

MINUTES.

Ordinary Council Meeting

26 June 2018

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 26 June 2018 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

29 June 2018

Welcome to Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjul kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past, present and future.

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.

Contents

1.	DECLARATION OF OPENING	6
2.	DISCLAIMER	6
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
	3.1 STANDING ORDERS LOCAL LAW 2007	6
	3.2 AUDIO RECORDING OF THE COUNCIL MEETING	6
4.	ATTENDANCE	6
	4.1 APOLOGIES	7
	4.2 APPROVED LEAVE OF ABSENCE	7
5.	DECLARATIONS OF INTEREST	7
6.	PUBLIC QUESTION TIME	8
	6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
	6.2 PUBLIC QUESTION TIME: 26 JUNE 2018	8
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	8
	7.1 MINUTES	8
	7.1.1 Ordinary Council Meeting Held: 29 May 2018	8
	7.1.2 Audit, Risk and Governance Committee Meeting Held: 6 June 2018	8
	7.1.3 Special Council Meeting Held: 13 June 2018	8
	7.1.4 Special Council Meeting Held: 19 June 2018	8
	7.1.5 CEO Evaluation Committee Meeting Held: 28 May 2018	8
	7.1.6 CEO Evaluation Committee Meeting Held: 11 June 2018	8
	7.2 BRIEFINGS	9
	7.2.1 Connect South Stage 1: Natural Shaded Space Revised Concept Designs - 5 June 2018	9
	7.2.2 Budget 2018/19 Workshop III - 5 June 2018	9
	7.2.3 Urban Forest Strategy - 13 June 2018	10
	7.2.4 Cultural Plan Workshop - 18 June 2018	10
	7.2.5 Council Agenda Briefing - 19 June 2018	10
8.	PRESENTATIONS	10
	8.1 PETITIONS	10
	8.2 PRESENTATIONS	11
	8.2.1 Australasian Reporting Awards - Silver	11

8.3	DEPUTATIONS	11
8.4	COUNCIL DELEGATES REPORTS	11
8.5	CONFERENCE DELEGATES REPORTS	11
9.	METHOD OF DEALING WITH AGENDA BUSINESS	11
9.1	EN BLOC MOTION	12
10.	REPORTS	13
10.3	STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)	13
10.3.1	Proposed Home Occupation (Chiropractor) at Lot 9 (No. 54) Strickland Street, South Perth	13
10.3.2	Proposed Local Development Plan for No. 42 (Lot 1) Swanview Terrace, South Perth	30
10.3.3	Proposed Two Storey Single House at Lot 12 (No. 49) Ranelagh Crescent, South Perth	43
10.3.4	Proposed 2 x Two Storey Single Houses at Lots 100 and 101 (No. 32) Howard Parade, Salter Point	54
10.3.5	Consent to Advertise - Draft Local Planning Policy 351.16 - Canning Highway (East)	71
10.3.6	Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation	76
10.3.7	Tender 3/2018 Provision of Verge Side Collection Service	91
10.3.8	Manning Road On-Ramp Land Acquisition	94
10.4	STRATEGIC DIRECTION 4: LEADERSHIP	97
10.4.1	Monthly Financial Statements - May 2018	97
10.4.2	Listing of Payments - May 2018	100
10.4.3	Adoption of the 2018/19 Annual Budget	102
10.7	MATTERS REFERRED FROM COMMITTEE MEETINGS	109
10.7.1	Audit, Risk and Governance Committee Meeting	109
11.	APPLICATIONS FOR A LEAVE OF ABSENCE	113
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	113
12.1	(COUNCILLOR MOTION) MEMBERSHIP: CITY OF SOUTH PERTH STATION PRECINCT REFERENCE GROUP	113
13.	QUESTIONS FROM MEMBERS	113
13.1	RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	113
13.2	QUESTIONS FROM MEMBERS – 26 JUNE 2018	113

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	113
15. MEETING CLOSED TO THE PUBLIC	114
15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED	114
12.1 (Councillor Motion referred from Item 12) Membership: City of South Perth Station Precinct Reference Group (SPRG)	114
15.1.1 South Perth - Station Analysis	114
15.1.2 CEO Evaluation Committee Meeting - 28 May 2018	115
15.1.3 CEO Evaluation Committee Meeting - 11 June 2018	115
15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC	116
12.1 (Councillor Motion referred from Item 12) Membership: City of South Perth Station Precinct Reference Group (SPRG)	116
15.1.1 South Perth - Station Analysis	117
15.1.2 CEO Evaluation Committee Meeting - 28 May 2018	117
15.1.3 CEO Evaluation Committee Meeting - 11 June 2018	118
16. CLOSURE	118
17. RECORD OF VOTING	119
DISCLAIMER	122

Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 26 June 2018.

1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.00pm and welcomed everyone in attendance.

She then acknowledged the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past, present and future.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 STANDING ORDERS LOCAL LAW 2007

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

3.2 AUDIO RECORDING OF THE COUNCIL MEETING

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

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

4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

Councillors

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

Officers

Mr Geoff Glass	Chief Executive Officer (vacated the Chamber for Items 15.1.2 and 15.1.3 and returned)
Mr Colin Cameron	Director Corporate Services (vacated the Chamber for Items 15.1.2 and 15.1.3 and returned)
Ms Vicki Lummer	Director Development & Community Services (vacated the Chamber for Items 15.1.2 and 15.1.3 and returned)
Mr Mark Taylor	Director Infrastructure Services (vacated the Chamber for Items 15.1.2 and 15.1.3 and returned)
Mr Stevan Rodic	Manager Development Services (until 7.46pm)
Ms Elyse Maketic	Manager Strategic Planning (until 7.46pm)
Mr André Brandis	Manager Finance (until 7.46pm)
Ms Christine Lovett	Governance Officer (vacated the Chamber for Items 15.1.2 and 15.1.3 and returned)
Ms Katie Roberts	Senior Executive Support Officer (vacated the Chamber for Items 15.1.2 and 15.1.3 and returned)
Ms Sharron Kent	Governance Officer

Gallery

There were 11 members of the public and one member of the press present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil

5. DECLARATIONS OF INTEREST

Conflicts of Interest are dealt with in the Local Government Act 1995, Rules of Conduct Regulations 2007 and the Administration Regulations 1996 as well as the City's Code of Conduct 2016. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

The Presiding Member noted that Declarations of Interest were received from:

- Cr Glenn Cridland in relation to *Confidential Item 15.1.1 South Perth Station Analysis*, and
- Mr Geoff Glass, Chief Executive Officer in relation to *Confidential Items 15.1.2 CEO Evaluation Committee Meeting – 28 May 2018* and *15.1.3 CEO Evaluation Committee Meeting – 11 June 2018*.

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

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the May 2018 Ordinary Council Meeting no questions from the public were Taken on Notice.

6.2 PUBLIC QUESTION TIME: 26 JUNE 2018

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

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

The Presiding Member then opened Public Question Time at 7.03pm.

No written questions were received prior to the meeting.

Written questions were received at the meeting by:

- Mr Bill Gleeson of Canning Highway, South Perth

The questions were read aloud and Taken on Notice. The answers to these questions will be provided in the Appendix of the July 2018 Ordinary Council Meeting Agenda.

The Presiding Member then closed Public Question Time at 7.05pm.

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: 29 May 2018

7.1.2 Audit, Risk and Governance Committee Meeting Held: 6 June 2018

7.1.3 Special Council Meeting Held: 13 June 2018

7.1.4 Special Council Meeting Held: 19 June 2018

7.1.5 CEO Evaluation Committee Meeting Held: 28 May 2018

7.1.6 CEO Evaluation Committee Meeting Held: 11 June 2018

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Ken Manolas

That the Minutes of the:

7.1.1 Ordinary Council Meeting held 29 May 2018;

7.1.2 Audit, Risk and Governance Committee Meeting held 6 June 2018;

7.1.3 Special Council Meeting held 13 June 2018;

7.1.4 Special Council Meeting held 19 June 2018;

7.1.5 CEO Evaluation Committee Meeting held 28 May 2018; and

7.1.6 CEO Evaluation Committee Meeting held 11 June 2018

be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

7.2 BRIEFINGS

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

7.2.1 Connect South Stage 1: Natural Shaded Space Revised Concept Designs - 5 June 2018

Officers of the City presented to Councillors a follow up presentation responding to questions raised at the workshop held 8 May 2018. Officers presented further revised concept design further to meetings, discussions and feedback received from the affected property owners.

Attachments

7.2.1 (a): Connect South Stage 1: Natural Shaded Space Revised Concept Designs - Notes - 5 June 2018

7.2.2 Budget 2018/19 Workshop III - 5 June 2018

Officers of the City presented to Councillors at the third workshop for the 2018/19 Annual Budget and considered organisational Statement of Financial Activity. Presentations included asset management and WALGA's Local Government Economic Briefing May 2018.

Attachments

7.2.2 (a): Budget 2018/19 Workshop III - 5 June 2018

7.2.3 Urban Forest Strategy - 13 June 2018

Officers of the City presented to Councillors on the progression of the Draft Urban Forest Strategy.

Attachments

7.2.3 (a): Urban Forest Strategy - Notes - 13 June 2018

7.2.4 Cultural Plan Workshop - 18 June 2018

Officers of the City presented to Councillors on the development of the City's inaugural Cultural Plan.

Attachments

7.2.4 (a): Cultural Plan Workshop - Notes - 18 June 2018

7.2.5 Council Agenda Briefing - 19 June 2018

Officers of the City presented background information and answered questions on Items to be considered at the 26 June 2018 Ordinary Council Meeting at the Council Agenda Briefing held 19 June 2018.

Attachments

7.2.5 (a): Council Agenda Briefing - Notes - 19 June 2018

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Councillor Ken Manolas

That the Notes of the following Council Briefings/Workshops be noted:

- 7.2.1 Connect South Stage 1: Natural Shaded Space Revised Concept Designs - 5 June 2018
- 7.2.2 Budget 2018/19 Workshop III - 5 June 2018
- 7.2.3 Urban Forest Strategy - 13 June 2018
- 7.2.4 Cultural Plan Workshop - 18 June 2018
- 7.2.5 Council Agenda Briefing - 19 June 2018

CARRIED (9/0)

8. PRESENTATIONS

8.1 PETITIONS

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

Nil

8.2 PRESENTATIONS

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

8.2.1 Australasian Reporting Awards - Silver

The City of South Perth received a silver award for its 2016-2017 Annual Report at the Australasian Reporting Awards (ARA). The ARA recognise excellence in reporting and encourage effective communication of business and financial information to stakeholders. Mayor Sue Doherty accepted the award on behalf of the City, which was presented in Sydney on 20 June 2018.

MOTION TO ACCEPT AWARD AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Greg Milner

That the City accepts the Silver Award for its 2016-2017 Annual Report at the Australasian Reporting Awards (ARA) presented to the City on 20 June 2018.

CARRIED (9/0)

8.3 DEPUTATIONS

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

Deputations were heard at the Council Agenda Briefing held 19 June 2018.

8.4 COUNCIL DELEGATES REPORTS

Council Delegates' Reports are circulated to Elected Members.

8.5 CONFERENCE DELEGATES REPORTS

Conference Delegates' Reports are circulated to Elected Members.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the then Acting Chief Executive Officer, Mr Mark Taylor, that all the report items were discussed at the Agenda Briefing held on 19 June 2018.

Mr Mark Taylor confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.3.1 Proposed Home Occupation (Chiropractor) at Lot 9 (No. 54) Strickland Street, South Perth
- Item 10.3.6 Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation
- Item 10.4.3 Adoption of the 2018/19 Annual Budget

9.1 EN BLOC MOTION

EN BLOC MOTION AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Travis Burrows

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

Item 10.3.2 Proposed Local Development Plan for No. 42 (Lot 1) Swanview Terrace, South Perth

Item 10.3.3 Proposed Two Storey Single House at Lot 12 (No. 49) Ranelagh Crescent, South Perth

Item 10.3.4 Proposed 2 x Two Storey Single Houses at Lots 100 and 101 (No. 32) Howard Parade, Salter Point

Item 10.3.5 Consent to Advertise - Draft Local Planning Policy 351.16 - Canning Highway (East)

Item 10.3.7 Tender 3/2018 Provision of Verge Side Collection Service

Item 10.3.8 Manning Road On-Ramp Land Acquisition

Item 10.4.1 Monthly Financial Statements - May 2018

Item 10.4.2 Listing of Payments - May 2018

Item 10.7.1 Audit, Risk and Governance Committee Meeting

CARRIED (9/0)

10. REPORTS

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Home Occupation (Chiropractor) at Lot 9 (No. 54) Strickland Street, South Perth

Location:	Lot 9 (No. 54) Strickland Street, South Perth
Ward:	Mill Point Ward
Applicant:	Ms Jacqui Bairstow
File Reference:	D-18-62190
DA Lodgement Date:	24 May 2018
Meeting Date:	26 June 2018
Author(s):	Valerie Gillum, Statutory Planning 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

To consider an application for development approval for a Home Occupation (Chiropractic Therapy) Addition to a Single House on Lot 9 (No. 54) Strickland Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Clause 4.12(2)(a) - Maximum number of Client Visits Per Day and Per Week	TPS6 clause 4.12 (3)

Officer Recommendation

Moved: Councillor Glenn Cridland

Seconded: Councillor Cheryle Irons

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 Home Occupation (Chiropractic Therapy) Addition to a Single House on Lot 9 (No. 54) Strickland Street, South Perth **be approved** subject to:

Conditions

- (1) The number of client visits to the premises is limited to not more than (4) per day and not more than 20 per week
- (2) Client visits are limited to no more than one (1) client at any one time and by appointment only.
- (3) The Management Plan is approved only as it pertains to how client appointments are managed and explicitly excludes approval with

reference to family group appointments.

- (4) The approved Management Plan shall be implemented and adhered to at all times, to the satisfaction of the City.
- (5) The Home Occupation shall be limited to the following times:
 - Monday to Friday: 8.00am to 6.00pm.
- (6) All visitors in relation to the Home Occupation shall park in the existing paved approved client parking bay as shown on the approved plans and the approved management plan.
- (7) Only one (1) sign relating to the Home Occupation is permitted on the site which shall not exceed 0.2 square metres in size.
- (8) The Home Occupation shall not involve the retail sale, display or hire of goods of any nature on the development site other than infrequently.

Advice Notes

- (1) Attention is drawn to clause 77(5)(a) of Schedule A of *Town Planning Scheme No. 6*, which states that if Council is of the opinion that the Home Occupation is causing a nuisance or annoyance to neighbours or is otherwise having an adverse effect on the residents or amenity of other properties in the neighbourhood, Council may revoke the planning approval and thereafter the business activities must cease.
- (2) PN01 – Notice of Determination is not a building permit.
- (3) PN02 – Approval does not have regard to any constraint to development.
- (4) PNX1 – Validity of approval.
- (5) PNX2 – Where approval lapses.
- (6) PNX3 – Right of Appeal.

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

AMENDED MOTION AND COUNCIL DECISION

Moved: Councillor Ken Manolas
Seconded: Councillor Tracie McDougall

That:

- A. Condition (1) (2) and (4) of the Officer Recommendation be replaced with the following:
 - (1) The number of client visits to the premises is limited to not more than eight (8) per day and not more than 20 per week.
 - (2) Client visits are limited to no more than one (1) client at any one time and by appointment only. Family Groups are permitted as 1 client subject to attending the property in one vehicle.
 - (3) The Management Plan dated 27 May 2018 (without changes) shall be implemented and adhered to at all times, to the satisfaction of the City.
- B. Condition (3) of the Officer Recommendation be deleted.
- C. Conditions (5) to (8) inclusive of the Officer Recommendation be renumbered

accordingly.

CARRIED (9/0)

Reasons for Change

There is no change in the weekly limit of a maximum of 20 clients. The modified conditions will allow the business owner to operate her business in a more consolidated manner. In addition the business owner will be able to see family groups as 1 appointment subject to the family arriving at the premises in one vehicle.

The changes proposed the daily maximum number of clients from 4 to 8 would not change the amenity of the area but allow the chiropractor, a working mother to:

1. To meet sudden and unexpected needs of patients requiring acute additional care for example migraines, back pain or colic in addition to seeing pre-booked clients.
2. Work less days to better manage work-family balance and to better manage accommodate child care arrangements. Child care for 2 days rather than for 5 days. That does not mean that 8 clients will be seen in any one day but allows flexibility to see more patients in one day if required.
3. This would allow for entire days to be client free and allow the majority of the week to be client free.
4. There is parking on site
5. It is a home business that is appropriate for the area.

The Amendment then became the Substantive.

COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Cheryle Irons

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 Home Occupation (Chiropractic Therapy) Addition to a Single House on Lot 9 (No. 54) Strickland Street, South Perth **be approved** subject to:

Conditions

- (1) The number of client visits to the premises is limited to not more than eight (8) per day and not more than 20 per week.
- (2) Client visits are limited to no more than one (1) client at any one time and by appointment only. Family Groups are permitted as 1 client subject to attending the property in one vehicle.
- (3) The Management Plan dated 27 May 2018 (without changes) shall be implemented and adhered to at all times, to the satisfaction of the City.
- (4) The Home Occupation shall be limited to the following times:
 - Monday to Friday: 8.00am to 6.00pm.
- (5) All visitors in relation to the Home Occupation shall park in the existing

paved approved client parking bay as shown on the approved plans and the approved management plan.

- (6) Only one (1) sign relating to the Home Occupation is permitted on the site which shall not exceed 0.2 square metres in size.
- (7) The Home Occupation shall not involve the retail sale, display or hire of goods of any nature on the development site other than infrequently.

Advice Notes

- (1) Attention is drawn to clause 77(5)(a) of Schedule A of *Town Planning Scheme No. 6*, which states that if Council is of the opinion that the Home Occupation is causing a nuisance or annoyance to neighbours or is otherwise having an adverse effect on the residents or amenity of other properties in the neighbourhood, Council may revoke the planning approval and thereafter the business activities must cease.
- (2) PN01 – Notice of Determination is not a building permit.
- (3) PN02 – Approval does not have regard to any constraint to development.
- (4) PNX1 – Validity of approval.
- (5) PNX2 – Where approval lapses.
- (6) PNX3 – Right of Appeal.

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

CARRIED (9/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R25/R40
Lot area	827 sq. metres
Building height limit	7.0 metres

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

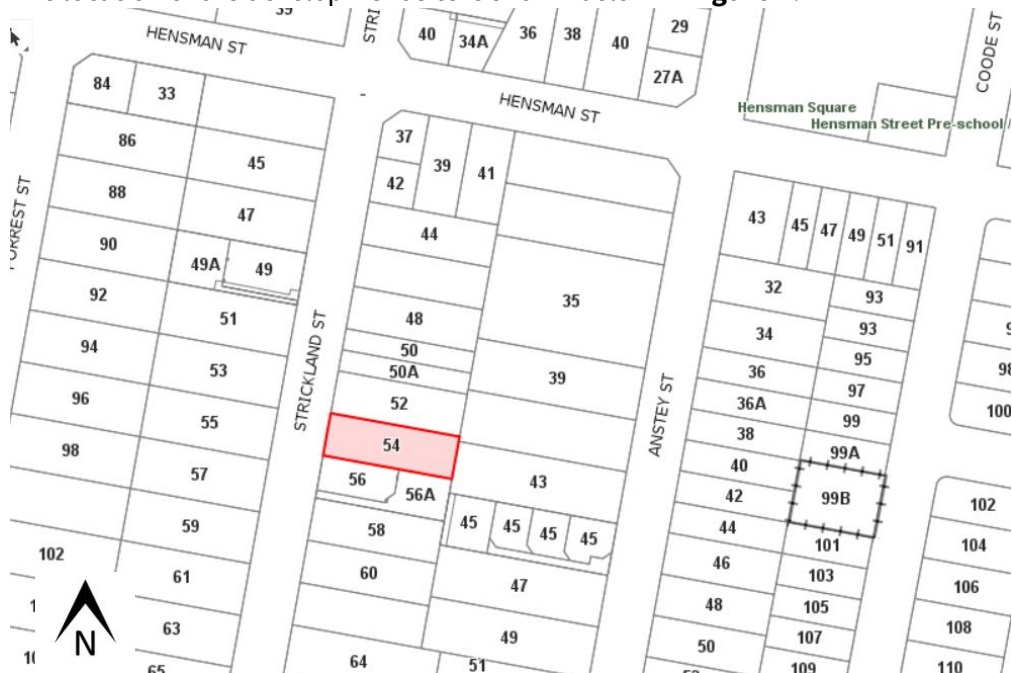


Figure 1: Development Site

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

3. The exercise of a discretionary power

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

6. Amenity impact

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

7. Neighbour comments

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

Comment

(a) Background

Following complaints from property owners within the immediate neighbourhood relating to the retrospective home occupation operating from the subject site which were pursued by the City's Compliance Officer, the property owner proceeded to lodge an application for development approval with the City in March 2018 for a Home Occupation (Chiropractic Therapy) Addition to a Single House on Lot 9, No. 54 Strickland Street, South Perth.

(b) The Subject Site and its surrounds

The subject site currently features a Single House and is located at Lot 9, No. 54 Strickland Street, South Perth (the **Site**) which has its frontage to Strickland Street to its west. The neighbourhood comprises single residential development and grouped dwellings, as seen in **Figure 2** below:

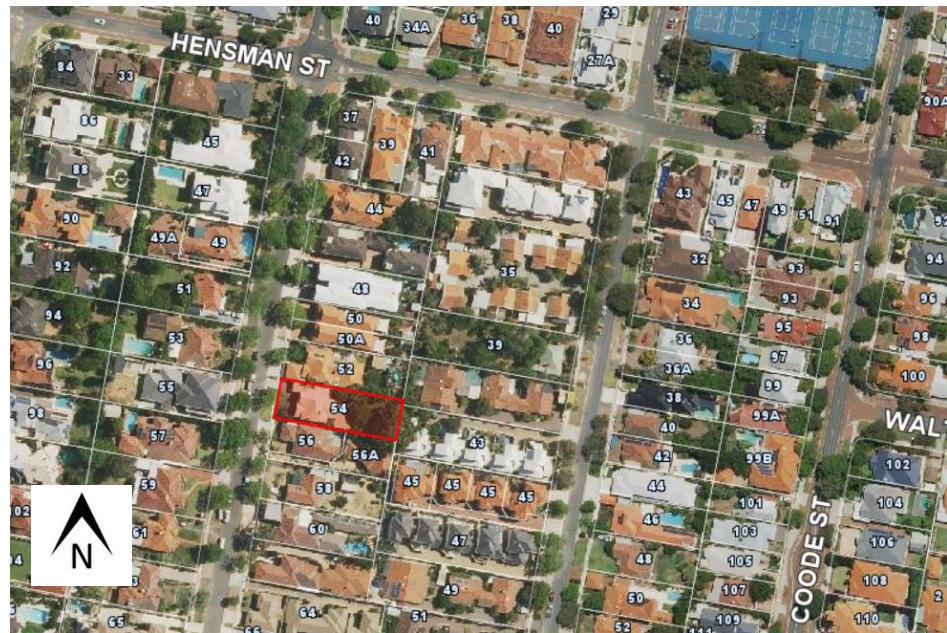


Figure 2: Aerial image of the Site.

(c) Description of the Proposal

The proposal involves the additional use of a single house for purposes of running a Home Occupation (Chiropractic Therapy) on Lot 9, No. 54 Strickland Street, South Perth (**Site**) which is detailed in the Applicant's Letter submitted with the development application as well as an attached Addendum to that letter dated 27 May 2018 at **Attachment (a)**. The Applicant's Management Plan dated 27 May 2018 at **Attachment (b)** further describes how the use is proposed to be managed.

The proposed home occupation can be summarised as follows:

- Chiropractic therapy focusing on paediatrics;
- Request for a maximum of eight (8) clients per day and a maximum of 20 clients per week;
- Hours of operation between 8.00am and 6.00pm Monday to Friday;
- Treatment to be provided in living room of existing single house; and
- Use of one (1) on-site existing paved car parking bay to accommodate client visits.

(d) Scheme Provisions

The following component of the proposed home occupation requires discretionary assessments against the *City of South Perth Town Planning Scheme No. 6* (Scheme; TPS6):

- (i) Maximum number of client visits per day and per week.

The proposal is considered to meet all other relevant requirements and discretionary criteria of the Scheme and the discretionary assessment is discussed in further detail below. Other items that were considered to meet the provisions are also discussed below due to comments received during neighbour consultation.

(i) Client Visits

Element	Deemed-to-comply	Proposed
Maximum number of clients' visits to the premises per day and per week	3 per day 15 per week	Up to 8 per day Up to 20 per week
<p>Discretion under Clause 4.12(3) of TPS6: <i>The local government may permit a variation from the provisions relating to maximum number of client visits to the premises where the applicant provides documentation which demonstrates to the local government's satisfaction that the proposed home occupation will not adversely affect the amenity of the locality and will meet requirements relating to health.</i></p>		

The applicant is seeking a variation from the provisions of Clause 4.12 of Town Planning Scheme No. 6, which has been requested to allow for family group bookings and to allow flexibility to free up days where no client visits would be proposed.

The applicant has requested the City to consider one of the following options as a variation to this provision; the greatest of which the City would consider is acceptable taking into consideration the applicant's written submission and their Management Plan:

- (a) Maximum of 8 clients per day and 20 client visits per week;
- (b) Maximum of 7 clients per day and 20 client visits per week;
- (c) Maximum of 6 clients per day and 20 client visits per week;
- (d) Maximum of 5 clients per day and 20 client visits per week;
- (e) Maximum of 4 clients per day and 20 client visits per week; OR
- (f) Maximum of 3 clients per day and 15 client visits per week;

Following comments received from neighbours in the locality during the consultation period which are discussed in more detail under the Consultation Section of this report as well as items raised in the City's request for further information, the applicant submitted a Management Plan seen in **Attachment (b)** which incorporates measures that the operator proposes to implement to ensure that the proposed home occupation will not adversely affect the amenity of the locality.

The proposed development is considered to satisfy the requirements of the Scheme as they relate to amenity of the locality.

The submitted Management Plan includes measures to be implemented by the operator of the home occupation to alleviate the concerns raised during consultation. Those measures listed in the Management Plan can be summarised as follows:

- All clients will receive an email confirmation of their appointment outlining that vehicles are to be parked in the designated car space on site, which will include photos of the designated space;
- Clients parking location will be visually confirmed by the applicant on arrival;
- Client appointment times will be separated by a suitable buffer so there is no overlap of appointments;
- Clients will be advised there will be no early or late arrivals without prior approval;

- Clients will be advised that they must keep noise to a minimum and will be requested to verbally commit to this requirement when making an appointment;
- Private visitors (including trades people and cleaners) will be arranged at a time so as not to coincide with client appointments;
- When interstate visitors (family and friends) are staying at the premises at the same time as appointments, they will be instructed to park their vehicles on the street;
- When an independent babysitter for the applicant's family may be required to accommodate for those times when one of their children are ill or when alternative child care arrangements are not possible, this visitor will also be instructed to park on the street directly at the front of the subject site;
- Noise will be managed via verbal notification at time of booking to inform clients that noise must be kept to a minimum and will be requested to verbally commit to this requirement prior to the operator accepting the booking;
- All internal doors and windows will be closed during appointments to insulate noise transmission beyond the premises;
- Family groups to be greeted immediately upon arrival and directed into the clinic room and will not be permitted to remain outside during treatments;
- During days that include up to eight (8) clients, this will not exceed one vehicle attending at a time (with a maximum of five family members in one vehicle); and
- That all of the above strategies will ensure only one (1) client vehicle is present at the premises at any one time.

Due to the concerns raised by the neighbours during consultation which related to the retrospective operation of the home occupation, including appointments that involved family groups and resultant noise as well as traffic and parking issues, it is recommended that client visits be limited to four (4) per day and 20 per week and be limited to one (1) person at a time only by appointment within the nominated hours. It is also recommended that the submitted Management Plan be approved subject to explicitly excluding any reference to family group appointments. Accordingly, conditions and advice notes have been included to align with this recommendation.

Alternatively, in accordance with the discretionary clause that may permit a variation to the number of client visits, if the Council are satisfied that the measures incorporated into the Management Plan relating to family group appointments could be implemented in a manner that would not adversely affect the amenity of the locality, the following condition is recommended to replace Condition (1):

- (1) The number of client visits to the premises is limited to not more than four (4) per day and not more than 20 per week, Monday to Friday between 8.00am and 6.00pm, with exception to the following:

- Eight (8) client visits may be permitted periodically only on one (1) day within a week (Monday to Friday between 8.00am and 6.00pm) as follows:
 - Family group bookings shall be limited to a maximum of five (5) persons which must arrive only in one (1) vehicle;
 - On the same day as the family group booking, the remainder of client visits shall not exceed three (3) which shall be limited to one person by appointment only; and
 - On the remaining days in that same week (Monday to Friday) client visits shall be limited to a maximum of four (4) per day on three days or a maximum of three (3) per day on four (4) days.

If the Council consider the above condition to be acceptable, then it is also recommended that Condition (2) and Condition (3) be deleted.

(ii) Car Parking Bay for Clients' Use

Clause 4.12(4) of Town Planning Scheme No. 6 requires that, on any site used for the purpose of a Home Occupation, in addition to parking bays provided for the occupiers of the dwelling as required by the R-Codes, at least one (1) car parking bay shall be provided for use by clients.

Concerns were raised by neighbours during consultation relating to the retrospective use of the home occupation and those comments indicated that previously clients' vehicles had been parked directly in front of the garage resulting in some larger vehicles protruding across the footpath as well as clients vehicles that were parked in the street were being parked in front of neighbours' properties and across their driveways obstructing access. An amended site plan was provided to the City following this feedback, and a separate car parking area for clients use has now been designated in an existing paved area in front of the dwelling which can be seen on the Development Plans at **Attachment (c)**. In addition to this, the applicant included measures in a Management Plan to ensure that clients would not be parked in the street.

The proposed development is considered to satisfy the requirements of the Scheme as they relate to car parking as follows:

- The dwelling requires two (2) car parking bays for the occupiers of which those bays are provided in tandem within the existing garage;
- The additional car parking bay required for the use of clients can be accommodated on a diagonal alignment directly in front of the dwelling as indicated below in Figure 3 and in the Development Plans at Attachment (c).

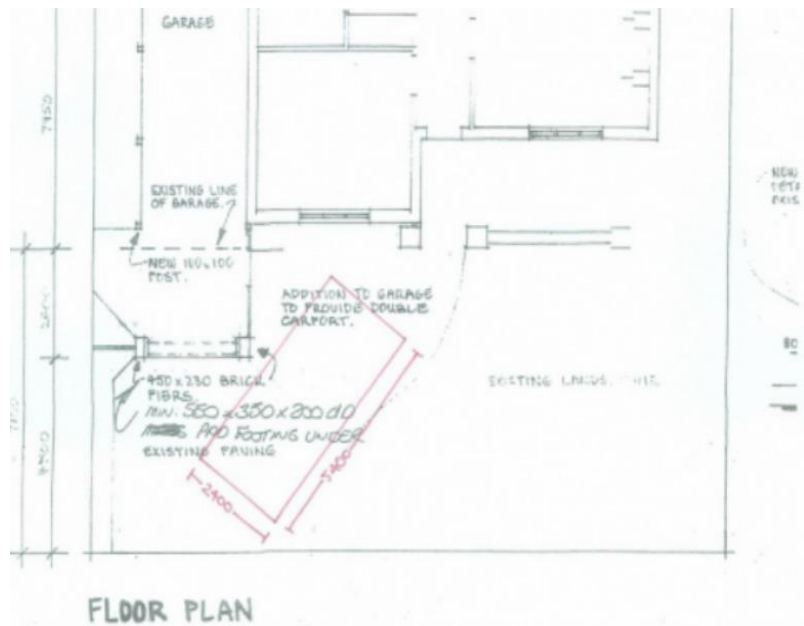


Figure 3: Allocated Car Parking Bay for Client's Use

- In addition, the City's historical aerial photo taken in February 2010 shown below in Figure 4 confirms that the nominated area has previously been used to park vehicles on-site without protruding over the footpath.

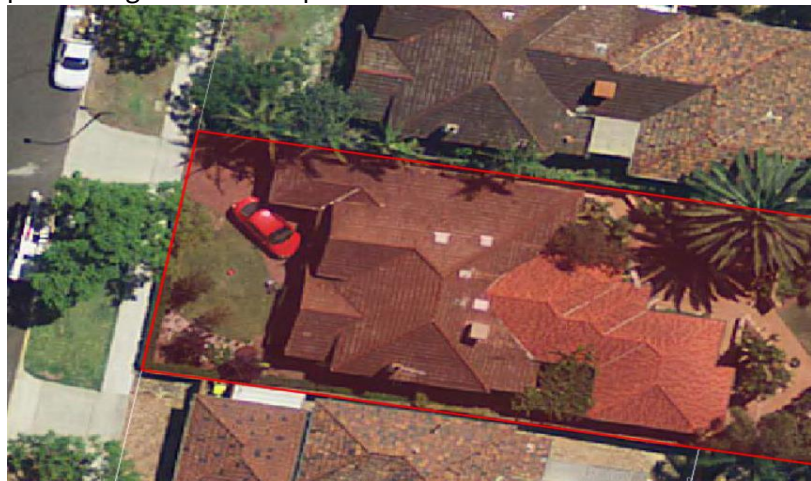


Figure 4: Aerial Photo taken February 2010

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration (considered not to comply in bold):

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

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

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

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

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 ‘Community Engagement in Planning Proposals’. Under the ‘Area 1’ consultation method, individual property owners, occupiers and/or strata bodies at Nos. 50-59 Strickland Street and Nos. 39-45 Anstey Street were invited to inspect the plans and to submit comments during a minimum 14-day period (refer to **Figure 5** below).



Figure 5: Neighbour Consultation Map

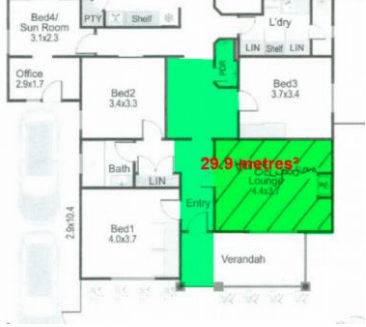
During the advertising period, a total of 36 consultation notices were sent and six (6) submission(s) and one (1) petition were received, all against the proposal. The comments from the submitter(s), together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
Parking/Traffic	
Insufficient parking on-site therefore resulting in client's cars parking across the footpath which makes it difficult for people on mobility scooters and children on bikes to use the footpath.	As a result of the comments received during neighbour consultation, the applicant submitted an amended plan which includes a location for client's cars to park which is on a paved area on the diagonal in front of the dwelling. Historical aerial photos indicate that this has occurred previously prior to the applicant residing at this address. The comment is NOTED .

<p>Rangers have been called on several occasions due to cars parking across footpath and it seems that no infringement notices are being issued.</p> <p>Potential for clients to park on the street in front of neighbours' property due to limited area on site to park.</p> <p>Client's vehicles have been parking across driveways of neighbouring properties making it difficult for neighbours to leave their properties.</p> <p>If CoSP support proposal it would be unreasonable to expect nearby residents to constantly police parking and report breaches.</p>	<p>The City's Coordinator Ranger Services provided comments (see Consultation, Part (b) "Internal Administration") regarding this matter.</p> <p>Inclusion of a condition that clients park in the nominated car parking bay will ensure that the client's will always park their car without protruding across the footpath and will ensure no clients park on the street. The submitted Management Plan indicates that all other visitors to the site will park at the street frontage directly in front of the property, so it will be clear to the neighbourhood that those cars do not belong to clients.</p> <p>The comments are NOTED.</p>
<p>Notable increase in traffic due to after-the-fact application affecting the immediate area.</p>	<p>Due to the retrospective nature of the application and the notable impact on amenity identified through neighbour consultation, it is recommended that only a maximum of four (4) visits per day and a maximum of 20 per week be approved, as any more clients than this would have the potential to impact on traffic volume.</p> <p>In addition, the City has the ability to revoke Development Approvals for Home Occupations that impact on the amenity of the neighbourhood. The applicant will have a responsibility to ensure that they operate in accordance with their submitted Management Plan so that this does not occur and the immediate area is not affected.</p> <p>The comment is UPHELD.</p>
<p>Number of Client Visits</p>	
<p>As use is retrospective – previously neighbours have witnessed more than nine client visits in one day and well past the proposed operational time of 6.00pm.</p>	<p>If the applicant proposes hours between 8.00am and 6.00pm Monday to Friday, it would be reasonable to expect that after 6.00pm visitors to the site would be of a private nature. Conditions restricting number of clients and hours of operation will ensure that there are no clients on the premises past 6.00pm and that there will be no more than four (4) client visits per day. Implementation of the Management Plan will also ensure that clients do not stay past 6.00pm.</p> <p>The comment is NOTED.</p>

Noise/Amenity	
<p>Hours of Operation stated as 8am to 6pm however applicant notes further that in some instances emergency care is needed for irritable babies every 48-72 hours for 1-2 weeks, therefore resulting in out-of-normal business hours treatment and therefore affecting quiet time normally anticipated in a residential area. We consider it unreasonable to be subject to parents arriving with their irritable babies continually crying outside of normal hours which would encroach on our quiet time.</p> <p>Clients bringing their children and those children playing outside creating additional noise in and around the house that would not normally be encountered.</p>	<p>The submitted Management Plan indicates that it is not the intention to operate the home occupation outside of the hours of 8am to 6pm Monday to Friday.</p> <p>Following neighbour consultation, the applicant included in their Management Plan that all those being treated would be in the designated area and all other areas closed off during appointment times and if more than one member of a family is present they would wait in the same area and not in another room or outside.</p> <p>Notwithstanding the above, as family groups will not be permitted and client visits are recommended to be limited to one person at a time by appointment, clients will not be permitted to bring their children with them to appointments, nor would parents be permitted to have their children with them to be treated at the premises.</p> <p>The comments are UPHELD.</p>
<p>House is constructed on stumps and cladded in fibro and therefore noise of patients being treated and discussions taking place can easily be heard from the neighbouring property.</p>	<p>A check of the City's file indicates the front portion of the house where the room is proposed to be used for the home occupation was built on stumps and the external cladding is brick with render over and that additions at the rear are cladded in fibro. The window of the room designated for treatment is facing the street with a solid wall facing the closest neighbouring property to the south. The operator proposes to close all internal doors, the front door and the window of the treatment room during appointments. With this measure in place, it is considered that that noise from the treatment room would not be heard externally, particularly as treatment would only involve discussion with the clients and behind closed doors/windows.</p> <p>Comment is NOTED.</p>
<p>Clients have been sitting on the front verandah for appointments chatting on their phone or with each other while waiting for their appointment causing noise issues to neighbouring properties.</p>	<p>Following neighbour consultation, the applicant included details in the Management Plan that clients' would be greeted on arrival and taken straight into the treatment room to ensure that clients would not be waiting on the verandah. In addition, the Management Plan includes measures to ensure that private visitors and client visits do not clash. This measure will also ensure that private visitors are not left waiting on the verandah while a client is being attended to.</p> <p>The comment is UPHELD.</p>

<p>Our dog barks at loud clients in the house, as well as when clients have often parked out the front of our house. Every time a client comes it causes our dog in the back yard to bark to alert us and has resulted in Rangers attending our premises after being notified of a nuisance dog barking. Prior to this home occupation no complaints were received relating to our dog barking.</p>	<p>A dog barking as a result of people arriving at a dwelling is not a planning consideration as this can occur also with private visitors. The applicant has nominated a car parking space for clients, and hence parking at the front of the neighbour's property resulting in their dog barking will not be an issue.</p> <p>The comment is NOTED.</p>
Home Occupation Definition	
<p>The very nature of this use having to utilise diagnostic equipment and this being a reason not to attend patients at their homes indicates unequivocally that this is a commercial enterprise which should be in a commercial/healthcare precinct and not a residential street.</p> <p>Info in application around referrals from other health professionals and adhering to the code of conduct associated with AHPRAH outlines explicitly, using the applicant's own words, why this business is totally unsuited to be located in a residential area.</p> <p>We strongly believe a chiropractic business should be in a commercial area as there are plenty of business addresses in the South Perth area.</p> <p>The specialty of 'Chiropractor' is sessional and can easily be delivered at an established practice, e.g. rent of a GP practice room for ½ day sessions, etc. Noting the quoted referral sources in the applicant's letter, it would be entirely appropriate and beneficial for clients for this service to be co-located with other health professionals, or many of the existing Chiropractic practices already located in the CoSP.</p>	<p>The definition of Home Occupation in Town Planning Scheme No. 6 details that any 'occupation' may be undertaken which does not exclude such occupations as a Chiropractor.</p> <p>Further to this, an occupation is explained in various English dictionaries as, <i>"a person's usual or principal work or business, especially as a means of earning a living"</i>.</p> <p>The comments are NOT UPHELD.</p>
<p>Comments relating to discrimination toward pregnant employees and working parents is irrelevant to this application.</p> <p>There are objective criteria for the assessment of Home Occupations</p>	<p>Comments relating to discrimination towards pregnant employees and working parents are not a planning consideration, nor would these comments sway the City's decision to approve the Home Occupation.</p>

<p>and the applicant has tried to divert attention in her arguments to justify why CoSP should make concessions on number of clients even though an increased number would adversely impact local residents.</p>	<p>Home Occupations are to be considered by the City based on amenity of the locality, parking and traffic volume which is explained further in the report and the applicant has included measures in a Management Plan to ensure residents are not impacted.</p> <p>The comment is NOTED.</p>
<p>Areas likely to be used for the home occupation would likely be in excess of 30 square metres required by Criteria (c) of the Home Occupation definition. The area should encompass access areas such as the verandah, access hall that provides entry to lounge, the lounge, the large passage/reception area that provides access to the powder room/toilet and the toilet itself.</p>	<p>A calculation of the plan using the areas noted in these comments (see diagram below), indicates these areas plus the living room would be less than 30 square metres as required by Criteria (c) of the Home Occupation definition as detailed in Schedule 1 of Town Planning Scheme No. 6.</p>  <p>Comment is NOT UPHELD.</p>
<p>Proposed variation exceeds the capacity of the property and the street, adversely affects the amenity of the locality and poses significant safety risks and risk of injury.</p> <p>The City should not exercise discretion in approving the Home Occupation at No. 54 Strickland Street.</p>	<p>The fact that the application is retrospective is an indication that the home occupation had previously been impacting on amenity of the locality, however as a result of the application process and neighbour consultation, the applicant included details in a Management Plan of how the appointments and client visits can be managed to ensure amenity is not affected.</p> <p>It is recommended that client visits be limited to only one person at a time by appointment which is further explained in the report. Based on this recommendation and with the implementation of the Management Plan, the Council should be satisfied that the amenity of the locality will not be adversely affected and therefore can exercise their discretion to approve the home occupation.</p> <p>If in the future, it is proven that the amenity of the locality is impacted, the City would have the ability to revoke the development approval and the home occupation would have to cease. An advice note is included in the recommended conditions and advice notes to explain this.</p> <p>The comment is NOTED.</p>

<p>If child care is needed for applicant's own children while she is treating patients, this would mean employment of someone other than a member of the household.</p>	<p>The definition of Home Occupation permits the occupation by an occupier of the dwelling which does not employ more than one person not a member of the occupier's household.</p> <p>A carer hired to mind the applicant's children would not be associated with running of the home occupation. Notwithstanding this, the definition permits one other person not living at the premises to be employed for the home occupation.</p> <p>The Comment is NOT UPHELD.</p>
<p>The applicant does not address disability access through doorways and to the toilet, etc. Important given the special needs of her clientele.</p>	<p>There are no requirements under the Building Code or the Planning Scheme to upgrade a Single House for disabled access relating to a Home Occupation.</p> <p>Comment is NOT UPHELD.</p>

(b) Internal Administration

The City's Environmental Health Officer was invited to comment on requirements relating to the health practitioner. The health officer raised no objections to the proposed home occupation and did not have any specific requirements.

The City's Coordinator Ranger Services was invited to comment in relation to complaints received where vehicles were blocking the footpath when parking at No. 54 Strickland Street. The officer advised that on each occasion that the City's Ranger attended the subject site it was requested that the offending vehicle/s be moved and the vehicle owner/s had co-operated and moved their car. The officer also advised that if they can get a vehicle moved then an infringement may not be issued. Rangers can either get the vehicle moved, issue an infringement or warning notice or take no action depending on the offence and if the vehicle is actually over the footpath. The officer advised that a complainant needs to contact the City when an offence occurs (preferably by phone) so a Ranger can attend to that complaint.

Policy and Legislative Implications

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme where relevant.

Financial Implications

This determination has no financial implications

Strategic Implications

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

Sustainability Implications

Being low impact non-residential land use in a residential area, it is considered that the development enhances sustainability by endeavouring to achieve a balance between the social needs of the residents in the neighbourhood and financial needs of the subject property owners to enable them to meet the requirements of a growing family.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions subject to the number of clients per day and per week being restricted and those clients using the existing paved car parking bay on the subject site as designated on the plan. Moreover, implementation of the management plan will ensure that the use will not have a detrimental impact on the amenity of the locality particularly if conditions and advice notes are applied as recommended. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.1 (a):** Details of Home Occupation
- 10.3.1 (b):** Management Plan dated 27 May 2018
- 10.3.1 (c):** Development Plans - Home Occupation

10.3.2 Proposed Local Development Plan for No. 42 (Lot 1) Swanview Terrace, South Perth

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Giorgi Group
File Reference:	D-18-62191
DA Lodgement Date:	29 May 2018
Meeting Date:	26 June 2018
Author(s):	Brendan Phillips, Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider a Local Development Plan (indicative development plan) designed for No. 42 (Lot 1) Swanview Terrace, South Perth for the creation of 5 freehold residential lots. The proposed LDP contains development standards that, if approved, will apply to future residential developments within the respective lots. The application has been made to address Condition 1 of the preliminary subdivision approval for the Lot (ref. WAPC155508).

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Travis Burrows

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 require the applicant to modify the Local Development Plan for No. 42 Swanview Terrace as follows:
 - a) Modify provision 4.3 to state the following:

If development is proposed including a First Floor Overhang (BAL) with a primary street setback less than 1.5 metres, an application for development approval shall be submitted to the City of South Perth.
 - b) Modify provision 4.3 to provide a guidance statement as follows:

A First Floor Overhang (BAL) may be positioned no closer than 1.0 metres from the primary street, subject to a development application being submitted and the applicant addressing how the Overhang:

 - (i) *makes a positive contribution to the streetscape, and*
 - (ii) *is consistent with orderly and proper planning of the precinct, having regard to the provisions of clause 7.8 (1) (b) of the City's Town Planning Scheme No. 6.*

*Note: The local development is contained in **Attachment (a)**.*

2. Clause 82(1) of Schedule 2 (Deemed Provisions for Local Planning Schemes) of the Planning and Development (Local Planning Schemes) Regulations 2015, upon submission of the modified Local Development Plan for No. 42 Swanview Terrace prepared in accordance with Part 1 of this resolution, to delegate to the Chief Executive Officer authorisation to approve the modified Local Development Plan for No. 42 Swanview Terrace without further consideration by Council.
3. 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 Local Development Plan for No. 42 Swanview Terrace will have effect for a period for 10 years commencing on the day on which the plan is approved pursuant to Clause 52(1) of Schedule 2 (Deemed Provisions for Local Planning Schemes) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Advice Notes

- (i) It is recommended that the applicant considers including an annotation on the LDP to suggest the use of roofing materials that minimise reflectivity/glare onto neighbouring properties.

CARRIED EN BLOC (9/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R60
Lot area	1374 sq. metres
Building height limit	7.0 metres
Development potential	9 Grouped Dwellings
Plot ratio limit	N/A – only applies to Multiple Dwellings

The location of the development site is shown below:



Figure 1: Location Plan

Subdivision

A subdivision application for a 5 lot subdivision was submitted to the WAPC in July 2017. A conditional approval was granted in October 2017 (ref. WAPC155508). A copy of this approval is contained in **Attachment (b)**.

From this point forward, the developer has until October 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.

Local Development Plan

It is noted that condition 1 of the preliminary subdivision approval granted (WAPC155508) states as follows:

1. *A Local Development Plan being prepared and approved for the lots shown on the submitted plan dated 31 July 2017 (attached) that addresses the following:*
 - a) *front setback requirements*
 - b) *boundary walls,*
 - c) *vehicle access points (clear of street trees),*
 - d) *open space,*
 - e) *minimum ground and floor levels, as per Clause 6.9 of the City of South Perth Town Planning Scheme No.6 (TPS6), and*
 - f) *height requirements in accordance with TPS6,**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 March 2018, 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 (c)**.

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

- Changes to the building envelope (BE) layouts;
- Altering the open space provisions;
- Including provision relating to minimum finished floor levels;

- Simplifying/clarifying detail relating to garage setbacks, overhangs, landscaping and pedestrian entry statements;
- Further detail on visual privacy and overshadowing requirements;
- Generally removing content that is redundant or covered by the Residential Design Codes.

The current revision was received in May 2018, contained in **Attachment (a)** and is presented to Council for determination. It should be noted that the revised LDP was only readvertised to neighbours that previously submitted in relation to the proposal.

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.

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.

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 (d)**.

The proposed LDP for No. 42 Swanview Terrace contains selected provisions from the R-MD Codes. The City has previously received advice from the Department of Planning, Lands and Heritage advising that the WAPC would not need to approve the R-Codes variations where included within an 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

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
1.1 The provisions of the City of South Perth's Town Planning Scheme No. 6 and State Planning Policy 3.1 Residential Design shall apply, i.e. unless otherwise varied within this LDP.	-
1.2 No Development Approval is required in accordance with Schedule 2, Part 7, Clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015, i.e. where the proposed development (on the land which is the subject of this LDP) is compliant with the provisions of this LDP.	-
2. The Residential Design Code applicable to the land (which is the subject of this LDP) is R60, as per the City of South Perth's Town Planning Scheme No. 6 map.	Zonings and R-Coding prescribed by the TPS6 Map

Provisions 1.1 and 1.2 are consistent with the wording contained in the WAPC Local Development Plan Framework document. Provision 2 is simply referring to the R-Coding that applies to the subject site.

Building Heights

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
3.1 Building heights shall be 7.0m measure in accordance with clause 6.1A of the City's Town Planning Scheme No. 6.	As per TPS6 requirement.
3.2 A minimum 2 storey building requirement applies to Lots 102, 103, 104, 105 and 106.	No current requirement for a <i>minimum</i> building height. Discussed further below.
3.3 Ground Floor Building Envelope (BE) walls/piers, as shown on the Ground Floor LDP Diagram, are permitted to a maximum height of 3.5m	Lot boundary setback requirements increase as the building height exceeds 3.5m, as per Tables 2a and 2b of the R-Codes.
3.4 First Floor Building Envelope (BE) walls/piers, as shown on the First Floor LDP Diagram, are permitted to the maximum height outlined in Clause 3.1 of this LDP.	Referring to TPS6 requirement for height to ensure consistency.

Building heights are in accordance with the TPS6 requirement. Provision 3.2 is considered to facilitate a uniform built form outcome for the site, as well as minimising the potential impact of a streetscape dominated by garages. Provisions 3.3 and 3.4 ensure a consistent interpretation of the building height for ground and first floor levels.

Setbacks/Overhangs

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
4.1 On lots 102, 103, 105 and 106 (only), the first floor is required to have an Overhang (BAL), as shown on the First Floor LDP Diagram, that projects a minimum of 1.0m beyond the front of the garage below. The overhang-width shall extend for at least 85% of the width of the garage below.	Current TPS6 requirement is an overhang up to 1.5 metres from the primary street (clause 4.3 (c)).
4.2 The minimum garage setbacks shall be in accordance with the setbacks outlined on the Ground Floor LDP Diagram.	Garage is required to be setback 0.5m from the dwelling alignment, which is effectively a 2.5m street setback requirement. This is discussed further below. Garage setback for Lot 104 can be 1.5m as it fronts the secondary street – meets the R-Codes.
4.3 The minimum setbacks for the First Floor Overhangs (BAL) shall be in accordance with the setbacks outlined on the First Floor LDP Diagram.	TPS6 requirement is 1.5m minimum, whereas a 1m minimum is proposed from the street for the overhang. Discussed below.

In regards to 4.2, the garage setback is considered to be supportable at 2m in lieu of 2.5m, as the dwellings are required to have a balcony overhang to reduce the impact of garages overwhelming the streetscape, with the exception of Lot 104, in which the garage fronts the secondary street for this lot in any case. It is additionally noted that clause 5.2.1 (Setbacks of Garages and Carports) of the R-Codes can be modified in accordance with clause 7.3.1 of the R-Codes.

It is recommended that a condition is imposed, should the LDP be supported, requiring an additional annotation in relation to point 4.3 stating that:

- If a development proposes a First Floor Overhang (BAL) with a setback to the primary street less than 1.5 metres, an application for development approval shall be submitted to the City of South Perth.

The City cannot exercise its discretion in applying the provisions of clause 7.8 of TPS6 in this instance, as the wording of this clause refers to:

*Subject to sub-clause (2), if a **development** the subject of an **application for development approval** does not comply with site requirements prescribed by the Scheme with respect to the local government may, notwithstanding that noncompliance, approve the application unconditionally or subject to such conditions as the local government thinks fit (additional emphasis added).*

The ‘trigger’ in applying this discretionary clause is upon receipt of an application for development approval. It is noted that an LDP is not classified as an application for development approval (nor development), and instead is establishing the planning framework / requirements for development on various lots. As such, clause 7.8 of TPS6 cannot be applied in reference to the varying the primary street setback to the balcony overhang as part of this LDP.

Design Elements / Streetscape

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
5.1 All car parking spaces (including garages) shall be located in accordance with the designated garage locations (G) as shown on the Ground Floor LDP Diagram.	No particular requirement, with the exception of access being provided from the primary street or, where applicable (for Lot 104), the secondary street. Consistent with R-Codes.
5.2 Dwellings that are required (under Clause 4.1 of this LDP) to have a first floor front-overhang (BAL), shall incorporate (on the first floor directly-above the garage) a balcony and/or a habitable living room (i.e. not a bedroom).	-
5.3. Building Envelope (BE) walls/piers, are permitted to be in the locations shown on the Ground Floor and First Floor LDP Diagrams. These BE walls/piers are also subject to the following requirements: a) Any portion of BE walls on the boundary, as indicated on the Ground Floor and First Floor LDP Diagrams, may also be set back from those boundaries (subject to a minimum 0.9m setback being provided). b) Any major openings within BE walls shall comply with the Deemed-to-comply provisions of Clause 5.4.1 'Visual Privacy' of the RDC.	-
5.4 Screen walls (SW), are permitted in locations shown on the First Floor LDP Diagram. Where proposed Screen Walls shall be a maximum height of 1.8m above the First Floor finished floor level and shall comply with the deemed-to-comply provisions of Clause 5.4.1 'Visual Privacy of the RDC.	As per R-Code standards. Included to provide adequate privacy to adjoining balcony spaces.
5.5 First Floor Overhangs (BAL), as shown on the First Floor LDP Diagram, shall have balustrading and/or windows (on the edge of the overhang) with a minimum visual permeability of 80%.	Expanding on clause 5.2.3 (Street Surveillance) in the R-Codes.

Detail regarding building envelope layout has been added through provision 5.3 to minimise 'void' spaces or areas that cannot be accessed, as well as providing additional clarity. Lot boundary setback provisions (cl. 5.1.3) of the R-Codes can be varied in accordance with clause 7.3.1 of the R-Codes. In relation to 5.3, these provisions have been included to add consistency and to minimise 'void' spaces or areas that cannot be accessed. Lot boundary setback provisions (cl. 5.1.3) of the R-Codes can be varied in accordance with clause 7.3.1 of the R-Codes.

Roof Pitches

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
6.1 All lots shall have a ground floor maximum roof pitch of 30 degrees.	TPS6 does not have a specific roof pitch requirement and instead refers to a 'notional' 25 degree roof pitch. Clause 6.1A (4) (a) of TPS6 states that the measurement of height of a building excludes roof height, although a restriction on roof height may be imposed where it has an adverse impact. In this case, a 30 degree roof pitch is not considered to have an unreasonable impact on neighbouring sites and is comparable to the 25 degree notional roof pitch described.
6.2 Lots 102 and 103 shall have a First Floor maximum roof pitch of 6 degrees	As per discussion above. Roof pitch requirement has been reduced in scale for these lots in an effort to maintain view corridors.
6.3 Lots 104, 105 and 106 shall have a First Floor maximum roof pitch of 30 degrees.	As per discussion for 6.1.

Roof pitches proposed are considered acceptable and in particular Lots 102 and Lot 103 have more specific requirements of a lesser scale in order to reduce any potential obstruction on view corridors.

Crossovers

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
7.1. Crossovers (CR) shall be constructed to a maximum width of 4.5m and located where shown on the Ground Floor LDP Diagram.	Requirement determined in consultation with the City's Engineering Infrastructure and City Environment Departments. Considered to address the advice provided by these respective departments.
7.2 Crossovers (CR) shall have a minimum 2.0m clearance from the existing street trees (TR) shown on the Ground Floor LDP Diagram.	As per above discussion. Requirement is 3m as per Policy P350.5 from street tree to crossover although internal comments provided advised 2m is a suitable compromise in this instance.

While it is acknowledged development of the sites will result in more crossovers providing access than at present, the width of the crossovers is considered to be an appropriate design outcome in the context of advice provided internally and having regard to the layout of the subdivision proposed.

Open Space

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
<p>8.1. No minimum open space requirement applies to lots the subject of the LDP, subject to the following provisions:</p> <p>a) An Outdoor Living Area (OLA) with an area of 10% of the total lot size or 20m², whichever is greater, directly accessible from a habitable room of the dwelling and located behind the street setback area.</p> <p>b) At least 70% of the OLA must be uncovered and includes areas under eaves which adjoin uncovered areas.</p> <p>c) The OLA has a minimum 3m length or width dimension.</p>	Open space requirement for an R60 coded site is 30%. Discussed further below.

It is considered that it would be problematic for proposals on these lots to meet the open space provision, given that balcony spaces cannot be included in open space calculations. As such, the open space provisions outlined in the RMD codes are considered to provide a more functional and useable allocation of open space and outdoor living area for the residents, and these provisions have been incorporated accordingly.

Fencing / Landscaping

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
9.1. Front fencing shall comply with the City of South Perth policy document P350.07 - Street Walls and Fences.	As per Policy P350.07.
9.2 Soft landscaping shall be provided within street setback area to all areas not comprising of driveways or pedestrian paths.	No landscaping requirement for Single Houses – only Grouped Dwellings.

The landscaping provisions are considered to enhance the appearance and presentation of the development to the street, and also ‘soften’ the buildings, particularly the garages.

Overshadowing

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
10.1 Development on Lots 102 and 106 shall be in accordance with the Deemed-to-comply Solar Access for Adjoining Sites requirements of Clause 5.4.2 of the RDC.	Referring to R-Code provision – cl. 5.4.2, which is a maximum overshadowing limit of 50% of the area of the adjoining lot.
10.2 No maximum overshadowing applies to lots 103, 104 and 105.	As per above. This provision refers to the RMD code requirement. Discussed below.

For lots 103, 104 and 105, it is considered to be more practical to refer to the RMD code provision of no maximum overshadowing. Due to the manner in which these lots will be developed, as well as the lot orientations, it would be particularly difficult for development on these aforementioned lots to comply with the ordinary R-Code overshadowing standard of 50%. As such, referring to the RMD provision is considered to be appropriate, taking into account the opportunity for development to be designed to allow for infiltration of sunlight through strategic positioning of windows (ie. skylights, balcony size, etc). The likely location of outdoor living areas will receive sunlight, although it is acknowledged that some outdoor living areas will be affected on midday at 21 June 2018 (during winter).

Minimum Finished Floor Level

Proposed LDP for 42 Swanview Terrace (May 2018)	Existing Planning Requirement
11.1 Development on all lots shall be in accordance with Clause 6.9 (Minimum Ground and Floor Levels) of the City's Town Planning Scheme No.6 (TPS6).	Referring to TPS6 requirement.

It is a requirement of condition 1 of the preliminary approval from WAPC155508 to address this particular clause in TPS6.

General Comment on LDP Design and Layout

Attachment (a) is the revised version of the LDP and illustrates the building envelope layouts for the respective lots, garage locations, landscaping and supplementary information such as setbacks. In terms of the location of internal boundary walls, these are considered to be suitable as they typically abut another boundary wall of similar dimensions, or a sufficient setback is provided from the other adjoining building directly affected. The boundary walls on Lots 102 and 106 are considered supportable due to the location of the access-way to the south-east and vehicle parking / bin storage area to the south-west. These spaces are considered to act as an intermediary and lessen any building bulk impacts associated with the respective boundary walls. Clause 5.1.3 C3.1 (v) of the R-Codes also accounts for 'communal streets' in this respect and allows for a reduced setback requirement.

In regards to the garage locations, these are staggered in response to the angled nature of the frontages on both Swanview Terrace and Brookside Avenue. This layout is deemed to facilitate an acceptable design outcome by effectively articulating the alignment of the buildings. While the garages are setback a minimum of 2 metres from the primary street, the setback increases, at most to 5.1m for Lot 102, due to the angled primary street boundary. The internal lot boundary setbacks are considered to provide a reasonable offset from the respective dwellings so as to allow for ventilation and sunlight. Generally, the lot boundary setbacks proposed comply with the R-Code requirement(s) and, regardless, the 'Deemed-to-comply' of clause 5.1.3 (Lot Boundary Setbacks) can be varied as part of an LDP.

The landscaping areas are described as indicative and, irrespectively, landscaping proposed will need to satisfy provision 9.2 of the LDP. The landscaping is not necessarily confined to the spaces indicated on the LDP. The crossover locations are considered to be appropriate on the basis of advice provided internally, particularly noting they are positioned an acceptable distance from the intersection of Swanview Terrace and Brookside Avenue.

Consultation

Neighbour Consultation

Council Policy P301 'Community Engagement in Planning Proposals' does not specifically require public consultation or notification for this type of proposal. However, in the interest of transparency and noting potential community interest, individual property owners and occupiers within 'Area 1' were invited in March 2018 to inspect the draft LDP and to submit comments during a minimum 21-day period (refer to image below).

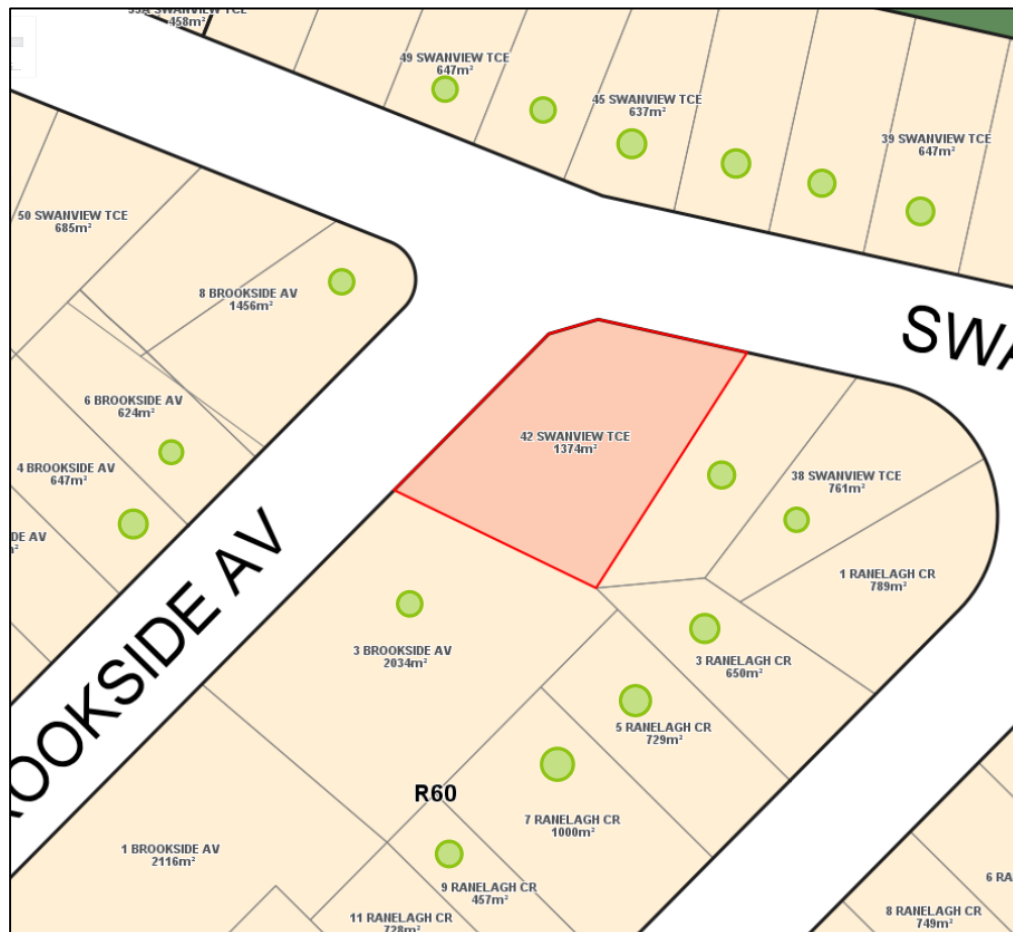


Figure 2: Consultation Map – 'Area 1'.

During the advertising period, a total of 33 notices were sent and 1 submission was received on behalf of two landowners. The main comments of the submitter, together with officer responses, are summarised below. It is noted that the submitter updated their initial comments in response to the revised version of the LDP.

Submitters' Comments (summarised)	Officer's Responses
Building Envelope – the boundary wall on the south-eastern boundary will have a significant adverse impact	The boundary wall length and location is considered to be supportable given the driveway (communal street) to the south-east acting as a buffer between the two sites. This principle is recognised in clause 5.1.3 C3.1 (v) of the R-Codes. It is also noted that the boundary wall is single storey, and the upper floor setback is to be setback approximately 1 metre (0.9m). This comment is NOTED .
Roof Pitches – the 30 degree roof pitch of Lot 104 will restrict views. Additionally, the roof colour/material may have an adverse impact by way of reflectivity and glare.	Consideration should be given to the building height of the former apartment building at No. 42 Swanview Terrace (which has recently been demolished). This previous building was three (3) storeys in height, whereas the building height limit as part of this LDP is two (2) storeys. Furthermore, lots 102 and 103 have a roof pitch restriction of 6 degrees compared with the other lots. In any case, a 30 degree roof pitch is considered to be closely aligned with the City's TPS6 notional 25 degree roof pitch, and is not considered to have an unreasonable impact. In regards to glare and reflectivity, the City has recommended an advice note suggesting a further annotation to be placed on the LDP referring to roofing material selection that does not result in excessive reflectivity/glare. This comment is NOTED .

Internal Referrals

Engineering Infrastructure

The City's Engineering Infrastructure department was invited to comment on a range of issues relating to drainage, crossover design, property levels and sight lines. Advice notes are included as appropriate to reflect this advice. Refer to **Attachment (e)** for a copy of the advice from Engineering Infrastructure.

City Environment

Comments were invited from City Environment of the City's administration regarding the impact of the subdivision / LDP on street trees. Comments and advice was provided by this department have been included into the LDP as appropriate. It is also noted that some street trees have been removed in consultation with the City Environment department.

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 42 Swanview Terrace 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 LDP for No. 42 Swanview Terrace has been submitted to address a condition of subdivision approval that was recommended by the City. The LDP proposed is considered to address all of the criteria identified under condition 1 of the preliminary subdivision approval issued by the WAPC (ref. WAPC: 155508). Additionally, the LDP is considered to establish an acceptable planning framework for future development on the sites that is generally in accordance with the City's TPS6, R-Codes and other documentation such as the RMD codes. As such, the proposed LDP for No. 42 Swanview Terrace is recommended to be approved.

Attachments

- 10.3.2 (a):** Revised Local Development Plan - 42 Swanview Terrace - 15.2017.26.2
- 10.3.2 (b):** Preliminary subdivision approval (WAPC155508) - 42 Swanview Terrace - Five (5) freehold lots - 15.2017.26.2
- 10.3.2 (c):** Original report and plans - 42 Swanview Terrace - LDP - 15.2017.26.2
- 10.3.2 (d):** RMD Codes Planning Bulletin 112/2016 Medium-density single house development standards - Department of Planning
- 10.3.2 (e):** Engineering Infrastructure referral - 42 Swanview Terrace SOUTH PERTH - WAPC Reference 155508 - 15.2017.26.2

10.3.3 Proposed Two Storey Single House at Lot 12 (No. 49) Ranelagh Crescent, South Perth

Location: Lot 12 (No. 49) Ranelagh Crescent, South Perth
 Ward: Mill Point Ward
 Applicant: Atrium Homes
 File Reference: D-18-62192
 DA Lodgement Date: 5 June 2018
 Meeting Date: 26 June 2018
 Author(s): Brendan Phillips, Statutory Planning Officer
 Reporting Officer(s): Vicki Lummer, Director Development and Community Services
 Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
 Council Strategy: 3.2 Sustainable Built Form

Summary

To consider an application for development approval for a Two Storey Single House at Lot 12 (No. 49) Ranelagh Crescent, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary wall (northern boundary wall)	Policy P350.02 – Lot boundary setbacks (Boundary Walls) and R-Codes Design Principles 5.1.3
Building setbacks (southern lot boundary setback)	R-Codes Design Principles 5.1.3
Visual privacy	R-Codes Design Principles 5.4.1

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor Travis Burrows

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a Two Storey Single House at Lot 12 (No. 49) Ranelagh Crescent be approved subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to the issue of a building permit, details of the surface of the boundary wall(s) to the Garage not visible from the street, on northern side of the lot shall be provided. The finish of the boundary wall is to be compatible with the external walls of the neighbour's dwelling, to the satisfaction of the City.
3. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
4. The height of any wall, fence or other structure, excepting one brick pier (maximum size of 470 mm x 470 mm), shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City.
5. At least one tree, not less than 3.0 metres in height, shall be planted on the

site preferably within the front setback area, prior to occupation of the dwelling. The tree shall be maintained in good condition thereafter, to the satisfaction of the City.

Advice Notes

General

- (i) PN01
- (ii) PN02
- (iii) PN21
- (iv) PNX1
- (v) PNX3

CARRIED EN BLOC (9/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	718m ²
Building height limit	7 metres
Development potential	One (1) Single House
Plot ratio limit	N/A

The location of the development site is shown below:

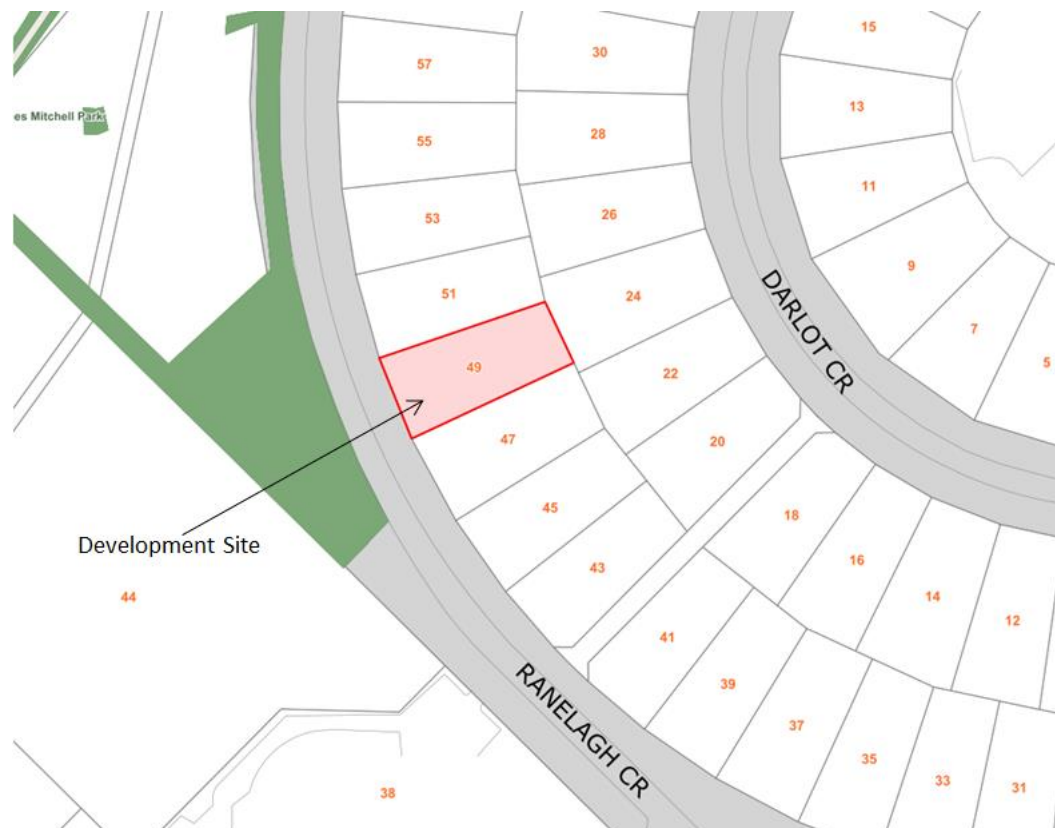


Figure 1: Development Site

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:

7. Neighbour comments

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

Comment

(a) Background

In April 2018, the City received an application for a two storey Single House on Lot 12 (No. 49) Ranelagh Crescent (the **Site**).

An amended set of plans was provided by the applicant in response to concerns raised during the neighbour consultation period, specifically regarding the northern boundary wall as part of the garage. The amended plans set back part of this northern boundary wall so as to reduce the impact on the northern adjoining neighbour.

(b) Existing Development on the Subject Site

The subject site is located at Lot 12 (No. 49) Ranelagh Crescent. There is currently a single storey Single House on site.

(c) Description of the Surrounding Locality

The Site has a frontage to Ranelagh Crescent to the west, with Darlot Crescent to the north-east running in a semi-circle pattern, as seen in **Figure 2** below:

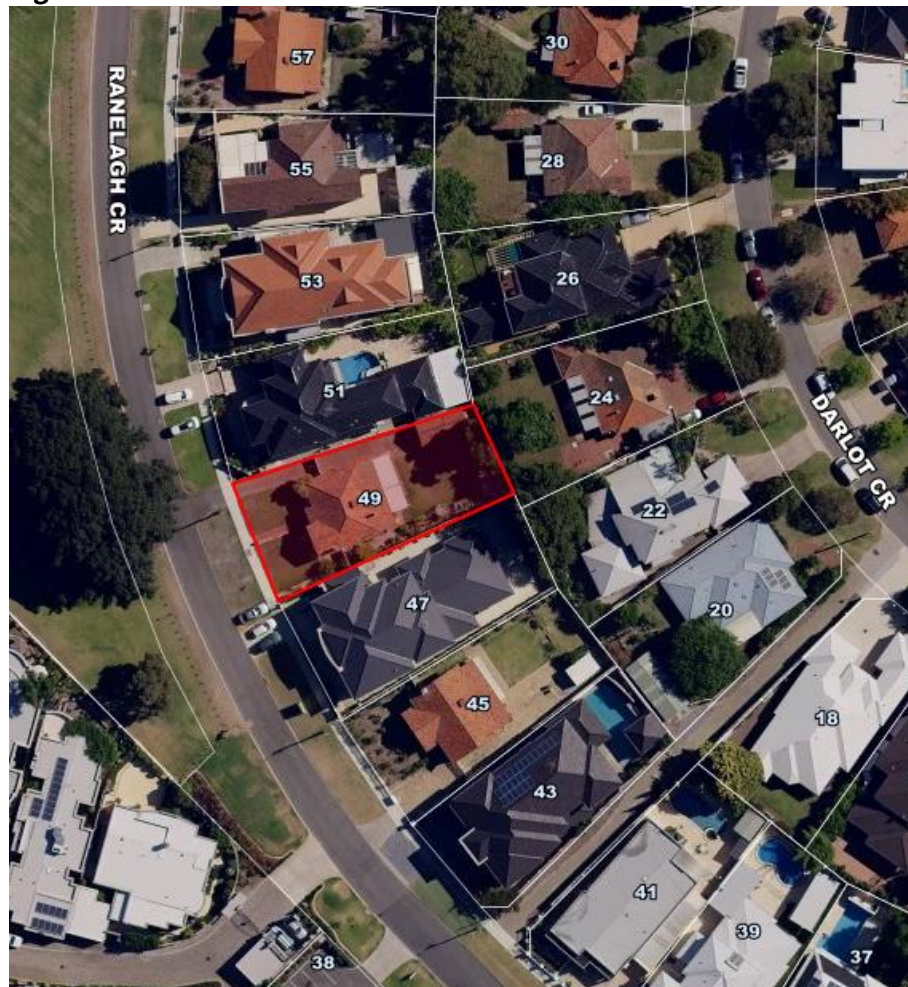


Figure 2: Aerial image of subject site

(d) Description of the Proposal

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

- Four bedrooms;
- Three bathrooms;
- Retreat room;
- Family, meals and kitchen rooms;
- Garage;
- Lounge;
- Laundry;
- Alfresco;
- Balcony.

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

- (i) Boundary wall (north)
- (ii) Lot boundary setback (south)
- (iii) Visual privacy

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

(f) **Boundary wall (north)**

Element	Deemed-to-comply	Provided
Northern boundary wall (garage)	1m setback from boundary	Nil setback for portion of wall
<p><i>Design Principles:</i></p> <p>(a) <i>Streetscape character;</i></p> <p>(b) <i>Outlook from:</i></p> <p style="padding-left: 20px;">(i) <i>the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or</i></p> <p style="padding-left: 20px;">(ii) <i>any habitable room window of an adjoining dwelling;</i></p> <p>(c) <i>Visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and</i></p> <p>(d) <i>Amount of overshadowing of a habitable room window or outdoor living area on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the overshadowing caused by the boundary wall does not exceed the overshadowing caused by a wall that conforms to the Residential Design Codes 'deemed-to-comply' setback.</i></p>		

The proposed northern boundary wall is considered to meet the Design Principles of Policy P350.02 – Lot boundary setbacks (Boundary Walls) for the following reasons:

- Firstly, it is important to consider the change in the northern boundary wall to the garage as a result of amendments made by the applicant. A comparative image is provided below highlighting the revisions made to the garage:

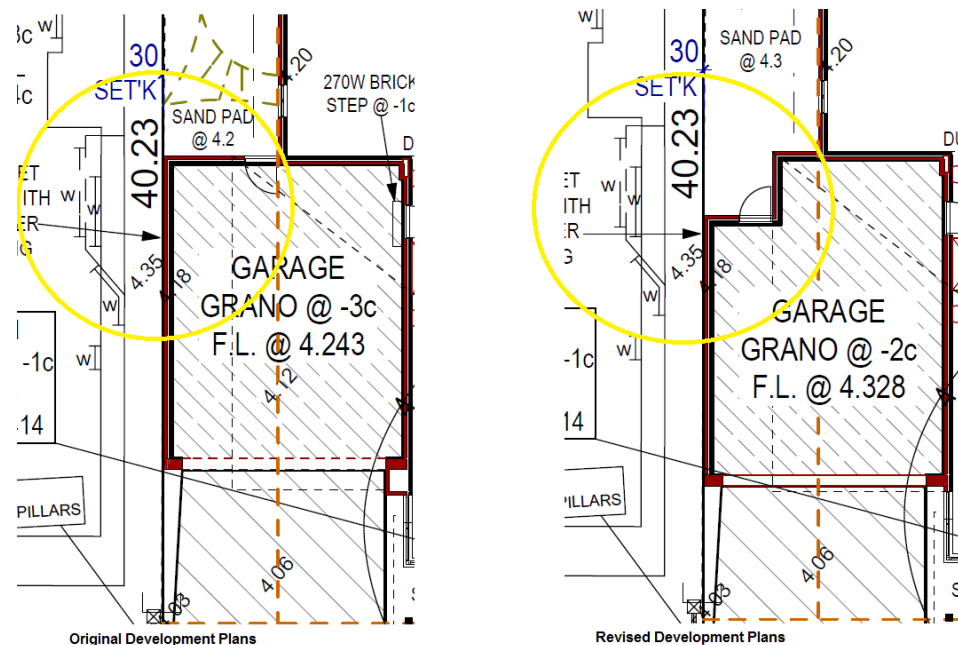


Figure 3: Comparison of original and revised development plans, showing the amendment made to the boundary wall as part of the garage.

- On balance, the impact on the window to the north at 51 Ranelagh Crescent is considered to be acceptable, noting that a large portion of the garage in alignment with the window has been setback to 1 metre from the boundary. The modifications made to the plans are considered to reduce the perception of building bulk or sense of confinement. Additionally, the height of the boundary wall, being 2.8m, is not considered to protrude a significant height about the height of the dividing fence (1.8m).
- The overall length of this section of building, being 7 metres, is not considered to be excessive to the extent that it would result in a significant sense of confinement. It is noted that the overall length of the northern boundary is 40.23m. As such, the northern boundary wall accounts for only 17.4% of the overall length of the northern lot boundary. Taking into account this context of the site, there is considered that there would be necessary sunlight and ventilation afforded to the northern adjoining property.
- The boundary wall is setback more 8.4 metres from the primary street and is not considered to have a detrimental impact on the streetscape character.
- It is noted that the northern boundary wall would not abut an outdoor living area.
- Based on the lot orientation, there would not be an overshadowing impact as per the measurement of shadow defined in the R-Codes (cast to the south).
- Overall, there is not considered to be a significant adverse impact on the amenity of the northern adjoining property for the abovementioned reasons.

(g) Lot boundary setbacks

Element	Deemed-to-comply	Provided
South – Laundry to Lounge	1.5m	Minimum of 1.07m
South – Ensuite 2 to Bed 2	2.5m	Minimum of 2.46m
<p><i>Design Principles:</i> <i>P3.1: Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> • <i>Reduce impacts of building bulk on adjoining properties;</i> • <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 		

The proposed southern lot boundary setback is considered to meet the Design Principles of the R-Codes for the following reasons:

Ground Floor Setback

- The southern lot boundary setback from the laundry to lounge room elevation is considered to be a sufficient distance so as to reduce building bulk impacts on the southern adjoining property. The height and length of this section of the building on the western elevation, being between 2.8m and 12.1m, respectively, are not considered to result in an adverse building bulk impact. Furthermore, the space immediately impacted to the south is a garage and not considered to constitute a sensitive space.
- Due to the angle of the lot, only a portion of this section of the building is setback at 1.07m, whereas the remainder graduates to a maximum of 2.3m further to the west. This layout is considered to further reduce any sense of confinement to the south.
- The development complies with the overshadowing provisions of the R-Codes, as shown in the shadow diagram provided by the applicant.
- There is considered to be a reasonable setback afforded to the southern adjoining property to facilitate the infiltration of necessary sunlight and ventilation.
- Overall, there is not considered to be a significant adverse impact on the amenity of the southern adjoining property for the abovementioned reasons.

Upper floor setback

- For similar reasons mentioned above, the upper floor setback to the south is also considered to be supportable, noting the angled boundary to the south and given that the setback almost achieves compliance with the 2.5m setback.
- The space immediately impacted to the south is also not sensitive in nature (garage) and as such there is not considered to be an adverse amenity impact due to the site context.

(h) Visual Privacy Setbacks

Element	Deemed-to-comply	Provided
South – Bedroom 2	4.5m	4.2m
North - Balcony	7.5m	6.1m

Design Principles:
 P1.1: Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- Building layout and location;
- Design of major openings;
- Landscape screening of outdoor active habitable spaces; and/or
- Location of screening devices.

The proposed visual privacy setbacks from Bedroom 2 to the south and from the balcony to the north are considered to be supportable for the following reasons:

South – Bedroom 2

- The area predominantly overlooked by the bedroom is the roof of a garage and driveway to the southern adjoining property at No. 47 Ranelagh Crescent, as shown in the image below:

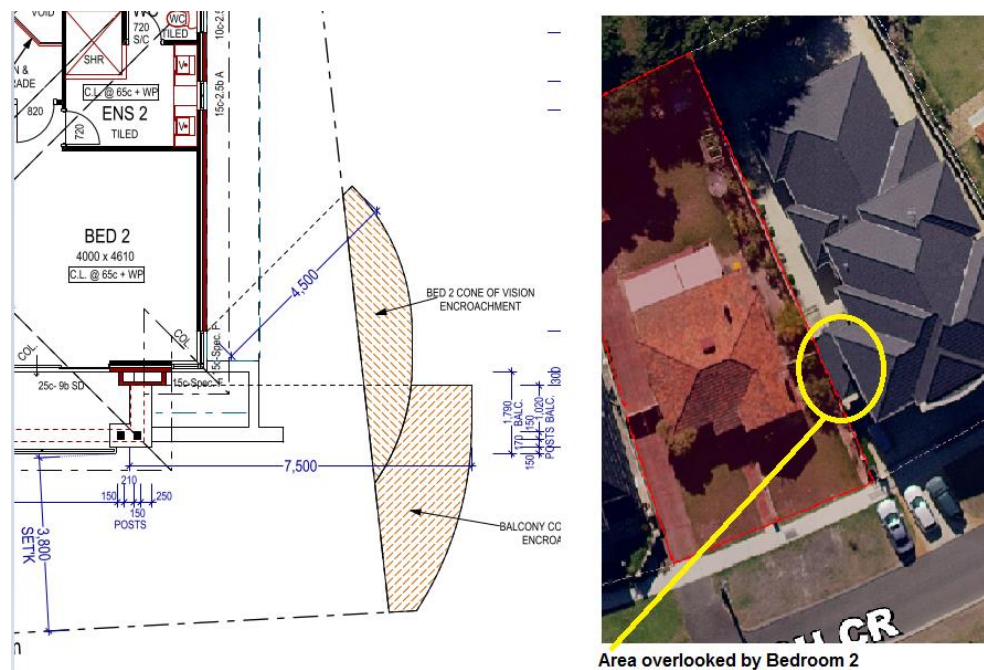


Figure 4: Diagram illustrating area to the south at No. 47 Ranelagh Crescent that would be overlooked by bedroom 2.

- Given this existing site context, the overlooking is not considered to adversely impact any sensitive spaces, as it will be facilitating viewing toward a roof or driveway space. On this basis the visual privacy variation is supportable.

It is noted that overlooking into the front setback area to the south, as afforded by the proposed balcony, is compliant with the R-Codes, as this area can be viewed from the primary street.

North – Balcony

- As shown in the image below, it can be observed that part of the balcony facilitates overlooking to an area behind the 6 metre front setback line of the northern adjoining property.

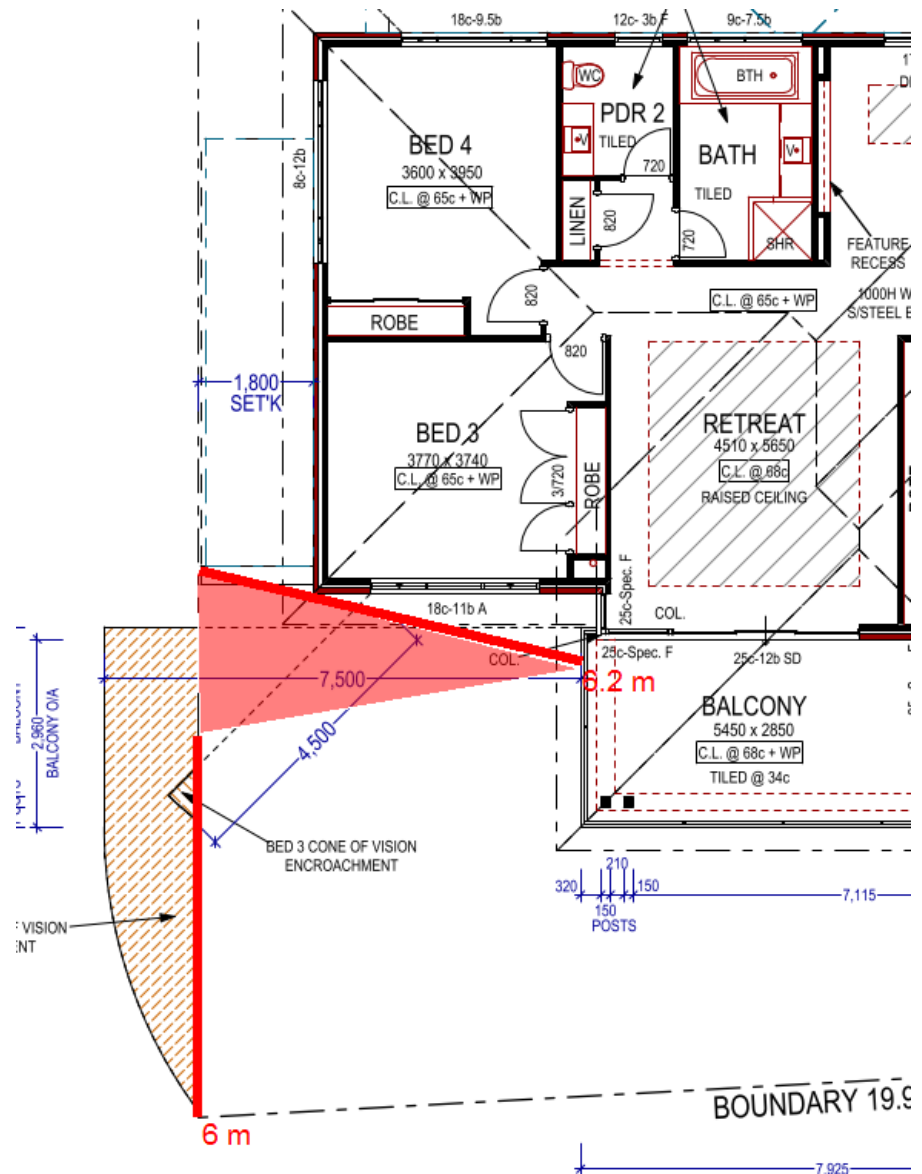


Figure 5: Diagram illustrating overlooking from balcony onto northern adjoining property.

- However, it is noted that the portion of the building to the north that would be overlooked is a blank wall on the ground floor and no major openings on the upper floor, as show in the image below.

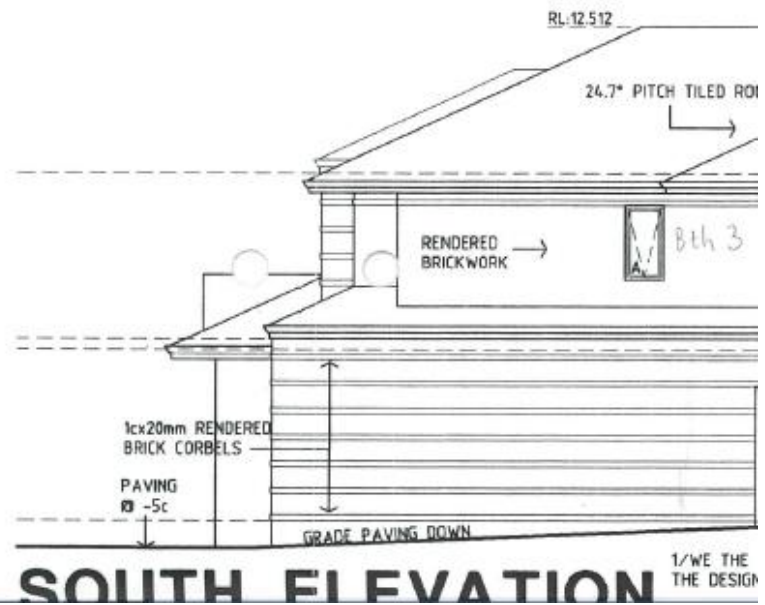


Figure 6: Front half of southern elevation of building at No. 51 Ranelagh Crescent.

- Given that no sensitive spaces would be overlooked, and acknowledging that this space is visible from the street regardless of it being behind the front setback area, there is not considered to be an adverse impact on the amenity of the adjoining property for these reasons.

- (i) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6
In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:
- (a) *Maintain the City's predominantly residential character and amenity;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

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

- (j) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes
In considering an application for development approval the local government is to have due regard to matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

Consultation

(k) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos 51 and 47 Ranelagh Crescent were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of three (3) consultation notices were sent and two (2) submissions from one landowner were received objecting to the proposal. The comments of the submitter, together with officer responses are summarised below.

Submitters' Comments (summarised)	Officer's Responses
The northern boundary wall as part of the garage will have a significant adverse impact on the amenity on my property and the outlook from a window abutting a kitchen.	The northern boundary wall is considered to be supportable against the design principles of the R-Codes, particularly due to the amendment incorporated by the applicant. Refer to the 'Boundary Wall' section of this report for further detail. This comment is NOTED .
There would be a significant loss of sunlight due to the boundary wall proposed.	Overshadowing is measured to the south as per the methodology provided in clause 5.4.2 of the R-Codes. This comment is NOTED .
There would be unreasonable overlooking facilitated to the north.	The visual privacy setback to the north is supported for reasons outlined in the 'Visual Privacy' section of this report. This comment is NOTED .

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

(l) Engineering Infrastructure

Engineering Infrastructure was invited to comment on a range of issues relating to stormwater and vehicle access. Their comments can be found at **Attachment (c)** of this report. Advice notes and conditions are recommended as appropriate to reflect these comments.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

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

Sustainability Implications

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it is not considered to have a detrimental impact on adjoining residential neighbours or the streetscape. In particular, it is considered that the proposal would result in an acceptable impact on the northern property, as the boundary wall to the north is considered to satisfy the relevant design principles. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

Attachments

- 10.3.3 (a):** Revised Plans - 49 Ranelagh Crescent - Two storey Single House - 11.2018.99.1
- 10.3.3 (b):** Justification letter by applicant - 49 Ranelagh Crescent - Two storey Single House - 11.2018.99.1
- 10.3.3 (c):** Referral: Engineering Section - 49 Ranelagh Crescent SOUTH PERTH - Single House (Two-Storey) - 11.2018.99.1

10.3.4 Proposed 2 x Two Storey Single Houses at Lots 100 and 101 (No. 32) Howard Parade, Salter Point

Location: Lots 100 and 101 (No. 32) Howard Parade, Salter Point
 Ward: Manning Ward
 Applicant: Urbane Projects Pty Ltd
 File Reference: D-18-62195
 DA Lodgement Date: 9 April 2018
 Meeting Date: 26 June 2018
 Author(s): Brendan Phillips, Statutory Planning Officer
 Reporting Officer(s): Vicki Lummer, Director Development and Community Services
 Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
 Council Strategy: 3.2 Sustainable Built Form

Summary

To consider an application for development approval for 2 x Two Storey Single Houses at Lots 100 and 101 (No. 32) Howard Parade. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Site works	R-Codes Design Principles 5.3.7
Retaining wall height	R-Codes Design Principles 5.3.8
Building setbacks	R-Codes Design Principles 5.1.3
Outdoor living area	R-Codes Design Principles 5.3.1
Visual privacy	R-Codes Design Principles 5.4.1
Fencing height	Town Planning Scheme No. 6, clause 6.7 (4)

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor Travis Burrows

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for two, two storey Single Houses at Lots 100 and 101 (No. 32) Howard Parade **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to occupation of the dwellings the applicant shall construct crossovers between the road and the property boundaries in accordance with the approved plans, to the satisfaction of the City.
3. The major opening on the northern elevation of the Family Room for Lot 101 shall be adequately screened so as to achieve compliance with the 'Deemed-to-comply' of clause 5.4.1 of the Residential Design Codes, to the satisfaction of the City.
4. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
5. The height of any wall, fence or other structure, excepting one brick pier (maximum size of 470 mm x 470 mm), shall be no higher than 0.75 metres

within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City.

6. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
7. At least one tree, not less than 3.0 metres in height, shall be planted on both lots, preferably within the front setback area, prior to occupation of the dwellings. The trees shall be maintained in good condition thereafter, to the satisfaction of the City.

Advice Notes

Specific

- (i) The developer is to ensure all stormwater landing within their property is retained within their property. The design will need to meet the requirements outlined in:

http://intranet.cosp.internal/docs/management_practices/M354.pdf

The proposed development is a Type 1 Residential Building located within the Manning Drainage Precinct, as defined in Policy P354 (Stormwater Drainage Requirements for Proposed Buildings) and Management Practice M354.

The City requires 1m³ of storage for 50m² of impermeable area. Impermeable area seems to be 400 (less pool) and 386m², requiring about 7 m³ of soakwell storage on each lot to meet City requirements – which is about 4x 1.5m dia x 1.2m deep soakwells on each of the 1st two lots, unless Engineering design calculations can be provided showing otherwise.

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

- (ii) The applicant is advised that the lots are within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional building requirements may apply to development on this land.

General

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

CARRIED EN BLOC (9/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	Overall – 1174m ² . Lot 100 = 400mm ² and Lot 101 = 386m ² .
Building height limit	7.0 metres
Development potential	Ordinarily – two (2) dwellings. Discussed further in background section below.
Plot ratio limit	N/A – 50% open space requirement

The location of the development site is shown below:



Figure 1: Development Site

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

3. Developments involving the exercise of a discretionary power

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

6. Amenity impact

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

7. Neighbour comments

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

Comment**(a) Background**

In April 2018, the City received an application for two, two storey Single Houses on Lots 100 and 101 (No. 32) Howard Parade (the **Site**).

Three lots have been created at No. 32 Howard Parade as part of the subdivision approval WAPC155529. It is noted that the subdivision application proposed a significant variation to the average site area requirement specified in the Residential Design Codes (R-Codes) and the City recommended refusal of the subdivision application on this basis. Notwithstanding the City's recommendation, the Western Australian Planning Commission (WAPC) elected to approve the subdivision application, resulting in the creation of three new lots, 100, 101 and 102.

At the conclusion of the neighbour consultation period and following discussions with adjoining landowners, further information was requested from the proponent to demonstrate the impact the development would have on views toward the Canning River.

(b) Existing Development on the Subject Site

The Site is currently vacant, with the previous Single House being demolished in October 2017.

(c) Description of the Surrounding Locality

The Site is located at the corner of River Way and Howard Parade, as seen in **Figure 2** below:



Figure 2: Aerial image of the Site.

(d) Description of the Proposal

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

Lot 100

- Four bedrooms;
- Two bathrooms and two powder rooms;
- Kitchen, dining and family rooms;

- Store area;
- Gym;
- Laundry;
- Alfresco and pool; and
- Garage (undercroft level) with two visitor bays in front setback area.

Lot 101

- Four bedrooms;
- Two bathrooms and two powder rooms;
- Sitting room;
- Courtyard;
- Laundry;
- Kitchen, dining and family rooms;
- Alfresco;
- Garage.

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

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

- (i) Site works
- (ii) Retaining wall height
- (iii) Building setbacks
- (iv) Visual privacy
- (v) Fencing height

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

(f) **Site Works**

Element	Deemed-to-comply	Provided
Fill	0.5m	For Lot 100 – up to 2.7m
<p><i>R-Code Design Principles:</i></p> <p><i>P7.1: Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</i></p> <p><i>P7.2: Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</i></p> <p><i>Policy P350.17 – Site Works: Design Principles</i></p> <p>(i) The natural features of the site, in particular any significant differences in natural ground level that result in a sloping site;</p> <p>(ii) The interpretation of natural ground level at all lot boundaries;</p> <p>(iii) The natural ground level as viewed from the street; and</p> <p>(iv) Having regard to the natural features of the site and adjoining properties, the necessity for any excavation and/or fill.</p>		

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

- It is recognised that, due to the substantial gradient in the topography of the site, some fill and excavation is necessary to create a relatively level pad for construction, particularly for Lot 100. For Lot 100, the building is proposed to be positioned on the eastern section of the site due to the 6 metre setback requirement from River Way. There is a steep drop off in the site as it runs from west to east, and it is also noted that the City's *Policy P306 – Development of Properties Abutting River Way* requires two hardstand visitor parking bays to be provided from River Way. In this regard, it is necessary for the ground level of the site in the front setback area fronting River Way to be relatively flat to reduce the extent of slope and to allow vehicles to park in this area safely. The development takes an RL level from close to the street boundary to ensure a smooth transition from the property line at the River Way boundary and to create a relatively level pad for parking. While fill in the front setback is ordinarily not supported, the unique circumstances of the site and policy requirements are considered to necessitate the fill proposed in this instance. A review of the streetscape surrounding the site also reveals that other properties have a level pad in the front setback area of River Way to account for the required two visitor parking bays. To this end, the level of site works proposed for Lot 100 in the front setback area is deemed to be consistent with this streetscape pattern and is not out of character with the surrounding area.
- There is also filling proposed on the northern boundary of Lot 100, particularly appurtenant to the drying area, which is where the significant drop off in topography occurs. While the full extent of fill may appear to be substantial (approximately 2.7m), the site works proposed in this area are largely necessary to rectify the steep drop off in the topography of the site and to engineer levels that can be practically used for the benefit of residents. The impact to the northern adjoining property is not considered to be adverse, noting the space immediately impacted is currently covered by dense vegetation. Furthermore, the area impacted is not used as an outdoor living area (in the front setback area) and car parking is provided to the north-west, effectively at the same level as River Way, and therefore at a slightly greater topography. The eastern section of the site steps down to a courtyard area in response to the natural topography of the site.

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

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

The level of fill (site works) at Lot 101 is not seeking a variation.

A review of the previous site survey has been conducted to determine consistency with the contour levels provided in this current application. The previous site survey is provided at **Attachment (c)**. The contour levels in the previous survey plan and the survey provided as part of this current application have been cross-referenced and are observed to be generally be in alignment, with some negligible permutations (within a small range - less than 0.5m). It should be noted however, that section 157 of the Planning and Development Act 2005 (P&D Act 2005) allows certain work associated with subdivision approval to be exempt from the need to obtain development approval. For reference, section 157 of the P&D Act 2005 states as follows:

157. When approval of subdivision deemed to be approval under planning scheme

(1) Subject to subsection (2), when the Commission has approved a plan of subdivision of any land to which a planning scheme relates, that approval is to be taken to be approval by the responsible authority under the planning scheme of the carrying out of works necessary to enable the subdivision of the land that are –

(a) shown on the plan of subdivision; or

(b) required by the Commission to be carried out as a condition of approval of the plan of subdivision.

It is noted that one of the conditions of the subdivision approval was the levelling and stabilising of the lots for construction and this has been adhered to accordingly. The City's Building department also received and processed a building permit (ref. 18.2017.516.1) for the retaining walls on site, which were constructed to satisfy the condition of subdivision approval.

(g) Retaining Walls

Element	Deemed-to-comply	Provided
Retaining wall height	Up to 0.5m within 1m of a lot boundary	Up to 2.7m in height
<p><i>Design Principles:</i> <i>P8: Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.</i></p>		

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

- The retaining walls are considered to result in land which can be effectively used for the benefit of residents, by levelling the rear portion of the site appropriately for construction.
- It is noted that retaining was previously located on site and some additional retaining has been installed in response to satisfying the conditions of the subdivision approval (levelling and stabilising the lots).
- While a section of retaining wall is proposed to be built to an overall height of 2.7m from natural ground level, the remainder of retaining graduates down in height. Taking into account the graduating nature

of the retaining wall heights, there is not considered to be a detrimental impact on adjoining properties. Subject to appropriate conditions of approval, the design of the retaining is also considered to address clauses 5.3.7 (site works) and 5.4.1 (visual privacy) of the R-Codes.

- Some retaining will be visible from Howard Parade, which is largely necessary in order to adequately negotiate the significant slope and stabilise the land, although the vast majority of retaining will be obscured from view and therefore is not considered to have a significant impact on the streetscape presentation.

(h) Lot boundary setbacks

Element	Deemed-to-comply	Provided
Bed 4 to bathroom setback – Northern elevation (Lot 100 – Upper floor)	1.4m	Between 1.2 – 2.1 metres
Bed 4 to Bed 3 – Northern elevation (Lot 101 – Ground floor)	1.5m	Between 1 – 1.4 metres
<p><i>Design Principles:</i> <i>P3.1: Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> • <i>Reduce impacts of building bulk on adjoining properties;</i> • <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 		

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

Lot 100 - North

- The northern lot boundary setback from the bed 4 – bathroom elevation is considered to be a sufficient distance so as to reduce building bulk impacts on the northern adjoining property. The length of this section of the building on the northern elevation, being between 7.6m, is not considered to result in an adverse building bulk impact. The space immediately impacted is dense vegetation and not a sensitive space as considered by the R-Codes (ie. outdoor living area).
- Due to the angle of the lot and articulated nature of this elevation, only a portion of this section of the building is setback at 1.2m, whereas the remainder graduates to a maximum of 2.1m, with the bathroom being positioned further away from the northern boundary. This layout is considered to further reduce any sense of confinement to the north.
- Based on the lot orientation, there would not be an overshadowing impact as per the measurement of shadow defined in the R-Codes (cast to the south).
- There is considered to be a reasonable setback afforded to the northern adjoining property to facilitate the infiltration of necessary sunlight and ventilation.
- Overall, there is not considered to be a significant adverse impact on the amenity of the northern adjoining property for the abovementioned reasons.

Lot 101 - North

- Any perceived building bulk impact to the northern property is considered to be lessened by the angled nature of the boundary, and the northern lot boundary setback gradually increasing to a maximum of 1.4m
- The overall length and height of this section of building, being 7.6m and 2.9m, is not considered to be excessive to the extent that it would result in a significant sense of confinement. It is noted that the overall length of the southern boundary at No. 162 River Way is 47.8m. As such, the section of the ground floor from bed 3 to bed 4 on the northern elevation accounts for only 15.9% of the overall length of the northern lot boundary. Taking into account this context of the site, there is considered that there would be necessary sunlight and ventilation afforded to the northern adjoining property.
- Based on the lot orientation, there would not be an overshadowing impact as per the measurement of shadow defined in the R-Codes (cast to the south).
- Overall, there is not considered to be a significant adverse impact on the amenity of the northern adjoining property for the abovementioned reasons.

It is noted that internal boundary walls which abut another boundary wall of similar or greater dimensions meet the 'Deemed-to-comply' of clause 5.1.3 of the R-Codes.

(i) Outdoor living area

Element	Deemed-to-comply	Provided
Outdoor living area	Positioned behind the front setback area	For lot 100, in the front setback area (River Way)
<p><i>Design Principles:</i></p> <p><i>P1.1 Outdoor living areas which provide spaces:</i></p> <ul style="list-style-type: none"> • Capable of use in conjunction with a habitable room of the dwelling; • Open to winter sun and ventilation; and • Optimise use of the northern aspect of the site <p><i>P1.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun</i></p>		

The proposed outdoor living area location for Lot 100 is considered to be supportable against the Design Principles of the R-Codes for the following reasons:

- The swimming pool area in the south-western corner of the site is open to winter sun and ventilation.
- While the outdoor living area is not in the northern portion of the site, it will still receive northern sunlight by virtue of the area directly to the north being hardstand space and River Way.
- The pool area is accessible from the kitchen area by walking through the alfresco space. It is not considered to be unreasonable or inconvenient for residents to use this space directly from the kitchen area.
- The primary and secondary street fencing surrounding the pool provides a degree of privacy for the outdoor living area.

(j) Visual Privacy Setbacks

Element	Deemed-to-comply	Provided
East – northern elevation of family room (Lot 101)	6m	2.9m
<p><i>Design Principles:</i> <i>P1.1: Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> • <i>Building layout and location;</i> • <i>Design of major openings;</i> • <i>Landscape screening of outdoor active habitable spaces; and/or</i> • <i>Location of screening devices.</i> 		

The proposed visual privacy setback toward the east from the northern elevation of the family room for Lot 101 is not considered to be supportable for the following reasons:

- This major opening would facilitate direct overlooking to the likely location of the outdoor living area for Lot 102 to the east. This is contrary to the design principles outlined in clause 5.4.2 and, despite the owner of lots 100 and 101 owning lot 102 as well, the City must take into account that owners can change over time. In this regard, the overlooking must be considered on its merits and it is not considered to be supportable for the abovementioned reason. As such, a condition of approval is recommended so as to ensure that this particular major opening is adequately screened to achieve compliance with the ‘Deemed-to-comply’ of clause 5.4.1 of the R-Codes.

It should be noted that any overlooking into front setback areas is compliant with clause 5.4.1 of the R-Codes.

(k) Significant Views

Council Planning Council Policy P350.9 (Significant Views) at times requires the consideration for the loss of significant view from neighbouring properties. The objective of the policy is to give balanced consideration to the reasonable expectations of both existing residents and applicant’s proposed new development with regard to a significant view. The elements of the proposal considered in the assessment of impacts on a significant view under the policy are:

- i) setbacks from the street and lot boundaries;
- ii) floor size;
- iii) roof form; and
- iv) any other design element that impacts upon views.

The neighbouring property to the south-west and directly west of the subject site currently enjoy some views of the Canning River. Two submissions received during the neighbour consultation period raise concern with respect to a loss of significant views.

In response to these concerns, the applicant has provided a detailed letter with associated diagrams and attachments to illustrate the impact the development would have on views towards Canning River. This particular document provided by the applicant can be found at **Attachment (d)**.

The City's Policy P350.09 (Significant Views) makes reference to considering a 'reasonable expectation' in relation to maintaining a significant view, or at least reducing the extent a development may affect such views. However, it remains somewhat ambiguous within the policy as to how a particular impact on view(s) can be classified as a reasonable expectation. As such, reference is made to the previously cited case of *APP Corporation Pty Ltd and City of Perth [2008] WASAT 291* which considers a 'four - step assessment'. As the detail of the case has been discussed in previous assessments, the four - step assessment can be categorised as follows:

1. *Assessment of view(s) that are affected*
2. *What part of the property are views obtained*
3. *Assess the extent of impact on views*
4. *Assess the 'reasonableness' of the proposal*

The impact on views toward Canning River as a result of the development is considered to be supportable for the following reasons:

In relation to step 1, the views from No. 31 Howard Parade and No. 28 Howard Parade are limited in an easterly direction looking over No. 32 Howard Parade. An example of the view from 31 Howard Parade is shown below for reference:



Figure 3: View from No. 31 Howard Parade looking in a north-easterly direction over No. 32 Howard Parade.

It is noted that this picture is taken while standing on a balcony and positioning the camera through the canopy of a tree and therefore is a selective shot in that other angles may be partially obscured by existing vegetation.

The view from No. 30 Howard Parade is largely obscured in an easterly direction to dense vegetation on the eastern boundary, as shown in the image below:



Figure 4: View of dense vegetation on the eastern boundary of No. 30 Howard Parade.

The diagrams provided by the applicant in **Attachment (d)** also provide some more clarification on the view corridors afforded to these respective lots. Overall, the views afforded from No. 30 and 31 Howard Parade specifically over No. 32 Howard Parade are not considered to be significant views due to a partial view rather than a more whole view of the river.

In relation to step 2, the partial views are obtained via a balcony on No. 31 Howard Parade and an alfresco area at No. 30 Howard Parade. It is considered that residents would spend more time in an alfresco than standing on a balcony for significant durations. In any case, the view toward the river from No. 30 Howard Parade is a south-easterly direction rather than directly east due to dense vegetation currently on the eastern boundary of the site.

In relation to step 3, the applicant has provided a superimposed image of a render of the development as viewed from the photograph taken from the balcony of No. 31 Howard Parade. The accuracy of this render has been verified by a survey plan provided by the applicant and the RL levels have been determined by a qualified land surveyor. This image is shown below for reference:

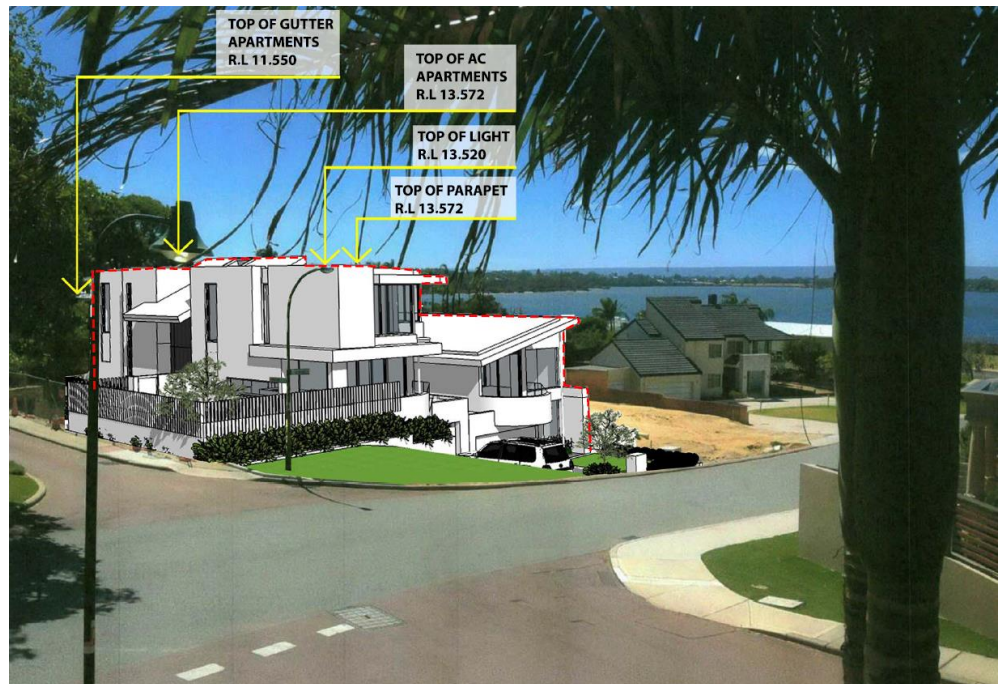


Figure 5: Superimposed render of development as viewed from balcony at No. 31 Howard Parade looking in a north-easterly direction.

The view corridor for No. 30 Howard Parade has not been impacted any further than existing as the alfresco area proposed at Lot 100 allows for views to be maintained. A diagram illustrating the view corridors for No. 30 Howard Parade is shown below for reference:



Figure 6: Comparative diagram of view corridors from No. 30 Howard Parade as existing and with the proposed development at No. 32 Howard Parade.

Overall, the impact on views, as a result of the development proposed at No. 32 Howard, is considered to be negligible.

In relation to step 4 above, the proposal at No. 32 Howard Parade is considered to be reasonable, noting that the roof pitch for Lot 100 is flat, and the pitch for Lot 101 is minor. The applicant could have proposed buildings with a greater roof pitch angle in the order of 25 degrees, however has elected to reduce the roof pitch in order to maintain some partial views toward the river. This is seen to address the City's Significant Views Policy as well, which suggests reducing roof pitches in an effort to reduce any potential impact on views. The other variations are considered to be supportable, and it is considered that a large number of the variations are a direct consequence of unique circumstances of the site, such as the substantial slope in topography.

In summary, taking into account all of the relevant points above, the impact on views is considered to be reasonable. Therefore, the proposal is considered to satisfy the objectives of the City's Policy P350.09 (Significant Views).

(l) Fencing

Element	Deemed-to-comply	Provided
Northern boundary fencing height	1.8m in height	From existing NGL on Lot 100 – Maximum of 3.2m in height
<p><i>(a) Whether the height, materials and visual permeability of the proposed fence is consistent with the established pattern of fences within the surrounding streetscape or will not materially impact on the character or amenity of the surrounding streetscape. This includes matters such as excessive shadow and restriction on sun penetration, restriction on views of significance and adverse bulk and scale.</i></p> <p><i>(b) Additional fence height where necessary by virtue of the sloping topography of the site, including any level difference between a site and the adjacent street verge.</i></p> <p><i>(c) Where privacy screening is needed in the street setback (primary, secondary or communal street) area because there is no alternate outdoor living area or where privacy screening is needed for a north facing outdoor living area.</i></p> <p><i>(d) The fence relates to a Mixed Development and the height or solidity of the fence is considered to compliment the form of the Mixed Development.</i></p>		

In this case, it is evident the fencing on the northern boundary is necessary to achieve compliance with visual privacy provisions. Additionally, the fencing heights proposed on northern elevation are considered to be supportable against clause 2 of the City's P350.07 (Street Walls and Fencing) for the following reasons:

- It is considered that the fencing on the northern elevation will not result in an excessively dominant and unattractive visual impact, noting that the retaining situated underneath the fencing is considered necessary to effectively level the land for construction.
- The shadow cast complies with the requirements of clause 5.4.2 (overshadowing) in the R-Codes.
- The impact on views is considered to be minor for the reasons previously mentioned in the 'Significant Views' section of this report.
- The additional fencing height is largely in response to the steep topography and to avoid any overlooking as outlined above.

- The fencing on the northern boundary is up to 3.2m in height from NGL for a small portion, and graduates down to 1.8m as the topography steps down (refer to image below):

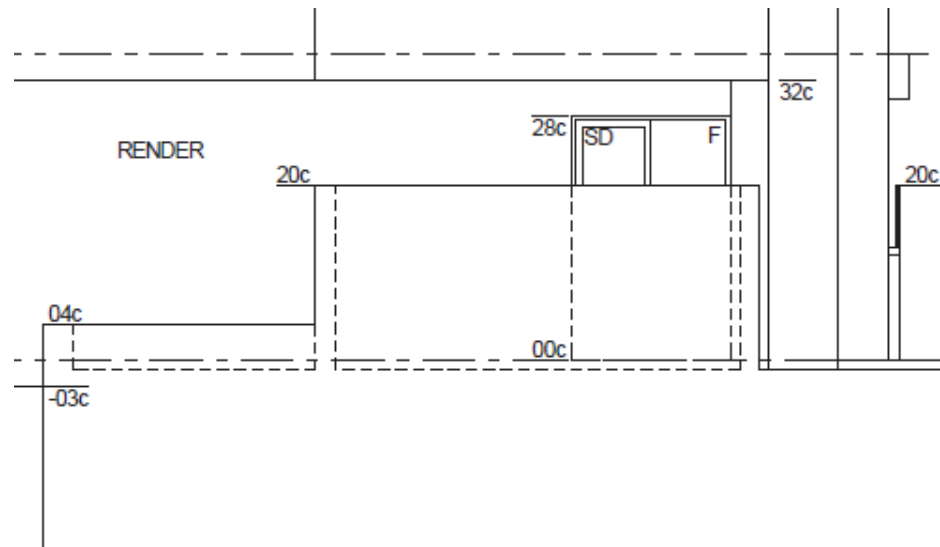


Figure 7: View of boundary fencing on northern boundary (Lot 100).

In regards to the primary street fencing proposed for Lot 100, this is considered to comply with the City's *Policy P306 – Development of Properties Abutting River Way*. The primary street fencing is solid up to 1.2m and allows for visual permeability from 1.2m to 1.8m in the form of vertical slats. The materials proposed are also considered to comply with clause 5 of P306. As such, the primary street fencing is deemed to meet the provisions of P306 accordingly.

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

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

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

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

(n) 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. An assessment of the proposal against clause 67 is

considered through the planning assessment. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

Consultation

(o) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos 30 and 31 Howard Parade, as well as the units at No. 162 River Way, were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of five (5) consultation notices were sent and two (2) submissions were received objecting to the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments (summarised)	Officer's Responses
<u>Loss of views</u> – the development would unreasonably obstruct views of significance towards Canning River.	The impact on views is supported for reasons mentioned in the 'Significant Views' section of this report. The comment is NOTED .
<u>Building height</u> - The development does not comply with building height.	Building height complies. The measurement of building height has been carefully examined by City staff and verified internally by reviewing the survey plans provided. Consideration has been given to the methodology of measuring building height as outlined in clause 6.1A of the City's TPS6. The applicant was also required to make some minor amendments to the plans at an early stage in order to ensure that building height complies with the Scheme requirement. The comment is NOTED .
<u>Non-compliance</u> – the development should not be approved as it is seeking variations.	Simply stating that a development is not compliant for certain design elements is not considered to be a reasonable objection to a proposal. The variations being sought in the application have been discussed above and are considered to be supportable with the exception of a visual privacy setback variation to Lot 102, which is to be conditioned. This comment is NOTED .

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

(p) Engineering Infrastructure

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

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

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 "Environment (Built and Natural)" identified within Council's [Strategic Community Plan 2017-2027](#), particularly: *"Promote and facilitate contemporary sustainable buildings and land use"*

Sustainability Implications

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

Conclusion

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

Attachments

- 10.3.4 (a):** Amended Development Plans - 32 Howard Parade - Two, two storey Single Houses (one with undercroft) - 11.2018.106.1
- 10.3.4 (b):** Site Visit Photos – 32 Howard Parade – Two, two storey Single Houses – 11.2018.106.1
- 10.3.4 (c):** Previous survey plan - 32 Howard Parade - 11.2018.106.1
- 10.3.4 (d):** View diagrams - 32 Howard Parade - 11.2018.106.1
- 10.3.4 (e):** Significant Views Letter - 32 Howard Parade - 11.2018.106.1
- 10.3.4 (f):** Engineering Comments - Planning Application 11.2018.106.1 - 160 River Way and 32A Howard Parade

10.3.5 Consent to Advertise - Draft Local Planning Policy 351.16 - Canning Highway (East)

Location:	Canning Highway East
Ward:	Mill Point, Moresby
Applicant:	Not Applicable
File Ref:	D-18-62196
Date:	26 June 2018
Author:	Aaron Augustson, Senior Strategic Planning Officer
Reporting Officer:	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 recommends the Council consent to commence public consultation for a draft Local Planning Policy 'P351.16 – Canning Highway (East)' contained as **Attachment (a)**.

The policy provides objectives and criteria to assist in the assessment of comprehensive new development in the proposed 'Precinct 16: Canning Highway (East)' area. The policy is intended to be supplementary to, and provide further guidance on, the development provisions contained in proposed Schedule 14 relating to this precinct, which is concurrently being considered by Council for implementation as part of proposed amendment No. 57 to Town Planning Scheme No. 6 (TPS6).

It is recommended that, in the instance the Council initiate proposed Amendment No. 57 for public consultation, it also consent to advertise P351.16. The proposed policy is intended to be advertised concurrently with Scheme Amendment No. 57. Advertising of the proposed policy would therefore not likely commence until later in 2018.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Travis Burrows

That Council, in accordance with the provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Adopt draft Local Planning Policy P351.16 – Canning Highway (East) as set out in **Attachment (a)** for public comment for a period of not less than twenty one (21) days; and
2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.
3. Note that draft Local Planning Policy P351.16 – Canning Highway (East) will be advertised concurrently with proposed Scheme Amendment No. 57.

CARRIED EN BLOC (9/0)

Background

Proposed Scheme Amendment No. 57 relating to the eastern end of Canning Highway has been prepared as part of the ongoing review of development provisions along Canning Highway, which commenced in response to a Council resolution in November 2012 relating to various actions of the *Draft Local Housing Study, 2011*. The key dates associated with this work are outlined below:

- 2015 – The ‘Canning Highway Residential Density and Built Form Study’ was prepared and consultation with the community undertaken. The report separated the Study area into 5 places;
- March 2016 – Council endorsed the above report as the basis for future planning in the study area;
- October 2016 – ‘Kensington/South Perth – Character Study Report Part A’ report focussing on Places 1 and 2 was received. The report provided a more comprehensive analysis of the refined study area (Kensington/South Perth Study Area);
- Late 2016 – extensive consultation on the above report was undertaken with affected stakeholders;
- Early 2017 – Kensington/South Perth – Character Study Report Part B’ was prepared having regard to the results of the above consultation, and identifying potential development provisions to achieve the recommended built form outcomes identified in the Part A report.
- May 2017 – Briefing session with elected members on the above report;
- August 2017 – Briefing session with elected members on proposed Scheme Amendment and accompanying draft policy, both informed by Part B report;
- October 2017 – Proposed Scheme Amendment and draft policy included on Council Agenda Briefing. The items were subsequently withdrawn;
- November 2017 – Further briefing session with elected members on draft Scheme Amendment and draft policy.
- May 2018 – Further briefing session with elected members on modifications to draft Scheme Amendment and draft policy.

The Scheme Amendment proposes to include development provisions in the Scheme for a newly proposed Precinct No. 16 ‘Canning Highway East’. This Scheme Amendment is being concurrently considered by Council as part of this Agenda (refer Item 10.3.6).

Draft Local Planning Policy ‘P351.16 – Canning Highway (East)’ (P351.16) has been prepared to supplement and provide further guidance on the application of the draft scheme provisions for proposed Precinct 16.

Modifications made since October 2017 Agenda Briefing

The draft policy was presented to the October 2017 Agenda Briefing meeting for consideration. The item was withdrawn from the agenda for the subsequent Ordinary Council Meeting in order to provide more time to consider the contents of the accompanying Scheme Amendment, proposed Scheme Amendment No. 57. The amendment was subsequently modified and the draft policy has been updated to reflect modifications to the proposed amendment

Comment

A local planning policy provides additional criteria for development assessment not otherwise appropriately contained in a planning scheme.

The draft P351.16 has been prepared to add additional objectives, development criteria and guidance on the application of provisions recommended for inclusion in the Scheme under amendment No. 57. Due regard is to be given to the provisions of the policy in assessing any comprehensive new development proposals subject to the provisions of amendment No. 57, should the amendment be gazetted. The primary matters set out in P351.16 are summarised as follows:

- Measures to ensure high levels of landscaping to street, side and rear setbacks areas and restrictions on locations vehicle parking hard-stand in street and rear setback areas,
- The overall design quality of buildings and the need for designs to be climate responsive, and,
- Provisions to ensure high quality interface with the public domain, including criteria relating to facades, ground floor activation, floor levels and limits on the occurrence of blank walls.

The earlier version of the draft policy from October 2017 contained provisions relating to previous 'transition provisions' contained in proposed Scheme Amendment No. 57. These provisions have been removed from the amendment and therefore so has the accompanying policy guidance statements (previously clause 3.0). Other minor modifications to terminology have been made that are not considered to alter the intent and outcomes of the policy.

The table below provides a further summary of the intent of each section of the proposed policy and how the criteria aim to improve the quality of new development within the precinct.

Part	Content	Officer comment
<i>1.0 Existing character</i>	Provides overall objectives for each element of built-form typology including sense of place, green space, respect for topography and appropriateness of engagement with streets.	These statements intend to guide discretionary judgements made about developments.
<i>2.0 Streetscape types</i>	Designates the desired streetscape outcome for all codes including how new development should interact with adjoining lots.	Where a development seeks discretion, these statements aim to reinforce the built form outcomes identified in the #ShapeOurPlace Kensington/South Perth Part B report. The criteria are deliberately non-descriptive to allow the City to consider all future proposals on merit.
<i>3.0 Separation between buildings (street, side and rear setback areas).</i>	Sets out criteria for the use and design of street and side setback areas.	The policy provides criteria for how merit decisions about street, side and rear setbacks should be judged. These criteria are intended to improve how buildings relate to adjoining sites in terms of massing, landscaping and character.

		The primary purpose of these provisions is to ensure that primary, side and rear boundary setback areas are used for landscaping and communal open space. The criteria strongly limit the locating of vehicle parking areas in rear setbacks and requires that at least 50% of the street setback area consists of soft landscaping.
<i>4.0 Design quality</i>	Provides qualitative criteria for how facades address varying streetscapes, including street corners. Additional criteria relating to provision of suitable eaves, ground floor courtyards and entry points are also provided.	These criteria ensure articulation in streetscape facades. Specific criteria around the width of the horizontal rhythm of buildings, avoidance of blank walls and the depth of eaves are intended to improve the quality of interaction between the building and the street; particularly for buildings on street corners.
<i>5.0 Climate sensitive design</i>	Sets out broad criteria that ensures new buildings have regard to appropriate solar orientation, shading and maximise cross-ventilation.	Demonstration of passive solar heating, cooling and cross ventilation and sunlight penetration are important for the long term sustainability of a building. These criteria will require new development to demonstrate how such matters have been considered.
<i>6.0 Public domain interface for development fronting Canning Highway</i>	Ensures that new buildings have as strong as possible relationship to the street including provision of weather protection, mitigation of any blank walls or facades and minimum levels of visual permeability through to ground floor areas.	Ensuring new buildings improve the pedestrian amenity of the precinct is perhaps the most important aspect of this policy. This part includes provisions to ensure ground floor tenancies retain visual interaction with the footpath, are not significantly raised above footpath level and provide sufficient weather protection.

Consultation

As outlined in the background section extensive community consultation in 2015 and 2016 has already been undertaken as part of the 'Canning Highway Residential Density and Built Form' and 'Canning Highway #ShapeOurPlace' Studies.

Should the Council resolve to adopt the policy for the purposes of public advertising it will be advertised for public comment for a period of at least twenty-one (21) days in accordance with clauses 4(1) and 4(2) of the Deemed Provisions. Consultation will be undertaken in accordance with P301 – Community Engagement in Planning Proposals. The proposed policy is intended to be advertised concurrently with Scheme Amendment No. 57. Advertising of the proposed policy would therefore likely not commence until later in 2018.

At the completion of the public advertising period, a further report will be referred to Council with recommendations incorporating any comments received during the advertising period. This report will not be provided until any consultation associated with proposed amendment 57 has also concluded and reviewed.

Policy and Legislative Implications

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

The City is able to adopt local planning policies relating to matters of local development under Part 2, Division 2 of the Deemed Provisions. This Policy has been made pursuant to this legislation.

The policy is proposed to be advertised in tandem with proposed Scheme Amendment No. 57. The below timeframes are based on the likely progression of the Scheme Amendment:

	Estimated Time
Council resolves to advertise draft local planning policy	26 June 2018
Referral of draft Amendment 57 proposals to EPA for environmental assessment and WAPC for preliminary assessment within a 60 day time period.	Early July-September 2018
Policy to be advertised in tandem with Amendment 57 (period of at least 60 days), avoiding Christmas/New Year holiday period.	Late September- December 2018
Council consideration how to proceed with the proposed amendment.	Early 2019
Referral of amendment to WAPC and Planning Minister for consideration.	Early 2019
Minister's final determination of Amendment and publication in Government Gazette.	Not yet known
Policy to be presented to Council once amendment outcome/gazettal certain	In line with Minister's decision on proposed amendment

Financial Implications

There will be a minor financial implication to the City in carrying out consultation on draft policy.

Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2017-2027](#). This matter relates to Strategy 3.2(A) which is stated as follows: *'Development a local planning framework to meet current and future community needs and legislative requirements.'*

Sustainability Implications

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

Attachments

10.3.5 (a): Draft Local Planning Policy P351.16 - Precinct 16 - Canning Highway (East) - June 2018

10.3.6 Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation

Location:	Not Applicable
Ward:	Mill Point, Moresby
Applicant:	Not Applicable
File Ref:	D-18-62199
Date:	26 June 2018
Author:	Aaron Augustson, Senior Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

Summary

This report seeks Council approval to initiate Amendment No. 57 to Town Planning Scheme No. 6 (the Scheme). The amendment relates to land at the north-eastern end of Canning Highway, broadly between Arundel Street and Berwick Street. The area has been subject to previous studies and consultation as part of the City's 'Canning Highway Residential and Built Form' 'Canning Highway #ShapeOurPlace' planning projects. These studies were undertaken in response to an action endorsed by Council in 2012 as part of the *draft Local Housing Strategy 2011* to investigate opportunities for new development adjoining Canning Highway.

The amendment proposes to:

- Create a new precinct for the subject area, 'Precinct 16: Canning Highway (East)';
- Create a new Schedule 14 to include development provisions relating to height, plot ratio, setbacks, building design and vehicle access for all new comprehensive development within the new precinct; and
- Create a new special control area for land fronting Canning Highway at the eastern end of the new precinct to resolve vehicular access issues.

The amendment is part of a broader strategy to develop Canning Highway and ensure it remains an effective transport corridor into the future. It is recommended Council adopt the draft amendment for the purpose of public consultation.

Officer Recommendation

Moved: Councillor Sue Doherty
Seconded: Councillor Glenn Cridland

That Council;

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Clause 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to adopt the proposed amendment No. 57, to

Town Planning Scheme No. 6 as shown in **attachment (a)** for the purpose of public advertising:

2. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that the amendment is a complex amendment for the following reasons:
 - a. The land the subject of the amendment is not addressed by a Local Planning Strategy; and
 - b. The amendment relates to development that will have an impact that is significant relative to development in the locality.
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed amendment to the Environmental Protection Authority for consideration prior to advertisement;
4. Pursuant to Clause 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the amendment to the Western Australian Planning Commission for examination and consent to advertise; and
5. Upon receipt of consent to advertise from the Western Australian Planning Commission prepare notice of, and advertise, the proposed amendment with a submission period of not less than 60 days pursuant to Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

AMENDED MOTION AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Greg Milner

That point 1 of the Officer recommendation be amended to read as follows:

1. Resolve pursuant to Section 75 of the Planning and Development Act 2005 and clause 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to adopt the proposed amendment No. 57 to Town planning Scheme No. 6 as shown in attachment (a) for the purposes of public advertising subject to the following modifications:
 - (a) Modify Schedule 14, Table A: Primary Controls, (5) Minimum Side and Rear Setbacks for the R80(A2) code to delete reference to 10.5 metres (3 storeys) and replace with 7 metres (2 storeys)
 - (b) Modify Schedule 14, Table B: Additional Height, (3) Plot ratio upper limit with additional height applicable for the R80(A2) code to delete reference to 3.0 and replace with 2.0
 - (c) Modify Schedule 14, Table B: Additional Height, (5) Minimum side or rear setbacks for additional height applicable under provision (4) for the R80(A2) code to delete reference to 10.5 metres and replace with 7.0 metres;
 - (d) Modify Schedule 14, Table C: Performance Criteria, (2) Lot amalgamation or lot width as follows:
 - a. Add the following text to the end of point (a) “or amalgamate two or more lots with a resulting primary street frontage of 25 metres or more”; and

b. Delete point (b)

CARRIED (9/0)

Reasons for the Amendment

- The first three modifications will ensure that developments between 4-6 metres in height will have reduced bulk and scale and better integration with neighbouring properties, providing further breaks between the buildings, whilst still allowing for greater density.
- These developments are likely to go to JDAP and therefore the Local Government will have little to no opinion on the performance criteria in Table C. It is this very kind of discretion that has resulted in inconsistent planning proposals that don't meet the intent of the Scheme Amendment.

The Amendment then became the Substantive.

COUNCIL DECISION

Moved: Councillor Sue Doherty

Seconded: Councillor Glenn Cridland

That Council;

1. Resolve pursuant to Section 75 of the Planning and Development Act 2005 and clause 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to adopt the proposed amendment No. 57 to Town planning Scheme No. 6 as shown in attachment (a) for the purposes of public advertising subject to the following modifications:
 - (a) Modify Schedule 14, Table A: Primary Controls, (5) Minimum Side and Rear Setbacks for the R80(A2) code to delete reference to 10.5 metres (3 storeys) and replace with 7 metres (2 storeys)
 - (b) Modify Schedule 14, Table B: Additional Height, (3) Plot ratio upper limit with additional height applicable for the R80(A2) code to delete reference to 3.0 and replace with 2.0
 - (c) Modify Schedule 14, Table B: Additional Height, (5) Minimum side or rear setbacks for additional height applicable under provision (4) for the R80(A2) code to delete reference to 10.5 metres and replace with 7.0 metres;
 - (d) Modify Schedule 14, Table C: Performance Criteria, (2) Lot amalgamation or lot width as follows:
 - a. Add the following text to the end of point (a) "or amalgamate two or more lots with a resulting primary street frontage of 25 metres or more"; and
 - b. Delete point (b)
2. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that the amendment is a complex amendment for the following reasons:
 - a. The land the subject of the amendment is not addressed by a Local Planning Strategy; and
 - b. The amendment relates to development that will have an impact that is

significant relative to development in the locality.

3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed amendment to the Environmental Protection Authority for consideration prior to advertisement;
4. Pursuant to Clause 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the amendment to the Western Australian Planning Commission for examination and consent to advertise; and
5. Upon receipt of consent to advertise from the Western Australian Planning Commission prepare notice of, and advertise, the proposed amendment with a submission period of not less than 60 days pursuant to Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED (9/0)

Background

This report considers a proposed amendment (No. 57) to Town Planning Scheme No. 6 (TPS6). The proposed amendment is a culmination of a number of prior studies and consultation programs undertaken by the City known as the 'Canning Highway Residential Density and Built Form Study' and 'Canning Highway - #ShapeOurPlace' project.

The Canning Highway urban corridor links two key activity centres being the Canning Bridge and Albany Highway activity centres. There is an expectation that in order to support the on-going viability of transport infrastructure along the corridor, intensification of land use and, in particular, dwelling density should occur. The intent of these studies was to investigate appropriate built form provisions for Canning Highway consistent with its role as an important transport corridor and to resolve the problem of transition for development in R80 zones abutting the R15 zone.

The amendment area consists of 'Place 1' and 'Place 2' as identified in the original GHD report from 2016. The map below depicts this area:



Figure 1: Place 1 & Place 2 as identified in the GHD report – the areas the subject of this amendment.

The three remaining ‘places’ will be the subject of separate studies and amendments. It is anticipated that a similar process to that undertaken for places 1 and 2 will be utilised for these places. The amendment area is 21 hectares and contains approximately 200 dwellings, resulting in a dwelling density of 9.5 dwellings per gross hectare.

Below is a summary of the process undertaken by the City to date:

<p>November 2012</p>	<p>Council resolves to progress action 4.1A of the <i>draft Local Housing Strategy 2011</i>, which stated as follows: <i>‘investigate and progress medium density coding increases for all Residential zoned lots within 100 metres of Canning Highway.’</i></p>
<p>March 2016</p>	<p>The City received a report prepared by GHD Woodhead titled ‘Canning Highway Residential Density and Built Form Study’ (the GHD report). The report considered a study area broadly consisting of street blocks within 100 metres of Canning Highway between the eastern boundary of the City with Victoria Park and Cale Street, Como (the boundary of the Canning Bridge Activity Centre Plan area). The report considered the differing character of the various sections within the study area and separated the area into 5 distinct character ‘places’. It also made broad built form recommendations. The City undertook consultation on the report in late 2015 before Council considered the final report on 22 March 2016 (Minutes available here) and resolved as follows:</p>

	<p><i>‘That Council endorses:</i></p> <p><i>1. The Canning Highway Residential Density and Built Form Study report presented at item 10.3.3 at the February 2016 Ordinary Council Meeting (Attachment (a)) as the basis for future planning in the study area.</i></p> <p><i>2. An access study, to investigate alternative access arrangements for properties that currently only have access via Canning Highway, be progressed as a priority.’</i></p>
October 2016	In response to Point 1 of the abovementioned resolution, the City received a report titled ‘Kensington/South Perth – Character Study Report – Part A’ from TPG + Place Match (the Part A report). This study focused on ‘Place 1’ and ‘Place 2’ as identified in the abovementioned GHD report. The report provided a more comprehensive analysis of the refined study area (Kensington/South Perth Study Area), including detailed streetscape and historical analysis, discussion about built form character and more detailed recommendations regarding built form.
Late 2016	<p>Following the preparation and receipt of the Part A report, the City undertook further, extensive consultation with affected stakeholders; receiving 34 submissions in total. The consultation included direct letters, notices in local newspapers, the city’s website, publications and Facebook page, as well as a response from a community open day.</p> <p>The key themes identified during the consultation process included:</p> <ul style="list-style-type: none"> • Approximately two-thirds agreement that the Part A report reflected the ‘unique character of the study area’, • Strongly valued openness and landscaping as well as retention of significant trees, • General levels of concern regarding how transition between higher density forms and existing streetscapes would occur, particularly in regards to overshadowing as well as matters of traffic and parking, • Enthusiasm to see medium density development revitalize and activate this section of Canning Highway with a general impartiality to development models that achieved greater street and side setbacks, and, • Recommendations that new buildings should be contemporary in design, but complementary (taking references) to adjoining character dwellings.
May 2017	Briefing session held with Elected Members to present and discuss the draft ‘Kensington/South Perth – Character Study Report – Part B’ before it was finalised in June 2017 (see below).
June 2017	<p>Following on from the Part A report, the City received the ‘Kensington/South Perth – Character Study Report – Part B’.</p> <p>The report focused on identifying potential development provisions to achieve the recommended built form outcomes identified in the Part A report, having regard to the results of the stakeholder consultation.</p> <p>The report made the following key recommendations:</p> <ul style="list-style-type: none"> • Future planning controls, including Scheme provisions, should include recognition of variations to streetscape and character. Three typologies were identified ‘Highway’, ‘Urban’ and ‘Suburban’. • The R50 code ought to be used to in the ‘Suburban’ streetscape typology while the R60 and R80 codes should be utilized for areas identified as of the ‘Urban’ or ‘Highway’ typology, • Transitional development provisions should be applied to manage

	<p>changes to built-form and scale both within the study area and also to existing single residential properties adjoining the study area,</p> <ul style="list-style-type: none"> • The setback of buildings to boundaries, including street boundaries, should respect its context, with greater setbacks for the Suburban typology and lesser setbacks for the Urban typology. There should be potential for nil setbacks for the Highway typology for certain sites. • Future provisions should provide design criteria that reflect good urban outcomes and respect existing design elements. This includes matters of street presentation, materials, massing, retention of existing landscaping where appropriate and reinforcement of character elements such as eave overhangs and awnings. <p>The built form recommendations of the report were intended to form the basis of a scheme amendment and supplementary built form policy for 'Place 1' and 'Place 2'.</p>
August 2017	Briefing session held with Elected Members to advise of draft amendment background, purpose and content.
October 2017	Proposed amendment considered at Agenda Briefing but did not progress to an Ordinary Council Meeting to allow for further consideration of a number of matters, primarily the attached built form proposed along Canning Hwy and the lot width required for bonus height on certain sites.
November 2017	Briefing session held with Elected Members to discuss potential modifications to the draft scheme amendment to address the above. This briefing resulted in the need to modify the amendment to prepare a second option.
November 2017 to May 2018	<p>The original proposal being modified to achieve greater transition between built form and also more space between buildings. This is particularly the case for lots fronting Canning Highway, of which a number have been modified from a previous R80 (A2) coding to the detached R80 code. Specifically, the following modifications to the original proposal were made:</p> <ul style="list-style-type: none"> • Modification to the extent of the distribution of the 'attached' R80(A2) code, with a number of areas replaced with the standard R80 (detached) coding; • Adjustments to the side and rear setback requirements for all codes in order to provide more setbacks that are more responsive to a sites context and building form. Setbacks have been modified to increase as a building gets taller. Setbacks have also been modified to include greater setbacks for sites coded R80(A2) where they adjoin other lower coded properties, and also where a lot adjoins the edge of Precinct 16; • Removal of specific 'rear' setback requirements, in lieu of a standardised 'side and rear' setback criteria. This modification is made to better account for the variation in lot layout throughout the precinct. In a number of instance, the interface of rear setbacks between lots is not uniform and having differing side and rear setback criteria would likely result in unusual built form outcomes. The combined 'side and rear' setback criteria are either the same, or greater than the previous 'side' setback requirements. • As a result of the modifications to the side and rear setback provisions, removal of the previous 'transition provisions' (formally Table C), in lieu of the updated setbacks; • Supplementation of the zoning, height and bonus height maps previously contained in Schedule 14, with the use of the typical Scheme Maps and Building Height Scheme Maps; and,

Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation

	<ul style="list-style-type: none"> An increase in the minimum frontage requirement contained in Table B (Bonus height) from 23 metres to 25 metres to ensure sites seeking bonus height achieve a frontage distance that allows for sufficient design flexibility.
May 2018	Further briefing with Elected Members to present the original and revised proposals and seek guidance and feedback on a preferred option.

The modified draft amendment is now being presented to Council for adoption for the purpose of public advertising.

Comment

Purpose of amendment

The proposed amendment seeks to address a number of planning matters relating to Canning Highway as an urban corridor:

- The amendment will promote redevelopment within the amendment area. The current streetscape to Canning Highway is considered to be degraded. The amendment will promote improvements to this streetscape. The purpose of the amendment is not to increase densities across the area, but rather target changes to density codes where such changes will provide the most support to Canning Highway as an urban corridor.
- New development in the area will trigger the ceding of land reserved for the future widening of Canning Highway.
- The provisions of the amendment will allow for additional population and activity along the corridor at a density that is both consistent with the State planning framework (described above) and complementary to community views that arose during the City's earlier consultation, and,
- To reduce the amount of vehicle access points to Canning Highway within the amendment area to improve the functionality of Canning Highway now and when/if future widening occurs.

The proposed amendment has been prepared in the context that draft *State Planning Policy 7 – Design of the Built Environment* (SPP7) and the associated draft *Apartment Design Policy*, advertised in late 2016, will be implemented before the final gazettal of the amendment. The amendment provisions have therefore been drafted to be consistent with the 'primary control' requirements of the *draft Apartment Design Policy*.

Application of amendment provisions

The provisions of the amendment apply to all development throughout the precinct with the exception of minor alterations and additions (additions to dwellings, fencing, outbuildings etc).

Proposed amendment

The proposed amendment includes the following changes to the text and maps of TPS6:

- Introduction of a new precinct, to be known as 'Precinct 16: Canning Highway (East) which includes broadly the land either side of Canning Highway between Arundel Street and the eastern boundary of the City of South Perth and the Town of Victoria Park, inclusive of lots and street blocks adjacent to Canning Highway.

Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation

- Creation of a new Schedule 14 to be inserted into the Scheme with the purpose of providing development controls for Precinct 16, including:
 - Table A, which incorporates the primary controls that replace other development controls in the Scheme, R-Codes and local planning policies. This includes generally:
 - (i) The provision of four different density codes, being R50, R60, R80 and R80(A2). The codes R50-R80 represent a ‘detached’ form of development where space is provided between buildings. The R80(A2) code represents an ‘attached’ form, where buildings are built directly to boundaries. Further discussion of these built form outcomes is made in this report;
 - (ii) Height and plot ratio controls, including what bonus height and plot ratio may be available. These controls allow for buildings within the precinct of 3 or 4 storeys, with bonuses available that add either one or two storeys to the maximum building height of certain sites.
 - (iii) Requirements for street, side and rear boundary setbacks including transition requirements that aim to graduate the scale, height and density of buildings with differing codes/heights within the precinct; and,
 - (iv) A limit on the development of new Single Houses and Grouped Dwellings on certain sites coded R80 within the Precinct to encourage a multi-storey apartment form.
 - (v) Requirements relating to vehicle access that ensure vehicle access to roads other than Canning Highway is coordinated.
 - Table B, which provides the maximum bonus plot ratio and building height for certain sites including Plan 1 – Additional Height Plan depicting which sites have this additional height and plot ratio available, and,
 - Table C, which provides ‘performance criteria’ in which the bonus height and plot ratio available under Table B shall be assessed.
- Amendments to the Precinct Maps/Height Plans and Zoning Maps.
- Creation of a new Special Control Area (SCA3) relating to certain lots at the eastern end of the Precinct. These lots have been identified for inclusion in the SCA because providing access to a street other than Canning Highway will require coordination between several land owners. Landowners in the SCA will be required to prepare a Local Development Plan (LDP) in order to resolve these access/coordination issues. The LDP may be prepared for portions of the SCA.
- Amendments to various clauses within the Scheme to reference the new Schedule 14.
- Amend the Scheme Map to make appropriate coding changes as well as rezone Lot 133 (No. 62), Lot 45 (No. 66) & Lot 28 (No. 82) Canning Highway from ‘Highway Commercial’ to ‘Residential’.
- Introduction of a new ‘attached’ R80(A2) code, which applies to certain properties within Precinct 16. The provisions which apply to this code are set out in more detail in this report.

The amendment report in full is included at attachment a. The key provisions of Schedule 14 are discussed in further detail below.

Building height

Schedule 14 provides development heights which will apply in the context of a comprehensive new development on a site within the Precinct. Development considered to be a minor alteration or addition will be subject to the existing building height limits outlined on the Building Height Plan of TPS6.

Schedule 14 provides that development within the Precinct should range in height between 3-4 storeys, with opportunities to seek height bonuses up to 6 storeys on certain sites and where specific performance criteria of Schedule 14 have been met.

Density and building form

The Apartment Design policy introduces a differentiation between buildings of the same code as being either 'attached' or 'detached'. The 'detached' form/code reflects the existing R-Code provisions relating to multiple dwellings, however, the attached model includes lesser setbacks and is intended to apply to situations where continuous frontages are encouraged. This model suits some properties along transport corridors and high streets. Lesser setbacks to side boundaries are offset by generous rear setbacks; in recognition that attached 'street-walls' often adjoin lower-density typologies at the rear.

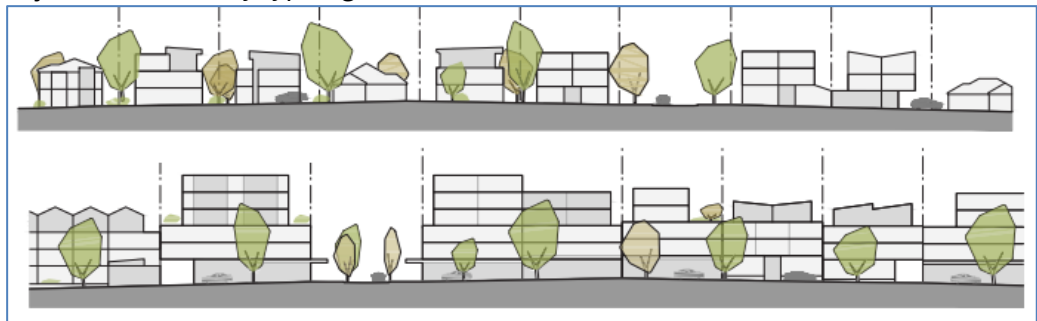


Figure 4: Indicative streetscape transect

The proposed amendment reflects this approach and includes the following density codes:

- **R80(A2):** A higher density code that allows for buildings to be 'attached' at the boundaries. This means walls are built directly to the boundary and windows and entries are orientated towards the street and rear. This type of coding is considered suitable for properties along transport corridors, high streets and in mixed use zones.
- **R80:** Development to the same density as the R80(A2) code, but in a detached form with separation between buildings at side and rear boundaries. This code is designed to emphasise landscaping between buildings and provide breaks along the street.
- **R60 & R50:** Like the R80 code, these codes provide for development with space between buildings, but at a lesser density/intensity than the R80 code.

The proposed amendment applies a mix of R80 and the 'R80 – A2 Medium Density' properties fronting Canning Highway. This reflects the highways status as a transport corridor, whilst also ensuring space between buildings. Properties within the amendment area not fronting the highway are proposed to be rezoned either

R50 or R60, with the exception of those properties currently zoned R80 which are proposed to remain the same.

Plot ratio

The proposed amendment includes plot ratio limits consistent with the Apartment Design policy, as part of Design WA, being 0.6 for sites coded R50, 0.7 for sites coded R60, 1.0 for sites coded R80 and 2.0 for sites coded R80(A2).

Bonus development provisions (height)

There are a small number of sites, depicted on Plan 1 – Additional Height Plan, that are subject to provisions allowing for additional height. Development on these sites, subject to meeting certain performance criteria set out in Table C, are able to seek additional height (and an accompanying amount of plot ratio) in the form of either one (1) or two (2) additional storeys.

No additional height is available for any sites coded R50. Certain sites coded R60 or R80, can be granted one additional storey in building height. Certain sites coded A2 (R80) can be granted either 1 or 2 additional storeys, depending on how the site is marked on Plan 1 – Additional Height Plan. The maximum height of any new building within the Precinct is therefore 6 storeys; however this only applies to a small number of sites.

There is discretion available to vary the plot ratio controls but not the height in both Tables A and B. This is intended to allow design flexibility and innovative, individual, site specific design responses. As there are height and limited, guided discretion on setbacks (via a proposed planning policy for the precinct) the building bulk will be adequately controlled. Variations to plot ratio are subject to consideration of the general variation clause in clause 7.8 of the Scheme.

Schedule 14 requires that all of the following criteria be achieved in order for a decision maker to grant the bonus 1-2 storey height:

- Buildings achieve a high quality design standard and are responsive to their environment in terms of solar access,
- The development site having a frontage of at least 25 metres. Lots subject to the bonus height have differing frontage widths, meaning that in some instances amalgamation of two lots will be required, but in other instances three lots will be required. The lots subject to the bonus height criteria are largely confined to the ‘Highway Commercial’ nodes near Douglas Avenue, Gwenyfred Road and the Metro Hotel site (Hovia Terrace). Lots in these locations are generally wide enough to achieve the 25 metre criteria by amalgamating two lots. Most of these lots are proposed to be zoned R80(A2), meaning they can be developed in an attached form with walls built to boundaries. This allows a building to be constructed to the full 25 metre frontage width. Lots outside these nodes are generally narrower (around 12m) and will therefore require three lots to achieve the criteria. As these lots are subject to ‘detached’ codes, a greater lot width is required to account for the need to provide side and rear setbacks. This assists in consolidating access while also improving the efficiency of building design,
- Development provides 40% of the site area as landscaping, promoting high quality communal areas as well as encouraging activation and landscaping of roof areas,

Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation

- Development achieve a high environmental standard by demonstrating a 5 star Green Star rating or equivalent, and,
- New development provide benefits for the local community and residents by way of publically accessible communal spaces or through-site links, high levels of cross ventilation and natural light to dwellings and secure bicycle parking for visitors.

Transition between built forms

The proposed amendment allows for development of varying height between three to six storeys. For most of the amendment area, the difference in the prescribed height limits between sites is 1 storey. However for certain sites, particularly those with additional height available, this difference can be up to 2 or 3 storeys.

Transition between building form through and adjoining the precinct is achieved by;

- A graduation in building heights, based on the heights shown on the Building Height Scheme Maps, the further a lot is from Canning Highway; and,
- Progressively greater side and rear setback criteria that increase the extent of the setback required to affected boundaries, based on whether the site adjoins the edge of the Precinct and/or, in the case of land subject to the R80(A2) code, whether the property adjoins a site with a detached (lower) coding.

Design of buildings

The proposed amendment is accompanied by a draft local planning policy applicable to the whole of Precinct 16. The policy provides objectives relating to the built form outcomes expected within the Precinct. The policy will add additional performance based criteria for the assessment of streetscape character, built-form transitions between sites, setback areas and how they should be best used, façade design and public domain interface, and matters of climate sensitive design.

The policy also intends to recognise the differences between each streetscape within the precinct and ensure all new buildings are compatible with their context. That is to say, each new building should be context responsive.

Access and amalgamation

A number of sites within the Precinct have vehicle access solely to Canning Highway. Reducing the number of access points to Canning Highway is important to allow for improved future traffic and public transport flows, as well as safety for pedestrians and cyclists. It is therefore necessary to ensure new development uses other roads, right-of-ways or easements for access, rather than Canning Highway. The proposed amendment seeks to address this issue in a number of potential ways:

- By requiring the majority of land within Precinct 16, except that within SCA3 (outlined in the map below) to be accessed by a road or right-of-way other than Canning Highway, and,



Figure 2: Boundary of Special Control Area 3.

- Demonstrate that the development proposal and/or subdivision of land does not prejudice the ability for other lots in a street block to be accessed via an alternative road other than Canning Highway, or,
- In SCA3, not to permit direct access to Canning Highway except where specifically allowed for under a LDP adopted by the City.

The outcome of this approach is to ensure that as few as possible lots have direct vehicle access to Canning Highway.

Restriction on Grouped Dwellings

Table A of Schedule 14 includes criteria restricting Grouped Dwellings from the R80 coded sites within the Precinct. Most of the land within the Precinct proposed to be coded R80 is located in the immediate context of Canning Highway. One of the objectives of the amendment is to achieve a more intense form of development near to Canning Highway. Prohibiting Grouped Dwellings in these locations will encourage a greater intensity of development and a more 'urban' built form.

This restriction does not apply to properties with dual access to Canning Highway and Pennington Street, South Perth. This recognises that, owing to the dual access, these sites could be developed as Grouped Dwellings in a 'terrace' form and still achieve a relatively high density and 'urban' built form.

Rezoning of certain 'Highway Commercial' properties

Three properties on the south-eastern side of Canning Highway are currently zoned 'Highway Commercial'. One of these properties is the development at the corner of Hovia Terrace and Canning Highway (Lot 133), known as 'Hovia Apartments'. The

Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation

other two properties are No. 66 (Lot 45) and No. 82 (Lot 28) Canning Highway. No. 66 is understood to have previously been used as a 'Shop' (beauty salon) though currently appears vacant, while No. 82 incorporates a shopfront for a home and garden product yard on the adjacent lot 29 (zoned Residential).

The proposed amendment includes the rezoning of these properties to Residential. This will not prevent any authorised non-residential uses from operating on these sites, but will ensure any comprehensive new development includes uses permissible in the Residential zone only. The south-eastern side of Canning Highway between Gwentyfred Road and Collins Street has a clear residential character; that this proposed rezoning will reinforce.

Outcomes from proposed amendment

The proposed amendment is expected to have the following outcomes:

- New development at a scale that achieves the outcomes of the State planning framework, while also being complimentary to community expectations identified during the earlier #Shape Our Place studies,
- The improvement of the Canning Highway streetscape by ensuring new development respects existing streetscape context and is of a higher quality supported by the City's Design Review Panel,
- The orderly transition of development from Canning Highway back to the low density development adjacent to it,
- The provision of facilities of community and occupier benefit in new developments on sites where bonus height and plot ratio is available,
- The provision of more housing, employment and activity along Canning Highway, which will support existing and future transport services and infrastructure, and,
- A reduction in vehicle access points directly to Canning Highway, thereby improving the current and future function of the highway as a transport corridor.

Consultation

Neighbour and community consultation requirements for 'complex amendments' are prescribed by regulation 38 of the Regulations. These requirements are supplemented by Part 10 of Policy P301 'Community Engagement in Planning Proposals', which provides further guidance for advertising such proposals.

Preliminary engagement with affected landowners has been undertaken as part of the consultation on the 'Canning Highway - #ShapeOurPlace' project in late 2016. Extensive consultation has taken place with elected members, through briefings and feedback as detailed elsewhere in this report. Further preliminary engagement with affected landowners is therefore not required under Part 10(a) of Policy P301 and clause 9.8 of the Scheme.

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

Policy and Legislative Implications

The statutory process for complex amendments is set out in Part 5, Divisions 1 and 2 of the Regulations. The process as it relates to proposed Amendment No. 57 is set out below, together with an estimate of the likely time frame associated with each stage of the process. The below timeframes are based on the WAPC undertaking preliminary assessment within the prescribed 60 day time period.

	Estimated Time
Council resolution to initiate proposed amendment and adoption of draft Amendment for advertising purposes.	26 June 2018
Referral of draft Amendment proposals to EPA for environmental assessment and WAPC for preliminary assessment within a 60 day time period.	Early July-September 2018
Public advertising period of not less than 60 days, avoiding Christmas/New Year holiday period.	Late September-December 2018
Council consideration of Report on Submissions and resolution on how to proceed with amendment.	Early 2019
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Report on Submissions; • Council's recommendation on the proposed Amendment; • Three signed and sealed copies of Amendment documents for final approval 	Early 2019
Minister's final determination of Amendment and publication in Government Gazette.	Not yet known

Financial Implications

There will be a minor financial implication to the City in carrying out consultation on proposed the amendment however will be included in the 2018/2019 budget.

Strategic Implications

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

Sustainability Implications

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

Attachments

- 10.3.6 (a):** Draft amendment document report and text - Canning Highway East amendment - June 2018

10.3.7 Tender 3/2018 Provision of Verge Side Collection Service

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Reference:	D-18-62200
Meeting Date:	26 June 2018
Author(s):	Craig Barker, Waste and Fleet Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.4 Resource Management & Climate Change

Summary

This report considers submissions received from the advertising of Tender 3/2018 *Provision of a Verge Side Collection Service*. This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor Travis Burrows

That Council approves the tender submitted by Steann PTY LTD for the *Provision of a Verge-side Collection Service* in accordance with Tender 3/2018 for the period of supply up to 30 June 2020 inclusive, for the approximate price of \$727,540 excl. GST over a two year period.

CARRIED EN BLOC (9/0)

Background

A Request for Tender (RFT) 3/2018 for the *Provision of a Verge-side Collection Service* was advertised in The West Australian on 24 March 2018 and closed at 2pm (AWST) Tuesday 13 April 2018.

The RFT is for the supply and management of sufficient plant and labour to undertake the six collection services as defined in the table below. The contract is for the period August 2018 to June 2020 and does not allow for any extension of time.

TABLE A – Collection Methodology and Dates

Collection 2018/19

Collections	Type	Commenced	Completed
First collection	Green waste	27 August 2018	5 October 2018
Second Collection	Hard waste	8 October 2018	30 November 2018
Third Collection	Green waste	22 April 2019	7 June 2019

Collection 2019/20

Collections	Type	Commenced	Completed
First collection	Green waste	2 September 2019	11 October 2019
Second Collection	Hard waste	14 October 2019	6 December 2019
Third Collection	Green waste	27 April 2020	5 June 2020

All materials collected are transported to a tipping place outside of the City or the South Perth Recycling Centre for either processing or disposal. The green waste collection, if not contaminated by non-approved dumping, is effectively an “all-in collection service” with the green waste transported direct to the SMRC Canning Vale mulch operations. By way of contrast, the hard waste collection service requires the collection and transportation of the separated components to various designated locations:

- Metal products (including white goods and household appliances of a recyclable nature) to SIMS Metal or comparable scrap metal merchant;
- General waste to the SEUZ Bibra Lake ;
- E Waste to the SIMS Approved Recycling Facility; and
- Mattresses to the SOFTLANDING facility in Wangara

Tenders were invited as a Lump Sum Contract. The RFT is for the *Provision of a Verge-side Collection Service*. The contract is for a two (2) year period commencing in August 2018.

Comment

At the close of the tender advertising period six (6) submissions had been received and these are tabled below:

TABLE B – Tender/e-quote Submission

Tender/E-quote Submission
1. West Tip A –Confirming Tender
2. West Tip B - Alternative Tender
3. West Tip C - Alternative Tender
4. Steann PTY LTD
5. D & M Waste Management
6. Western Maze

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

TABLE C - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform the tasks as set out in the specification.	40%
2. Does the Company have the Plant and staff to carry out the works?	30%
3. Does the Company explain their Collection Methodology on how they are going to carry out the works?	30%
Total	100%

Based on the assessment of all submissions received for Tender 3/2018 *Provision of a Verge-side Collection Service*, it is recommended that the tender submission from Steann PTY LTD be approved by Council.

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

Consultation

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

Policy and Legislative Implications

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

The following Council Policies also apply:

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

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

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

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

Financial Implications

The verge side collection service is an essential service and the Schedule of Rates and anticipated Annual Contract Value for the service is in line with the budget allocation which has been reflected in the 2018/2019 budget.

Strategic Implications

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

Attachments

- 10.3.7 (a):** Tender 3/2018 Provision of a Vergeside Collection Service - Recommendation Report (*Confidential*)

10.3.8 Manning Road On-Ramp Land Acquisition

Location:	City of South Perth
Ward:	Como Ward
Applicant:	Council
File Ref:	D-18-62202
Meeting Date:	26 June 2018
Author(s):	Sean Foster, Design Office Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

Summary

This report outlines the current status of the Kwinana Freeway Southbound On-ramp to Manning Road Project and a request from Main Roads WA for Council to permit the transfer of a land parcel (City of South Perth Reserve) associated with the project.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor Travis Burrows

That the Council:

- (a) notes the request made by Main Roads Western Australia in its letter dated 8 May 2018;
- (b) relinquishes Management Order K48521;
- (c) consents to the cancellation of Crown reserve 48521;
- (d) consents to the dedication of Crown reserve 48521 as a road pursuant to section 56 of the Land Administration Act 1997);
- (e) notes that regulation 8 (f) of the Land Administration Regulations 1998 requires the local government to provide written confirmation that it has complied with section 56(2) of the Land Administration Act 1997;
- (f) notes that Main Roads Western Australia will:
 - (i) prepare and deliver the dedication request to the Minister pursuant to section 56(2)(a) of the Land Administration Act 1997; and
 - (ii) submit Main Roads Dealing Plan 1660-216 with the dedication request in order to satisfy the requirements of section 56(2)(b) of the Land Administration Act 1997;
- (g) notes that section 56 (4) of the Land Administration Act 1997 provides that once the Minister grants a request to dedicate a road, the relevant local government is liable to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister; and
- (h) notes that Main Roads Western Australia has agreed to indemnify the City from and against all costs and charges that may arise as a result of the dedication and from and against any claim for compensation that may arise pursuant to section 56 (4) of the Land Administration Act 1997.

CARRIED EN BLOC (9/0)

Background

In May 2017 the State Government announced funding for the design and construction of a new south-bound freeway on-ramp from Manning Road to Kwinana Freeway in Como. The \$35 million dollar project was included as part of a \$2.3 billion suite of road and rail infrastructure projects announced by both the State and Federal Governments.

The on-ramp has been part of long term Metropolitan Region Scheme plans since 1975 and became an immediate priority with the release of the 2015 Canning Bridge Structure plan. The City has been engaging with the State Government to progress this project since at least 1993.

Main Roads WA (MRWA) completed the 15% design in April 2018 and is progressing detailed design for construction to start in the first quarter of 2019. On completion, the 15% design scope of the project was determined to include:

- Construction of a southbound on-ramp from Manning Road to Kwinana Freeway;
- Construction of a new merge lane on Kwinana Freeway from the on-ramp heading south, finishing at the existing footbridge at Edgewater Road, Salter Point;
- Closure of Lockhart Street access to Manning Road;
- Upgrading left in/out access at Edgecumbe Street; and
- Improving right turn access for north-bound Manning Road traffic into Clydesdale Street.

Currently, MRWA is progressing the on-ramp project's detailed design to 85%. This involves addressing land acquisition, finalising the design, and negotiation with affected residents to address concerns. In relation to the former, MRWA has recently contacted the City requesting confirmation to dedicate a reserve (Lot 3945 on deposited Plan 219096 – Reserve 48521) to the Freeway road reserve. (See attachment).

To undertake this process MRWA requires a resolution of Council, so that the requirements of the Department of Planning, Lands and Heritage (Regional and Metro Services) are satisfied.



Comment

No compensation can be considered for the land as it is ultimately owned by the Crown, but vested with the City.

The land dedication will simply remove the reserve from the City's care, control and maintenance and convert it to freeway road reserve. As such it will reduce the maintenance burden on the City's Parks Department, albeit on to a small extent. Further, this process is seen as a necessity to progress the on-ramp project, so the City sees no reason to prevent the dedication.

Consultation

The City's Manager City Environment has reviewed the request and accepts the need for the land parcel's dedication to road reserve. Engineering Instructure has no issue with supporting the dedication.

Policy and Legislative Implications

Nil.

Financial Implications

A minor reduction in reserve maintenance will be achieved with the removal of the 1,130 m2 reserve. No other cost implications have been determined.

Strategic Implications

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

Attachments

10.3.8 (a): Manning Road Project - Kwinana Freeway Southbound On-Ramp

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Monthly Financial Statements - May 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-62204
Meeting Date:	26 June 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 AND COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor Travis Burrows

That the Council note the Financial Statements and Report for the month ended 31 May 2018 in accordance with Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996*.

CARRIED EN BLOC (9/0)

Background

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

In previous years the monthly reports were presented in two separate agenda item reports, with multiple attachments. These two separate reports, as well as numerous attachments have been streamlined to one agenda item.

The attachment Financial Management Reports provides similar information to that provided in previous years, with less duplication. By way of example, each Financial Management Report contains the Original Budget and the Annual Budget, thereby allowing a quick comparison between the adopted Budget and any Budget Adjustments approved by Council. This change eliminates the need for the previous report 'Reconciliation on Budget Movements' reports.

Comment

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

Actual Income from Operating Activities for the year to date is \$55.4m in comparison to budget of \$55.0m. Expenditure from Operating Activities for the year to date is \$52.2m in comparison to budget of \$53.5m. The May Operating year to date Net Position was \$1.7m favourable with lower actual expenditure than budget of \$1.3m and YTD revenue marginally higher \$0.4m than planned.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$1.06m in comparison to the budget of \$1.14m. Actual Capital Expenditure for the year to date is \$15.29m in comparison to the budget of \$18.06m.

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

Cash and Investments balance is \$56.7m, 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 48.69% 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](#).

10.4.1 Monthly Financial Statements - May 2018

Attachments

- 10.4.1 (a):** Statement of Financial Position - May 2018
- 10.4.1 (b):** Statement of Change in Equity - May 2018
- 10.4.1 (c):** Statement of Financial Activity - May 2018
- 10.4.1 (d):** Statement of Operating Revenue & Expenditure - May 2018
- 10.4.1 (e):** Capital Summary - May 2018
- 10.4.1 (f):** Significant Variance Analysis By Business Unit Operating Revenue Expenditure - May 2018
- 10.4.1 (g):** Statement of All Council Funds - May 2018
- 10.4.1 (h):** Summary of Cash Investments - May 2018
- 10.4.1 (i):** Statement of Major Debtor Categories - May 2018

10.4.2 Listing of Payments - May 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-62117
Meeting Date:	26 June 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 presents to Council a list of accounts paid under delegated authority (Delegation DC602) between 1 May 2018 and 31 May 2018 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(652)	\$5,895,438.91
Cheque Payment to Creditors	(19)	\$153,055.83
Total Monthly Payments to Creditors	(671)	\$6,048,494.74
Cheque Payments to Non-Creditors	(138)	\$140,035.12
Total EFT & Cheque Payments	(809)	\$6,188,529.86
Credit Card Payments (May 2018)		6,333.52
Total May Payments		\$6,194,863.38

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Travis Burrows

That the Council receive the Listing of Payments for the month of May 2018 as detailed in **Attachment (a)**.

CARRIED EN BLOC (9/0)

Background

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

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

Comment

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

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

The report records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

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

- **Non Creditor Payments**

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

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

- **Credit Card Payments**

Credit Card Payments are not processed in Authority as a Creditor Payment or Non-Creditor Payment per above. The direct debiting of the bank account results in Credit Card Payment being excluded from the Payment Listing provided. For the year to date, 31 May 2018, total Credit Card Payments amount to \$131,332. Credit Card Payments will be separately reported and year-to-date expenditure is as follows;

July 2017	Aug 2017	Sep 2017	Oct 2017	Nov 2017	Dec 2017	Jan 2018	Feb 2018	Mar 2018	Apr 2018	May 2018	YTD TOTAL
\$7,122	\$2,859	\$18,809	\$15,102	\$16,077	\$14,334	\$11,127	\$6,724	\$19,735	\$13,108	\$6,334	\$131,332

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 is 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 - May 2018

10.4.3 Adoption of the 2018/19 Annual Budget

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-62210
Meeting Date:	26 June 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 presents the 2018/2019 Annual Budget, as circulated, for adoption by Council.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Greg Milner

That:

- (a) a General Rate in the Dollar of 6.6612 cents is applied to the GRV of all rateable property within the City for the year ending 30 June 2019;
- (b) a Minimum Rate of \$984.00 be set for the year ending 30 June 2019 notwithstanding the General Rate set out in part (a) above;
- (c) the following rubbish service charges be applied for the year ending 30 June 2019:
 - (i) a standard Rubbish Service Charge of \$305.00;
 - (ii) a non-rateable property Rubbish Service Charge of \$415.00;
 - (ii) a standard 1,100 litre bin Rubbish Service Charge of \$1,454.00;
 - (iv) a non-rateable property 1,100 litre bin Rubbish Service Charge of \$2,004.00;
- (d) a State Government Statutory Swimming Pool Inspection Fee for the year ending 30 June 2019 is to be adopted, after the fee has been determined, being a later date than this Report;
- (e) the following dates be set for payment of rates by instalments:

First instalment	22 August 2018
Second instalment	1 November 2018
Third instalment	9 January 2019
Fourth instalment	15 March 2019
- (f) an Administration Charge of \$10.00 per instalment for payment of rates by instalments be applied to the second, third and fourth instalment in accordance with Section 6.45(3) and (4) of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations*;

- (g) an Interest Rate of 5.5% be imposed on payment by instalments, to apply to the second, third and fourth instalment in accordance with Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations*;
- (h) an Interest Rate of 11% be imposed on overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations*;
- (i) an Interest Rate of 10% is imposed on unpaid Underground Power (UGP) Service Charges in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations*;
- (j) an Interest Rate of 11% be imposed on outstanding debtors in accordance with Section 6.13(1) of the *Local Government Act 1995*.
- (k) a Monthly Maintenance Fee of \$410.00 (treated as 'Input Taxed' for the purposes of the GST) is applied to all units in the Collier Park Village for the period July 2018 to September 2018 inclusive;
- (l) a Monthly Maintenance Fee of \$425.00 (treated as 'Input Taxed' for the purposes of the GST) is applied to all units in the Collier Park Village for the period from October 2018 to June 2019 inclusive;
- (m) the Statutory Annual Budget for the year ending 30 June 2019 comprising Sections 1 & 2 of the 2018/2019 Annual Budget as distributed with this Agenda and tabled at this meeting, be adopted;
- (n) the Management Account Summary Budget Schedules for the financial year ending 30 June 2019 as set out in Section 3 of the Annual Budget be endorsed;
- (o) the Capital Expenditure Budget for the financial year ending 30 June 2019 as set out in Section 4 of the Annual Budget is adopted;
- (p) the Reserve Fund transfers for the financial year ending 30 June 2019 as set out in Note 14 of the Annual Budget be approved;
- (q) the Schedule of Fees and Charges as set out in the Fees & Charges Schedule for the year ending 30 June 2019 be adopted, including State Government Statutory Fees which are still to be determined at a later date than this Report;
- (r) the effective date for all items detailed in the 2018/2019 Schedule of Fees & Charges is 1 July 2018.
- (s) Council adopt a definition of 'significant (material) variances' of \$10,000 or 10% (whichever is the greater) for each capital project and business unit operating revenue and expenditure line item.

Absolute Majority Required

CARRIED (7/2)

Background

The preparation of the Annual Budget is both a statutory requirement of the *Local Government Act* and a responsible financial management practice. The development of the budget has been influenced by the City's Strategic Plan, Corporate Plan and Long Term Financial Plan (LTFP) - as well as the prevailing

economic climate. The Annual Budget has been prepared in accordance with the requirements of Part 3 of the *Local Government (Financial Management) Regulations*.

Comment

In framing the 2018/19 Budget, Council considered the new Strategic Community Plan 2017-2027 (SCP) adopted in September 2017, with the need to continue to deliver quality services to the community. Council were conscious of the community expectations in relation to household budgets. In addition, following the adoption of the 2018/19 Annual Budget, work will commence on a new Long Term Financial Plan (LTFP), to align the new SCP, Corporate Business Plan, Asset Management Plans and Workforce Plan.

The 2016/17 Annual Report described the impact of the downturn in the WA economy on the City finances, particularly relating to the flattening of revenue streams and increased expenditure pressure, that has seen the City Financial Health Indicator (FHI) score deteriorate. A Budget repair program was undertaken during the 2017/18 financial year, to improve the results at the half year review and assist with the development of the 2018/19 Annual Budget.

The City focused on improving the Net Operating position within the Statement of Financial Activity, a report included in the Monthly Financial Reports to Council since August 2017. Both the 2017/18 Mid-Year Review and the 2018/19 Budget, incorporated analysis of every revenue and expenditure item with the aim of improving the FHI score in the short to medium term (2-4 years).

In terms of Revenue, the largest component relates to Rates and the Waste service charge. The Waste service charge operates through a reserve, so the service charge needs to align to the expenditure incurred. Although the City has the lowest Waste service charge in the Metropolitan area, a significant cost pressure has impacted on this fee for the coming year to increase from \$280 to \$305. This increase is as a direct result of the Chinese Government changing its policy on receiving recyclable material. Although the local, state and national media have covered this issue, the City will still provide residents with information relating to this fee increase.

In terms of Rates, Council considered a range of options to inform the rating strategy for 2018/19 Annual Budget. Many of the City's costs do not align to a single Index, either due to the nature of the Index, or the cycle. By way of example, the media focus on Consumer Price Index (CPI), a measure representing the basket of goods of a household, calculated by the Australian Bureau of Statistics (ABS).

A Local Government Authority basket of goods is very different to a household. Local Government costs are influenced by wages, construction costs and State Government charges (power and street lighting). For many years WALGA have published a Local Government Cost Index (LGCI) quarterly, based on a range of Indices provided by the ABS.

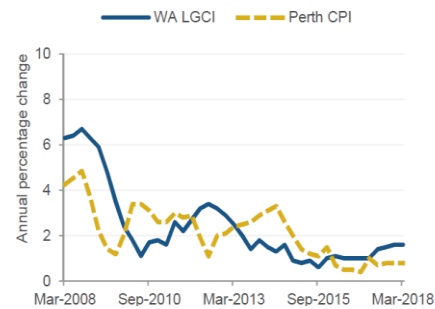
The feedback received during the Budget Workshops included the importance of the City to live within its means, being mindful of household pressures and that the LGCI was considered an appropriate index to develop the rating strategy. In terms of LGCI, the March LGCI which is based on the March quarter statistics from the

ABS, was considered to be appropriate as it is available May each year and is the most recent statistics available prior to Budget adoption.

Table 1 LGCI by component, March 2018

Index	Quarterly change (%)	Annual change (%)
Wages (WA Wage Price Index)	0.3	1.5
Road and Bridge Construction	0.3	1.8
Non-residential Building	-0.2	-0.6
Other costs (Perth CPI)	0.1	0.9
Machinery and Equipment	0.2	2.7
Electricity and street lighting	7.1	7.1
Local Government Cost Index	0.2	1.6

Figure 1 LGCI vs Perth CPI



The table above was published in the WALGA Economic Briefing - May 2018. It is recommended that Council adopt a 1.6% rate increase for 2018/19 Annual Budget, in line with the March 2018 Annual LGCI.

One component included in the Rate Notice, is the Emergency Services Levy (ESL), a State Government Levy Local Government is forced to collect on behalf of the State. In May 2018 the McGowan Government announced a 10% increase to the ESL for 2018/19, a significant increase in comparison to the recommended Rate increase of 1.6%.

In terms of Statement of Comprehensive Income - Ordinary Activities, the 2018/2019 Budget includes Revenue of \$57.5M, compared to \$56.1m in the 2017/18 Mid-Year Review Budget and Expenses of \$58.6M compared to \$60.7M in 2017/18 Mid-Year Review Budget.

The Schedule of Capital Projects includes \$19.86M for asset acquisitions, with Connect South (\$4M) representing the most significant project, followed by the 1System Project (\$2M)-

Rates

Rates are calculated by using the Gross Rental Value (GRV), provided by Landgate, multiplied by the rate in the dollar, adopted by Council. GRV is an estimation of the likely annual return on a property; for example a property with a \$26,000 GRV is equivalent to earning \$500 per week (\$500 x 52 weeks).

Landgate provide a GRV for every property, undertaking a revaluation every three years; that occurred for the 2017/18 Budget. These GRV revaluations caused fluctuations between properties resulting in some individual properties with higher or lower than the adopted increase. As the revaluation occurred for the last Budget (2017/18), the rate increase will be consistent for all rate payers for 2018/19.

The recommended 1.6% rate increased would result in the Rate in the Dollar being 6.6612 cents (6.5563 cents for 2017/2018). The Minimum Rate would increase to \$984.00 (2018/19) from \$968.20 (2017/18). Approximately 1,828 properties (9.04%) are expected to be minimum rated this year. In benchmarking against our metropolitan Local Government Authorities (LGA), the City continues to be competitive with its peers. Those LGAs with a lower rate in the dollar tend to have a large industrial and/or commercial rate base. In comparison, the City of South Perth commercial properties represent less than 12% of the total Rates.

Rubbish Charges

The standard domestic rubbish service charge increase from \$280.00 (2017/18) to \$305.00 (2018/19), remaining one of the lowest of all metropolitan LGAs. The increase is due to recycled waste no longer being readily accepted by China, with charges increasing more than 800% per tonne, and the Recycling Levy contributing \$14.70 per service charge.

This service includes weekly rubbish pick-up, fortnightly recycling collection and three verge-side rubbish collections per year. 1,100 litre rubbish services for rateable commercial properties are \$1,454.00 (\$1,401.00 2017/18). Non-rateable properties will pay \$415.00 (\$386.00 2017/18) per standard rubbish service and \$2,004.00 (\$1,931.00 2017/18) for 1,100 litre bin services.

Resident ratepayers will continue to receive two green waste and one general waste pass to the Transfer Station. These will form part of the Rates Notice rather than being separate passes. Two green waste and one general waste bulk verge-side rubbish collection funded by the City will again be provided to ratepayers this year.

Emergency Services Levy (ESL)

The State Government ESL charge will again appear on all Local Government rate notices in 2018/2019. This charge will be calculated based on the GRVs supplied to the City using a rate nominated by the Fire & Emergency Services Authority.

The ESL rate has been determined to be 1.4486 cents in the dollar (1.3259 cents in 2017/2018). FESA has indicated that the levy will be capped on residential properties at \$430.00 (\$395.00 for 2017/18) in 2018/2019. This charge is outside the control of Local Governments, is set by the State Government and is not retained as revenue by the City.

Employee Information

Aggregate salary and wage information is provided for all approved staff positions in the 2017/2018 Budget. The Annual Budget includes 232 FTE approved positions (230 FTE in 2017/2018).

Staffing levels proposed in the budget reflect an appropriate mix of resources across the organisation to match our capacity with service expectations. The total payroll budget has increased to make allowances for the 2.25% pay increase as per the Enterprise Bargaining Agreement (EBA). In addition to staff employed under the terms of the EBA, some staff are employed on fixed term contracts, in accordance with Local Government Act 1995, as well as staff employed on fixed terms for the duration of a project (e.g. 1System project).

Loan Borrowings

The City does not plan to undertake borrowings in the 2018/2019 year. Information is provided at Note 10 of the Statutory Budget.

Reserve Funds

Planned transfers from Reserves to the Municipal Fund in 2018/2019 are \$8.91M in net terms after re-investing some \$0.87M worth of interest revenue back to the cash backed reserves in proportion to the average balances held during the year. Cash backed reserves are expected to have a balance of \$33.35M at 30 June 2019.

The intended purposes of the various Reserves are disclosed in the Statutory Budget at Note 6 with detail of the major transfers to and from those Reserves at Note 7. The projected year end balances of each Reserve (and the aggregate movements to and from the Reserves) are disclosed in the Notes to the Statutory Budget at Note 14.

Schedules of Capital Projects

The total Schedule of Capital Projects is \$19.96M, funded from municipal funds, reserves and grants.

Fees & Charges Schedule

The attached Fees & Charges Schedule reflects a responsible assessment of the costs of providing services to our community whilst recognising community service obligations. As appropriate, the fee schedule recognises fees determined on a variety of fee bases:

- Full cost recovery,
- Benchmarked / reference pricing,
- Statutory fees, and
- Partial recovery, based on community service obligations.

Where fees are determined in accordance with statutory limits, the City's practice is that it will always adopt the maximum allowable fee at the time of adopting the Annual Budget and related Fees & Charges Schedule. The effective date for all fees contained within the 2018/2019 Schedule of Fees & Charges (provided as a separate attachment for the 2018/2019 Budget) will be 1 July 2018.

CPV Maintenance Fees

The Budget currently anticipates that the operating result for 2018/2019 will be an estimated operating loss of \$75,933 (2017/2018 is forecast to be \$444,479). However, this forecast result will be dependent on the effective management of maintenance costs, grounds maintenance and costs for utilities.

The three month moratorium on the fee increase is consistent with the process adopted in previous years to allow time to implement the alternative payment method that allows the residents to pay a lesser amount in cash each month, the remaining amount deducted each month from the refundable monies held on their behalf by the City in the Collier Park Village Residents Loan Offset Reserve.

2018/19, the four different pricing arrangements available to CPV residents are:

- \$410 per month to 30/9/2018, proposed increase to \$425 from 1/10/2018.
- \$310 per month and have the remaining \$100 deducted from Refundable Monies held in the CPV Residents Offset Reserve to 30/9/18. Proposed increase to \$325 from 1/10/ 2018.
- \$300 per month and have the remaining \$110 deducted from Refundable Monies held in the CPV Residents Offset Reserve to 30/9/18/. Proposed increase to \$315 from 1/10/ 2018.
- \$255 per month and have the remaining \$155 deducted from Refundable Monies held in the CPV Residents Offset Reserve. Proposed increase to \$270 from 1/10/ 2018.

The Annual Amenities Charge is \$492.00 for the 2018/19 year (\$484.10 2017/18).

Statutory Budget

The Statutory Budget is prepared in accordance with all relevant professional accounting pronouncements. It contains all statutory statements and supporting schedules including:

- Comprehensive Income Statement
- Comprehensive Income Statement by Nature & Type Classification
- Rate Setting Statement
- Schedule of General Purpose Funding
- Schedule of Rates Levied
- Projected Statement of Financial Position (Extract)
- Statement of Cash flows
- Budget Overview & Analysis
- Notes to and forming part of the Budget
- Schedule of Capital Projects
- Schedule of Carry Forward Projects
- Schedule of Fees & Charges

Monthly/Annual reporting of significant (material) variances

The Local Government (Financial Management) Regulations 1996, Regulation 34 requires a financial activity statement to be prepared each month, with Regulation 34 (5) stating: “Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances”.

Therefore it recommended that Council adopt a definition of ‘significant (material) variances’ of \$10,000 or 10% (whichever is the greater) for each capital project and business unit operating revenue and expenditure line item.

Consultation

In developing the Budget, the City has given due consideration to the Community Strategic Plan, the Long Term Financial Plan, Corporate Business Plan, Council Member and community feedback received by the City through various forums.

Policy and Legislative Implications

The development of the Annual Budget has been conducted in accordance with the Local Government Act 1995 and Regulations, the City’s Policy P601- Long Term Financial Plan & Annual Budget Preparation and Policy P604 - Use of Debt as a Funding Option.

Financial Implications

The financial implications of adopting the 2018/2019 Budget are as disclosed in **Attachment (a)** of this report.

Strategic Implications

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

Attachments

10.4.3 (a): 2018/19 Annual Budget

10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.7.1 Audit, Risk and Governance Committee Meeting

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-62212
Meeting Date:	26 June 2018
Author(s):	Sharron Kent, Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The purpose of this report is to provide the recommendations from the Audit, Risk and Governance Committee meeting held on 6 June 2018 for Council's consideration. The Minutes and Attachments of which can be found at **Attachments (a) and (b)**.

Committee Recommendations AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Travis Burrows

That Council adopt the following recommendations of the Audit, Risk and Governance Committee meeting held on 6 June 2018:

6.1 Draft Strategic Internal Audit Plan

That the Audit, Risk and Governance Committee recommends to the Council that it adopt the Strategic Internal Audit Plan.

6.2 Internal Audit Report - Rates

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

- 1) note and accept the Rates Internal Audit Report;
- 2) accept all findings are recorded within the Audit Register

6.3 Review of Policies

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

- a) adopt the following policies, having been reviewed with 'no change' to content:

Strategic Direction - Leadership

- P601 Preparation of Long Term Financial Plan & Annual Budget
- P602 Authority to make payments from the Municipal & Trust Funds
- P603 Investment of Surplus Funds
- P604 Use of Debt as a Funding Option
- P606 Continuous Financial Disclosure
- P607 Tenders and Expressions of Interest
- P610 Collier Park Village – Financial Arrangements

- P612 Disposal of Surplus Property
- P688 Asset Management
- P694 Fraud & Corruption Prevention Policy

- b) adopt the following policies, having been reviewed and the content revised as per **Attachment (a)**:

Strategic Direction - Community

- P112 Appointment of Community Advisory Groups

Strategic Direction - Leadership

- P608 Dividend Policy – Collier Park Golf Course
- P613 Capitalisation Valuation of Fixed Assets

6.4 Review of Council Delegations

That the Audit, Risk and Governance Committee, having reviewed the City's Council Delegations listed hereunder, recommends to the Council that it:

- a) adopt the following Council Delegations, having been reviewed with 'no change' to content as per **Attachment (a)**:

Strategic Direction - Leadership

- DC601 Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report
- DC602 Authority to Make Payments from the Municipal and Trust Funds
- DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements
- DC607B Non Acceptance of Tenders
- DC616 Write-off Debts
- DC685 Inviting Tenders or Expressions of Interest

- b) adopt the following Council Delegations, having been reviewed and the content revised as per **Attachment (b)**:

Strategic Direction - Leadership

- DC603 Investment of Surplus Funds
- DC612 Disposal of Surplus Property

- c) adopt the following new Council Delegation as per **Attachment (c)**:

Strategic Direction - Community

- DC102 Community Funding Program

6.5 1System Implementation

That the Audit, Risk and Governance Committee recommends to Council that it note the progress report of the 1System Project.

6.6 Proposed Penalty Units Amendment Local Law 2018

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

- in accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, gives state-wide and local public notice stating that:
 - a) it proposes to make a Penalty Units Amendment Local Law 2018, and a summary of its purpose and effect;
 - b) copies of the proposed local law may be inspected at the City offices
 - c) submissions about the proposed local law may be made to the City within a period of not less than six weeks after the statutory public notice is given;

- provide a copy to the Minister for Local Government and Communities, in accordance with s3.12(4) of the *Local Government Act 1995*;
- note that the results of the public submission will be presented to Council for consideration.

6.7 Corporate Business Plan - Quarter Three Update

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

6.8 WA Auditor General Report - Control over Corporate Credit Cards

That the Audit, Risk and Governance Committee recommends to the Council that it note the staff comments in relation to the recommendations contained in WA Auditor General's Report – Controls over Corporate Credit Cards.

CARRIED EN BLOC (9/0)

Background

The Audit, Risk and Governance Committee meeting was held on 6 June 2018 with the following Items listed for consideration on the Agenda:

- Draft Strategic Internal Audit Plan
- Internal Audit Report - Rates
- Review of Policies
- Review of Council Delegations
- 1System Implementation
- Proposed Penalty Units Amendment Local Law 2018
- Corporate Business Plan - Quarter Three Update
- WA Auditor General Report - Control over Corporate Credit Cards

Comment

The Audit, Risk and Governance Committee considered the following Items on 6 June 2018:

- Draft Strategic Internal Audit Plan
- Internal Audit Report - Rates
- Review of Policies
- Review of Council Delegations
- 1System Implementation
- Proposed Penalty Units Amendment Local Law 2018
- Corporate Business Plan - Quarter Three Update
- WA Auditor General Report - Control over Corporate Credit Cards

Consultation

These Items were the subject of consideration at the Audit, Risk and Governance Committee meeting held on 6 June 2018.

Policy and Legislative Implications

The Audit, Risk and Governance Committee meetings are held under the prescribed requirements of *the Local Government (Administration) Regulations 1996*.

Financial Implications

Nil.

10.7.1 Audit, Risk and Governance Committee Meeting

Attachments

10.7.1 (a): Minutes - 6 June 2018 - Audit, Risk and Governance Committee Meeting

10.7.1 (b): Attachments - 6 June 2018 - Audit, Risk and Governance Committee Meeting

11. APPLICATIONS FOR A LEAVE OF ABSENCE

Councillor Cheryle Irons applied for a Leave of Absence for the period 10 July 2018 – 17 July 2018, inclusive.

MOTION TO APPROVE LEAVE OF ABSENCE APPLICATION AND COUNCIL DECISION

Moved: Councillor Greg Milner
Seconded: Councillor Ken Manolas

That the Leave of Absence Application received from Councillor Cheryle Irons for the period 10 July 2018 – 17 July 2018, inclusive be approved.

CARRIED (9/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 (COUNCILLOR MOTION) MEMBERSHIP: CITY OF SOUTH PERTH STATION PRECINCT REFERENCE GROUP

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (b) and (d) as it contains information relating to "the personal affairs of any person and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"*

This confidential Motion is referred to Item 15 'Matters for Which the Meeting may be Closed'.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

At the May 2018 Ordinary Council Meeting there were no questions from Members Taken on Notice.

13.2 QUESTIONS FROM MEMBERS – 26 JUNE 2018

There were no questions from Members.

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

At this point the Presiding Member invited Councillor Glenn Cridland and Mr Geoff Glass, Chief Executive Officer to read aloud their Declarations of Interest referred to in Item 5, as follows:

Note: Councillor Glenn Cridland advised the meeting that the content of his Declaration of Interest would reveal detail of the confidential Item and therefore would read aloud his Declaration once the Chamber doors were closed.

Mr Geoff Glass

"I wish to declare a Financial interest in Agenda Items 15.1.2 CEO Evaluation Committee Meeting – 28 May 21018 and 15.1.3 CEO Evaluation Committee Meeting – 11 June 2018 on the Ordinary Council Meeting Agenda of 26 June 2018.

I declare that the Items relate to my employment contract as the Chief Executive Officer of the City of South Perth.

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1 (Councillor Motion referred from Item 12) Membership: City of South Perth Station Precinct Reference Group (SPRG)

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (b) and (d) as it contains information relating to "the personal affairs of any person and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"*

15.1.1 South Perth - Station Analysis

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (c) and (e)(i) as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal a trade secret, where the trade secret is held by, or is about, a person other than the local government"*

Location:	South Perth
Ward:	Mill Point
Applicant:	Council
File Ref:	D-18-62213
Meeting Date:	26 June 2018
Author/Reporting Officer:	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.2 Advocacy

15.1.2 CEO Evaluation Committee Meeting - 28 May 2018

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

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-62214
Meeting Date:	26 June 2018
Author(s):	Sharron Kent, Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

15.1.3 CEO Evaluation Committee Meeting - 11 June 2018

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

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-62215
Meeting Date:	26 June 2018
Author(s):	Sharron Kent, Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

The Presiding Member then called for a Motion to close the meeting to the public.

MOTION TO CLOSE THE MEETING TO THE PUBLIC AND COUNCIL DECISION

Moved: Councillor Tracie McDougall

Seconded: Councillor Colin Cala

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

- 12.1 (Councillor Motion referred from Item 12) Membership: City of South Perth Station Precinct Reference Group (SPRG)
- 15.1.1 South Perth - Station Analysis
- 15.1.2 CEO Evaluation Committee Meeting - 28 May 2018
- 15.1.3 CEO Evaluation Committee Meeting - 11 June 2018

CARRIED (9/0)

At 7.46pm the Gallery vacated the Chamber and the doors were closed.

Councillor Glenn Cridland then read aloud his Declaration of Impartiality Interest at Item 15.1.1 (detail of this Declaration is included in the Confidential Minutes).

Prior to discussion and voting on Confidential Items 15.1.2 and 15.1.3 the Presiding Member requested the Chief Executive Officer and City Officers (with the exception of Ms Sharron Kent, Governance Officer / Minute Taker) to vacate the Chamber.

At 8.08pm, prior to discussion and voting on Confidential Items 15.1.2 and 15.1.3, the Chief Executive Officer and City Officers vacated the Chamber.

At 8.14pm the Presiding Member called for a Motion to reopen the meeting to the public.

MOTION TO REOPEN THE MEETING TO THE PUBLIC AND COUNCIL DECISION

Moved: Councillor Greg Milner

Seconded: Councillor Colin Cala

That the meeting be reopened to the public.

CARRIED (9/0)

The Chamber doors were reopened and members of the public were invited back.

Mr Geoff Glass, Chief Executive Officer, and City Officers were invited back.

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Ms Christine Lovett, Governance Officer, read aloud the Resolutions at Items 12.1, 15.1.1, 15.1.2 and 15.1.3.

Note: The Resolutions at Items 12.1, 15.1.2 and 15.1.3 are deemed no longer confidential. The Resolution at Item 15.1.1 remains confidential. The Reports at Items 12.1, 15.1.1, 15.1.2 and 15.1.3 remain confidential.

12.1 (Councillor Motion referred from Item 12) Membership: City of South Perth Station Precinct Reference Group (SPRG)

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (b) and (d) as it contains information relating to "the personal affairs of any person and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"*

MOTION AND COUNCIL DECISION

Moved: Councillor Cheryle Irons

Seconded: Councillor Sue Doherty

That the purpose and membership of the City of South Perth Station Reference Group (SPRG) is reviewed prior to the next meeting of the SPRG.

CARRIED (9/0)

Note: Councillor Cheryle Irons moved her Motion with amendments.

15.1.1 South Perth - Station Analysis

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (c) and (e)(i) as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal a trade secret, where the trade secret is held by, or is about, a person other than the local government"*

Location: South Perth
Ward: Mill Point
Applicant: Council
File Ref: D-18-62213
Meeting Date: 26 June 2018
Author/Reporting Officer: Colin Cameron, Director Corporate Services
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.2 Advocacy

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows
Seconded: Councillor Tracie McDougall

That the Council endorse the Officer Recommendation as contained in the Confidential Report.

LOST (2/7)

15.1.2 CEO Evaluation Committee Meeting - 28 May 2018

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

Location: Not Applicable
Ward: Not Applicable
Applicant: Council
File Ref: D-18-62214
Meeting Date: 26 June 2018
Author(s): Sharron Kent, Governance Officer
Reporting Officer(s): Geoff Glass, Chief Executive Officer
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.3 Good Governance

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows
Seconded: Mayor Sue Doherty

That Council adopt the following recommendation of the CEO Evaluation Committee meeting held on 28 May 2018:

6.1 Chief Executive Officer – Key Performance Indicator Report

That the CEO Evaluation Committee recommends to Council that it receive the Chief Executive Officer's Key Performance Indicator Report, May 2018.

CARRIED (9/0)

15.1.3 CEO Evaluation Committee Meeting - 11 June 2018

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

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-62215
Meeting Date:	26 June 2018
Author(s):	Sharron Kent, Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala

Seconded: Mayor Sue Doherty

That Council adopt the following recommendations of the CEO Evaluation Committee meeting held on 11 June 2018:

6.1 Chief Executive Officer Performance and Remuneration Review

That the CEO Evaluation Committee recommends to the Council that it:

- a) adopt the Chief Executive Officer's Key Performance Indicator Evaluation Report, 2017/18 review period shown at Attachment (a);
- b) apply a remuneration increase of 2% to the Chief Executive Officer's total remuneration package, effective 1 July 2018; and
- c) adopt the proposed evaluation process and Key Performance Indicators (as amended shown at the Minutes Attachments 6.1 (a) and (b) as shown in the Appendix for 2018/19 shown at Attachment (c).

Note: by agreement the Manager Human Resources will facilitate the 2018/2019 process.

CARRIED (9/0)

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.18pm.

17. RECORD OF VOTING

7.1 Confirmation of Minutes

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

7.2 Briefings / Workshops

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

9.1 En Bloc Motion

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

10.3.1 (Amended Motion) Proposed Home Occupation (Chiropractor) at Lot 9 (No. 54) Strickland Street, South Perth

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

10.3.1 Proposed Home Occupation (Chiropractor) at Lot 9 (No. 54) Strickland Street, South Perth

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

10.3.2 Proposed Local Development Plan for No. 42 (Lot 1) Swanview Terrace, South Perth

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

10.3.3 Proposed Two Storey Single House at Lot 12 (No. 49) Ranelagh Crescent, South Perth

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

10.3.4 Proposed 2 x Two Storey Single Houses at Lots 100 and 101 (No. 32) Howard Parade, Salter Point

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

10.3.5 Consent to Advertise - Draft Local Planning Policy 351.16 - Canning Highway (East)

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

10.3.6 (Amended Motion) Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation

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

10.3.6 Initiation of Proposed Scheme Amendment No. 57 (Amendments to Scheme Text and Map to Create and Apply Development Provisions to Canning Highway (East) Precinct) for Public Consultation

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

10.3.7 Tender 3/2018 Provision of Verge Side Collection Service

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

10.3.8 Manning Road On-Ramp Land Acquisition

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

10.4.1 Monthly Financial Statements - May 2018

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

10.4.2 Listing of Payments - May 2018

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

10.4.3 Adoption of the 2018/19 Annual Budget

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

Against: Councillor Ken Manolas; Councillor Blake D'Souza

10.7.1 Audit, Risk and Governance Committee Meeting

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

12.1 Alternative Motion - (Motion) Membership: City of South Perth Station Precinct Reference Group

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

15.1.1 South Perth - Station Analysis

For: Mayor Sue Doherty; Councillor Tracie McDougall

Against: Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Greg Milner; Councillor Travis Burrows

15.1.2 CEO Evaluation Committee Meeting - 28 May 2018

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

15.1.3 CEO Evaluation Committee Meeting - 11 June 2018

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

DISCLAIMER

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

These Minutes were confirmed at the Ordinary Council Meeting on Tuesday 31 July 2018.

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed