

AGENDA.

Ordinary Council Meeting

24 April 2018

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 24 April 2018 in the the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

20 April 2018

Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

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

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

Further Information

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

- **Council Meeting Schedule**

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

- **Minutes and Agendas**

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

- **Meet Your Council**

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

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

Contents

1.	DECLARATION OF OPENING	6
2.	DISCLAIMER	6
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
	3.1 STANDING ORDERS LOCAL LAW 2007	6
	3.2 AUDIO RECORDING OF THE COUNCIL MEETING	6
4.	ATTENDANCE	6
	4.1 APOLOGIES	6
	4.2 APPROVED LEAVE OF ABSENCE	6
5.	DECLARATIONS OF INTEREST	6
6.	PUBLIC QUESTION TIME	6
	6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
	6.2 PUBLIC QUESTION TIME: 24 APRIL 2018	6
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	7
	7.1 MINUTES	7
	7.1.1 Ordinary Council Meeting Held: 27 March 2018	7
	7.2 CONCEPT BRIEFINGS	7
	7.2.1 3 April 2018 - Understanding Stakeholder Engagement	7
	7.2.2 9 April 2018 - Annual Budget 2018/2019 Workshop #1	7
	7.2.3 9 April 2018 - Civic Centre Internal Upgrade	7
	7.2.4 10 April 2018 - Moordijt Keila Inc.	7
	7.2.5 10 April 2018 - Engaging with the City's Young People	8
	7.2.6 17 April 2018 - Council Agenda Briefing	8
8.	PRESENTATIONS	8
	8.1 PETITIONS	8
	8.2 GIFTS / AWARDS PRESENTED TO COUNCIL	8
	8.3 DEPUTATIONS	8
	8.4 COUNCIL DELEGATES REPORTS	8
	8.5 CONFERENCE DELEGATES REPORTS	8

9. METHOD OF DEALING WITH AGENDA BUSINESS	8
10. REPORTS	9
10.1 STRATEGIC DIRECTION 1: COMMUNITY	9
10.1.1 Connect South Mends Street Draft Masterplan Design Concept - Review of Community Submissions	9
10.1.2 Rotary Club of South Perth Burswood Fee Waiver Request for use of John McGrath Pavilion and Hall	20
10.1.3 City of South Perth Public Art Advisory Group - Terms of Reference Amendment	26
10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)	30
10.3.1 Proposed Naming of Right of Way No. 68	30
10.3.2 Proposed Naming of Right of Way No. 74	34
10.3.3 City of Melville's Proposed Modifications to the Canning Bridge Activity Centre Plan	39
10.3.4 Salters Landing Estate Local Development Plan	44
10.3.5 SAT Reconsideration: Proposed change of use from Single House to Child Day Care Centre	55
10.3.6 Proposed Change of Use (Child Day Care Centre)."Aurelia" - Lot 100 (No. 1) Harper Terrace, South Perth	65
10.4 STRATEGIC DIRECTION 4: LEADERSHIP	75
10.4.1 Monthly Financial Statements - March 2018	75
10.4.2 Listing of Payments - March 2018	78
10.4.3 Reserves	80
10.4.4 City of South Perth Waste Amendment Local Law 2018 – Final Adoption	83
10.4.5 Delegation from Council DC607 Acceptance of Tenders	86
11. APPLICATIONS FOR LEAVE OF ABSENCE	88
12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	88
12.1 COMMUNITY ACCESS AND SAFETY ON PUBLIC LAND ADJACENT TO DEVELOPMENT SITES UNDER CONSTRUCTION	88
12.2 REQUEST TO EXTEND THE PERIOD OF AGENCY CONSULTATION DURING DECEMBER AND JANUARY	89
12.3 72 & 74 MILL POINT ROAD, SOUTH PERTH - 34 STOREY MEZZANINE MIXED USE TOWER AND PODIUM WITH 2 LEVELS OF BASEMENT PARKING – COUNCIL REPRESENTATION AT THE STATE ADMINISTRATIVE TRIBUNAL	90
13. QUESTIONS FROM MEMBERS	90
13.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	90
13.2 QUESTIONS FROM MEMBERS: 24 APRIL 2018	90

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	90
15. MEETING CLOSED TO THE PUBLIC	90
16. CLOSURE	90

Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING

2. 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 2007 that provides rules and guidelines which apply to the conduct of meetings.

3.2 AUDIO RECORDING OF THE COUNCIL MEETING

This meeting will be audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.15 of the Standing Orders Local Law 2007 "Recording of Proceedings".

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

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.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

6.2 PUBLIC QUESTION TIME: 24 APRIL 2018

The Presiding Member to invite those members of the public who submitted questions to read their questions.

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: 27 March 2018

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 27 March 2018 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

The following Concept 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. This practice is recommended by the Department of Local Government and Communities "Council Forums" Operational Guidelines as a way of advising the public and being on public record.

7.2.1 3 April 2018 - Understanding Stakeholder Engagement

Officers of the City and representatives from Aha! Consulting presented to Council on the foundations of stakeholder engagement.

Attachments

7.2.1 (a): 3 April 2018 - Stakeholder Engagement Training - Notes

7.2.2 9 April 2018 - Annual Budget 2018/2019 Workshop #1

Officers of the City presented to Council on the 2018/2019 Annual Budget in the first of three scheduled workshops.

Attachments

7.2.2 (a): 9 April 2018 - Annual Budget 2018/2019 Workshop #1 - Notes

7.2.3 9 April 2018 - Civic Centre Internal Upgrade

Officers of the City provided Council with an overview of the proposed Civic Centre Internal Upgrade at a Concept Briefing held 9 April 2018.

Attachments

7.2.3 (a): 9 April 2018 - Civic Centre Internal Upgrade - Notes

7.2.4 10 April 2018 - Moordijt Keila Inc.

Officers of the City, together with representatives from Jo Wilkie Consulting and the Moordijt Keila Board presented to Council on a proposed Moordijt Keila strategic planning project.

Attachments

7.2.4 (a): 10 April 2018 - Moordijt Keila Concept Briefing - Notes

7.2.5 10 April 2018 - Engaging with the City's Young People

Officers of the City and representatives from the South Perth Youth Network (SPYN) presented at a Workshop held 10 April 2018.

Attachments

7.2.5 (a): 10 April 2018 - Engaging with the City's Young People Workshop - Notes

7.2.6 17 April 2018 - Council Agenda Briefing

Officers of the City presented background information and answered questions on Items to be considered at the 24 April 2018 Ordinary Council Meeting at the Council Agenda Briefing held 17 April 2018.

Attachments

7.2.6 (a): 17 April 2018 - Council Agenda Briefing - Notes

Officer Recommendation

That the following Concept Briefing Notes be noted:

- *Understanding Stakeholder Engagement* held 3 April 2018;
- *Annual Budget 2018/2019 Workshop #1* held 9 April 2018;
- *Civic Centre Internal Upgrade* held 9 April 2018;
- *Moordijt Keila* held 10 April 2018;
- *Engaging with the City's Young People* held 10 April 2018; and
- *Council Agenda Briefing* held 17 April 2018.

8. PRESENTATIONS

8.1 PETITIONS

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 17 April 2018.

8.4 COUNCIL DELEGATES REPORTS

8.5 CONFERENCE DELEGATES REPORTS

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Connect South Mends Street Draft Masterplan Design Concept - Review of Community Submissions

Location:	Mends Street Precinct
Ward:	Mill Point Ward
Applicant:	City of South Perth
File Ref:	D-18-41524
Meeting Date:	24 April 2018
Author(s):	Mark Taylor, Director Infrastructure Services Danielle Cattalini, Manager Stakeholder and Customer Relations
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

A Masterplan Concept Design has been developed for the Connect South Mends Street project. This project is in response to the South Perth Foreshore Strategy and Management Plan, Node 1: Mends Street.

Project funding of \$7.5 million has been allocated to create a strategic vision for the public realm that can be implemented by the City in stages. The funding allocated includes a \$2.5 million grant from the Federal Government under the National Stronger Regions Fund which is required to be expended by December 2019.

The Masterplan Concept Design extends to cover the Mends Street precinct with a particular focus on the Mends Street Foreshore and Mends Street north area for implementation as the Stage One funded project to provide economic and social stimulus for this area.

At the November 2017 Ordinary Council meeting Council endorsed the draft Masterplan Concept Design for stakeholder and community engagement from 22 November until 22 December 2017. The submissions received from the stakeholder and community engagement have been considered with other stakeholder feedback and amendments made to the Masterplan Concept Design in response.

Officer Recommendation

That Council:

- a) Endorse the Connect South Mends Street Masterplan Concept Design (**Attachment (c)**); and
- b) Approve Stage One works as identified in the Masterplan Concept Design for detailed design and statutory approvals.

Background

The Connect South project is the key action for Node N1, Mends Street of the South Perth Foreshore Strategy and Management Plan (SPF Plan), which was adopted by Council in 2014.

The SPF Plan was developed over a three year period with extensive stakeholder engagement and with the community prioritizing **Node N1 - Mends Street** and its associated foreshore as its highest priority area. The strategy for this node is to:

'Develop the Mends Street node as:

- *Active piazza and promenade; an arrival place with day/night activities;*
- *A gateway for the Mends Street precinct, with connecting stories and interpretation of heritage, zoo and the river;*
- *An integrated transport node utilising the river to connect with the Mends St Precinct and surrounding areas.'*

Node N1 Strategies:

N1.1 Pedestrian friendly piazza and promenade:

- Improved relationship between retail facades and streetscape;
- Improved information/ signage from both Perth City and the Zoo;
- Improved connection between jetty and Mends Street/Harper Terrace;

N1.2 Lighting

N1.3 Jetty improvements

- Provide diversity of commercial activity at the jetty;
- Provide opportunities for boating, mooring, and berthing/jetty extensions.

N1.4 Integrated transport:

- Such as bus/ CAT service/ tram/ ferry/ water taxis.

N1.5 Increased activation along the Mends street retail centre and foreshore promenade:

- Buskers, festivals, culture, food, events, including at evening and night.

N1.6 Create an identity and gateway;

N1.7 Interpretation of culture/heritage/history.

Action ii of the SPF Plan stated as follows:

- ii Prepare a Node Plan for the foreshore Piazza and Promenade, to connect with the commercial area of Mends Street, to connect with Perth Zoo including Windsor Park and the future Civic Triangle; in conjunction with stakeholders including the Mends Street Traders and Perth Zoo;*

In October 2016 the City successfully secured a Federal contribution of \$2.5 million through Round 3 of the National Stronger Regions Funding (NSRF), to match the City's contribution of \$5 million to fund stage one of the Connect South project.

The City considered the site and recognized that an overall Masterplan Concept Design for the precinct was required. The area encompassed by the Masterplan includes the Mends Street Jetty foreshore, Mends Street (north and south of Mill Point Road), Harper Terrace and Windsor Park. The immediate focus will be on the Mends Street foreshore and the northern section of Mends Street itself (Stage One).

The advantage of developing a Masterplan Concept Design is that it creates a cohesive character for the precinct that celebrates the precinct's unique history and outlines high level concepts for improving the public realm. It also enables future works, outside of the current funding scope, to be further developed in the knowledge they already have been the subject of initial community engagement and Council consideration. Please note that a Masterplan Concept Design is a higher level concept document and more detailed analysis and design work will be required prior to implementation.

To that end consultants were engaged to develop the Masterplan Concept Design with particular focus on the design and delivery of Stage One works (under the existing \$7.5 million budget) with the following 'driving principles' as part of South Perth Foreshore Management Strategy Node 1:

- Upgrade Mends Street and surrounds to reflect its historic status;
- Revitalize the commercial precinct, including increased pedestrian activity and retail trade to encourage people to stay, spend money, create jobs and bring in new businesses; and
- Provide:
 - day and night time activation on the riverfront;
 - a gathering place for the growing resident and worker population;
 - a place to recreate, whether it is exercise, music, dance or food;
 - a place of culture where the history and stories of the area are celebrated and shared;
 - an arrival place (gateway) for tourists and families arriving by ferry to go to the zoo;
 - a transport hub for access to the CBD and other areas such as the new Perth Stadium.

A draft Masterplan Concept Design was developed over a five month period with significant community and stakeholder input which has been considered by the design consultants.

At the November 2017 meeting Council resolved the following with respect to the Masterplan Concept Design for Connect South:

That:

*(a) The draft Masterplan for Connect South Mends Street (**Attachment (a)**) be endorsed by Council for community and stakeholder engagement until 22 December 2017*

(b) A final draft Masterplan be developed taking into account community engagement and be considered by Council at a meeting in early 2018.

Consultation

Community Engagement Approach

The City engaged stakeholders and community from the very beginning of the project and throughout each step of the design process. This ensured the public's feedback, concerns and aspirations were understood and therefore contributed to the development of the Masterplan Concept Design.

A range of ideas, issues and at times, conflicting views came out of the engagement. It should be noted that consensus is not always achieved and not every comment can be accommodated or answered directly within the Masterplan Concept Design.

Throughout the Masterplan Concept Design process, changes have been made to the various elements being considered based on a number of factors. These include stakeholder and community feedback, professional and expert advice, research, previous project engagement outcomes, governmental guidelines / constraints / practices, plus short, medium and long term economic and social impacts of the project.

Community and Stakeholder Engagement prior to 22 November 2017

Activities	Outcomes
Commencement of engagement meetings with Mends Street Traders – October 2016	Wayfinding and dynamic signage, commencement of the Mends St Farmers Markets, maps, branding ‘Mends St Open for Business’, formation of SPAN (South Perth Activation Network), Windsor Park movies
Area improvements - November 2016 - present	
Individual stakeholder meetings with government agencies, representatives and interest groups, including Perth Zoo, Department of Transport and Swan River Trust - June – December 2017	Feedback, ideas and information.
City of South Perth reference and working groups meetings, including Aboriginal Reference Group and Inclusive Community Advisory Group (ICAG)	
Key stakeholder place workshop in July 2017 including feedback on: <ul style="list-style-type: none"> • How to make Mends St a great local hub? • What will make our foreshore great? • What will make South Perth a #1 tourist destination? 	<ul style="list-style-type: none"> • 12 guiding principles for the design • Strategy: the journey from River to the Zoo – River, Mends St, Heritage • Place themes: <ul style="list-style-type: none"> ○ Perth Zoo: first zoo animals, native and exotic, close encounters ○ Garden Suburb: tree lined streets, zoo botanical gardens, green identity ○ Public Transport: Mends Street Jetty, The Duchess, tram, RAC ‘Intellibus’ • All underpinned by Aboriginal heritage and culture
‘Hands Up!’ activation program, including online survey, on site car painting activities, online Ideaspace - July-August 2017	Ideas and information for activating Mends Street and the foreshore, feedback and comments.

Community Open Day to inform on principles, themes and design elements – August 2017. Attendees could provide the project team with direct feedback.	Key themes: <ul style="list-style-type: none"> • Activity and events • Lighting and public art • Movement and connection • Greenery, shade and amenity • Culture and history
Concept design presentation to key stakeholders and community – October 2017. Viewing of concept designs and outline of the process.	Verbal feedback and information about public feedback period.

Community and Stakeholder Engagement from 22 November 2017

Following adoption of the draft Masterplan Concept Design for the purpose of community and stakeholder engagement, comments were requested on a feedback form available on the City's 'Your Say South Perth' portal or in hard copy feedback form. The form requested comments about each section of the Masterplan and the Masterplan as a whole as follows:

- Mends Street Foreshore;
- Mends Street North;
- Mends Street South and Windsor Park;
- Harper Terrace;
- General overall comments.

It was not compulsory to respond to each question.

The City provided multiple opportunities for stakeholder and community to view the Masterplan Concept Design and ask questions as follows:

- An information stall at the Mends Street Sunday markets;
- Onsite at Mends Street in early December 2017;
- An 'Opening Evening' held at the South Perth Bowling Club on 13 December 2017 with 50+ attendees able to view the plans, ask questions of the design / City team and provide feedback.

The City advertised and widely communicated all engagement stages of the project, providing opportunities for stakeholder and community to learn more and participate during the concept design process:

- Media liaison and publicity: six newspaper articles over a five month period, plus ABC Radio Perth (17.02.2018) interview with David Snyder, Mends Street Summer Series;
- Connect South consultation social media paid advertising which reached 23,173 people;
- Fourteen consultation related social media posts which reached 14,930 people;
- Twenty four activation social media posts (SPAN and Mends Street Farmers Market) which reached 32,840 people;
- Seven Instagram video posts which received 612 views;
- Thirteen Instagram place activation posts;
- Two Peninsula Snapshot advertisements in the Southern Gazette featuring Connect South project articles;

- Additional advertising in the Southern Gazette to promote the Open Day;
- Eights articles in the Peninsula Snapshot E-newsletter distributed to 5,500 people; and
- Four direct email communications to the Connect South database of approximately 150 people during the draft Masterplan public comment period.

Elected Member Feedback

Two Concept Briefing sessions were held with elected members. These were important in updating the Councillors about progress of the project, presenting design elements and receiving feedback.

Comment

In response to the draft Masterplan Concept Design feedback period, the City received 101 completed feedback forms. Of these responses, 88 responses were from community members who live in the City of South Perth (87%, of which 62% live in the suburb of South Perth) and 13 responses from those living in suburbs outside the City. The Connect South Masterplan Concept Design Community and Stakeholder Feedback document outlines all feedback received and includes a response from the City to each comment. This can be found at **Attachments (a) and (b)**.

Masterplan Concept Design Revision

All the feedback was reviewed and analysed by the project team. The Masterplan Concept Design has subsequently been revised and can be viewed in the revised design report – ‘Connect South Mends Street Concept Design, March 2018’ which contains the Masterplan Concept Design and design for Stage One works (**Attachment (c)**).

Specific comment has been made below in respect to key issues. Note that it has been indicated in parenthesis if the issue is relevant to either Stage One works, later Masterplan consideration, or both.

Mends Street Foreshore

A number of the design elements in the Mends Street Foreshore area (Piazza, Gateway, East & West Promenade, Playspace, Jetty Link, Jetty and Future Pier) were broadly supported in the stakeholder and community feedback and in line with the objectives of the project. These included elements such as lighting, public art, play equipment and seating. Other elements raised some concern such as the public toilets and kiosk however these are not part of Stage One works and can be considered at a later date. All of these elements may be further refined during detailed design.

The following elements have been revised in the Mends Street Foreshore area in response to the feedback:

Trees - excluding the Bosque (Masterplan Concept Design)

In response to submissions about the potential impact on views from particular areas, the number of peripheral trees on the foreshore either side of Mends Street jetty (excluding the Bosque) was reduced in the Masterplan Concept Design from 22 to 15.

Bosque (Stage One works)

In response to feedback, the size of the Bosque was reduced by four trees to 20 trees, including some strategic relocation of trees to improve sight lines. The City has also committed to manage the maximum height of the Bosque to eight metres. This ensures views are retained from the commercial and residential floors within the Echelon development currently under construction.

Canopies (Stage One works)

The canopies overall received a generally positive response with comments on the canopies providing a sheltered walkway linking the ferry to Mends Street and the Perth Zoo. There were a number of comments, including some concern, about the colour, height and theme of the canopy animal shapes.

In response to a submission from the Perth Zoo (as a key stakeholder) and other responses received, the themes of the canopy were changed from exotic animals (tiger and lion) to Australian natives (potentially the echidna and frilled-neck lizard). The Zoo considers Australian and particularly West Australian native animals to be more in keeping with its contemporary direction of conservation.

During the detailed design, the animal themes will be further refined and will be 'abstract' with potentially other figures through light, cut-outs and inclusion of other zoo themed animals in the space or through Mends Street.

Jetty and Future Pier (Masterplan)

The Mends Street Jetty is not an asset of the City – it is owned and managed by the WA Department of Transport (DoT) with the ferry component managed by the Public Transport Authority (PTA). The City included the jetty in the Connect South Masterplan Concept Design to further assist in discussion with the DoT and PTA and to demonstrate the potential for improvement in the area and to coordinate future design planning.

The Connect South Masterplan Concept Design objective for the jetty is to improve its amenity and access in keeping with providing a gateway from the Central Business District of Perth to and from South Perth. Ferry passenger numbers have increased significantly since the opening of Elizabeth Quay. The current jetty has access issues particularly adjacent to the kiosk and restaurant.

During the early development of the Masterplan a second jetty (Pier) was proposed to provide additional activities within the foreshore area. The new Pier could include a level of retail and alfresco opportunities and a pedestrian walk around its perimeter offering iconic views of the South Perth foreshore and the City of Perth. The Pier has been conceptually designed to tie back into the Stage One works.

From the stakeholder and community feedback, a number of respondents commented on the need for jetty improvements, access to private boat moorings whilst several other submissions have questioned the existing jetty expansion, the proposed Future Pier and more importantly what might be constructed on it.

The Jetty and the Future Pier are not part of Stage One works. The proposal has been included to further inform the DoT and PTA for future consideration.

Mends Street North

The design elements that were broadly supported by stakeholders and the community and in line with the objectives of the project have not been revised and included wider pavements, park-lets, lighting and public art. These elements may be further refined during detailed design.

There were many comments in relation to traffic and parking which is addressed below:

Traffic and Parking (Masterplan & Stage One works)

A number of submissions discussed the possibility of Mends Street becoming one way or even closed to traffic. From a transport planning and road network perspective, Mends Street cannot feasibly be changed to one-way (in either direction) or closed as it is critical that Mends Street be retained as dual directional for vehicles as it is one of only two access roads/points to the peninsula area (the other being the Mill Point / Labouchere Road intersection).

Changing Mends Street to one-way or closing it would push increasing amounts of traffic along South Perth Esplanade and the other residential streets within the peninsula (such as Queen Street).

The City is currently working with Main Roads WA (MRWA) to improve the coordination between and pedestrian amenity at the two signalised intersections (Labouchere Road / Mill Point Road and Mill Point Road / Mends Street). Indeed, MRWA recently agreed to implement optimised phasing at the two sets of signals, improving their coordination and reducing cycle times from 140 seconds to 120 seconds. This will improve flow and pedestrian amenity.

The City is currently undertaking a study to understand the proportion of through traffic travel through these intersections and if this will be reassigned to the Kwinana Freeway once the State Government's all-lane running project is implemented in order to reduced traffic volume and congestion.

In terms of parking provision, Stage One works have been developed to provide greater pedestrian movement and reduce congestion in Mends Street North and will result in the reduction of 15 public bays, with 13 in the immediate area along the South Perth Esplanade and two in Mends Street, north of Mill Point Road.

	Esplanade Car Park West	Esplanade Car Park East	Mends Street North	Mends Street South	Total	Difference
Existing	34	26	28	22	110	
Stage One Works	24	23	26 (2 x park-lets)	22	95	-15

The recent City of South Perth Parking Strategy highlighted there is an oversupply of parking within the precinct at present. An example is the frequent number of vacant bays in the South Shore Shopping Centre carpark, which is shown in the new real time electronic dynamic signage installed last year together with occupancy data. It should also be noted that the Mends Street Arcade Development will provide an additional 40 bays for customers when it opens later this year.

The City has and is continuing to review and analyse car parking in the area. This includes discussions with Perth Zoo about future significant parking provision adjacent to their site on Mill Point Road. Parking provision for the remainder of the Masterplan Concept Design area will be determined and addressed in more detailed design subject to future refinement.

Mends Street South and Windsor Park

The design elements that were broadly supported by the community and in line with the objectives of the project have not been revised and included streetscape and lighting upgrades, wayfinding and seating. The heritage value of buildings in this area and the history of May Gibbs can be further explored along with other elements that will be further refined during detailed design.

Tram installation (Stage One works)

The City has been working with the City of South Perth Historical Society to locate an original Perth tram on or near the foreshore. The most appropriate location has been determined to be on the eastern verge of Mends Street south adjacent to the Heritage House. Further planning and work is now underway to design and construct suitable housing for the tram.

Harper Terrace

Street Upgrade (Masterplan)

A new street layout has been proposed which reconciles the requirements of the awnings, ground floor activation and high level of service traffic whilst bringing a new character to the street through road geometry, paving patterns and street trees.

The design elements that were broadly supported by the community and in line with the objectives of the project have not been revised. There were however multiple comments about Harper Terrace needing to be essentially a service road for the retail businesses on Mends Street and therefore questioning the level of design enhancement. All elements will need to be further refined in line with feedback during detailed design. The upgrade of this street is not funded as part of Stage One works.

Conclusion

The City has undertaken an extensive engagement process to develop the Connect South Masterplan Concept Design. The design brief has been based on the strategies and actions contained within the South Perth Foreshore Strategy and Management Plan (2015), which itself was adopted by Council following extensive community involvement. Throughout the process, the concept designs have been developed and refined through stakeholder and community input.

The emphasis of the Connect South project is to stimulate the economic and social benefit to the Mends Street area through activation, create improved public amenity and enhance the 'gateway' to South Perth. The importance of the Mends Street Jetty, adjacent foreshore area, Mends Street itself and its connection and linkages to the Perth Zoo (as a major tourist destination of Western Australia) are the foundation of Stage One works. These have been recognised by the Australian Government in awarding a \$2.5 million National Stronger Regions Funding grant.

Whilst overall there has been considerable broad support received for the Masterplan in the feedback it is also noted that there has also been opposition to certain elements contained within it.

Of the negative responses it appears that tree planting on the foreshore is a theme. There are certain residents within the foreshore locality who have strong views regarding any further tree planting generally on the South Perth foreshore between the Narrows Bridge and the eastern end of the South Perth Esplanade.

In response the City has been particularly careful in this project to limit any proposed planting to the commercial precinct in the immediate vicinity of the Mends Street jetty. Specifically the number of trees has been reduced and locations refined in response to the feedback. In addition, the City has committed to managing the height of the Bosque to 8 metres, which will ensure views are available for the commercial and residential floors of the to be completed Echelon development.

The Bosque as a design element in the Masterplan Concept Design is integral to the success of the design space as it frames the public plaza, and offers at low cost a natural softer environment that will encourage personal mingling, interaction and a range of social activities. On a warm and sunny day it will provide respite and shade and at other times of the year, with its deciduous trees, it will create colour and seasonality to a welcoming space. The Bosque is a key design feature and provides a softer more natural place alongside the paving and canopies. The success of the overall design is to make distinctive areas that can serve different purposes, from thoroughfare, to privacy, to playfulness and reflection.

It is important to differentiate between what is contained within the Masterplan Concept Design and what is deemed to be Stage One works to be implemented with current funding. Elements contained within the Masterplan Concept Design and outside of Stage One works, such as the toilets, kiosk and the Harper Terrace streetscape upgrade, will themselves be the subject of further consideration and refinement when they are later considered for implementation.

It can be expected that all infrastructure projects will attract a variety of opinions and this project is no different. In this case ultimately it is the responsibility of Council to:

- consider how the adopted broad objectives for the project contained within the South Perth Foreshore Strategy and Management Plan have been interpreted and developed to form the Masterplan Concept Design;
- consider the broad responses and feedback received over the course of the preparation of the Masterplan Concept Design from the various forums and invitations made to stakeholders and the community more generally; and
- resolve what it regards as the right outcome that meets its obligations under the funding agreement and fulfills its role as custodian of this portion of the foreshore as the gateway to the City of South Perth and its District.

It is recommended that Council endorse the Connect South Mends Street Masterplan Concept Design (**Attachment (c)**). It is also recommended that Council adopt the Stage One works component of the Masterplan Concept Design as this will enable implementation the works within the December 2019 deadline to acquit the \$2.5 million NSRF grant.

Policy and Legislative Implications

The Masterplan Concept Design for Connect South has been developed in accordance with Node N1 Mends Street of the South Perth Foreshore Strategy and Management Plan, which was adopted by Council in September 2014.

The Masterplan Concept Design for Connect South will require formal consideration and approval by the Department of Biodiversity, Conservation and Attractions (DBCA) following adoption by Council as the foreshore is within its Development Control Area. The DBCA exercises planning control in the Development Control Area in accordance with the Swan and Canning Rivers Management Act (2006).

Financial Implications

A budget of \$7.5 million has been allocated to this project to date. This includes \$2.5 million in Federal funding from the National Stronger Regions Fund (NSRF) to match the City's contribution of \$5 million. The NSRF grant is required to be acquitted by December 2019.

The current funding allocation of \$7.5 million will not implement the whole Masterplan Concept Design. The Masterplan Concept Design proposes that the initial allocation be used to fund Stage One works on the Jetty Foreshore and Mends Street North.

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

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

Strategic Implications

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

Attachments

- 10.1.1 (a):** Connect South Masterplan Concept Design - Community and Stakeholder Feedback
- 10.1.1 (b):** Connect South Masterplan Concept Design- Stakeholder Engagement Summary - Timeline 2017/18
- 10.1.1 (c):** Connect South Mends Street Masterplan Concept Design

10.1.2 Rotary Club of South Perth Burswood Fee Waiver Request for use of John McGrath Pavilion and Hall

Location:	All
Ward:	Como Ward
Applicant:	Rotary Club of South Perth Burswood
File Ref:	D-18-41525
Meeting Date:	24 April 2018
Author(s):	Jennifer Hess, Recreation Development Coordinator
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

Summary

This report is to consider a request from the Rotary Club of South Perth-Burswood for a waiver of the proposed annual rental fees for its use of John McGrath Pavilion and Hall; and to retain all venue hire income from its user groups over the ten year period prescribed in the Management Licence Agreement.

Officer Recommendation

That the:

- (a) City advises the Rotary Club of South Perth-Burswood that it is required to pay the annual licence fee and utility costs to the City for its use of the John McGrath Pavilion and Hall as determined in the Management Licence Agreement;
- (b) City provides an annual donation to the Rotary Club of South Perth-Burswood in recognition of the significant contributions/benefits it provides to the local and international community;
- (c) City's annual donation to the Rotary Club of South Perth-Burswood will be calculated based on 100% reimbursement of the John McGrath Pavilion and Hall venue hire income received from the Rotary Club associated user groups listed in the Management Licence Agreement (**Attachment (b)**);
- (d) City's annual donation to the Rotary Club of South Perth-Burswood remains applicable for the ten year period of the Management Licence Agreement.

Background

In December 2017 PACT Construction completed the John McGrath Pavilion and Hall located on Ernest Johnson Reserve in South Perth.

The majority of the Pavilion and Hall areas are available to the public to hire/use. There are also some non-public areas inside the Pavilion (i.e. meeting rooms, kiosk) and Hall (store rooms) that are being allocated to the four main tenants to use under licence agreements. These four tenants are:

1. South Perth Junior Football Club;
2. Western Australian Football League (WAFL) Umpires;

3. Rotary Club of South Perth-Burswood (Rotary); and
4. Returned Services League (RSL) South Perth Branch.

Since January 2018 the City has been assisting the above tenants to transition into their new facilities. Part of this process has involved liaising with the tenants to discuss the terms and conditions for use of the licenced areas, such as: permitted facility use; term; hours of occupation; insurance and indemnity requirements; repairs and cleaning responsibilities; service payments for water, gas and electricity consumption; and an annual licence fee.

On 13 March 2018, the City received correspondence (**Attachment (a)**) from the Rotary Club to advise it is agreeable to the majority of the proposed Management Licence Agreement terms and conditions, except two particular items which is the subject of this report, as follows:

1. Annual Licence Fee - Rotary is requesting that the proposed annual fee be waived and replaced with a 'peppercorn' fee; and
2. Retention/reimbursement of John McGrath Pavilion and Hall venue hire income from Rotary Club associated user groups - Rotary is requesting that it receive 100% of the John McGrath Pavilion and Hall venue hire income paid to the City by user groups associated with the Rotary Club (instead of agreeing to the City's initial proposal of reimbursing 70% of this income to Rotary).

Comment

The correspondence received from the Rotary Club focusses on three main areas in support of its request, namely:

1. The local and international community benefits generated through the Rotary Club's annual activities and projects (i.e. a community benefit assessment);
2. The Rotary Club's capacity to pay the proposed annual licence fee; and
3. The rationale for reimbursing 100% of the John McGrath Pavilion and Hall venue hire income paid to the City by the Rotary Club associated user groups.

The three areas listed above are addressed in greater detail by the City below.

Rotary's Community Activities and Projects

The Rotary Club is currently assisting 14 local community projects and five international projects. The City is of the view that this level of community involvement/support represents a significant contribution to the local and international community, including disadvantaged people in need.

Proposed Annual Licence Fee and Rotary's Capacity to Pay

The \$1,650 annual licence fee proposed to be levied on the Rotary Club is considered by the City to be fair and reasonable for the following reasons:

- The proposed licence fee has been calculated by the City using the 'discounted' cost setting formula prescribed in Council Policy P609 – 'Management of City Property' (see 'Policy and Legislative Implications' section below for more information).
- The Rotary Club (and its user groups) will benefit from its new headquarters being a brand new multi-million dollar community facility with a much higher standard of provision.
- The Rotary Club will have reduced venue responsibilities and costs under the new arrangement. Although the Rotary Club previously leased the Rotary Hall

on Sandgate Street in South Perth under a 'peppercorn fee' arrangement with the City, this facility is soon due for demolition as part of the Ernest Johnson Reserve redevelopment project. The Rotary Club was previously responsible for covering all operational costs for its former venue; however, it will incur reduced venue costs in the future. In particular, the estimated annual operating cost to the Rotary Club in the new John McGrath Pavilion Management Licence is estimated at \$2,250 (\$1,650 Licence fee + approx. \$600 towards utilities).

- The proposed licence fee represents a small/token contribution toward the City's overall expenses to operate the John McGrath Pavilion and Hall. The City currently does not have a formal cost recovery percentage for its community facilities. However, the City recognises the significant community benefit made by a number of community, not-for-profit organisations such as the Rotary Club. As such the fees charged to these groups are heavily subsidised in recognition of this. The estimated annual operating expenditure of John McGrath Pavilion and Hall is estimated at \$150,000, with a cost recovery of approx. 19% (\$28,389). The annual licence fee, utility costs and revenue retention were proposed by the City to recover some costs for the operation of the facility. The annual licence fee and utility fees are deemed as a fair and relatively inexpensive amount compared with other groups. It is an expectation that the City will receive a token amount of income as cost recovery for the expenses on the facility.

The Rotary Club has a current membership base of nine people. The Rotary Club has indicated that in order to pay the proposed licence fee, their current \$260 membership fee would have to be increased by more than 50%. One possible solution to address this issue is for the Rotary Club to undertake a membership recruitment campaign to attempt to attract more members, rather than increase their membership fee.

Reimbursement of Venue Hire Income

There are 42 user groups of the former Rotary Community Hall that will be transitioning across to use the new John McGrath Pavilion and Hall. These groups are listed in the Schedule of the Management Licence Agreement (see **Attachment (b)**).

In the past, the Rotary Club charged the above groups venue hire fees for use of the former Rotary Hall, which accounted for Rotary's main fundraising income each year (and is estimated at \$16,000 per annum). This fundraising income is used to support community projects, not for the general running expenses of the Club (which is currently financed via membership fees only).

The City initially proposed to reimburse the Rotary Club 70% of the venue hire income paid to the City from the Rotary Club associated user groups for their hire/use of the John McGrath Pavilion and Hall in the first twelve months as a transitional strategy. After this time, it was proposed that the City would continue to collect the venue hire income from these groups, but no longer pay any reimbursements to the Rotary Club.

Following subsequent discussions with the Rotary Club, the City does acknowledge that without this income the Rotary Club's ability to support and contribute to many local and international community projects will be significantly affected and unable to maintain the current level of community benefit. It is therefore proposed that instead of the initial 70%/30% income split, the City will provide an annual donation to the Rotary Club equating to 100% reimbursement of the revenue received from the existing Rotary user groups as listed in the Management Licence Agreement (currently estimated at \$16,000 per annum). This is applicable for the entire period of the Agreement.

The above information is proposed to be inserted as a special condition into the Schedule of the Management Licence Agreement (shown as **Attachment (b)** as follows):

“Special Conditions:

- *Reduced Hire Rate - will apply to the listed user groups (as listed in Annexure C) of the John McGrath Pavilion or John McGrath Hall. The reduced hire rates are listed at Annexure C. Upon the first anniversary of this Agreement normal hire fees will apply, as per the City's Fees and Charges.*
- *The City will provide an annual amount to the Lessee in recognition of the revenue received from the user groups as listed at Annexure C. This amount will represent 100% of the revenue received from the user groups listed on Annexure C. This is applicable for the entire term of this Agreement.*
- *Any groups/individuals not listed at Annexure C upon execution of this Agreement will be eligible for the normal rate of hire by the City, as per the Fees and Charges.”*

Consultation

Consultation has occurred with the Rotary Club of South Perth-Burswood in the development of this report.

Policy and Legislative Implications

Council Policy P609 – ‘Management of City Property’ provides guidelines on the leasing of City buildings. In particular, this Policy makes provision for not-for-profit, sporting and community organisations to qualify for subsidised rent when entering into long term agreements for use of the City's community facilities. The City has applied this discount when calculating the annual rental fee payable by the four main tenants based at the John McGrath Pavilion and Hall.

Council Policy P609 – ‘Management of City Property’ includes the following cost setting formula to calculate the annual rental fee payable for its leased/licenced facilities:

- Annual rental fee payable = 1% (0.01) of insured value of the facility.

The current insurance value of the John McGrath Pavilion and Hall is \$5,500,000. The licenced area to be used by the Rotary Club equates to approximately 3% (0.03) of the overall facility. Therefore, in applying the above formula, the result is as follows:

- Annual rental fee payable by the Rotary Club = \$5,500,000 x 0.01 x 0.03 = \$1,650.

This Policy also states *'The City may by resolution of Council grant a donation in subsidy of the rental amount where the proposed tenancy would provide a demonstrable benefit to the community of South Perth'*.

Financial Implications

As the John McGrath Pavilion and Hall are brand new facilities, it is difficult to determine the total annual operating costs as there is no historical financial data. For this reason, comparisons have been made to the Manning Hall to estimate the financial costs to the City. The total anticipated income is estimated at \$25,000 (excluding solar panel rebates) per year. The total anticipated expenditure per year (based on similar figures for Manning Hall), excluding depreciation, is estimated at \$150,000. The majority of expenditure is made up of cleaning (40%) and electricity (25%). See table below for summary.

Facility	Income	Expenditure	Cost recovery
John McGrath Hall	\$16,784	\$76,714	22% (-\$59,930)
John McGrath Pavilion	\$11,605	\$73,405	16% (-\$61,800)
TOTAL	\$28,389	\$150,119	19% (-\$121,730)

Note:

a. excludes any income from Rotary or RSL

b. income is current estimate without deducting annual donation of approx. \$16,000

The other main tenants of John McGrath Pavilion are being charged the following annual licence fees (excluding hire fees of the social areas):

1. South Perth Junior Football Club = \$2,750 (plus utility charges). *Note: The Football Club has agreed to pay their proposed fees.*
2. Western Australian Football League (WAFL) Umpires = \$2,200 (plus utility charges). *Note: The WAFL has agreed to pay their proposed fees.*
3. Returned Services League (RSL) South Perth Branch = \$1,100 (plus utility charges). *Note: The RSL has recently expressed concern about having limited capacity to pay their proposed fees; therefore, it is likely that a fee waiver request will also be submitted for Council's consideration in the near future.*

As stated above, the City currently does not have a formal cost recovery percentage for its community facilities. However, the above figures demonstrate the City heavily subsidises the community facility (81%).

Over the ten year period of the Management Licence Agreement, the estimated rental income payable to the City by the Rotary Club for its use of the Pavilion and Hall is \$20,000 (i.e. \$1,650 x 10 x annual CPI adjustments = \$20,000).

The Management Licence Agreement also includes a clause whereby the Licensee (Rotary Club) must pay stamp duty and other government imposts relating to the Agreement and its related documents and transactions, such as legal costs for development of the Agreement.

Should Council resolve for the City to pay an annual donation/reimbursement to the Rotary Club, it will result in a reduction in the City's overall revenue for the same amount (for example, in this case the City's venue hire income for John McGrath Pavilion and Hall will be reduced by approx. \$16,000 per annum under the proposal).

10.1.2 Rotary Club of South Perth Burswood Fee Waiver Request for use of John McGrath Pavilion and Hall

Strategic Implications

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

Attachments

- 10.1.2 (a):** Rotary Club of South Perth Burswood - Licence Fee Waiver Request
- 10.1.2 (b):** Rotary Club of South Perth Burswood - John McGrath Pavilion - Draft Management Licence Agreement - Special Conditions

10.1.3 City of South Perth Public Art Advisory Group - Terms of Reference Amendment

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-41527
Meeting Date:	24 April 2018
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

Summary

This report seeks:

1. Council's approval for the revised Terms of Reference for the City's Public Art Advisory Group (shown as **Attachment (a)**);
2. Council's nomination of a third Elected Member representative for the Public Art Advisory Group;
3. Council's approval for an additional condition of delegation to be inserted into Schedule 1 of DC690 to enable the City's Director Development and Community Services to approve public art concept design applications, following due consideration of advice and recommendations provided by the Public Art Advisory Group (shown as **Attachment (b)**); and
4. To inform Council that the City will seek to recruit an additional Industry Representative for the Public Art Advisory Group, in alignment with the revised Terms of Reference.

Officer Recommendation

That Council:

1. Approves the revised Terms of Reference for the City's Public Art Advisory Group (shown as **Attachment (a)**);
2. Nominates Cr _____ as the third Elected Member representative for the Public Art Advisory Group;
3. Approves for an additional condition of delegation to be inserted into Schedule 1 of DC690 to enable the City's Director Development and Community Services to approve public art concept design applications, following due consideration of advice and recommendations provided by the Public Art Advisory Group (shown as **Attachment (b)**); and
4. Notes the City will seek to recruit an additional Industry Representative for the Public Art Advisory Group, in alignment with the revised Terms of Reference.

ABSOLUTE MAJORITY REQUIRED

Background

The City of South Perth Public Art Advisory Group was established in February 2015.

The purpose of the Advisory Group is to provide recommendations regarding public art projects; and contribute to the on-going development and implementation of the City's Public Art Strategy.

Under its current Terms of Reference, the Advisory Group's membership is comprised of a minimum of eight members, consisting of:

- a maximum of three elected members (Cr Colin Cala and Cr Tracie McDougal are the current representatives; therefore, one vacancy exists);
- a maximum of two community members who have voting rights (Mr Mark Parfitt and Ms Monique Laves are the current representatives);
- a maximum of two additional non-voting community members (these representatives are invited to attend as guests on a case-by-case basis to provide specialist/industry input);
- a minimum of two City Officer representatives, including an Executive (Director Development and Community Services, Director Infrastructure Services, Manager Development Services, Manager Community Culture and Recreation, Coordinator Cultural Development and Arts Officer currently attend).

At its meeting held on 8 March 2018 the Advisory Group undertook a review of its Terms of Reference. Following this process, several enhancements were identified, which are summarised below.

Terms of Reference – Relevant Clauses	Terms of Reference – Recommended Amendments
<p><u>Membership Titles</u> The existing 'Community Members' membership category title does not accurately define the member's level of public art expertise.</p>	<p>Change the membership category title from 'Community Members' to 'Industry Representatives'.</p>
<p><u>Membership Composition</u> There is an imbalance between the membership category numbers (i.e. it currently enables membership of three Elected Members; two voting Community Members; two non-voting Community Members; and unlimited City Officers).</p>	<p>Amend the membership clause to enable equal composition of voting members (i.e. up to three Elected Members; and up to three Industry Representatives).</p> <p>Remove all references to City Officers under the 'Membership' heading and replace under an 'Administration Support' heading to clarify the role of the City Officers.</p>
<p><u>Voting Rights</u> It is unclear which membership categories have voting rights.</p>	<p>Specify that the Elected Member representatives and Industry Representatives have voting rights only.</p>
<p><u>Membership Term</u> All members are currently permitted to participate on the Advisory Group for a maximum of two years.</p>	<p>Remove this clause and replace with: 'The term of membership is to align with the local government elections cycle, with membership expiring at the next ordinary local government election.</p> <p>Specify that this clause does not relate to the City Officers (as they are permitted to attend Advisory Group meetings throughout the course of their employment).</p>

	Specify that upon the expiry of their term, Industry Representatives may nominate for a further term, and renewal of their membership will be considered for approval by the City's CEO.
<p><u>Meeting Chairperson</u></p> <p>The Chairperson will be rotated as per a schedule agreed to at the first meeting of the calendar year; and in their absence the role of Chairperson will be assumed by the next person on the schedule.</p>	Specify that a Chairperson and Deputy Chairperson will be elected from amongst the voting members at its first meeting following the local government elections. When voting on general matters, all members shall have one vote; simple majority will prevail. Where votes are even, the Chairperson will cast the deciding vote.

Comment

The proposed/recommended Terms of Reference amendments will provide the following benefits:

- Recognition of Membership Category Expertise – replacing the ‘Community Members’ title with the proposed ‘Industry Representative’ title will more accurately define the public art expertise of these members, as they are arts industry professionals, such as practicing artists and university art lecturers.
- Membership Composition Equity – it will achieve more equity with the membership categories; clarify which membership categories have voting rights; and clarify that the role of the City Officers is to provide admin support and technical advice to the Advisory Group.
- Renewal of Memberships – it will clarify that all member's tenures are to align with the local government elections cycle; and provide the opportunity for Industry Representatives to submit a membership renewal for the City's assessment.

Council is also requested to consider amending the City's Delegation from CEO for 'DC690 Town Planning Scheme No. 6' to reflect the existing public art project approval process. In particular, it is recommended that an additional condition of delegation be inserted into Schedule 1 of DC690 as follows:

9. Developer-Facilitated Public Art Projects – In considering approval for any concept design for developer-facilitated public art projects to meet the requirements of a Council endorsed planning condition, the delegated officer shall take into consideration the prior assessment and recommendation from the City's Public Art Advisory Group. If in the opinion of the delegated officer any significant doubt exists, the application shall be referred to Council for determination.

Consultation

The City has undertaken consultation with the Public Art Advisory Group in the development of this report.

Policy and Legislative Implications

The following are relevant to this report:

- Policy P101 Public Art
- Policy P316 Developer Contribution for Public Art and Public Art Spaces
- Policy 112 Community Advisory Groups
- DC690 Town Planning Scheme No. 6
- Public Art Strategy

10.1.3 City of South Perth Public Art Advisory Group - Terms of Reference Amendment

Financial Implications

There are no financial implications associated with amending the Advisory Group's Terms of Reference.

Strategic Implications

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

Attachments

10.1.3 (a): Revised Terms of Reference for the City's Public Art Advisory Group

10.1.3 (b): DC690 Town Planning Scheme 6

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Naming of Right of Way No. 68

Location:	Moresby Street
Ward:	Moresby Ward
Applicant:	Council
File Ref:	D-18-41528
Meeting Date:	24 April 2018
Author(s):	Sarah Wickham, Projects Officer - Development Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

This report requests permission to advertise the proposal to name Right of Way No. 68. “Tinsel Lane”, with “Nivea Lane” and “Flannel Lane” as alternatives.

Officer Recommendation

That:

- (a) the City write to the owners and occupiers adjoining Right of Way No. 68 and request comment be provided to the City within 30 days of the letter on:
 - i. the proposal to name Right of Way No. 68,
 - ii. the proposal to name the right of way “Tinsel Lane”, with “Nivea Lane” and “Flannel Lane” as alternatives should the Geographic Names Team reject the first preference; and
- (b) after the comment period has closed, a report analysing the feedback be presented to Council.

Background

Location

The proposed road name is for Right of Way No. 68, which wraps around the shops in Moresby Street, Kensington. The location of the right of way is shown in **Figure 1** over page. A plan of the right of way to be named is shown at **Attachment (a)**.

Eight properties have vehicular access from the right of way, one of those is to a block of flats, another is primary vehicular and pedestrian access to a single house, the remainder is secondary access.

Right of Way No. 68 is paved, drained, and has street lighting.

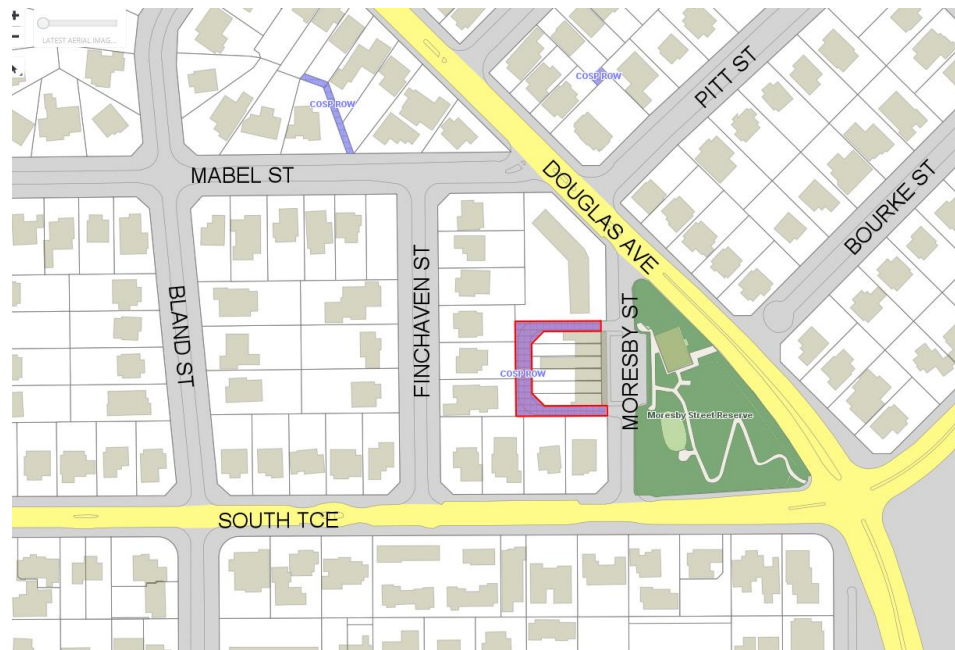


Figure 1: Location Plan

Requestor

The City received a request to name this right of way from the owners of No. 10 Moresby Street who are building a new dwelling that has primary vehicle and pedestrian access from the right of way.

Decision Maker and Landgate Policy

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

The policy requires that the local government support the proposed name(s). Landgate's policy also has numerous requirements regarding the selection of names, e.g. not being within 10km of the same name within the metro area, and not sounding like another name within the local government area. The policy also has requirements regarding consultation with the community.

The procedures to lodge a naming request recommend supplying more than one name, in order of preference, in case the first choice is rejected.

Policy, Council Resolutions and Naming Themes

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

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

The theme used for naming right of ways within the district is ‘flowering species’, with a preference for endemic species.

Comment



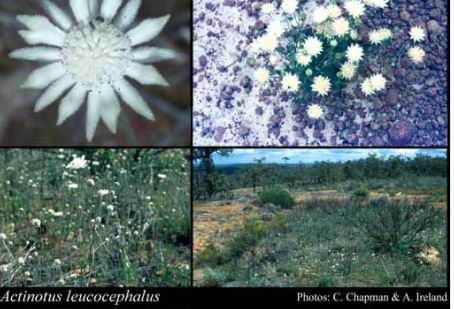
Need to Name

The need to for this ROW to be named is evident with there being approved primary access to dwelling and properties from the ROW. With this comes the need for those properties to be given an address from the ROW so that visitors, mail, utility providers and emergency services can easily locate the property.

Proposed Names

The requestor was asked to provide the City with three names they would like to see used that fitted the City’s and Geographic Names Team’s requirements.

After discussions with the City the requestor chose **Tinsel Lane** as the first preference. They also chose **Nivea** and **Flannel** as alternatives should the Geographic Name Team reject the first preference. Nivea and Flannel are on the Council’s list of possible names for right of ways. The following table outlines the background of each name:

<p>Tinsel</p> <ul style="list-style-type: none"> • Derived from the common name <i>Tinsel Flower</i> • <i>Cyanostegia lanceolata</i> species is native to Western Australia <p>https://florabase.dpaw.wa.gov.au/browse/profile/6750</p>	 <p><i>Cyanostegia lanceolata</i> Photos: C.A. Gardner & K.R. Thiele</p>
<p>Nivea</p> <ul style="list-style-type: none"> • Derived from the scientific name <i>Eremophila nivea</i> • Native to Western Australia <p>https://florabase.dpaw.wa.gov.au/browse/profile/7244</p>	 <p><i>Eremophila nivea</i> Photos: A.P. Brown, M. Hancock & S.J. Patrick</p>
<p>Flannel</p> <ul style="list-style-type: none"> • Derived from the common name <i>Flannel Flower</i> • <i>Actinotus leucocephalus</i> species is native to Western Australia <p>https://florabase.dpaw.wa.gov.au/browse/profile/6205</p>	 <p><i>Actinotus leucocephalus</i> Photos: C. Chapman & A. Ireland</p>

All of these names are endemic to Australia, meet of the requirements of “Policies and Standards for Geographical Naming in Western Australia” and pass Landgate’s “Preliminary Validation Test” as at 26 March 2018.

Road Type – Lane

The road type of 'Lane' is used within the district for all right of ways that have been named and is also recommended here.

Consultation

The City's policy "P301 Community Engagement in Planning Proposals" requires for the naming or renaming of roads or right of ways, that a mail out be conducted with 21 days for comments (Clause 16).

Section 1.8.1 "Consulting with the community" in Landgate's "Policies and Standards for Geographical Naming in Western Australia" states:

"Any proposal requesting the renaming of an approved name or any new naming proposal considered to be of significance to the immediate or extended community must include evidence of consultation with the community. Local governments must ensure that the level and form of consultation undertaken reflects the significance of the naming proposal."

Permission is sought to provide the owners and occupiers of the properties that adjoin the ROW the opportunity to provide feedback on the proposal. They will be asked by direct mailed letter to provide comment within 30 days on the proposal to present Tinsel Lane as the first preference for naming ROW 68, with Nivea Lane and Flannel Lane as alternative names should the first preference be rejected be rejected by the Geographic Names Team.

A further report will be prepared following consultation analysing the feedback, after which the Council will make its decision.

Policy and Legislative Implications

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

Financial Implications

A small advertising mail out will be required to be undertaken. Should the naming request be approved, street signs will be required to be erected at the Council's expense.

Strategic Implications

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

Attachments

10.3.1 (a): Plan of Proposed Naming of Right of Way No. 68

10.3.1 (b): Road names options adopted by Council

10.3.2 Proposed Naming of Right of Way No. 74

Location:	Como
Ward:	Como Ward
Applicant:	Council
File Ref:	D-18-42266
Meeting Date:	24 April 2018
Author(s):	Sarah Wickham, Projects Officer - Development Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

This report requests permission to advertise the proposal to name Right of Way No. 74. “Dahlia Lane”, with “Peony Lane” and “Nerine Lane” as alternatives.

Officer Recommendation

That:

- (a) the City write to the owners and occupiers adjoining Right of Way No. 74 and request comment be provided to the City within 30 days of the letter on:
 - i. the proposal to name Right of Way No. 74,
 - ii. the proposal to name the right of way “Dahlia Lane”, with “Peony Lane” and “Nerine Lane” as alternatives should the Geographic Names Team reject the first preference; and
- (b) after the comment period has closed, a report analysing the feedback be presented to Council.

Background

Location

The proposed road name is for Right of Way No. 74, which is bounded by Thelma Street, Labouchere Road, Alston Avenue and Lockhart Street in Como. The location of the right of way is shown in **Figure 1** over page. A plan of the right of way to be named is shown at **Attachment (a)**.

Six properties have vehicular access from the right of way, and there are 5 pedestrian gates.

Right of Way No. 74 is paved and drained. There is no street lighting.

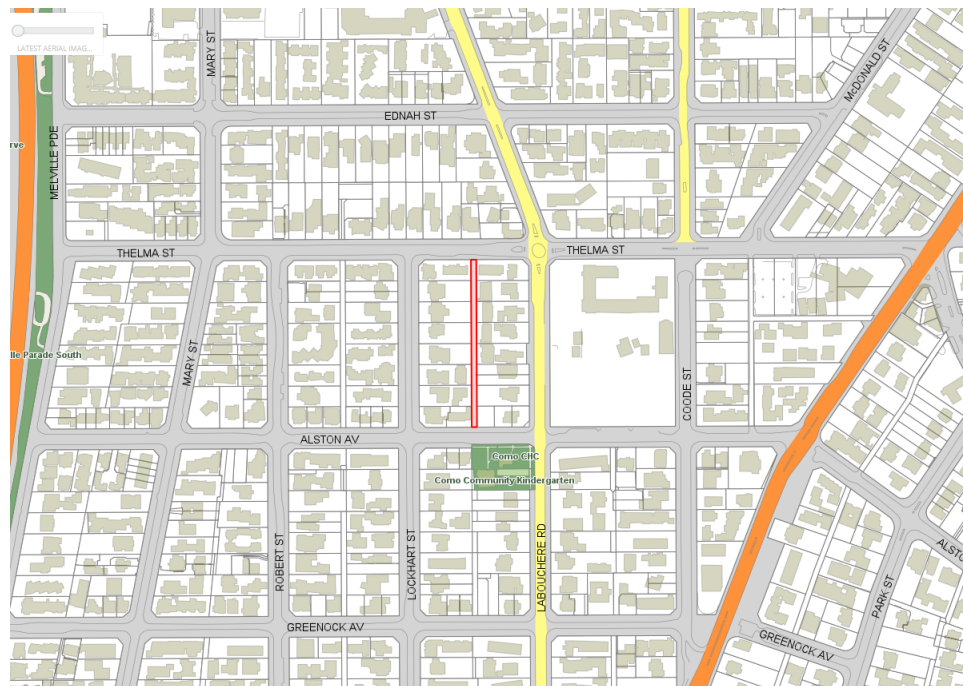


Figure 1: Location Plan

Requestor

The City received a request in 2017 to name this right of way from the owner of No. 8 Lockhart Street. A neighbour to No. 8 Lockhart Street had suggested that him that the right of way be named to honour the former owner and resident of that property.

Decision Maker and Landgate Policy

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

The policy requires that the local government support the proposed name(s). Landgate's policy also has numerous requirements regarding the selection of names, e.g. not being within 10km of the same name within the metro area, and not sounding like another name within the local government area. The policy also has requirements regarding consultation with the community.

The procedures to lodge a naming request recommend supplying more than one name, in order of preference, in case the first choice is rejected.

Policy, Council Resolutions and Naming Themes

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

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

The theme used for naming right of ways within the district is 'flowering species', with a preference for endemic species.

Comment



Need to Name

As all the properties have established primary access from the roads, the main reason to name this right of way is to simplify the giving of directions to trades and deliveries to the back of properties. However, there remains potential for some lots to have primary vehicle access from the right of way. And with that comes the need for those properties to be given an address from the right of way so that visitors, mail, utility providers and emergency services can easily locate the property.

Proposed Names

The City received a request to name this right of way after Mrs Patricia Elizabeth Smith. According to the requestor, Mrs Smith was a long-time and respected resident from 1971 until her death in 2000. She lived at a property that backed onto the right of way. As the theme for right of ways is 'flowering species', this request was declined.

The requestor was then offered the opportunity to provide names of flowers. After further discussion **Dahlia Lane** was settled as the first preference of the requestor. They also offered **Peony** and **Nerine** as alternatives should the Geographic Name Team reject the first preference. The following table outlines the background of each name:

<p>Dahlia</p> <ul style="list-style-type: none"> • Is a genus of flowering plant. • Central and South American origins, it is named after the Swedish botanist, Andreas Dahl. • Today's Dahlias were developed from the <i>Dahlia coccinea</i>, <i>Dahlia rosea</i> and <i>Dahlia pinnata</i> (pictured, from left to right). <p>(http://dahliasaustralia.org.au/growing_dahlias.php)</p>	 <p><i>Dahlia coccinea</i> <i>Dahlia rosea</i> <i>Dahlia pinnata</i></p>
<p>Peony</p> <ul style="list-style-type: none"> • Is type of flowering plant in the genus <i>Paeonia</i>. • Native to Asia, Europe and Western North America. <p>(https://en.wikipedia.org/wiki/Peony)</p>	 <p><i>Paeonia suffruticosa</i></p>

<p>Nerine</p> <ul style="list-style-type: none"> • South African origins. • Bulb type of flowering plant. <p>(https://www.burkesbackyard.com.au/fact-sheets/in-the-garden/flowering-plants-shrubs/nerines/)</p>	
---	--

None of these types of plants are endemic to Australia. Whilst preference is given to endemic species, it does not preclude non-endemic species from consideration.

All of these possible names meet the requirements of “Policies and Standards for Geographical Naming in Western Australia” and pass Landgate’s “Preliminary Validation Test” as at 26 March 2018.

Road Type – Lane

The road type of ‘Lane’ is used within the district for all right of ways that have been named and is also recommended here.

Consultation

The City’s policy “P301 Community Engagement in Planning Proposals” requires for the naming or renaming of roads or right of ways, that a mail out be conducted with 21 days for comments (Clause 16).

Section 1.8.1 “Consulting with the community” in Landgate’s “Policies and Standards for Geographical Naming in Western Australia” states:

“Any proposal requesting the renaming of an approved name or any new naming proposal considered to be of significance to the immediate or extended community must include evidence of consultation with the community. Local governments must ensure that the level and form of consultation undertaken reflects the significance of the naming proposal.”

Section 9 of that policy requires the consultation period be 30 days.

Permission is sought to provide the owners and occupiers of the properties that adjoin the ROW the opportunity to provide feedback on the proposal. They will be asked by direct mailed letter to provide comment within 30 days on the proposal to present Dahlia Lane as the first preference for naming ROW 74, with Peony Lane and Nerine Lane as alternative names should the first preference be rejected by the Geographic Names Team.

A further report will be prepared following consultation analysing the feedback, after which the Council will make its decision.

Policy and Legislative Implications

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

10.3.2 Proposed Naming of Right of Way No. 74

Financial Implications

A small advertising mail out will be required to be undertaken. Should the naming request be approved, street signs will be required to be erected at the Council's expense.

Strategic Implications

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

Attachments

10.3.2 (a): Plan of Proposed Naming of Right of Way No. 74

10.3.2 (b): Road name options adopted by Council

10.3.3 City of Melville's Proposed Modifications to the Canning Bridge Activity Centre Plan

Location:	City of South Perth
Ward:	Como, Moresby and Manning Wards
Applicant:	Council
File Ref:	D-18-41530
Meeting Date:	24 April 2018
Author(s):	Matthew Andrews, Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

Summary

The City of Melville has proposed amendments to the Canning Bridge Activity Centre Plan (CBACP) relating to land within the boundaries of the City of Melville. Whilst the amendments will not have an impact on land within the City of South Perth, Regulation 36 of the deemed provisions requires the submission of a report to the Western Australian Planning Commission (WAPC) from each local government affected by the Activity Centre Plan. This report must make a recommendation to the WAPC on whether the proposed modifications should be approved. The purpose of this report is to outline the proposed amendments and recommend that Council advise the WAPC that the proposed amendments to the CBACP should be approved.

Officer Recommendation

That Council:

1. Support the amendment report relating to the review of the Canning Bridge Activity Centre Plan H4 zoned areas of Kintail (Q1) and Ogilvie (Q2) prepared by the City of Melville included at **Attachment (a)** subject to minor modifications to modification 1 as outlined in the comment section of this report.
2. Recommend to the Western Australian Planning Commission in accordance with Schedule 2, Part 5, Clause 36(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* to approve the amendments to the Canning Bridge Activity Centre Plan as detailed in the amendment report prepared by the City of Melville included at **Attachment (a)**
3. Advise the City of Melville of Council's resolution outlined in Points 1 and 2.

Background

The Canning Bridge Activity Centre plan (CBACP) has been prepared to provide a guide to development of the Canning Bridge area, an area recognised as an 'activity centre' under the Western Australian Planning Commission's *State Planning Policy 4.2: Activity Centres for Perth and Peel*. The CBACP establishes a foundation for the future of the area including objectives and goals for its ongoing development, guidelines for the style of built form which is expected, and an

implementation framework for orderly improvements to infrastructure and land over time.

The activity centre comprises the area generally considered a convenient walkable distance from the Canning Bridge bus and rail interchange which is located at the junction of the Canning Highway and Kwinana Freeway. The centre includes land within both the Cities of Melville and South Perth

The timeline of the endorsement of the CBACP is outlined below.

- The City of Melville endorsed the Canning Bridge Activity Centre Plan at their Ordinary Meeting of Council held on 17 March 2015.
- The City of South Perth endorsed the Canning Bridge Activity Centre Plan at their Ordinary Meeting of Council held on 26 May 2015.
- The WAPC endorsed the Canning Bridge Activity Centre Plan with modifications on 19 December 2015.
- The Minister for Planning approved the CBACP subject minor modifications in April 2016.
- The Plan became operational within the City of South Perth following the gazettal of Amendment No. 47 in February 2017.

Part of the City of Melville's resolution to adopt the Plan in March 2015 was as follows:

"Within 12 months of the formal inclusion by gazettal of the Canning Bridge Structure Plan in the City of Melville Community Planning Scheme No 5, that the City initiate a public consultation process to determine community views on whether the properties west of Forbes Road between Kishorn and Kintail Roads and all residential zones in the structure plan area with height limits up to four storeys should be treated differently than in the current plan with respect to land use and building heights. Any such consultation process will not commit the City to any particular course of action as a result of the process".

Subsequently the City of Melville has undertaken this review process. The review focused on the land uses, height, setback, open space, parking, traffic and general amenity for those areas zoned as H4. These discussion topics were identified through a consultation process involving letters sent to all owners and occupiers in the H4 zone as well as the surrounding areas inviting them to attend a forum. The forum was also advertised in the local newspaper, the City of Melville website and social media. Recommendations for modifications to the CBACP document were endorsed by City of Melville Council at their December 2016 Council meeting. These modifications only relate to land within the City of Melville.

Notwithstanding, as the CBACP includes land within both City of Melville and the City of South Perth, the Department of Planning, Lands and Heritage (DPLH) have advised in March 2018 that both local governments should prepare a report in accordance with Schedule 2, Part 5, Clause 36(1) of the Regulations whenever an amendment is proposed to the CBACP

Comment

The abovementioned report should cover the following matters as listed in Schedule 2, Part 5, Clause 36(2) of the Regulations:

- (a) a list of the submissions considered by the local government, including if relevant, any submissions received on a proposed modification to the activity centre plan advertised under clause 35(2);
- (b) any comments by the local government in respect of those submissions;
- (c) a schedule of any proposed modifications to address issues raised in the submissions;
- (d) the local government's assessment of the proposal based on appropriate planning principles;
- (e) a recommendation by the local government on whether the proposed activity centre plan should be approved by the Commission, including a recommendation on any proposed modifications.

As the proposed amendments do not have an impact on land within the City of South Perth, the City did not advertise the proposed amendments (refer to consultation section for further detail). Therefore, the report from the City need only consider the last two points.

Assessment of the proposed amendments to CBACP

The amendments proposed by the City of Melville, along with comments from the City of South Perth, are included in the below table. A full copy of the review report produced by the City of Melville is included at **Attachment (a)**.

#	Proposed Modification	City's Comment
1	Page 2: Add to Version Control: New Line <i>Version 4 Adopted by the City of Melville 13 December 2016</i>	Recommended that an additional line be added to the version control to state the City of South Perth has adopted version 4 of the plan on 24 April 2018 (subject to Council endorsement)
2	Page 18: Add a new sentence to the process flowchart Design Phase after last paragraph " <i>Consideration by Design Advisory Group</i> "	Modification ensures that all applications within the CBACP area are referred to the Design Advisory Group. Modification recommended to be supported by Council.
3	Page 19: Add wording to the heading of second column to read " <i>Maximum height applies in metres</i> "	Clarification that the heights in the table are maximum height limits in metres. Modification recommended to be supported by Council.
4	Page 21: Add requirement 1.1.3 ' <i>H4 and H8 Zone - Multiple Dwelling, Grouped Dwelling, Aged or Dependant Person's Dwelling, Single Bedroom Dwelling, Residential Building, Recreation - Private, Recreation - Public, Home Occupation, Home Office</i> '	Addition of ground floor preferred uses and removal of 'Corner Store' and 'Convenience Store' as preferred uses. No impact on the City of South Perth as it only applies to land within the City of Melville. Modification recommended to be supported by Council.

5	Page 21: Amend requirement 1.2.3 <i>'H4 and H8 – Multiple Dwelling, Grouped Dwelling, Aged or Dependant Person's Dwelling, Single Bedroom Dwelling, Residential Building, Recreation - Private, Recreation – Public, Home Occupation, Home Office'</i>	Removal of 'Corner Store' and 'Convenience Store' as preferred uses. No impact on the City of South Perth as it only applies to land within the City of Melville. Modification recommended to be supported by Council.
6	Page 28: Desired Outcome DO 3: After the first sentence add <i>"...is appropriately managed and the amenity of the property both within and adjacent to the CBACP is adequately considered."</i>	Considers the height of the building and the impact that it may have on adjacent properties, which is good planning practice. Modification recommended to be supported by Council.
7	Page 28: Desired Outcome DO 3 At the end of the last sentence amend to read <i>"...development assessed against the requirements of Element 21 and Element 22 of these guidelines"</i>	Clerical error. Modification recommended to be supported by Council.
8	Page 30: Desired Outcome DO 5 Last sentence amended to read <i>"...Development should consider the amenity of the precinct by minimising overlooking and overshadowing of adjacent and adjoining properties."</i>	Simplification of the existing clause. Modification recommended to be supported by Council.
9	Page 38: Requirement 18.5 Modified to read <i>"...The cash in lieu payment shall be in accordance with the relevant clauses relating to cash-in-lieu in the relevant operation local planning scheme in each City."</i>	Simplification of the existing clause. Modification recommended to be supported by Council.

None of the modifications will impact the City of South Perth and will provide additional guidance in the application of the provisions within the CBACP and should therefore be approved.

Council resolved at its Ordinary Meeting held in May 2015 that *"The adopted structure plan will be reviewed and updated after a year of operation to address any issues that may arise."* It should be noted that the City will be undertaking a review of the CBACP and in the second half of 2018 in accordance with the Council resolution of May 2015. At present the City of South Perth has only received eight and determined six applications within the CBACP with all applications being within the H4 and H8 zones. The review will focus on any operational issues that have arisen relating to these applications.

Consultation

The City is not required to advertise an amendment to an Activity Centre Plan if, in the opinion of the City, the amendment is of a minor nature as set out in Schedule 2, Part 5, Clause 45(3) of the Regulations. As the modifications to the CBACP only affect land within the City of Melville or are administrative in nature the City did not consider it necessary to advertise the proposed amendments to owners and occupiers within the City of South Perth.

Policy and Legislative Implications

The processes relating to adopting and modifying activity centre plans are outlined in Part 5 of the Deemed Provisions. This report and the associated recommendations are required in accordance with Regulation 36 of the Deemed Provisions.

Financial Implications

There are no financial implications as a result of this report.

Strategic Implications

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

Attachments

10.3.3 (a): City of Melville proposed Amendment Report

10.3.4 Salters Landing Estate Local Development Plan

Location:	Lot 500, No. 77 Roebuck Drive, Salter Point
Ward:	Manning Ward
Applicant:	Burgess Design Group
File Ref:	D-18-41531
Meeting Date:	24 April 2018
Author(s):	Cameron Howell, Senior Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

This report considers an application for a local development plan (LDP) for the 27 residential lots within the Salters Landing estate at Lot 500, No. 77 Roebuck Drive, Salter Point. The Salters Landing Estate LDP contains development standards that if approved, will apply the future residential developments within the estate. The application has been made to address Condition 11 of the estate's subdivision approval.

The request to provide an LDP was made by the City as part of the subdivision referral process. The requirement to provide an LDP was established through the recommendation of Council during the prior rezoning stage of the development.

Officer Recommendation

That Council resolve pursuant to:

1. Clause 52(1) of Schedule 2 (Deemed Provisions for Local Planning Schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to **approve** the Salters Landing Estate Local Development Plan.
*Note: The approved local development plan is contained in **Attachment (a)**.*
2. Clause 57(1) of Schedule 2 (Deemed Provisions for Local Planning Schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the approval of the Salters Landing Estate Local Development Plan has effect until 24 April 2028.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R25
Lot area	15,957 sq. metres
Building height limit	7.0 metres
Development potential	27 Single Houses

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



Figure 1 Location Plan

Subdivision

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

TPS6 Amendment No. 44 rezoned the site from Private Institution R20 to Residential R25. The scheme amendment process was initiated by Council in December 2013, with the public advertising commencing in March 2014. Council made its recommendation to the Western Australian Planning Commission (WAPC) and Minister for Planning on the Scheme Amendment in July 2014 and at the same time provided recommendations to the developer and the WAPC relating to the concept subdivision plan contained in the amendment documents. One of these recommendations was for design guidelines to be prepared to address car parking and sustainable design measures, as follows:

- (e) *the applicants and Western Australian Planning Commission be advised that owing to the strength of concern expressed by submitters on Amendment No. 44 and also felt by the Council, at the time of a later application for detailed subdivision of the site into single house lots, the Council will recommend that:*
 - (iii) *prior to any of the proposed new lots being offered for sale, design guidelines will be prepared by the applicants or the City including the following, in addition to any other relevant provisions:*
 - (A) *having regard to the busy nature of Redmond Street and the narrow width proposed for the new access road, two visitor car bays to be provided on each lot, in addition to two occupiers' bays;*
 - (B) *car parking structures to be set back at least 6.0 metres from the street boundary, in order to provide space for additional vehicles to park on the driveway without encroaching onto the street reserve; and*

(C) development of all lots to incorporate appropriate sustainable design measures drawn from Council Policy P351.14 'Cygnia Cove Residential Design Guidelines';

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

The design of the subdivision has since been amended to consist of 27 lots and a public open space reserve as a result of the public open space contribution subdivision condition (Condition 13) and Council's and the WAPC's Statutory Planning Committee's decision to not accept a cash-in-lieu payment.

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

The City has approved engineering drawings and specifications for road works and drainage. The Council approved the earthworks, retaining walls and fencing in November 2017. Site works associated with the subdivision are close to completion.

Local Development Plan

Condition 11 of the subdivision approval states as follows:

11 Local Development Plan(s) being prepared and approved for lots shown on the approved plan of subdivision that address the following:

- a) location of vehicle crossovers;*
 - b) car parking requirements for visitors;*
 - c) car parking spaces, carport and garage setbacks from the street boundary; and*
 - d) sustainable design development measures;*
- to the satisfaction of the Western Australian Planning Commission.
(Local Government)*

As defined in clause 46 of the Deemed Provisions, a local development plan means a plan setting out specific and detailed guidance for a future development including one or more of the following –

- (a) site and development standards that are to apply to the development;
- (b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.

In December 2017, the City received an application for a local development plan (LDP) prepared on behalf of the landowner. After discussions with City officers, the applicant made revisions to the LDP. The City advertised the application in March 2018 – the advertised LDP is contained in **Attachment (b)**.

Following advertising, City officers met with the applicant and requested a number of changes to the LDP. Specific modifications included the following:

- Deletion of privacy requirements (the R-Codes requirements will apply)
- Modifying the boundary walls provision to apply to only the narrow width lots (the R-Codes and Council local planning policy requirements will apply to all other lots).
- Modifying the overshadowing provisions.
- Deletion of the consultation exemption provision (the Council local planning policy requirements will apply).

The current revision was received in April 2018, contained in **Attachment (a)** and is presented to Council for determination. It should be noted that the revised LDP was not readvertised.

Comment

Local Development Plans

The statutory requirements for the preparation, assessment and resultant effect of a LDP are contained in Part 6 of the Deemed Provisions. In addition, the WAPC has prepared a framework document, contained in **Attachment (f)**.

The City must have due regard to, but is not bound by, an approved LDP when deciding an application for development approval on the affected lots.

The LDP has effect for a period of 10 years commencing on the day on which the City approves the plan (unless an alternative period is approved).

The LDP contains provisions that amend or replace the deemed-to-comply provisions set out in Part 5 of the R-Codes. In essence, these LDP provisions become deemed-to-comply requirements. Any development that does not satisfy a deemed-to-comply requirement will need to demonstrate compliance with the associated R-Codes design principle(s). In the event a future development on the affected lots satisfies all of the deemed-to-comply requirements, that development does not require development approval.

The use of a LDP for small lot subdivisions is common practice to guide the specific development standards and intended built form of an estate.

R-MD Codes (Medium Density Single House Development Standards)

The WAPC has prepared medium density single house development standards (the R-MD Codes) that outline acceptable variations to the deemed-to-comply provisions of the R-Codes, contained in **Attachment (g)**.

The proposed Salters Landing Estate LDP contains selected provisions from the R-MD Codes. It is noted that the proposed LDP provisions that are based from the R-MD Codes are an edited version of the R-MD Codes provisions, though the new wording is seen to be consistent.

The City received advice from a Department of Planning, Lands and Heritage planning officer advising that the WAPC would not need to approve the R-Codes variations in the Salters Landing Estate LDP under cl. 7.3.2 of the R-Codes, as the WAPC has already done so by virtue of the R-MD Codes.

General LDP Provisions

Salters Landing Estate LDP (April 2018)	Existing Planning Requirement
1. The provisions of the City of South Perth Town Planning Scheme No. 6 and State Planning Policy 3.1 <i>Residential Design Codes</i> (R-Codes) are varied within this LDP.	-
2. All other requirements of the Local Planning Scheme and R-Codes shall be satisfied.	-
3. Minor variations to the requirements of the R-Codes and the LDP may be approved by the City of South Perth.	The City has discretion available to approve a development that does not satisfy the deemed-to-comply standards of the R-Codes when the development is considered to demonstrate compliance with the associated design principles.

Provisions 1 and 2 are consistent with the wording contained in the WAPC Local Development Plan Framework document. In relation to Provision 1, the planning legislation does not enable a LDP to prevail over the scheme text, though this LDP is not varying any TPS6 provisions. Provision 3 is consistent with the City's existing practices and the operation of the R-Codes.

Open Space and Outdoor Living LDP Provisions

Salters Landing Estate LDP (April 2018)	Existing Planning Requirement
<p>4. An Outdoor Living Area (OLA) shall be provided as follows (no other R-Codes site cover standards apply):</p> <p>4.1. Minimum area of 10% of the lot size or 20m², whichever is greater, and with a minimum dimension of 3.0m; and</p> <p>4.2. Directly accessible from a habitable room and behind the street setback.</p>	<ul style="list-style-type: none"> • Minimum 50% open space (refer to R-Codes cl. 5.1.4 C4). • An outdoor living area to be provided as follows (refer to R-Codes cl. 5.3.1 C1.1): <ul style="list-style-type: none"> ○ Minimum 30m². ○ Behind the street setback area. ○ Directly accessible from a habitable room of the dwelling. ○ Minimum 4m length and width dimensions. ○ Minimum 20m² without permanent roof cover.

Provision 4 is consistent with the R-MD Codes open space provisions, with the exception of the exclusion of the minimum 70% uncovered outdoor living area provision. It is expected that all proposed outdoor living areas will contain some portion without roof coverage, for the development to comply with the Boundary Setback (Dwellings) and Solar Passive Design provisions.

Vehicular Access LDP Provisions

Salters Landing Estate LDP (April 2018)	Existing Planning Requirement
5. No vehicular access is permitted across property boundaries in locations depicted on this LDP.	-

The subdivision condition contains a requirement for the local development to contain provisions that address:

- location of vehicle crossovers.

The LDP plan identifies locations that are not suitable for vehicle crossovers, due to the presence of street trees, public infrastructure or the developer fencing (as per the development approval granted by Council in November 2017).

Street Setbacks (Dwellings) LDP Provisions

Salters Landing Estate LDP (April 2018)	Existing Planning Requirement
6. A 3.0m minimum primary street setback is permitted as shown (no averages apply).	<ul style="list-style-type: none"> • Minimum 6.0m average primary street setback (refer to R-Codes cl. 5.1.2 C2.1).
7. A 4.8m minimum primary street setback is permitted in the vicinity of the Transformer adjacent to Lots 21 & 22 as shown (no averages apply).	As above.
8. A 1.5m minimum secondary street setback is permitted as shown.	<ul style="list-style-type: none"> • Minimum 1.5m secondary street and corner truncation setback (refer to R-Codes cl. 5.1.2 C2.2 and C2.3).
9. A 1.5m minimum setback to a porch/veranda (no maximum length) is permitted.	<ul style="list-style-type: none"> • Maximum 1.0m projection into the street setback, up to 20% width of the lot frontage (refer to R-Codes cl. 5.1.2 C2.4).
10. Front Fences within the primary street setback area shall comply with City of South Perth Policy.	The front fence requirements are specified in R-Codes cl. 5.2.4 'Street walls and fences', R-Codes cl. 5.2.5 'Sight lines' and Council Policy 350.07 'Street walls and fences'.

Provisions 6, 8 and 9 are consistent with the R-MD Codes street setback provisions. It is understood that Provision 7 addresses a Western Power requirement. Provision 10 highlights the existing planning requirements relating to front fencing.

Boundary Setbacks (Dwellings) LDP Provisions

Salters Landing Estate LDP (April 2018)	Existing Planning Requirement
11. A 1.2m minimum setback is permitted for walls 3.5m high-or-less with major openings.	<ul style="list-style-type: none"> • Minimum 1.5m setback (refer to R-Codes cl. 5.1.3 C3.1).
12. A 1.0m minimum setback is permitted for walls 3.5m high-or-less without major openings.	<ul style="list-style-type: none"> • Minimum 1.0m for walls up to 9.0m in length. • Minimum 1.5m setback for walls greater than 9.0m in length (refer to R-Codes cl. 5.1.3 C3.1).

<p>13. On Lots 11-16, 20, 22 & 23, boundary walls 3.5m high-or-less are permitted to both side boundaries behind the street setback area; 2/3 length to one side boundary, 1/3 length to second side boundary.</p>	<ul style="list-style-type: none"> • Minimum 6.0m street setback (refer to Council Policy P350.02 'Boundary walls'). • Maximum limits: <ul style="list-style-type: none"> ○ Abuts an existing or simultaneously constructed wall of similar or greater dimension. ○ Not higher than 3.5m with an average of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary only (refer to R-Codes cl. 5.1.3 C3.2).
--	--

Provisions 11 and 12 are consistent with the R-MD Codes lot boundary setback (boundary setback) provisions. Provision 13 is consistent with the R-MD Codes lot boundary setback (boundary walls) provisions.

Garages LDP Provisions

Salters Landing Estate LDP (April 2018)	Existing Planning Requirement
<p>14. Garages on Lots 1-16 shall be setback a minimum of 4.0m from the primary street, and 1.5m from the secondary street.</p>	<ul style="list-style-type: none"> • Minimum 4.5m garage primary street setback (refer to Council Policy P350.03 'Car parking access siting and design'). • Minimum 1.5m garage secondary street setback (refer to R-Codes cl. 5.2.1 C1.4).
<p>15. Garages on Lots 17-27 shall be setback a minimum of 5.5m from the primary street.</p>	<p>As above.</p>
<p>16. Garages and crossovers shall generally be located as shown on this LDP (where applicable) to retain existing street trees (where practicable) and avoid conflicts with existing services & infrastructure.</p>	<p>Vehicle crossovers generally need to be located to enable retention of existing street trees and avoid conflicts with other street infrastructure.</p>
<p>17. A double garage, to a maximum width of 6.0m, is permitted on lots with a street frontage between 10.5m and 12.0m, where:</p> <p>17.1. The garage is setback a minimum of 0.5m behind the building alignment;</p> <p>17.2. The dwelling provides a major opening to a habitable room directly facing the primary street;</p> <p>17.3. The dwelling provides an entry feature consisting of a porch or veranda with minimum depth of 1.2m; and</p> <p>17.4. The crossover is a maximum of 4.5m wide where it meets the street.</p>	<ul style="list-style-type: none"> • Maximum 50% or 60% of the lot frontage garage width (refer to R-Codes cl. 5.2.2 C2).

The subdivision condition contains a requirement for the local development to contain provisions that address:

- car parking requirements for visitors; and
- car parking spaces, carport and garage setbacks from the street boundary;

Provision 14 would apply to those lots fronting Sawyer Way (the new road) and Provision 15 would apply to those lots fronting Redmond Street. In essence, the driveways in front of the garage are the intended location for visitor car parking, to reduce the reliance upon on-street parking, with the minimum garage street setbacks to provide this visitor parking space.

The Australian Standard (AS2890.1) car bay length is 5.4m, based upon a 99.8th percentile (B99) vehicle length and a small front clearance. The proposed Redmond Street garage setback (Provision 14: 5.5m) would enable visitor vehicles to be wholly contained within the site boundary. Redmond Street is a local distributor and given the through traffic along this road, the allowance for visitors to park off the street is highly encouraged.

The proposed Sawyer Way garage setback (Provision 15: 4.0m) will result in visitor vehicles protruding into the verge. As the pedestrian footpath is to be located on the western and southern sides of Sawyer Way (i.e. not adjacent to the residential lots), Provision 15 is consistent with the R-MD Codes garage setback and width and vehicular access (front load) provisions and the resultant protrusions are not expected to pose any adverse effects upon the public realm. Sawyer Way is an internal road and will carry less traffic and therefore the reduced setback to the garage is considered acceptable. Should Council not agree with this provision, the garage setback to these lots could be increased to 5.5m in order to contain visitor parking within the lot boundary.

In relation to Provision 16, the identified garage locations align with the non-prohibited vehicle access locations referenced in Provision 5 (refer to the Vehicular Access LDP Provisions section for further comment).

Provision 17 is consistent with the R-MD Codes garage setback and width and vehicular access (front load) provisions.

Overshadowing LDP Provisions

Salters Landing Estate LDP (April 2018)	Existing Planning Requirement
18. No maximum overshadowing for walls greater than 3.5m in height where overshadowing is confined to the front half of an adjoining lot.	<ul style="list-style-type: none"> • Maximum 25% overshadowing of any adjoining property (refer to R-Codes cl. 5.4.2 C2.1 & C2.2).
19. Where overshadowing from walls greater than 3.5m intrudes into the rear half of the adjoining lot, the shadow cast by the development shall not exceed 25% of the site area of the adjoining lot.	As above.

Provisions 18 and 19 are consistent with the R-MD Codes overshadowing provisions.

Dwelling Orientation and Streetscape LDP Provisions

Salters Landing Estate LDP (April 2018)	Existing Planning Requirement
20. Dwellings on corner lots must address both the primary and secondary streets by way of articulation in the building facade, fenestration and roof form.	-
21. All street trees shall be retained in accordance with City of South Perth Policy P350.5 <i>Trees on Development Sites and Street Verges</i> .	Refer to Council Policy P350.05 'Trees on development sites and street verges'.

Provision 20 only affects the development of Lots 11 and 16, to provide a design expectation for the secondary street elevations. Provision 21 highlights the existing planning requirements relating to street trees.

Solar Passive Design LDP Provisions

Salters Landing Estate LDP (April 2018)	Existing Planning Requirement
22. At least one habitable room, other than a bedroom, shall incorporate north-facing major opening/s that maximise northern winter solar penetration, and that are sufficiently shielded from the summer sun by way of eaves, solar shades, or equivalent.	-
23. At least one outdoor living area, balcony, patio, pergola, porch, or verandah, shall be located to maximise northern winter solar penetration.	-

The subdivision condition contains a requirement for the local development to contain provisions that address:

- sustainable design development measures.

Provisions 22 and 23 are based upon similar northern solar orientation provisions that are being applied to developments with the Cygnia Cove estate, Waterford.

Consultation

Council Policy P301 'Community Engagement in Planning Proposals' does not specifically require public consultation or notification for this type of proposal. However, noting community interest in this residential subdivision, individual property owners and occupiers within 'Area 2' were invited in March 2018 to inspect the draft LDP and to submit comments during a minimum 21-day period.

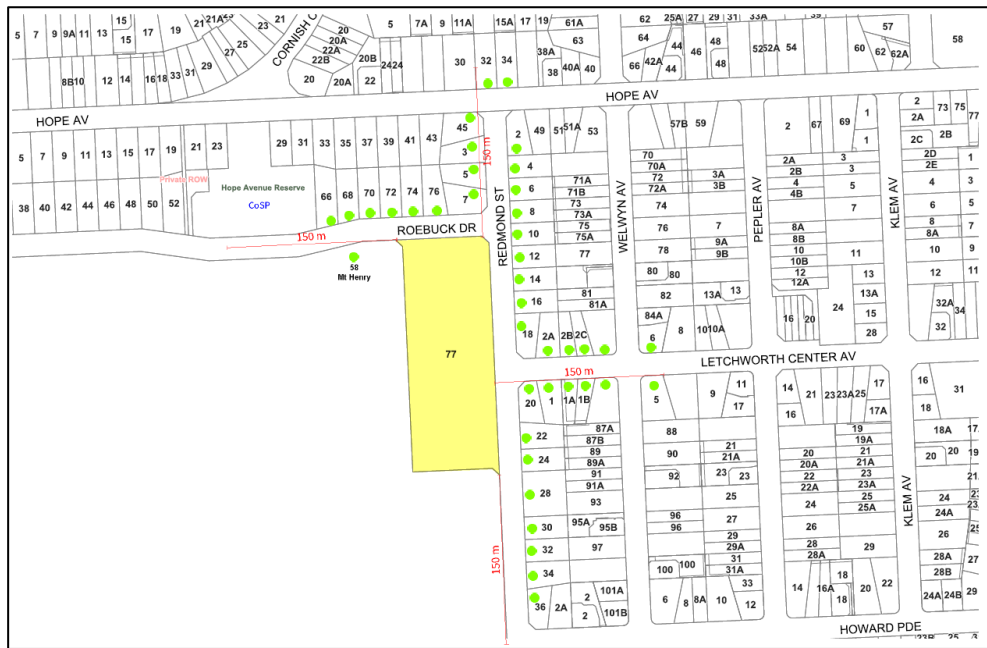


Figure 2 Distribution of Public Advertising Notices

During the advertising period, a total of 56 notices were sent and 9 submissions were received. The main comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
Oppose the estate having special development requirements.	The site has different characteristics to the surrounding locality including a higher density coding (R25 compared to R20 and R15) and a different subdivision pattern. The site warrants consideration of specific development controls taking into account its context and issues flagged in the earlier planning stages. The consultation exemption provision has been removed from the LDP.
LDP reduces the open space requirements.	The proposed open space provisions are largely consistent with the R-MD Codes.
LDP reduces the street setback requirements.	The proposed street setbacks for the Redmond Street lots are seen to be compatible with the R-Codes R20 requirements applicable to the existing properties opposite the site. Sawyer Way is a new road, with the new housing opposite school sport fields. Sawyer Way is separate from the existing residential areas and has no existing streetscape context to conform to. The proposed street setbacks are consistent with the R-MD Codes.
LDP reduces the side setback requirements.	The proposed side setback provisions are consistent with the R-MD Codes. The reduced visual privacy setbacks have been removed from the LDP.
Provision of visitor parking.	The City is satisfied that adequate space will be available on the driveways in front of the future garages to accommodate visitor car parking, without posing any obstruction to footpaths or roadways.

10.3.4 Salters Landing Estate Local Development Plan

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

Policy and Legislative Implications

The statutory requirements relating to an application for a local development plan are contained in Part 6 (clauses 46-59) of the Deemed Provisions for Local Planning Schemes – Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Should Council approve the Salters Landing Estate LDP, the LDP will form part of the local planning framework applicable to future developments on the affected lots.

Financial Implications

The adoption of the LDP will have some affect upon the City's processing of future developments on these properties.

The new provisions may result in more of these future developments qualifying for an exemption to obtain development approval (including the associated application fees), under clause 61 of the Deemed Provisions.

Strategic Implications

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

Conclusion

The proposed Salters Landing Estate LDP has been submitted to address a condition of subdivision approval that was recommended by the City. During the rezoning stage, Council recommended that design guidelines be formulated for the future subdivision of the land to address car parking and sustainable design measures. The proposed LDP satisfactorily addresses these matters as well as a number of other development standards. The proposed Salters Landing Estate LDP is therefore recommended to be approved.

Attachments

- 10.3.4 (a):** Draft Salters Landing Estate Local Development Plan (10 April 2018) - Lot 500, No. 77 Roebuck Drive, Salter Point
- 10.3.4 (b):** Advertised Salters Landing Estate LDP (1 March 2018)
- 10.3.4 (c):** Public Consultation Submissions - Salters Landing Estate LDP
- 10.3.4 (d):** Applicant's Responses to Public Consultation Submissions - Salters Landing Estate LDP
- 10.3.4 (e):** WAPC Subdivision Approval 24 March 2016 - Lot 500, No. 77 Roebuck Drive, Salter Point - 153004
- 10.3.4 (f):** WAPC Framework for Local Development Plans (August 2015)
- 10.3.4(g):** WAPC Planning Bulletin 112/2016 - Medium-Density Single House Development Standards - Development Zones (April 2016)

10.3.5 SAT Reconsideration: Proposed change of use from Single House to Child Day Care Centre

Location:	Lot 7 (No. 10) Barker Avenue, Como
Ward:	Moresby Ward
Applicant:	MPSI Pty Ltd
File Ref:	D-18-41532
Meeting Date:	24 April 2018
Author(s):	Joe Algeri - Planning Consultant Altus Planning, Consultant
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

The City received an application for development approval for a Child Day Care Centre on Lot 7 (No. 10) Barker Avenue, Como in September 2017. The Application was approved by Council at the 21 November 2017 Ordinary Council Meeting. A full copy of the officer's report and the conditions imposed by the Council are detailed in the Minutes of 21 November 2017.

On 19 December 2017, the Applicant lodged an application for review at the State Administrative Tribunal (SAT) against two (2) of the conditions, specifically, conditions restricting the maximum number of children at the Child Day Care Centre and furthermore, the maximum number of car parking bays that could be allocated to staff.

The original proposal has been modified following a mediation session. In short, the Applicant has reduced the number of children from 43 to 39 and an additional staff car parking bay is being provided therefore increasing the allocated staff bays from a maximum of 3 to 4.

SAT issued an order on 21 February 2018 to enable Council to reconsider the matter under s31 of the SAT Act. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Maximum number of children in Child Day Care Centre	Clause 5.2 of TPS6
Required parking bays for employees	Table 6 of TPS6

Officer Recommendation

That, pursuant to Section 31 of the *State Administrative Tribunal Act*, the Council reconsider its decision on 21 November 2017 and that, pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, the approval for the development of a Child Day Care Centre on Lot 7 (No. 10) Barker Avenue, Como be varied as follows:

1. Condition 3 be substituted with the following:-
"The number of children on site at any one time is to be restricted to a maximum of 39."

2. Condition 5 be substituted with the following:-

“A maximum of 4 car parking bays (as marked on the amended plans dated 21 February 2018) being allocated for the use of staff. All other car parking bays are to be made available to users of the Child Care Centre only.”

Background

The development site details are as follows:

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

The location of the development site is shown below:

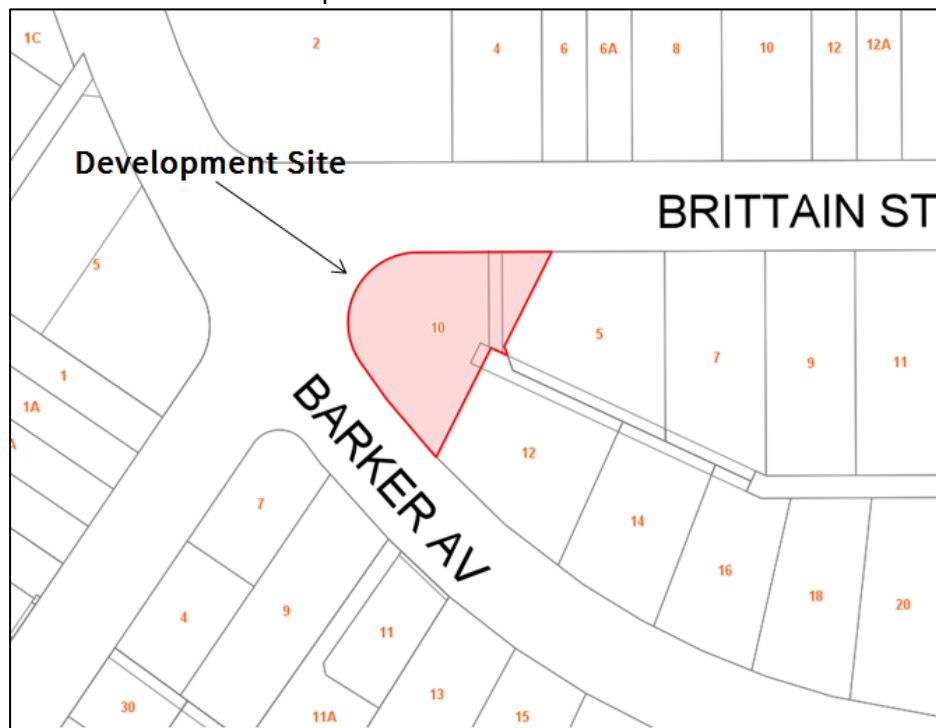


Figure 1: Development site

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

1. Specified uses

(a) Child Day Care Centres

4. Applications previously considered by Council

This power of delegation does not extend to applications for planning approval previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.

Comment

(a) Background

In September 2017, the City received an application for a change of use from Single House to Child Day Care Centre on Lot 7 (No. 10) Barker Avenue, Como (the **Site**). The Application was approved by Council at the 21 November 2017 Ordinary Council Meeting. A full copy of the officer's report and the conditions imposed by the Council are detailed in the Minutes of 21 November 2017.

On 19 December 2017, the Applicant lodged an application for review at the State Administrative Tribunal (SAT) against two (2) of the conditions, specifically, conditions restricting the maximum number of children at the Child Day Care Centre and furthermore, the maximum number of car parking bays that could be allocated to staff.

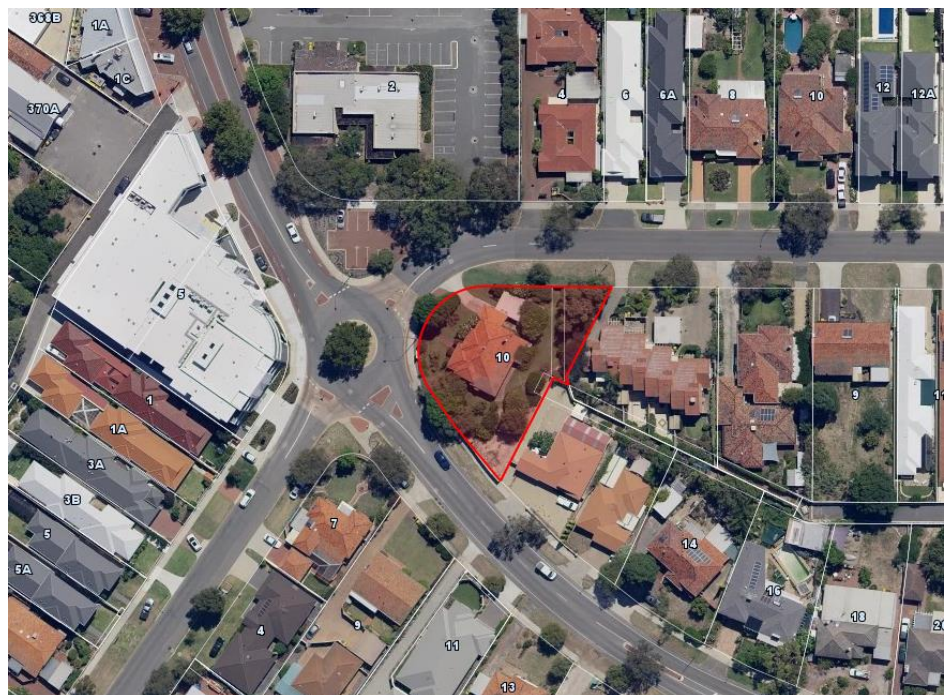


Figure 2: Aerial image of the subject site

(b) Description of the Proposal

The proposal involves the conversion of a Single House to a Child Day Care Centre. The application encompasses additions and alterations to the premises in order to fit out the building for the use of a Child Day Care Centre, as depicted in the amended plans received 21 February 2018 at **Attachment (b)**.

The original proposal has been modified following a mediation session. The Child Day Care Centre now proposes to accommodate a maximum of 39 children (reduced from 43 following mediation). An additional staff car parking bay is being provided therefore increasing the allocated staff bays from a maximum of 3 to 4, thereby increasing the total number of bays on site from 12 to 13.

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

- (i) Maximum number of children within Child Day Care Centre (Table 4 of TPS6)
- (ii) Staff parking

The proposal is considered to meet the relevant discretionary criteria of the Scheme and relevant Council policies in all other respects as this has already been determined by Council in its previous determination. The various discretionary assessments under reconsideration are discussed in further detail below.

(c) Number of children within Child Day Care Centre

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

43 children were proposed in the original application submitted in September 2017. This was recommended for approval by Council officers however, Council imposed a condition restricting the number to 30 in its original decision from November 2017.

An assessment of Table 4 is provided below for reference:

Table 4 Assessment – Child Day Care Centre

Element	Required	Proposed	Variation
Minimum setbacks	Street – 6m, Rear 6m	Main building >6m from both street frontages, 4.5m from side boundary	Nil – not considered to be a rear setback, given it is a corner site. Boundary to the east is considered to be a side boundary, as the access is obtained via Brittain Street. Setbacks comply with the R-Codes in this respect.
Landscaping	40% of site (480.8m ²)	44.7% of site (540m ²)	Nil
Minimum lot area	900m ² and of regular shape lot	1202m ² , corner lot	Nil – lot is not considered to be such an unusual shape to result in the development being unorderly or dysfunctional.
Minimum lot frontage	20m	Frontage of approximately 35m to Brittain Street	Nil
Maximum number of children	30 (unless otherwise approved by Council)	39	9

External appearance	In keeping with residential character	Retaining existing dwelling, small patio addition and car parking extension	Nil – retaining house is considered to be in keeping with residential character.
Car parking	12 (1 per required employee; Plus 1 per 10 children permitted to receive care; Bicycle parking not required)	13 vehicle bays	1 in excess
Location	Sites adjoining schools, POS, non-residential uses.	Mixed use development directly to the west, Club Premises (Bridge Club) to the north-west. Otherwise surrounding residential properties.	Range of non-residential uses in close proximity. Considered to be a suitable location for the use to act as an intermediary between commercial and residential uses. The Child Day Care Centre would also generally maintain the appearance of a residential premises, given the current dwelling is to be converted.
Corner sites	Child Day Care Centre to address primary street. Emphasis on traffic and parking impacts.	Current building addresses the roundabout (splay). Applicant has provided a traffic impact report and also complies with the vehicle parking requirements.	Nil – difficult to reposition dwelling without significant modifications to the building. Parking is available via Brittain Street, and the main entry gate (at the rear) also addresses this particular street. Considered to act as the primary street in this respect. Traffic report has been reviewed by Network Operations and Engineering, and has been deemed acceptable.
Canning Highway	n/a	n/a	n/a
Suitable Premises	Converted Single House or purpose built building	Converted Single House	Nil
Minimum indoor and	As per Child Care Services	Indoor Space: 149m ² Outdoor Space:	Nil

outdoor playing space	Act 2007 – based on number of children to be accommodated (139.72m ² of Indoor Space & 301m ² of outdoor space)	354m ²	
Signs	One sign – 700mm wide & 500mm high. Only permitted to frontage which faces designated road	Height exceeding 500mm.	Condition of approval to comply.

While the amended number of children proposed (39) exceeds the 30 stipulated within Table 4 of TPS6, this section of the Scheme provides discretion to vary the number of children accommodated as part of a Child Day Care Centre.

Having regard to the size of the property (1,202m²) and that the use would comply with the *Environmental Protection (Noise) Regulations 1997*, it is considered acceptable to permit an increase of 9 children on site (reduced from 13). The vehicle parking requirement is also compliant and now in excess with the amount specified in Table 4 of TPS6.

It is additionally noted that the number of children and staff, as well as the indoor and outdoor playing areas, will achieve compliance with the *Child Care Services Act 2007*.

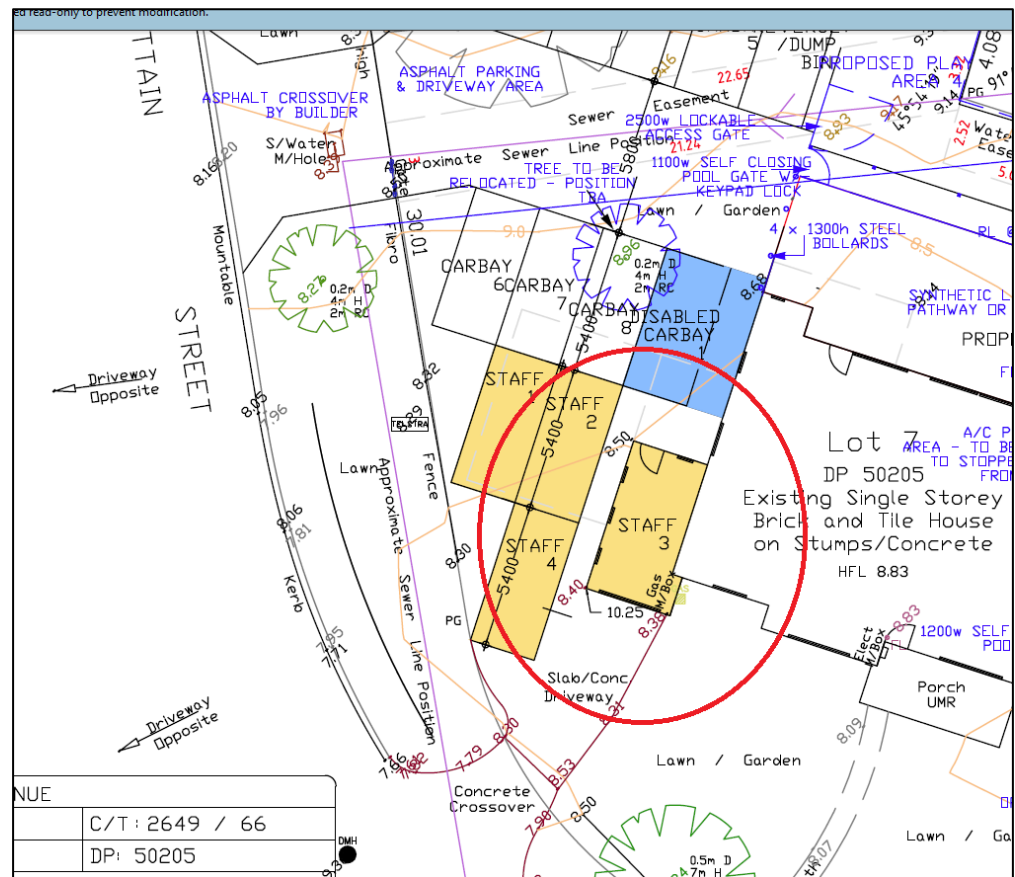
(d) Staff Car Parking Bays

The amended proposal under reconsideration now has 39 children with the number of staff remaining at 7.

As noted, Table 4 of TPS6 requires 1 bay per required employee plus 1 per 10 children permitted to receive care. Accordingly, the Scheme would require 7 bays for staff and 4 for the children's parents/guardians.

Notwithstanding TPS6 requirements, Council in its original decision from November 2017 chose to impose a 3 bay maximum for staff. This would then increase the number of bays for parents/guardians to a ratio well in excess of TPS6 requirements.

In discussing the potential for further parking in the mediation session, it was realised that an additional (fourth) staff bay could be inserted in a tandem arrangement whereby access would remain from the main driveway off Britain Street pre-peak period and egress via the original crossover (refer to image below).



There was a discussion in mediation as to whether a reversing space could be created for the Staff Parking Bay No. 3 so it would have the ability to exit the site in a forward gear. In this regard the Applicant has advised as follows:

1. *There is no change to the drive way and the previous occupier cars have been reversing from this bay without incident;*
2. *The front garden provides for greater amenity than the hard landscape surface afforded by concrete or asphalt; and,*
3. *The front garden forms part of the child care external space and forms an integral part of the Regio Amelia child care educational program in the form of learning projects involving smells, textures and making of foods these projects are sourced from the natural vegetable garden which is located in the front garden.*

An increase in paving to accommodate for a satisfactory turning circle would result in an undesirable impact on the streetscape, with a reduction in landscaping and an increase in hard-stand surface. Additionally, it is deemed that there is not a sufficient nexus between this development and the need to retrospectively require a vehicle to enter in a forward gear for Staff Bay 3. Finally, the traffic impact report previously tendered was considered to be satisfactory in addressing the car parking access considerations outlined in Policy P307 (Family Day Care and Child Day Care Centres).

The City's Engineering and Network Operations departments have once again reviewed the access arrangements and vehicle parking proposed and are supportive of the configuration.

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

In considering the conditions under review and the amended proposal, the Council is required to have due regard 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 reconsideration:

- (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;*

It is considered that the amended proposal will render an improved outcome for the adjoining residents of the locality and the users of the development by virtue of a reduced number of children permitted at the centre and a small increase in on-site parking. Modified conditions are recommended to reflect the amended proposal.

(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 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. It is considered that the amended proposal remains satisfactory in relation to all of those matters previously addressed.

(g) Consultation

Neighbour Consultation

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

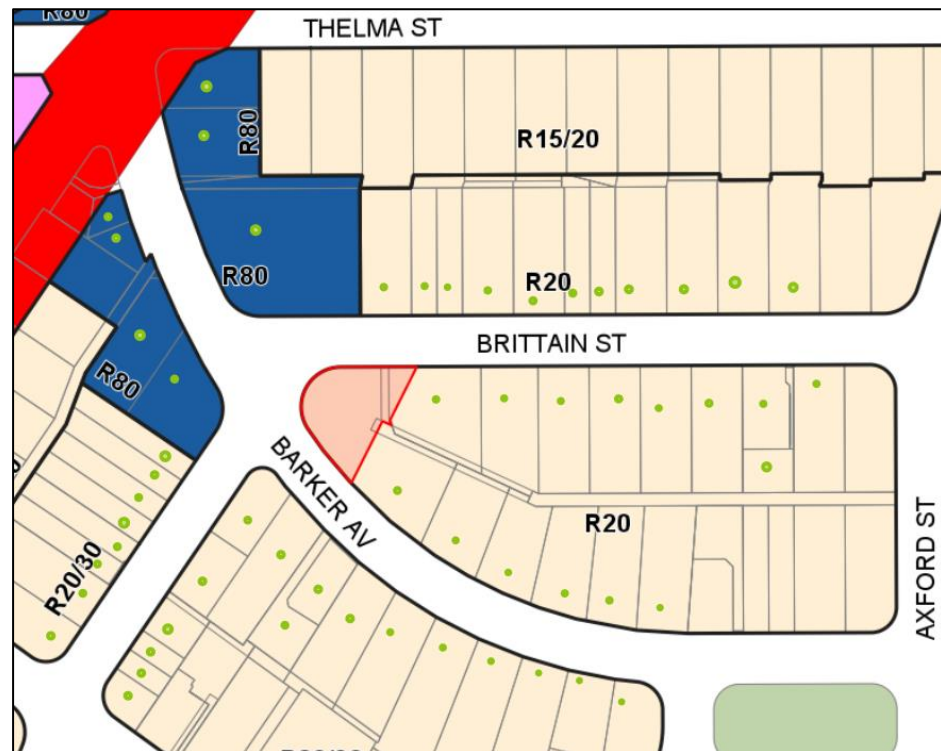


Figure 5: Consultation map

During the advertising period, a total of 105 consultation notices were sent and 28 submissions were received, with all submitters objecting to the proposal. The comments from the submitters, together with officer responses were summarised and considered in the report contained in the minutes from 21 November 2017.

In accordance with SAT orders, the applicant has provided the City with a revised parking layout and further supporting information for the proposed development. The amended plans have been revised based on the amended motion by Council to modify Condition (3) and impose a new Condition (5) to the item. The amendments relate to the details as listed in the description of the proposal above.

The mediated proposal does not substantially deviate from the original proposed development and therefore the City was not required by SAT to undertake additional advertising.

(h) Internal Administration

Comments were invited from Engineering Infrastructure, Network Operations, Environmental Health, and Ranger Services sections of the City's administration. These were all considered in the report contained in the minutes from 21 November 2017.

As noted, Engineering Infrastructure were invited to comment on the amended parking arrangement and have no objection to the proposal.

Policy and Legislative Implications

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

Financial Implications

This determination has some financial implications, should the applicant not be satisfied with Council's determination, then the SAT review process may continue. This will incur additional fees to defend Council's decision at the SAT. The City has spent \$1,650 to date on having representation at the SAT proceedings.

Strategic Implications

This matter relates to Strategic Direction 3 "Environment (Built and Natural)" identified within Council's Strategic Plan 2017-2027 which is expressed in the following terms: 3.2B – Promote and facilitate contemporary sustainable buildings and land use.

Sustainability Implications

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

Conclusion

It is considered that the amended proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions.

Whilst the Council's original decision from November 2017 approved the application on the basis that the number of children be restricted to 30 from 43, the Applicant is proposing an amendment to 39 through the SAT mediation process. At this amended number of children, car parking satisfies and exceeds the requirements of Table 4 of TPS6. In addition, the Council previously set the maximum number of staff car bays at 3 and this has now been increased to 4 with the creation of a new tandem bay.

Accordingly, it is considered that the conditions under review be varied to reflect the amended proposal.

Attachments

- 10.3.5 (a):** Site Visit Photos – 10 Barker Avenue – Change of use to Child Day Care Centre
- 10.3.5 (b):** Amended Development Plans - 10 Barker Avenue - Child Day Care Centre

10.3.6 Proposed Change of Use (Child Day Care Centre)."Aurelia" - Lot 100 (No. 1) Harper Terrace, South Perth

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Scott Cameron (Finbar)
File Reference:	D-18-41533
DA Lodgement Date:	9 April 2018
Meeting Date:	24 April 2018
Author(s):	Erik Dybdahl, Senior Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for planning approval for a Change of Use (Child Day Care Centre) at 'Aurelia' - Lot 100 (No. 1) Harper Terrace, South Perth. The Child Day Care Centre is proposed to occupy the approved first floor tenancies only within the 21 storey mixed use development. Council is being asked to exercise discretion in relation to the proposed land use which is identified as a 'Discretionary' land use under the City of South Perth Town Planning Scheme No. 6.

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Change of Use (Child Day Care Centre) at 'Aurelia' - Lot 100 (No. 1) Harper Terrace, South Perth **be approved** subject to the following conditions and advice notes.

(a) Conditions

1. The maximum number of children on site at any one time is to be limited to 80.
2. The maximum number of staff on site at any one time is to be limited to 12.
3. A maximum of 12 car parking bays (as marked on the plans) are to be allocated to staff. All other indicated bays are to be made available to the users of the Child Day Care Centre for drop-off and pick-up purposes only.
4. The Car Parking Management Plan is to be implemented and adhered to at all times.
5. Any proposed signage on the exterior of the building will require planning approval from the City.
6. Prior to occupancy, Staff and Pick-up/Drop-off parking bays shall be permanently marked, maintained and legally accessible at all times for use exclusively by users of Child Day Care Centre, be clearly visible and suitably sign posted, 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.

(b) Specific Advice Notes

The applicant is advised that:

1. It is the responsibility of the Applicant to liaise with the City's Environmental Health Services to ensure satisfaction of all of the relevant requirements, including, but not limited to, the following applicable legislation (as amended):
 - (i) *The City of South Perth Health Local Laws 2002;*
 - (ii) *Health Act 1911;*
 - (iii) *Environmental Protection (Noise) Regulations 1997.*
 - (iv) *Food Act 2008;*
 - (v) *Australian New Zealand Food Standards Code;*
 - (vi) *Health (Public Buildings Regulations) 1992.*
2. The applicant is advised of their obligation to satisfy relevant requirements under the Child Care Services Act 2007.
3. All staff and visitors to the Child Day Care Centre are to be provided a copy of the Car Parking Management Plan for information purposes.

(c) Advice Notes

4. PNX3
5. PN02

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

Background

The development site details are as follows:

Zoning	Special Design Area - Special Control Area 1 (SCA1)
Density coding	Not Applicable
Lot area	2266 sq. metres
Building height limit	Special Design Area (No limit specified)
Development potential	Not Applicable
Plot ratio limit	Not Applicable

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 March 2018, the City received an application for a Change of Use application to the approved commercial tenancies on the first floor of the comprehensive 21 storey mixed use development at 1 Harper Terrace, South Perth known as 'Aurelia'; see the plans for approval as **Attachment 1**. The mixed use development was approved in 2014 and has completion of the building is imminent.

The developer has been approached by a Child Day Care Centre operator seeking to utilise the first floor of the development for this use and purpose; hence, the application for planning approval and change of use from the original approved commercial tenancies, as is the subject of this report.

(b) Description of the Surrounding Locality

The corner Site has a frontage to Mill Point Road to the south and Harper Terrace to the east and is located opposite the 'Civic Triangle' site within the South Perth Station Precinct (Special Control Area 1) as shown below:



(c) Description of the Proposal

The proposal involves changing the approved commercial uses on the first floor of the existing mixed use development to support a 'Child Day Care Centre' land use. No further development is proposed as part of this application other than an internal fit-out. A fit-out is exempt from the need of development approval. However, any proposed external signage will require a subsequent development approval from the City.

The Applicant's covering letter, **Attachment (2)**, describes the proposal in more detail.

The proposal is considered to comply with the Scheme and relevant Council policies, with all significant matters, to be discussed below.

(d) Land Use

The 'Child Day Care' land use is listed as a 'Discretionary' land use within Schedule 9A of the City's Town Planning Scheme No. 6 which indicates the land use is appropriate and supported within the area and Mends sub-precinct of the Special Control Area 1 (SCA1).

City Officers consider that the land use is appropriate for the location and wider area to provide a Child Day Care service to the current and future expected growing South Perth community population in and within proximity of the South Perth Station Precinct.

(e) Parking

The vehicle parking allocation originally approved for the tenancy remains compliant with the requirements of Schedule 9A of TPS6, despite a different land use being proposed. The car parking allocation and provision is based on the gross floor area of any non-residential use at a rate of 1 bay per 50 sq. metres of gross floor area.

As per the basement 1 parking plan, the Child Day Care Centre will have 21 dedicated car parking bays, 12 of which marked for staff (the operator indicated a maximum of 12 staff would be on site at any one time) and the remaining 9 bays will be made available for the pick-up and drop-off of children.

It is noted that if the application was to be assessed under Table 6 of the City's Town Planning Scheme No. 6 which provides parking requirements for individual non-residential uses, Table 6 specifies a requirement for Child Day Care Centres of 1 bay per employee; plus 1 per 10 children permitted to receive care. In this instance the operator has advised that a maximum of 12 staff will be on site at any one time and that a maximum of 80 children will be permitted to receive care at any one time meaning that Table 6 would require a total of 20 bays. The proposal exceeds this requirement by 1 bay (at 21 car bays).

The applicant has provided a traffic impact statement prepared by Transport Engineers TARSC (**Attachment 3** - dated 6th April 2018) which concludes that *"the effects of the proposed change of use would have a negligible effect on the road network and the internal car park would have ample car park capacity to cater for the expected number of parents wishing to drive to and park at the site for drop-off or pick-up and would be able to cope with the expected internal traffic movements"*. In the worst case scenario, the statement concludes that there is expected to be 6 to 7 cars parked (pick-up & drop-off) and possibly one car waiting for a parked car to leave the bays. There are also 8 visitor bays on the ground floor which could be utilised for pick-up and drop-off should there be any overflow from the bays provided.

A car parking management plan (**Attachment 4**) has also been prepared for the management of vehicles internally including access outside of typical business hours. The implementation of this car parking management plan is conditioned as outlined above and all users of the Child Day Care Centre are required to be provided a copy.

In considering the above, the parking provision, arrangement and management are considered satisfactory to City officers in supporting the Child Day Care Centre. The application of the conditions outlined above, will ensure staff and children numbers are limited and parking managed effectively.

(f) City Policy P307 - Family Day Care and Child Day Care Centres

The City's policy on Child Day Care centres primarily seek to ensure such land uses do not adversely impact on neighbouring properties due to noise penetration nor have an adverse visual impact on the streetscape.

In the case of the proposed Child Day Care Centre, the centre will be fully enclosed and on a dedicated floor within the mixed use development separated from any residential uses by another floor of commercial space. Given the space is wholly contained on a dedicated floor within the building and with fixed double glazed windows, no adverse noise impacts are expected to occur.

The policy also seeks to minimise any visual impact on the streetscape. The building is already approved and constructed and no external works are planned as part of the proposal. Furthermore, all parking is concealed from view of the public within the building itself. Any external signage will require formal approval and the City will ensure any planned signage is of an appropriate scale and presentation so as not to have an adverse visual impact on the public realm.

As detailed above, the proposal is considered to address all matters within the City policy satisfactorily and is not expected to have any adverse impacts on adjoining sites nor the streetscape itself.

(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 (considered not to comply in bold):

- (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.

(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.

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 and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 192 consultation notices were sent and 3 formal submissions were received. The comments from the submitter(s), together with officer responses are summarised below.

Submitters' Comments	Applicant Response	Officer Response
<p><i>With the added amount of cars using the street once Aurelia is completed it will be very congested. If the Child Day Care Centre is approved, the amount of cars in this street in the mornings and afternoons will be untenable. There is car parking provided under the building in the plans for the centre, but you can imagine if these are all used, parents will be parking in the street to drop off their children. This will be very dangerous and again will be adding to the congestion.</i></p> <p><i>Safety could be an issue with kids being dropped on out the front of the building.</i></p> <p><i>More than half the road is closed Monday to Friday because of construction works from 7.00am to at least 5.00pm and Saturday 7.00am to at least 12.00 pm, allowing entry and exit only to and from Mill Point Road.</i></p>	<p><i>The operator will be marketing the child day care centre heavily at the local market with a large proportion of parents expected to be in the walkable catchment area, entering off the Mill Point Road commercial lobby.</i></p> <p><i>The 8 proposed parent drop-off bays are occupied for only short periods of time, on average around 10 minutes as parents escort their children up the lift to the first floor and sign their children into reception. This high turnover in bays is an effective use of these parking resources. In addition, there are 5 dedicated commercial visitor bays adjacent to the parent drop-off bay which, given that the expected peak hour for drop-off and pick-up of children is expected to be between 7am and 8.30am and 4.30pm to</i></p>	<p>As discussed above, parking for the tenancy has been provided in the original development approval. Non-residential development, including Child Care, requires 1 bay per 50 sq. metres of gross floor area.</p> <p>The Transport Engineers statement (Attachment 3) indicates that the traffic impact is negligible compared with, for example, an 'Office' use, as is already approved.</p> <p>Clear signage and marking will ensure users are aware of which bays to use and the parking management plan, provided to all users will ensure they are aware of the management processes for parking.</p> <p>Any overflow at the pick-up, drop-off bays</p>

	<p><i>6pm respectively, falls outside of the expected peak visitor use by the other commercial visitors of standard office hours.</i></p> <p><i>This "reciprocal" use profile clearly reflects additional capacity that can address any unexpected overflow of drop-off and pick-up.</i></p>	<p>may potentially be catered for by the additional residential visitor bays on the ground floor.</p> <p>Given the above and as discussed elsewhere in this report, the traffic and parking provision is compliant and adverse traffic impacts are not expected to impact adjoining sites.</p> <p>All continued construction along Harper Terrace will be beyond and not interrupt the vehicular access to Aurelia. All such construction management plans have been previously approved by the City to minimise impacts and conflicts.</p> <p>In this circumstance, the submission is not upheld.</p>
<p><i>No clear indication that Minimum Space Calculations, National Regulation 108 is being adhered to. This states that premises must have at least seven square metres unencumbered outdoor space for each child</i></p>	<p><i>On the question of the outdoor space requirements under the Community Services (Child Care) Regulations, these Regulations make clear that the outdoor space requirements may be waived if the outdoor space is augmented by access to at least an equivalent area of playing space within walking distance for a child or the outdoor space is augmented by</i></p>	<p>The experienced and recognised Child Day Care Centre operator, who has requested the application, would be aware of all necessary regulations surrounding such centres and the necessity to comply and address them.</p> <p>The fitout of the space will be part of a separate building permit application once the use itself is approved.</p>

	<i>a larger indoor space. The proposed operator is very experienced including running their own child day care facilities as well as providing professional advice to other operators in Perth on this very matter of addressing outdoor space requirements through innovative solutions.</i>	In this circumstance, the submission is not upheld.
<i>Is the vehicle entrance gate to Aurelia going to remain open to allow easy access for safe drop off and pick up of the children attending the Centre, in the proposed parking bays? If not, where is the security of the building for the residents?</i>	<i>This comment is addressed in the Carpark Management Plan.</i>	Please refer approved traffic management plan (Attachment 4). The gate is to remain open during general business hours for visitor access. Visitor access outside of hours will possible via an intercom system. Residential floors of the development will not be accessible to visitors as residents will carry key cards or the like to access private residences and floors of the development. In this circumstance, the submission is not upheld.

(b) Internal Administration

Given the building is existing and this application is not proposing any additional development nor seeking any discretion, referrals to other internal departments were not considered to be warranted.

As per the recommended advice notes the applicant is to ensure all necessary approvals from Environmental Health are attained and adhered to.

(c) External Agencies

No external referrals were required.

10.3.6 Proposed Change of Use (Child Day Care Centre). "Aurelia" - Lot 100 (No. 1) Harper Terrace, South Perth

The applicant is advised of the need to comply with any relevant requirement of the Child Care Services Act 2007, as notated in the recommended advice notes outline above.

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 recommendation has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Environment (Built and Natural)” identified within Council’s [Strategic Community Plan 2017-2027](#).

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 Child Day Care Centre is to provide a valuable service for the local and wider community within the South Perth Station Precinct. 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. Provided that conditions are applied as recommended, it is considered that the application should be conditionally approved.

Attachments

- 10.3.6 (a):** Proposed Plans and Parking Layout - Child Day Care Centre - Aurelia
- 10.3.6 (b):** Covering Letter - Proposed Child Day Care Centre - Aurelia
- 10.3.6 (c):** Traffic Impact Statement - Child Day Care Centre - Aurelia
- 10.3.6 (d):** Carpark Management Plan - Proposed Child Day Care Centre - Aurelia.PDF

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Monthly Financial Statements - March 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-41534
Meeting Date:	24 April 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

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

That Council note the financial statements and report for the month ended 31 March 2018 in accordance with regulation 34 (1) of the Local Government (*Financial Management*) Regulations 1996.

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 \$53.22m in comparison to budget of \$52.83m. Expenditure from Operating Activities for the year to date is \$42.36m in comparison to budget of \$44.36m. March Operating Activities for expenditure were lower than budget with YTD actual expenditure being approximately \$2m lower than budget, with YTD revenue marginally higher (\$0.4m) than budget.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.98m in comparison to the budget of \$0.72m. Actual Capital Expenditure for the year to date is \$12.02m in comparison to the budget of \$16.11m.

The Mid-Year Budget Review, as approved at the February 2018 Ordinary Council Meeting is been reflected in these Financial Reports. The Original Budget adopted for this year is also included for comparative purposes.

Cash and Investments balance is \$65.08m, traditionally a diminishing balance, following the annual cycle after reduced income from rates collection in conjunction with consistent levels of operating and capital payments, resulting in net cash outflows impacting cash balances.

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 59.92% 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](#).

Attachments

- 10.4.1 (a):** Statement of Financial Position - March 2018
- 10.4.1 (b):** Statement of Change in Equity - March 2018
- 10.4.1 (c):** Statement of Financial Activity - March 2018
- 10.4.1 (d):** Operating Revenue & Expenditure - March 2018

10.4.1 Monthly Financial Statements - March 2018

- 10.4.1 (e):** Capital Summary - March 2018
- 10.4.1 (f):** Significant Variance Analysis By Business Unit Operating Revenue Expenditure - March 2018
- 10.4.1 (g):** Statement of All Council Funds - March 2018
- 10.4.1 (h):** Summary of Cash Investments - March 2018
- 10.4.1 (i):** Statement of Major Debtor Categories - March 2018

10.4.2 Listing of Payments - March 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-41535
Meeting Date:	24 April 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 March 2018 and 31 March 2018 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(578)	\$6,387,705.95
Cheque Payment to Creditors	(22)	\$466,979.67
Total Monthly Payments to Creditors	(600)	\$6,854,685.62
Cheque Payments to Non-Creditors	(61)	\$187,407.00
Total Payments	(661)	\$7,042,092.62

Officer Recommendation

That the Listing of Payments for the month of March 2018 as detailed in **Attachment (a)** be received.

Background

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

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

Comment

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

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

The report records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

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

- **Non Creditor Payments**

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

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

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts are within existing budget provisions.

Strategic Implications

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

Attachments

10.4.2 (a): Listing of Payments - March 2018

10.4.3 Reserves

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-41536
Meeting Date:	24 April 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report is prepared for Council to consider repurposing the Insurance Risk Reserve to the Employee Entitlements Reserve. The purpose of the reserve is to fund the City's Long Service Leave and Annual Leave Employee Entitlements.

Officer Recommendation

That Council:

- 1) In accordance with Section 6.11(2) of the Local Government Act 1995, give local notice of the intention to re-purpose the Insurance Risk Reserve to the Employee Entitlements Reserve, and
- 2) Following publication of the notice described in point 1, make the necessary changes to the Monthly Financial Statements, Annual Budget and Annual Report to include the purpose of the Employee Entitlements Reserve is to fund the City's Long Service Leave and Annual Leave Employee Entitlements.

Background

Section 6.2 of Local Government Act 1995 (LGA), requires a local authority to prepare an annual budget. The City of South Perth 2017/18 Budget was adopted by Council on 10 July 2017. Section 6.2(4)(e) requires details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used to be included in the Annual Budget. The reserves were described 2017/18 Budget in Note 6, commencing on page 2.24.

LGA Section 6.11 allows for changes in the purpose, or the use of reserves to occur throughout the year following a Council Resolution (by an absolute majority*), to be implemented after one month of local public notice.

This report has been prepared for Council to consider changing the purpose of the Insurance Risk Reserve to an Employee Entitlement Reserve.

Comment

In setting the 2017/18 Budget, as in previous years, in part 6, from page 2.24, The City described the various cash backed reserves, including:

Insurance Risk Reserve: This reserve reflects the 'burning cost' method of premium for workers compensation. It supports differences between the "deposit" premium and an adjusted premium in the event of a significant uninsured claim.

Officers regularly meet with LGISWA, the City Insurers, as insurance evolves over time, the rationale for continuing this practice was reviewed. It is considered that the Annual Budget process, with a budget review process that occurs throughout the year, together with the workers compensation management practices, that the Insurance Risk Reserve was no longer necessary.

One option for Council would be to return these reserve funds to the Municipal funds. At the Concept Briefing held on 9 April 2018 on the Annual Budget, there was the discussion of some Local Government Authorities (LGAs) utilising a cash backed reserve to cover their Employee Entitlements. The City has a requirement (liability) to pay for Long Service Leave and Annual Leave in accordance with state and federal laws, as well as the Enterprise Agreement. At present these liabilities are resourced from Municipal funds.

Establishing an Employee Entitlement Reserve and over time providing sufficient funds to cash back the liability, in full, would provide confidence to employees and unions that our staff liabilities are cash backed, as well as improving the Current Ratio and Financial Health Indicator score.

It is recommended that the City repurpose **Insurance Risk Reserve** to the **Employee Entitlements Reserve**, with the purpose of this reserve is to fund the City's Long Service Leave and Annual Leave Employee Entitlements.

Section 6.11(2) LGA requires that ...before a local government (a) changes* the purpose of a reserve account ... it must give one month's local public notice of the proposed change of purpose or proposed use. If Council resolve to proceed with repurposing the **Insurance Risk Reserve** to the **Employee Entitlements Reserve**, in accordance with the LGA an advertisement will be placed in the local newspaper.

A month after the advertisement is published, the Monthly Financial Statements will be altered to change the **Insurance Risk Reserve** to the **Employee Entitlements Reserve**. All balances and transfers described in the 2017/18 Budget for the **Insurance Risk Reserve** will occur for the **Employee Entitlements Reserve**. The documentation for the 2018/19 Annual Budget and the 2017/18 Annual Report will reflect the change of purpose adopted by Council.

Consultation

Nil prior to a Council decision. Following a Council decision, local public notice of the proposed change will occur through the local newspaper. At the expiration of the month, the accounts will be amended to reflect the change and reported through monthly and annual financial statements.

Policy and Legislative Implications

Local Government Act 1995.

Financial Implications

The recommendation is to repurpose **Insurance Risk Reserve** to the **Employee Entitlements Reserve**. This has no financial implications for the Statement of Profit or Loss, Statement of Financial Position or Statement of Cashflows. Council may determine to transfer funds into this reserve in future years through the Annual Budget process. This process will result in an improvement in the City Current Ratio.

Strategic Implications

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

Attachments

Nil

10.4.4 City of South Perth Waste Amendment Local Law 2018 – Final Adoption

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-41537
Meeting Date:	24 April 2018
Author(s):	Phil McQue, Manager Governance and Marketing
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

A minor amendment was required to the City of South Perth Waste Local Law 2017. An Amendment Local Law was duly adopted by Council, advertised for public comment and can now be finalised subject to a minor amendment.

Officer Recommendation

That the Council

- In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *City of South Perth Waste Amendment Local Law 2018*, subject to the minor amendments as ‘marked up’ on the attachment (**Attachment (a)**) to the report to Council.
- In accordance with s3.12(5) of the Local Government Act 1995, resolves that the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and the Environment;
- After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, resolves that local public notice be given –
 - Stating the title of the local law;
 - Summarising the purpose and effect of the local law and the day on which it comes into operation); and
 - Advising that copies of the local law may be inspected or obtained from the City’s offices.
- Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

ABSOLUTE MAJORITY VOTE REQUIRED

Background

The *City of South Perth Waste Local Law 2017* was Gazetted on 5 May 2017. As part of the process to make local laws, a copy is also sent to the WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) which exercises oversight on behalf of Parliament.

In response to a request to amend the City's Waste Local Law 2017 by the WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL), Council adopted a draft Waste Amendment Local Law at its meeting held on 26 September 2017. The amendment was in essence to add a clause regarding objection and appeal rights.

The Amendment Local Law was duly advertised for public comment and copies sent to the Ministers for Local Government and the Environment.

While no significant comments were received from the public, the Ministers or their supporting Departments, the JSCDL requested a further minor amendment to add an additional sub-clause to the part of the local law being amended.

Comment

The *City of South Perth Waste Amendment Local Law 2018* is attached, with the requested further changes shown 'marked'. The local law has also been retitled '2018' in view of the passage of time.

The amendments are considered minor and the proposed local law does not require re-advertising. It can now be made, and the changes to the principle local law will come into effect on the 14th day after publication in the Government Gazette.

Consultation

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

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

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

The draft local law was advertised for public comment on 14 November 2017, 12 December 2017, 15 December 2017 and 20 December 2017.

Consent of the CEO of the Waste Authority under s61(1)(a) of the Waste Avoidance and Resource Recovery Act 2008 to make the local law with the minor changes was given on 9 April 2018 and Council can now finalise the local law under s3.12(4) of the Local Government Act 1995.

Policy and Legislative Implications

Section 61 of the Waste Avoidance and Resource Recovery specifies that waste local laws are to be made in accordance with the process set out by sections 3.11 to 3.17 of the *Local Government Act 1995*.

The WARR Act also requires that the CEO of the Waste Authority give consent before the local law can be made. As noted above, that consent has been obtained.

Financial Implications

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

Strategic Implications

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

Attachments

- 10.4.4 (a):** City of South Perth Waste Amendment Local Law 2018 (marked up with minor amendments)

10.4.5 Delegation from Council DC607 Acceptance of Tenders

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-18-41538
Meeting Date:	24 April 2018
Author(s):	Christine Lovett, Corporate Support Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report requests an amendment to Delegation DC607 Acceptance of Tenders (shown as **Attachment (a)**) to provide efficiencies and align this Delegation with the Tender Exempt allowances as specified in Division 2 Regulation 11(b) and (e) of the *Local Government (Functions and General) Regulation 1996*.

Officer Recommendation

That the name of Council Delegation DC607 Acceptance of Tenders (shown as **Attachment (a)**) is amended to :

DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements

and the delegation incorporates the following:

- (c) The CEO is authorised to undertake purchases of goods and services which are, or expected to be up to the value of up to \$500,000 where the supply of products or services is procured through the Western Australian Local Government Association (WALGA), State or Commonwealth Governments or any of its agencies that provide preferred supplier contracts or arrangements.

ABSOLUTE MAJORITY REQUIRED

Background

The City is committed to creating and deploying efficient, effective, economical and sustainable procedures for all purchasing activities, which incorporates a comprehensive portfolio of purchasing and tender Policies and Delegations.

Comment

In keeping with Council Policy P605 Purchasing and Invoice Approval, City Officers are encouraged to procure through the Western Australia Local Government Association (WALGA) and State or Commonwealth Common Use Agreements (CUA).

Delegation 607 Acceptance of Tenders (shown as **Attachment (a)**) is to be amended to incorporate the following:

DC607 Acceptance of Tenders/E Quotes/Common Use Agreements

With a report to Council for information purposes, the CEO is authorised to undertake purchases of goods and services which are, or expected to be up to the value of up to \$500,000 (exclusive of GST) where the supply of products or services is procured through the Western Australian Local

10.4.5 Delegation from Council DC607 Acceptance of Tenders

Government Association (WALGA), State or Commonwealth Governments or any of its agencies that provide preferred supplier contracts or arrangements.

Authority to undertake tender exempt procurement will be in accordance with the City's Purchasing Policy requirements, where the total consideration under the resulting contract is \$500,000 (exclusive of GST) or less and the expense is included in the adopted Budget.

WALGA or CUA procurement over \$500,000 (exclusive of GST) will be presented to Council for approval in accordance with current City procedures.

Consultation

Consultation has occurred with officers of the relevant City Department.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Financial Implications

Nil

Strategic Implications

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

Attachments

10.4.5 (a): DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 COMMUNITY ACCESS AND SAFETY ON PUBLIC LAND ADJACENT TO DEVELOPMENT SITES UNDER CONSTRUCTION

At the Council Agenda Briefing held 17 April 2018 Mayor Sue Doherty gave notice that at the 24 April 2018 Ordinary Council Meeting she would move the following Motion:

Motion

That the City officers investigate and report on measures to improve community access and safety on public land adjacent to development sites under construction. This report to be presented to Council by July 2018.

The Officer Report to include:

1. Examples and critique of best practices used by other local governments, including the City of Perth; and
2. Recommendations for implementation.

Reasons for the Motion

Residents have raised concerns about restricted access to roads, street verges and footpaths during periods of construction, particularly within the South Perth Station Precinct area over a period of time. The City needs to implement a more proactive practice when managing construction site compliance to ensure greater community access on adjacent public land.

Other local governments have practices in place that the City of South Perth can learn from and also how they implement them.

CEO Comment

The City is experiencing high volumes of large scale development throughout the City, in particular the South Perth Station Precinct area and the Canning Bridge Activity Centre. In most cases builders request use of part or the whole of the verge in order to facilitate construction. In approving use of the verge the City is cognisant of the effect that these part/whole closures of public land can have on the local community and manage the requests as practically as possible taking into consideration the safety of the public.

The City officers can review how other local authorities deal with with use of public land during building construction and report back to Council. It is suggested that a workshop be held initially with elected members to discuss the topic.

12.2 REQUEST TO EXTEND THE PERIOD OF AGENCY CONSULTATION DURING DECEMBER AND JANUARY

At the Council Agenda Briefing held 17 April 2018 Mayor Sue Doherty gave notice that at the 24 April 2018 Ordinary Council Meeting she would move the following Motion:

Motion

That the Council request WALGA State Council request the State Government that where agency consultation with local government is undertaken over the December and January periods, the submission closing period is extended until March the following year, as the majority of local government Councils are in recess during this period, and therefore unable to consider and submit a formal submission..

Reasons for the Motion

There have been occasions when the City has received applications from agencies such as the Department of Planning and WAPC in December and January requiring community consultation within a statutory period of time. As most Councils are in recess during January there is no opportunity undertake consultation. An acknowledgement by the State Government that local government Council comprise of volunteers needs to be taken into account, with many taking holidays during the recess period in January as do residents.

Also, this year, there was the possibility of at least 3 Joint Development Application Panel meetings being held during January. It was fortunate these did not eventuate with only one occurring. Trained elected panel members also take leave during January and JDAP meetings are virtually controlled by the applicant and where their application is up to. Additionally, State appointed JDAP members are employees/contractors of the State and do not face the constraints that elected panel members do in terms of time and availability.

The exclusion of engagement during the Christmas break is already detailed in the Council's policy P301 Community Engagement in Planning which states:

Due to the special nature of the popular holiday period between mid-December and mid-January, other than for development applications, advertising or other forms of community engagement required for any Planning proposal will not be undertaken during this period. Any such advertising or other forms of community engagement shall be timed so as to conclude prior to mid-December or not commence until mid-January.

For development applications, an extended duration of consultation is prescribed in clause 9.2(c)(ii) for the period between 20 December and 4 January.

CEO Comment

This Motion is supported.

12.3 72 & 74 MILL POINT ROAD, SOUTH PERTH - 34 STOREY MEZZANINE MIXED USE TOWER AND PODIUM WITH 2 LEVELS OF BASEMENT PARKING – COUNCIL REPRESENTATION AT THE STATE ADMINISTRATIVE TRIBUNAL

At the Council Agenda Briefing held 17 April 2018 Mayor Sue Doherty gave notice that at the 24 April 2018 Ordinary Council Meeting she would move the following Motion:

Motion

That the Council authorise the Mayor to represent the Council at the State Administrative Tribunal in the matter DR79 of 2018 – Edge Holdings No.6 Pty Ltd v's Metro Central JDAP, 34 Storey mixed use tower and podium at 72 and 74 Mill Point Road, South Perth. Representation will be in accordance with the previous Council resolution regarding the development application, on 27 February 2018 Item 10.3.1.

Reasons for the Motion

In order for the Mayor to speak on behalf of the Council at the State Administrative Tribunal, Council should provide the authorisation by means of an appropriate resolution.

CEO Comment

This Motion is supported.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

13.2 QUESTIONS FROM MEMBERS: 24 APRIL 2018

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

15. MEETING CLOSED TO THE PUBLIC

16. CLOSURE