approval have since been approved by the City.</p>
<p>2. If this is the case, the community finds the absence of community consultation expected per P301 to be unacceptable and calls on the City to rectify this situation. This is a subdivision with a 'large number of dwellings', a new road, a new density not seen in the suburb before, a new park/open space, and maybe some public art involvement. The opportunity to commence discussions with the developer could have and could still enable a win-win for all. We ask: why do the City Planning Officers seem to be of the view that P301 does not need to be adhered to and that 60 days consultation, newspaper ads, signage on the site, a community meeting with the developer and signs in the library are not necessary?</p>	<p>Council Policy P301 'Community Engagement in Planning Proposals' does not specifically require public consultation or notification for the proposed works included in this development application. However, noting community interest in this residential subdivision, individual property owners and occupiers within 'Area 2' were invited by the City 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.</p> <p>The consultation methods referenced in the question are for Complex Amendments to the Town Planning Scheme. There is no Scheme Amendment proposed as part of the subdivision. TPS6 Amendment No. 44 that rezoned the subject site from Private Institution R20 to Residential R25 was approved by the Minister for Planning in April 2015. The Amendment was gazetted on 5 May 2015.</p>

<p>3. Re the POS, is the City confident that the developer will retain some trees within the POS and that the approved retaining walls will align with the POS and the eventual allotment boundaries when the TPS amendment is prepared, or has that TPS amendment already been approved?</p>	<p>The plans submitted with the development approval show the eastern portion of the POS reserve is outside the area identified for clearing. The City is currently liaising with the developer regarding the POS design. These plans also show the retaining wall and fencing aligning with the lot boundaries between the POS reserve and the residential lots located to the south. The Scheme Amendment to facilitate the subdivision has already taken place as previously stated.</p>
<p><i>Note: At 7.21pm the Council resolved to extend Public Question Time to allow those not yet heard the opportunity.</i></p>	
<p><b>5. Jodie Parry of 74 Roebuck Drive, Salter Point Received 16 October 2017</b></p>	<p><b>Response provided by: Mr Stevan Rodic, Acting Director Development and Community Services</b></p>
<p>1. In line with the City's Planning Policy P301, I believe a community consultation is required when a subdivision application involves the creation of a new road. Is Council able to comment on please and possibly investigate why the City didn't give residents the opportunity to submit feedback on the road, via public consultation?</p>	<p>Lot 500 Roebuck Drive was subject to a Scheme Amendment (TPS6 Amendment No. 44) between 2013 and 2015. The Scheme Amendment documents included a concept plan for a 29 lot residential subdivision with a new local road. The road location identified in the concept plan was consistent with the road location in the subdivision that was later approved by the Western Australian Planning Commission (WAPC). Public advertising of the Scheme Amendment commenced in March 2014. Council made its recommendation to the 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.</p>
<p>2. Can Council instigate a public consultation on Policy P301?</p>	<p>The question as written refers to Council instigating public consultation on Policy P301. Council regularly reviews its local planning policies and where deemed necessary initiates a review. Any significant changes to policy will involve public consultation.</p> <p>If the question was meant to refer to Council instigating public consultation on the subdivision then the answer would be no as the subdivision was approved by the WAPC in March 2016.</p>

3. If public consultation is not possible – can council request the City to review the plans and consider replacing the proposed T-intersection with a cul-de-sac or dead-end street on Roebuck Drive? This solution would be consistent with designs used at Cygnia Cove (crn Manning Rd and Centenary Ave), by the same developer and approved ALSO by the City. It would also improve the amenity of the area and increase the Public Open Space for the enjoyment of existing and new residents.	The WAPC has granted approval for a through road to Roebuck Drive and the City has approved technical road work plans accordingly. Notwithstanding, a modification to the approved road layout into a cul-de-sac would be inconsistent with the State Government's Liveable Neighbourhoods policy, as the cul-de-sac road length would exceed 120m. The Public Open Space reserve represents 10% of the total site area, which is consistent with state government requirements.
<b>6. Geoff Defrenne of 24 Kennard Street, Kensington Received late at 7.47am 17 October 2017</b>	<b>Response provided by: Mr Stevan Rodic, Acting Director Development and Community Services</b>
<i>[Preamble] At the September council meeting the Mayor read out three of the five questions I asked and then stated they would be taken on notice as my question were late. The draft minutes of the meeting record: "Written questions were received late (after the 24 hr submission deadline) from"</i>	
1. Where in any written law is it required to submit written questions before the claimed 24 hr submission deadline if the questions are to be answered?	The City's Public Question Time practice, as stated in the Public Question Time form, provides that questions should be received no later than 24 hours before the meeting.
<i>[Preamble] Standing Orders states: "(8) If, in the opinion of the Presiding Member, a question requires further research or a response cannot be given at the meeting, or if a question form does not contain the name and residential or contact address of the person who wishes to ask the question – (a) the Presiding Member may determine that the question is to be treated as 'correspondence' or is to be taken on notice". Given my questions 1 &amp; 2 were taken on notice:</i> 1. Is 53 Labouchere Rd, South Perth in the South Perth Station Precinct? 2. What is the distance from the train station in the South Perth station Precinct to 53 Labouchere Rd, South Perth?	
2. What research was required to be able the answer if 53 Labouchere Rd is in the South Perth Train Station Precinct?	This question was received at 7.47am on the day of the meeting and Taken on Notice. A response will be provided to Mr Defrenne and made available in the Agenda of the November 2017 Ordinary Council Meeting.
3. What research was required to answer question 2, when probably 80% of the Metro area's population knows there is NO TRAIN STATION in South Perth?	This question was received at 7.47am on the day of the meeting and Taken on Notice. A response will be provided to Mr Defrenne and made available in the Agenda of the November 2017 Ordinary Council Meeting.

## 12.2 QUESTIONS FROM MEMBERS- 17 OCTOBER 2017

Councillor Cheryle Irons (Mill Point Ward)	Response provided by: Mr Stevan Rodic, Acting Director Development and Community Services
1. Do we know how long before the Design Review Panel (DRP) will replace the Design Advisory Committee (DAC)?	The DRP members were appointment last month – the first meeting will occur in the first weeks of November.
Councillor Colin Cala (Manning Ward)	Response provided by: Mr Stevan Rodic, Acting Director Development and Community Services
<p>1. There was talk about a draining sump which seems to have been incorporated into public open space (POS)– how were the requirements circumvented in that regard – it was in addition to the open space but now factored into the open space - is it because there are cells?</p> <p>I understood that in reading the provisions services and sumps were separate to the actual POS – what you are saying is that they can be incorporated into POS?</p>	<p>The POS provision required for the site is 10% of the land area. A sump can form part of the POS subject to its design and therefore can be used as POS.</p> <p>The design of this POS can be utilised by the public and therefore can satisfy the condition of the subdivision.</p>
2. In regard to the Deputation that was made by a lady who is living opposite the T-junction, there was reference to possible traffic issues associated with the driveway being immediately opposite the T-junction driveway in effect almost creating an intersection – is there someone the City can review that to ensure that is a safe situation? It seems to be have been an usual situation to be approved. Have they factored in the driveway on the other side of the road	The question was Taken on Notice so further information can be provided to Councillor Cala and will be made available in the Agenda of the November 2017 Ordinary Council meeting.



## DISCLAIMER

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

These Minutes were confirmed at the Ordinary Council Meeting on Tuesday 21 November 2017.

Signed \_\_\_\_\_

Presiding Member at the meeting at which the Minutes were confirmed