

AGENDA.

Ordinary Council Meeting

27 March 2018

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 27 March 2018 in the the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

23 March 2018

*26/3/18: Please note **Item 10.3.3. Proposed Single House (Two Storey) - Lot (129) No.49 Douglas Avenue, South Perth** has been withdrawn from the March 2018 Ordinary Council Meeting Agenda at the applicant's request.*

Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

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

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

Further Information

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

- **Council Meeting Schedule**

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

- **Minutes and Agendas**

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

- **Meet Your Council**

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

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

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 STANDING ORDERS LOCAL LAW 2007

This meeting is held in accordance with the City's Standing Orders Local Law 2007 that provides rules and guidelines which apply to the conduct of meetings.

3.2 AUDIO RECORDING OF THE COUNCIL MEETING

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

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

5. DECLARATIONS OF INTEREST

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

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

6.2 PUBLIC QUESTION TIME: 27 MARCH 2018

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

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

7.1 MINUTES

7.1.1 Annual Electors' Meeting Held: 11 December 2017

7.1.2 Ordinary Council Meeting Held: 27 February 2018

7.1.3 Audit, Risk and Governance Committee Meeting Held: 6 March 2018

7.1.4 Special Council Meeting Held: 8 March 2018

7.1.5 Property Committee Meeting Held: 12 March 2018

Officer Recommendation

That the Minutes of the:

- Annual Electors' Meeting held 11 December 2017;
- Ordinary Council Meeting held 27 February 2018;
- Audit, Risk and Governance Committee Meeting held 6 March 2018;
- Special Council Meeting held 8 March 2018; and
- Property Committee Meeting held 12 March 2018

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

7.2 CONCEPT BRIEFINGS

The following Concept Briefings are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. This practice is recommended by the Department of Local Government and Communities "Council Forums" Operational Guidelines as a way of advising the public and being on public record.

7.2.1 11 December 2017 - Finbar Amended Contract of Sale (Confidential) Concept Briefing

Officers of the City and Consultants provided Council with an overview of the Finbar Amended Contract of Sale at a **confidential** Concept Briefing held 11 December 2017.

Attachments

7.2.1 (a): 11 December 2017 - Finbar Amended Contract of Sale (Confidential) Concept Briefing - Notes (*Confidential*)

Officer Recommendation

That the **confidential** Notes of the Finbar Amended Contract of Sale Concept Briefing held on 11 December 2017 be noted.

7.2.2 5 February 2018 - Connect South Concept Design Masterplan Concept Briefing

Officers of the City and Consultants provided Council with an overview of the Connect South Concept Design Masterplan at a Concept Briefing held 5 February 2018.

Attachments

7.2.2 (a): 5 February 2018 - Connect South Concept Design Masterplan Concept Briefing - Notes

Officer Recommendation

That the Notes of the Connect South Concept Design Masterplan Concept Briefing held 5 February 2018 be noted.

7.2.3 12 February 2018 - Local Planning Strategy Workshop

Officers of the City and Consultants provided Council with an overview of the Local Planning Strategy at a Workshop held 12 February 2018.

Attachments

7.2.3 (a): 12 March 2018 - Local Planning Strategy Workshop - Notes

Officer Recommendation

That the Notes of the Local Planning Strategy Workshop held 12 February 2018 be noted.

7.2.4 7 March 2018 - Review of the Council's Local Government Act 1995 Review Submission Workshop

Councillors workshopped its submission to the Review of the Local Government Act 1995 at a workshop held 7 March 2018. The attached document was presented to the Special Council Meeting held 8 March 2018.

Attachments

7.2.4 (a): City of South Perth - Review of the Local Government Act 1995 Review Submission

Officer Recommendation

That the Notes of the Review of the Local Government Act 1995 workshop held on 7 March 2018 be noted.

7.2.5 8 March 2018 - Local Planning Strategy Workshop

Officers of the City and Consultants provided Council with an overview of the Local Planning Strategy at a Workshop held 8 March 2018.

Attachments

7.2.5 (a): 7 March 2018 - Local Planning Strategy Workshop - Notes

Officer Recommendation

That the Notes of the Local Planning Strategy Workshop held 8 March 2018 be noted.

7.2.6 13 March 2018 - Review of Local Heritage Inventory and Heritage List Concept Briefing

Officers of the City and Consultants provided Council with an overview of the Review of the Local Heritage Inventory and Heritage List at a Concept Briefing held 13 March 2018.

Attachments

7.2.6 (a): 13 March 2018 - Local Heritage Inventory and List Concept Briefing - Notes

Officer Recommendation

That the Notes of the Review of the Local Heritage Inventory and Heritage List Concept Briefing held on 13 March 2018 be noted.

7.2.7 13 March 2018 - Connect South Concept Design Masterplan Concept Briefing

Officers of the City and Consultants provided Council with an overview of the Connect South Concept Design Masterplan at a Concept Briefing held 13 March 2018.

Attachments

7.2.7 (a): 13 March 2018 - Connect South Concept Design Masterplan Concept Briefing - Notes

Officer Recommendation

That the Notes of the Connect South Concept Design Masterplan Concept Briefing held 13 March 2018 be noted.

7.2.8 20 March 2018 - Council Agenda Briefing

Officers of the City presented background information and answered questions on Items to be considered at the 27 March 2018 Ordinary Council Meeting at the Council Agenda Briefing held 20 March 2018.

Attachments

7.2.8 (a): 20 March 2018 - Council Agenda Briefing - Notes

Officer Recommendation

That the Notes of the Council Agenda Briefing held on 20 March 2018 be noted.

8. PRESENTATIONS

8.1 PETITIONS

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 14 December 2017 - Rivers Regional Council (RRC) Meeting

The Delegates' report summarising the 14 December 2017 - Rivers Regional Council (RRC) Meeting is attached.

Attachments

8.4.1 (a): 14 December 2017 - Rivers Regional Council (RRC) Council Meeting - Delegates' Report

8.4.2 22 February 2018 - Rivers Regional Council (RRC) Meeting

The Delegates' Report summarising the 22 February 2018 - Rivers Regional Council (RRC) Meeting is attached.

Attachments

8.4.2 (a): 22 February 2018 - Rivers Regional Council (RRC) Meeting - Delegates' Report

Officer Recommendation

That the Delegates' Reports summarising the Rivers Regional Council (RRC) Meetings held 14 December 2017 and 22 February 2018 be received.

8.5 CONFERENCE DELEGATES REPORTS

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Final Adoption Draft Local Planning Policy P350.18 - Short Term Accommodation and Revocation of Policies P312 Serviced Apartments and P350.15 Bed and Breakfast Accommodation

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-18-28626
Meeting Date:	27 March 2018
Author(s):	Aaron Augustson, Senior Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

Summary

The report considers the outcome of consultation on draft Local Planning Policy P350.18 – Short Term Accommodation (P350.18) and also the revocation of P312 – Serviced Apartments (P312) and P350.15 – Bed and Breakfasts (P350.15).

The draft P350.18 intends to simplify the structure, scope and terminology of P312 and P350.15 and combine these criteria into a single document. P350.18 will provide more robust assessment criteria for land uses involving short term accommodation and cover forms of short term accommodation not currently covered by the City’s planning framework.

The draft P350.18 does not modify the existing provisions of Town Planning Scheme No. 6 (the Scheme) which limit the zones in which different forms of short term accommodation can occur.

The City advertised the draft P350.18 for public comment and received 13 submissions. From these submissions, modifications are recommended to the draft policy relating to management plans, time limited or temporary approvals, retrospective applications and distances to tourist features.

Officer Recommendation

That Council:

- 1) In accordance with the provisions of Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a) Adopt the draft local planning policy P350.18 – Short term Accommodation as included in **Attachment (a)**; and
 - b) Publish a notice of the policy adoption in the local newspaper circulating in the local area.
- 2) In accordance with the provisions of Schedule 2, clause 6(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* revoke local planning policy P312 – Serviced Apartments and local planning policy P350.15 – Bed and Breakfast Accommodation as the provisions of these policies have been incorporated into P350.18 – Short Term Accommodation.

Background

At its meeting of 12 December 2017 the Council resolved to advertise draft local planning policy P350.18 (refer *Item 10.1 Recommendations for the Audit, Risk and Governance Committee Meeting – Part 6.7*) for public comment. In order to avoid the Christmas and New Year period, advertising of the policy was withheld and commenced 16 January 2018.

Public consultation concluded on 7 February 2018 and 13 submissions were received. These submissions have now been considered and have resulted in a number of modifications to the draft policy described further in this report.

Current planning framework

The City has local planning policies for ‘Serviced Apartments’ (P312) and ‘Bed and Breakfasts’ (P350.15) and these policies provide a framework of criteria for the assessment for these land uses.

Other short term accommodation uses such as ‘Hotels’ and ‘Tourist Accommodation’ have no such policies and are assessed generally under clause 1.6 (Scheme objectives) of the Scheme and clause 67 (Matters to be considered by local government) of the Deemed Provisions; which form part of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The City’s Scheme provides that ‘Tourist Accommodation’ developments (such as a typical ‘Quest’ development) are prohibited land uses in areas zoned ‘Residential’ with a coding R40 or less.

Certain forms of short term accommodation do not meet any definitions of the City’s Scheme and are therefore considered a ‘use not listed’. The most common of these are instances where a ‘Single House’ is occupied temporarily by tourists with no owner or caretaker present. Under the Model Provisions of the Regulations, such uses would be defined as a ‘Holiday House’. The Model Provisions are a series of clauses that the Western Australian Planning Commission recommends form the basis of a town planning scheme. When the City prepares a new scheme it will use the Model Provisions as a basis for the new document.

A ‘Holiday House’ is not a term defined in the Scheme (only in the Model Provisions) and therefore, the City can only use this definition as a guide.

Despite having a policy on Serviced Apartments and the use being defined in the Scheme, ‘Serviced Apartment’ does not appear in the zoning table of the Scheme. Uses meeting the definition of Serviced Apartments would also be considered a ‘use not listed’.

Department of Planning Guidelines – Holiday Homes – Short stay use of residential dwellings

In September 2009, the Department of Planning released ‘Guidelines – Holiday Homes – Short stay use of residential dwellings’ (the Guidelines) relating to ‘Holiday Homes’, now referred to a ‘Holiday House’ under the Model Provisions. It is reasonable to assume the definition of ‘Holiday House’ will be included in the City’s future local planning scheme.

The Guidelines recommend local planning policies ensure:

- Objectives for the local governments handling of short term accommodation uses, holiday homes in particular, are provided;
- Appropriate levels of community consultation occur where holiday home applications are received;
- Locational factors, such as being close to tourist features such as town centres and beaches and generally not within suburban areas, are considered;
- Management Plans are prepared, adopted and enforced and cover such matters as nominating a manager and ensuring nuisance issues relating to noise, parking, signage, occupancy and period of stay are addressed;
- Approval periods are time limited. The Guidelines recommend an initial 12 month approval, followed by extensions to 3-5 years, subject to re-evaluation of the proposal; and,
- General amenity considerations that result in the loss of enjoyment by neighbouring properties.

These factors have been considered in the preparation of P350.18.

Comment

Purpose of the policy

There are a number of reasons for the preparation and adoption of P350.18;

- To consolidate P312 and P350.15 into a single policy and expand the policy scope to capture other forms of short term accommodation;
- To fill a policy 'gap' for uses such as Hotels and 'use not listed' applications relating to the use of houses or apartments for short term accommodation, by which there is currently no detailed assessment criteria; and,
- To extend the policy framework to capture 'Holiday House' type uses (to be dealt with as a use not listed) via the Model Provisions, in preparation for inclusion of the 'Holiday House' use in the City's future local planning scheme.

The purpose of the policy is not to make it easier or harder for short term accommodation, in all forms, to occur in the City but rather improve the ability of the City to make good planning decisions on these matters.

Need for policy

Without a local planning policy covering these matters, particularly in regard to 'Holiday House' and 'Serviced Apartment' uses, the City will be left to make decisions on such uses without any sensible guidance or framework. This will make decisions more difficult to defend if challenged by applicants in the State Administrative Tribunal. Draft P350.18 is considered to provide a framework that reflects the guidelines of the Department of Planning.

Defining short term accommodation

'Short-term accommodation' is defined as a general definition in the Model Provisions as follows:

'means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.'

This distinguishes such uses from the definition of a 'dwelling' (for instance), which must be occupied on a 'permanent' basis; being greater than 3 months in any 12 month period. A 3 month period is the standard timeframe used in the R-Codes, Model Provisions and throughout planning in Western Australia to differentiate between temporary and permanent accommodation uses.

Key issues resulting from consultation

The table below summarises the key matters raised during by submissions received on the draft policy:

Matter	Officer summary of key issue	Officer comment
Amenity impacts	Short term accommodation uses in residential developments cause unnecessary impacts in term of noise, parking management and security.	Noted. Under clause 2.0 uses that are out-of-scale with the surrounding context, remote from tourist features and aren't supported by an appropriate management plan (which should cover matters such as noise, parking and security) should not be supported.
Location in residential areas	Short stay accommodation uses are incompatible with residential uses and should not be able to occur in the same buildings. The impact on standard of living for residents is too great. Proposals that involve short term accommodation in residential streets are not supported. Having both non-residential uses and residential uses together, particularly in low density areas, will lead to land use conflicts.	Clause 2.0 of the policy includes a number of criteria for the assessment of new short term accommodation based on their context. This includes whether the short term accommodation use reflects the scale and intensity of the surrounding neighbourhood. As an example, the definition of a 'dwelling' limits occupation to no more than six (6) unrelated people. If an application proposing to use a dwelling for short term accommodation proposed to accommodate 7 or more guests, this would be very unlikely to satisfy clause 2.0(e). Moreover, if a large 'Tourist Accommodation' use was proposed in a residential street, it would be expected that the number of bedrooms in the development reflected the likely number of bedrooms that would occur under a typical 'dwelling' development at the same density code.
Scale of short stay uses	Concern is raised about the number of short stay uses that can occur on one property and the potential scale of individual uses if they relate to large houses. Apartment buildings could become oversaturated with 'quasi-hotel' short stay uses.	Short term accommodation uses in existing Multiple Dwelling (apartment) buildings would need to demonstrate that the scale and intensity (specifically the occupancy) is similar to other residential dwellings in the complex. In addition, in buildings subject to a strata plan (that is, Multiple and Grouped Dwellings), the written authority of the strata corporation is required prior to lodgement of any development application involving the use of the common property. This includes applications involving short term accommodation where guests utilise common property lifts, lobby, laundry or amenity facilities and vehicle parking. This provides an extra opportunity for strata

		corporations to determine the appropriateness of short term accommodation within their particular development.
Walkable catchment	<p>The 800m walkable catchment criteria are too generous and will result in short term accommodation uses in inappropriate areas.</p> <p>A shorter distance is recommended, such as being a maximum of 500m from Perth Zoo.</p>	There are considered to be a small number tourist features within the City (such as Perth Zoo) and it is reasonable to expect the most demand for access to these features should be in the immediate context of these places. It is recommended the catchment distance be reduced to 400m. This distance reflects a typical 5 minute walk time for most people and is commonly used in assessing the walkability of locations in urban planning throughout Western Australia.
Extent of discretion	The draft policy involves too much discretion that will lead to applicants finding it too easy to get approval.	A policy by its nature can only provide guidance to a decision maker. It cannot bind the City to a particular decision. It must also ensure an appropriate degree of flexibility to account for any unforeseen circumstances. The policy does not change the land use permissibility available to short term accommodation uses within the Scheme and is considered to provide appropriate guidance to enable considered decisions on a case by case basis.
Discretion available to City officers	<p>Broad concern is raised as to what discretion City officers will have in approving such development.</p> <p>Clarification is sought as to whether all, some or only one of the criteria listed in clause 2.0 need to be met in order to achieve approval.</p>	<p>A number of submissions raised concern about the ability of City officers to approve short term accommodation uses under delegation. Most submissions referenced this in the context of single dwellings being used for 'Holiday Houses'. Others discussed such used in apartment buildings. Such would be considered a 'Use Not Listed'. Under Clause 1(h) of Delegation C690 (Town Planning Scheme No. 6) such uses must be presented to Council for determination and will also require community consultation prior to determination.</p> <p>In terms of assessment against the criteria in clause 2.0, all criteria relevant to a particular proposal need to be satisfied in order for an application to be approved.</p>
Limitation of scale	There is concern about clause 2.0(e) in that it allows discretion to approve any scale of use.	The purpose of clause 2.0(e) is to limit the scale of any short term accommodation use to a scale that reflects the surrounding area.
Time limited approvals	Short term accommodation uses should have time limited approvals, or be able to be revoked if issues arise.	The draft policy has been amended to include the ability to grant 'time limited' approvals. Further discussion of this matter is included below.

Enforcement and rectification powers	Concern is raised as to Council's ability to effectively enforce and rectify issues of non-compliance with a management plan.	Approvals will carry a condition requiring a management plan be prepared and endorsed prior to operation. Any unauthorised departure from this management plan will cause the City to take compliance action. This can result in fines for breaches of planning conditions. The recommendation to include time limited approvals will also actively encourage proper operating of uses and enable the operation of the use to be monitored and reviewed every 12 months.
Policy definitions	Accommodation types such as 'Airbnb' or 'Stayz' should be generically defined in the policy.	Defining land use types by how they are advertised would be inconsistent with the existing definitions of the City's Scheme and the Model Scheme Text; which defines uses based on how activities are carried out. As discussed above, most 'Airbnb' or 'Stayz' listings would fit within one of the uses in the Scheme or be considered a 'use not listed' for the purpose of the policy.

Modifications arising from consultation

A number of modifications have been made to the draft policy, which are shown in red in **Attachment (a)**. The below discusses each change in more detail.

Time limited or temporary approval

A number of submissions received noted the impact of particular proposals on the amenity of adjoining residents. In instances where a use has already been operating, these issues are relatively easy to identify. However, P350.18 will primarily relate to new proposals, where the likely impacts on amenity could vary significantly and at least at the time of assessment, are relatively unknown. In these instances the City would be making assumptions about the likely effectiveness of a particular operator's ability to manage a use appropriately.

To resolve this, it is recommended that further provisions be added to P350.18 (see clause 4.0 of **Attachment (a)**) that include the following requirements:

- At clause 4.0(a) and (b), where the use is a 'use not listed', the City should grant approval to the use in the first instance for a temporary period of 12 months. This would include applications for holiday homes and serviced apartments as these are uses not listed in the zoning table of the Scheme; and,
- At clause 4.0 (c), at the conclusion of the 12 month period the City should reassess the proposal based on all the factors included in the policy but also based on evidence as to whether the adopted management plan has been appropriately adhered to.

Time limiting the approval to an effective 'trial' period of 12 months is consistent with the Department of Planning Guidelines for Holiday Houses.

Identifying and limiting distance to tourist features

The initial draft version of P350.18 includes a provision specifying that proposals involving short-term accommodation should be located within 800m walking distance of a tourist feature. Based on the submissions received, this distance may be considered too generous and result in potential for short-term accommodation

uses to occur in locations away from any tourist sites. Reducing this distance to 400m, reflective of a 5 minute walk, is therefore recommended. This distance reflects a typical 5 minute walk time for most people and is commonly used in assessing the walkability of locations in urban planning throughout Western Australia.

P350.15 (Bed and breakfasts) also includes criteria relating to the distance of uses to tourist features. The policy lists these as follows:

- Well-known tourism attractions (eg. South Perth foreshore, the Old Mill, Mends Street, Perth Zoo);
- Land zoned Mixed Use Commercial, mends Street Centre Commercial, or Neighbourhood Centre Commercial;
- Rail stations; or
- High frequency bus routes.

The initial draft of P350.18 did not specifically define any particular tourist features. However being more specific about what the City considers to be a tourist feature is considered valuable to the overall application of the draft policy. Clause 2.0(a) is recommended to be modified to include reference to tourist features including Perth Zoo, regional foreshore reserves, activity centres and Curtin University.

Retrospective applications

In some instances, short term accommodation uses may already be in operation prior to an application being made to the City for approval. Such applications are considered 'retrospective' and attract a higher application fee, but are otherwise subject to the same assessment as non-retrospective applications. In most cases, retrospective applications come to the City's attention due to complaints of poor management. The City should be able to consider incidents of poor previous management when determining a retrospective applicant.

It is therefore recommended that, in addition to the other matters listed in clause 2.0, an additional criteria (g) be added that;

- Relates only to retrospective applications;
- Allows the City to consider the operation of the use, prior to application, as a matter that may influence the City's decision to approve or refuse the application; and,
- In considering the prior operation of the use, consider whether any identified management issues could be addressed via a management plan under clause 3.0 of the policy.

Management Plans

A number of submissions received questioned the value of a management plan in addressing issues of amenity caused by short term accommodation uses. Concerns were raised relating to the scope of matters considered and how readily the City could enforce non-compliance with a management plan.

Having regard to these concerns, clause 3.0 relating to management plans has been expanded to include the following additional matters, in addition to those previously recommended:

- Complaints management procedure,
- The use and maintenance of any common property or common facilities,

10.3.1

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- Security of guest, residents and visitors, and
- Control of anti-social behaviour and how conflict between short term and long term residents will be ameliorated.

Any approval by the City subject to a condition requiring submission of a management plan is subject to the same compliance procedures as any other development application. This includes the ability for the City to fine or prosecute a landowner/applicant who doesn't comply with an approval, or issue a legal direction to comply.

Revocation of P312 and P350.15

One purpose of the policy is to unify the provisions of P312 and P350.15 into a single policy. As noted in the original officer's report on this matter, the relevant provisions of these two policies have been carried over to P350.18. In the instance Council resolves to adopt P350.18, it is recommended it revoke P312 and P350.15.

Consultation

The draft policy was advertised for a period of 21 days concluding on 7 February 2018. The consultation involved:

- Two notices in the Southern Gazette, appearing in the editions issued 16 and 23 January 2018.
- Notice of copies of the local planning policy being published on 'Your Say South Perth' throughout the consultation period.
- Hard copy notices and copies of the local planning policy being available at the City's Civic Centre and libraries throughout the consultation period.

At the conclusion of the consultation period, 13 submissions had been received. These submissions are summarised in the 'Comment' section above. A schedule of submissions is included at **Attachment (b)** of this report.

Policy and Legislative Implications

A planning policy does not form part of a Scheme, and cannot bind a decision maker in respect of an application or planning matter.

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

Financial Implications

Adoption of P350.18 will likely result in an increased number of development applications received by the City. Adopting a clearer and more robust planning framework for short term accommodation uses may also result in more premises being subject to compliance action by the City. This will result in both more development application fees being received as well as additional costs in undertaking compliance action.

Strategic Implications

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

Attachments

10.3.1 (a): Draft Local Planning Policy P350.18 - for final adoption

10.3.1 (b): Schedule of submission - Draft Local Planning Policy P350.18

10.3.2 Proposed 16 x Two Storey Grouped Dwellings. Lot 146 (No. 6-16) Anthus Corner, Waterford

Location: 6-16 Anthus Corner, Waterford
 Ward: Manning Ward
 Applicant: Psaros Pty Ltd
 File Reference: D-18-28627
 DA Lodgement Date: 1 November 2017
 Meeting Date: 27 March 2018
 Author(s): Matthew Andrews, Strategic Planning Officer
 Reporting Officer(s): Vicki Lummer, Director Development and Community Services
 Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
 Council Strategy: 3.2 Sustainable Built Form

Summary

To consider an application for development approval for 16 two-storey grouped dwellings on Lot 146 (No. 6-16) Anthus Corner, Waterford. Under Council Delegation DC690 applications for development of 10 or more dwellings requires approval of Council. Council is being asked to provide discretion on the following matters:

Element on which discretion is sought	Source of discretionary power
Walls built up to the boundary – Western and Southern Boundary walls	Clause 5.1.3 of R-Codes
Number of crossovers	Clause 7.8(1)(a) of TPS6

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, the application for development approval for 16 two-storey grouped dwellings on Lot 146 (No. 6-16) Anthus Corner, Waterford **be approved** subject to:

(a) Conditions

- (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 the three crossovers between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City. (Refer to Advice Note)
- (3) Prior to the issue of a building permit, details of the surface of the boundary wall(s) facing the adjoining properties to the south and west not visible from the street shall be provided. The finish of the boundary wall is to be compatible with the external walls of the neighbour's dwelling, to the satisfaction of the City.
- (4) Excluding those referred to on Condition (3), the surface of the all boundary walls within the development shall be finished in a clean material to the same standard as the rest of the development, to the

- satisfaction of the City.
- (5) Prior to the issue of a building permit or a demolition permit, or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City. The Construction Management Plan must address the following issues, where applicable:
 - (i) public safety and amenity;
 - (ii) site plan and security;
 - (iii) contact details of essential site personnel, construction period and operating hours;
 - (iv) community information, consultation and complaints management Plan;
 - (v) noise, vibration, air and dust management;
 - (vi) dilapidation reports of nearby properties;
 - (vii) traffic, access and parking management;
 - (viii) waste management and materials re-use;
 - (ix) earthworks, excavation, land retention/piling methods and associated matters;
 - (x) stormwater and sediment control;
 - (xi) street tree management and protection;
 - (xii) asbestos removal management Plan; and/or
 - (xiii) any other matter deemed relevant by the City.
 - (6) The Construction Management Plan must be complied with at all times during development, to the satisfaction of the City.
 - (7) Prior to the issue of a building permit, a public art concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the construction value (\$50,000) shall be submitted to the City. The approved public art concept shall be to the satisfaction of the City.
 - (8) Prior to the issue of a building permit, a landscaping plan for the site shall be submitted by the applicant that is to the satisfaction of the City.
 - (9) Prior to the issue of an occupancy permit, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
 - (10) Prior to the issue of a building permit, the applicant shall prepare and submit a Waste Management Plan detailing the number and size of general waste and recycling bins, storage method and collection details, to the satisfaction of the City.
 - (11) The waste management plan once approved by the City shall be implemented and adhered to all times, to the satisfaction of the City.
 - (12) Prior to occupation of the dwelling, all obscure glazing and privacy screening to Major Openings and/or Outdoor Active Habitable Spaces

shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City.

- (13) The designated visitor parking bay shall be clearly identified on site by means of signage, to the satisfaction of the City.
- (14) All dwellings shall be constructed to comply with the Quiet House Design requirements, as detailed in Council Policy P351.14 Clause 10.4 and the Acoustic Requirements Report by prepared by Herring Storer Acoustics dated 23 November 2017.
- (15) External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building or located so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
- (16) All stormwater from the property shall be discharged in accordance with the requirements of the City.

(b) Advice Notes

- (1) PN01, PN02, PN05, PN13, PN21, PN24, PN26, PNX1, PNX2, PNX3
- (2) All stormwater drainage for proposed buildings in the Waterford Drainage Precinct should be designed in accordance with the requirements of Policy M354 - Stormwater Drainage Requirements for Proposed Buildings.
- (3) Within this precinct if re-use is not incorporated as part of the stormwater design, disposal will be via a controlled discharge to the street system through an approved Private Drainage Connection (PDC). A private drainage connection (PDC) into the City's existing stormwater drainage network has been provided for all blocks.

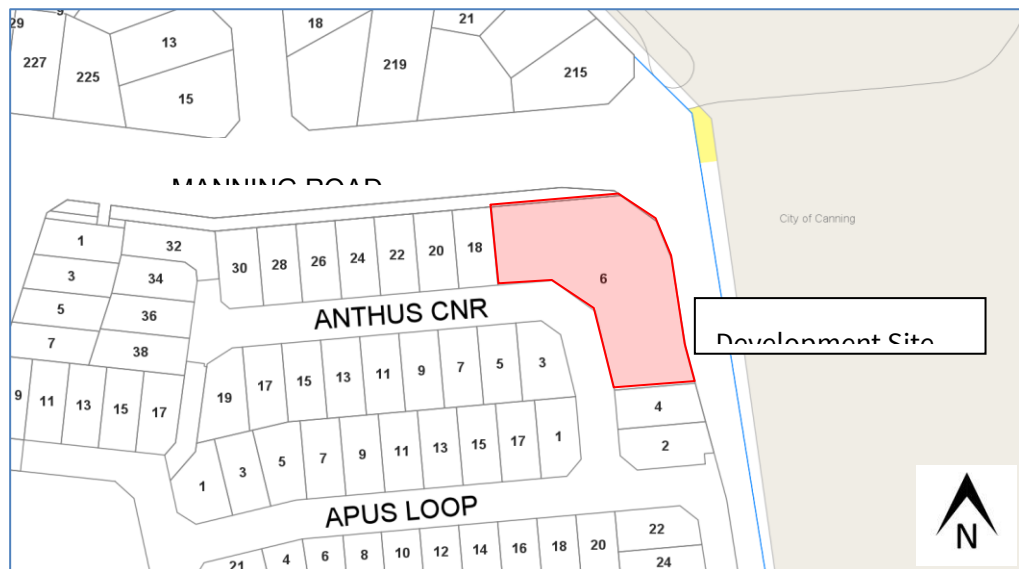
FOOTNOTE: A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

Background

The development site details are as follows:

Zoning	Residential
Density coding	R60
Lot area	3,329 sq. metres
Building height limit	7.0 metres & 10.5 metres

The location of the development site is shown below:



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

2. Major developments

- (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings;

Comment

(a) Background

In November 2017, the City received an application for 16 two-storey grouped dwellings on Lot 146 (No. 6-16) Anthus Corner, Waterford (the Site).

The development site is located within the Cygnia Cove Estate in Waterford which was rezoned as part of Amendment No. 33 (December 2012). As part of this amendment the Site was rezoned from R20 to R60 and building height limits were increased from 7.0m to 15.0m for part of the lot. The Site was one of five lots rezoned to either R60 or R80 primarily to facilitate grouped or multiple dwelling development. The remaining 183 lots within the estate are zoned for single residential development (R20).

The Development Assessment Panel (DAP) previously approved a development on the Site for 40 multiple dwellings within a three storey building plus semi-basement in June 2016. The applicant advised that this approved development will not be constructed.

The site is currently vacant.

(b) Description of the Surrounding Locality

The Site has a frontage to Anthus Corner to the south west, is adjacent to Manning Road and Centenary Ave to the north and east respectively, and is located adjacent to existing single residential dwellings to the south and west as seen in Figure 1 below:



As can be seen in Figure 1 the area surrounding the subject site has been fully developed.

(c) Description of the Proposal

The proposal involves the construction of 16 two-storey grouped dwellings on the Site, as depicted in the submitted plans at **Attachment (a)**. The development is proposed to be constructed in 3 stages with separate crossovers each serving between 4 and 8 dwellings in each stage. In addition to a double garage that is proposed for each grouped dwelling a total of 3 separate visitor bays are proposed within the common property areas.

Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment (c)**. Further details of the proposal are also included in the development application report submitted by the applicant at **Attachment (b)**.

The proposed development is considered to satisfy the requirements of the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* the *Residential Design Codes of WA 2015 (R-Codes)* and relevant Local Planning Policies. Council is being asked to exercise discretion on the following matters:

- Walls built up to the boundary (Boundary Walls); and
- P351.14 'Cygna Cove Residential Design Guidelines'

(d) Walls built up to the boundary (Boundary Walls)

A number of boundary walls are proposed as part of the development. Most of these walls affect internal lot boundaries which have been assessed to meet the provisions of the R-Codes. Boundary walls are also proposed on the southern and western boundaries of the site adjacent to existing residential dwellings on the adjoining lots.

Boundary walls adjacent to neighbouring lots

The boundary walls on the western and southern boundaries meet the deemed-to-comply provisions in terms of average and maximum height and independently do exceed the maximum length permitted being 9m.

The western boundary has 2 boundary walls with a total length of 9.5m and the southern boundary has 2 boundary walls with a total length of 10.3m. The site photos at **Attachment (c)** show the adjoining properties to the west and south that are adjacent to the proposed boundary walls.

The boundary walls to the western and southern boundaries are considered to meet the applicable design principles of the R-Codes as detailed below.

Element	Deemed-to-comply	Provided
Walls built up to the boundary	Boundary wall to one boundary only within the following limits. - Maximum height: 3.5m - Average height: 3m - Maximum length: 9m	Boundary walls to more than one boundary. - Western boundary wall total length: 9.5m - Southern boundary wall total length: 10.3m
<p><i>Design Principles</i></p> <p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p><i>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1 (above); • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape. 		

Western boundary wall

Due to the orientation of the lots there is no impact on access to direct sun. Ventilation will be unaffected by the construction of a boundary wall as there will be sufficient setback between the buildings. No major openings are proposed on the boundary walls and therefore overlooking is nil. The impact of building bulk is reduced by way of there being 2 separate walls rather than one longer wall.

The small lot sizes encourage the use of a boundary wall in order to fit a development of sufficient size that is considered liveable. The impact on the amenity of the adjoining property is minor and will not directly affect any outdoor living areas or major openings to habitable rooms. The streetscape will be unaffected by the boundary walls as they are setback a similar distance to existing boundary walls within the precinct. The

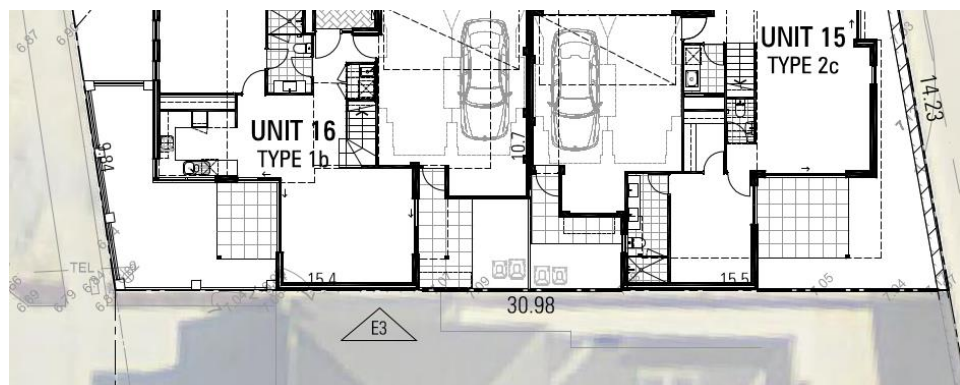
boundary walls allow for increased front and rear yards on a compact site and will increase privacy to the rear yard, particularly for Unit 1.



Southern boundary wall

The boundary wall of Unit 16 is adjacent to an existing boundary wall of the adjoining property and therefore will have no impact. The boundary wall from Unit 15 is only 5m in length and therefore will have minimal impact in terms of visual bulk. Overshadowing will not be increased as a result of the boundary walls as the proposed second storey of the development will overshadow a greater area than the proposed boundary walls.

The small lot sizes encourage the use of a boundary wall in order to fit a development of sufficient size to be considered liveable. The impact on the amenity of the adjoining property is minor and will not directly affect any outdoor living areas or major openings to habitable rooms. The streetscape will be unaffected by the boundary walls as they are setback a similar distance to existing boundary walls within the precinct. The boundary walls allow for increased front and rear yards on a compact site and will increase privacy to the rear yard, particularly for unit 16.



(e) **P351.14 'Cygnia Cove Residential Design Guidelines'**

Developments within Cygnia Cove are required to take into consideration a range of criteria including sustainable living, built form, fencing, and vehicle access. Some of these aspects are not applicable to grouped and/or multiple dwellings such as the provision of rainwater tanks. Other aspects were considered by the developer, Richard Noble, and the City to not be viable on the lot due to the small proposed lot sizes. The following elements of the proposed development do not meet the requirements of Local Planning Policy P351.14:

- Number of crossovers
- Provision of a greywater recycling system

Number of Crossovers

The design guidelines state that “*up to two crossovers shall be permitted for common entries, exits and access through the site*” and that “*up to two additional crossovers shall be permitted for direct access to dwellings fronting the primary street*”. The development proposes a total of 3 crossovers which all access common driveways. This design was endorsed by Richard Nobel. The application was referred to the City’s Engineering department who raised no objections to the crossovers as proposed. Additionally, no comments were received through the public consultation process in relation to access. The 3 proposed crossovers to common driveways are considered to meet the objectives of the policy.

Provisions of a greywater recycling system

The applicant sought advice from a hydraulic consultant who provided the following comment in regards to providing a greywater system for each lot.

“We believe the design of the plumbing system to incorporate the installation of future grey water recycling systems would be of little benefit for the development. The proposed development has limited landscaped areas within each lot. Generally the landscaped areas would require watering between December and April. Majority of the grey water would pass through the system and be discharged into the sewer mains. Running costs and ongoing maintenance would far outweigh any benefits.”

In addition to these comments a letter from Richard Noble dated 11 May 2016 was provided in relation to the previously approved development on the site which stated the following:

“The above requirements (City Policy P351.14 Clauses 5.1.1, 5.2.4 and 5.2.5 EnviroDevelopment Requirements in reference to L146 Anthus Corner, Waterford) of the Cygnia Cove Design Guidelines were not intended to be applied to the five Multiple Dwelling sites in the Cygnia Cove Estate which includes Lot 146. They were only intended to be applied to the 183 single residential lots. The installation of these measures has additional cost and management complications for multiple dwellings.”

Based on the above information the City will not require the provision of a greywater recycling system for each of the proposed grouped dwellings.

The decision of the City to not require the applicant to meet the above requirements in Local Planning Policy P351.14 is consistent with the concessions given for the previously approved development of 40 multiple dwellings on the site.

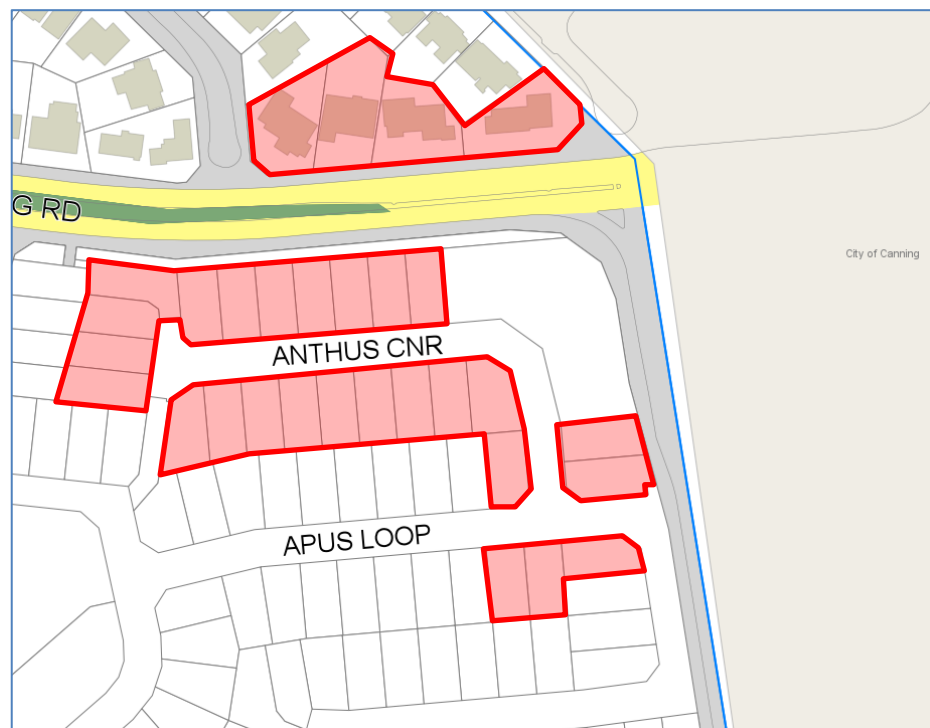
All other aspects of the policy have been met such as built form, fencing and vehicle access. The applicant’s assessment against the design guidelines of the local planning policy is at **Attachment (d)**.

- (f) **Developer Contributions for Public Art**
Due to the proposed development value being greater than \$4million the applicant will be required to contribute a minimum of 1% of the estimated development cost towards public art. A condition in this respect has been included in the recommendation.
- (g) **Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**
In considering an application for development approval the local government is to have due regard to 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

- (h) **Neighbour Consultation**
Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Local Planning Policy P301 'Community Engagement in Planning Proposals'. Individual property owners, occupiers and/or strata bodies identified in the below map (refer to image below) were invited to inspect the plans and to submit comments during a minimum 21-day period.



In addition to the properties identified on the above map, 2 properties within the City of Canning were also invited to make comment due to the potential impact that the development may have on them.

During the advertising period, a total of 50 consultation notices were sent and 1 submission was received which was against some aspects of the proposal. The comments of the submitter, together with officer responses are summarised below.

Submitters Comments	Officer Comments
The length of boundary walls proposed over nine metres will have a major impact of inadequate direct sun to our property.	Due to the north-south orientation of the lot there will not be a significant impact on access to direct sunlight. The upper floor of the proposed Unit 2 will have a more significant impact on access to direct sunlight than the boundary wall. This comment is NOT UPHOLD
The boundary walls should be fire proof and finish texture must be matching to the existing fence colour.	Fire aspects of the development are assessed at the building permit stage. The boundary wall will need to meet the Building Code of Australia fire requirements. This comment is NOTED

No conditions or additional modifications to the plans are recommended as a result of the submitters comments, taking into consideration the modifications that were made by the applicant in response to these comments.

(i) Manager, Engineering Infrastructure

The Manager, Engineering Infrastructure was invited to comment on a range of issues relating to car parking, traffic and accessibility, arising from the proposal. The full comments received from this department are included in **Attachment (e)**.

The applicant has made modifications to the plans to comply with the requirements of the Manager, Engineering Infrastructure.

Accordingly, planning conditions and important notes are recommended to deal with issues raised by the Manager, Engineering Infrastructure.

(j) Environmental Health Department

The Manager, Environmental Health was invited to comment on a range of issues including bins and noise. The full comments received from this department are included in **Attachment (f)**.

Planning conditions and/or important notes are recommended to respond to the comments of this department.

(k) External Agencies

The Department of Planning, Lands and Heritage (DPLH) provided comments with respect to the Site being on or abutting a regional road reservation. This agency raised concerns and requested that a Transport Impact Statement be provided by the applicant.

In response to the comments from the DPLH the applicant engaged Flyt to provide a Transport Impact Statement. The conclusion of this report was that the volume of traffic generated by the development on the site would not have a measurable impact on the local street network or intersections. Following review of the Transport Impact Statement, DPLH provided additional comments to the City. No objection was raised to the proposal. The response received from the DPLH is included in **Attachment (g)**.

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

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

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

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

The development satisfies the specific development standards under Local Planning Policy P351.14 ‘Cygnia Cove Design Guidelines’ and the relevant Scheme and R-Codes objectives and provisions. The development provides for a variety in housing form and will not have a detrimental impact on adjoining residential neighbours or the streetscape. Accordingly, it is considered that the application should be conditionally approved.

Attachments

- 10.3.2 (a):** Development Plans
- 10.3.2 (b):** Development Application Report
- 10.3.2 (c):** Site Photos
- 10.3.2 (d):** Cygnia Cove Guidelines Assessment
- 10.3.2 (e):** Engineering Comments
- 10.3.2 (f):** Environmental Health Comments
- 10.3.2 (g):** Department of Planning, Lands and Heritage Comments

10.3.3 Proposed Single House (Two Storey) - Lot (129) No. 49 Douglas Avenue, South Perth *withdrawn at the request of the applicant*

Location: Lot 129 No. 49 Douglas Avenue, South Perth
Ward: Mill Point Ward
Applicant: Jeff Blenkins
File Reference: D-18-28628
DA Lodgement Date: 12 February 2018
Meeting Date: 27 March 2018
Author(s): Ciara Barkey, 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 Single House (Two-Storey) at Lot 129, No. 49 Douglas Avenue, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Street Setback	R-Codes Design Principles 5.1.2 P2.1
Building setbacks	R-Codes Design Principles 5.1.3 P3.2

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for the Single House (Two Storey) on Lot 129 (No. 49) Douglas Avenue, South Perth be **refused** for the following reasons:

(a) Reasons

- (1) The proposal does not demonstrate compliance with the design principles prescribed in clause P3.2 under 5.1.3 'Lot boundary setback' of the R-Codes as the wall built up to the boundary does not positively contribute to the existing or prevailing streetscape character of the area.
- (2) The proposal does not demonstrate compliance with the design principles prescribed in clause P2.1 under 5.1.2 'Street setback' of the R-Codes as the development is not setback to be consistent with, and does not contribute, to the established streetscape.

(b) Standard Advice Notes

- (1) PNX3 (right of review)

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

Background

The development site details are as follows:

Zoning	Residential
Density coding	R40
Lot area	612 sq. metres (proposed strata Lot 2: 252 sq. metres)
Building height limit	7 metres

The location of the development site is shown below:



Figure 1 – Location of Development Site

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

8. Footnote

The delegated officer shall apply the following footnote to all conditional planning approvals and all discretionary refusals of planning approval issued under delegated authority:

FOOTNOTE:

The above decision has been made by a delegated officer under authority conferred by a Council resolution in order to expedite the decision-making process.

If you are aggrieved by the decision you may either:

- (a) request that the matter be reviewed at a Council meeting, following the submission of another Schedule 6 - Form of Application for Planning Approval; or*
- (b) lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.*

The application is referred to a council meeting as the applicant has requested that the matter be reviewed at a Council meeting following a delegated refusal in accordance with Footnote 8.

Comment**(a) Background**

In December 2017, the City received an application for a two storey single house on Lot 129 (No. 49) Douglas Avenue, South Perth (the **Site**). The application was refused under delegated authority on 31 January 2018 (**Attachment (a)**). The applicant has subsequently submitted another application and has requested the matter be reviewed at a Council meeting in accordance with Council Delegation DC690.

To facilitate the proposed development on the Site the owner has obtained conditional approval from the WAPC to survey strata title the property to create a new lot fronting Lawler Street. The proposed dwelling is located on this part of the property (**Attachment (b)**). The lot is yet to be titled.

(b) Existing Development on the Subject Site

The Site is situated between two local roads and currently features a single house (single storey) fronting on to Douglas Avenue with a backyard area adjacent to Lawler Street.

(c) Description of the Surrounding Locality

The Site currently has a primary frontage to Douglas Avenue to the north-east and secondary frontage to Lawler Street to the south-west. Proposed strata Lot 2 has its frontage to Lawler Street. The Site is located adjacent to a single residential block to the south-east and two grouped dwellings to the north-east as seen in **Figure 2** below:



Figure 2 – Surrounding Locality

(d) Description of the Proposal

The proposal involves the construction of two storey Single House on proposed strata Lot 2, as depicted in the submitted plans at **Attachment (d)**. The proposed Single House includes the following:

- Three bedrooms
- Three bathrooms
- Kitchen/living/dining room
- Laundry
- Second living room
- Balcony
- Roof terrace
- Double garage

(e) R-Codes and Scheme Provisions

The following planning aspects require a discretionary assessment against the City of South Perth Town Planning Scheme No. 6 (TPS6), the R-Codes and/or Council Policy requirements:

- Lot Boundary Setbacks (R-Codes clause 5.1.3)
- Street Setback (R-Codes clause 5.1.2 and Table 1 & Local Planning Policy P351.5)

These discretionary matters are discussed in further detail below. The applicant in their justification report, contained in **Attachment (e)** has also addressed these matters.

(f) Street Setback – Ground & Upper Floor

The street setback requirements within Kensington and Arlington were introduced by way of Local Planning Policy P351.5 in order to preserve and enhance the desired streetscape character of the precinct. This key design element has been identified by the local community as being important to the maintenance of streetscape compatibility.

In accordance with Local Planning Policy P351.5 'Streetscape Compatibility – Precinct 5: Arlington, and Precinct 6: Kensington' averaging of the primary street setback as prescribed in Table 1 of the R-Codes is not permitted unless the primary street setbacks of the existing dwellings on either side of the development site fronting the same street are less than the primary street prescribed in Table 1 of the R-Codes. The proposal cannot be considered by way of averaging as the two dwellings on other side of the subject site do not have primary street setbacks of less than 4.0 metres (as prescribed in Table 1 of the R-Codes) fronting Lawler Street. The property at 51 Douglas Avenue (to the south-east of the Site) does not front Lawler Street and therefore cannot be used to justify the consideration of a reduced front setback. The site therefore does not qualify for an averaging of the setback as per Local Planning Policy P351.5 Clause 4(a).

As averaging is not permitted the minimum deemed-to-comply setback requirements is 4.0 metres.

Element	Deemed-to-Comply	Proposed
Street Setback	4 metres	Minimum setback is 3.25 metres to the garage and 3.55 to main dwelling. Average 3.8 metres
<p><i>P351.5 Policy Objectives</i></p> <ol style="list-style-type: none"> <i>To preserve or enhance desired streetscape character, by ensuring that new residential development has bulk and scale that is compatible with the streetscape within which it is located.</i> <i>To enhance standards of residential amenity by focusing on key design elements identified by the local community as being important to the maintenance of streetscape compatibility.</i> <i>To provide guidance as to Council's expectations in relation to the application of Design Element 6.2 – Streetscape Requirements of the Residential Design Codes of Western Australia (R-Codes); and clause 4.5 – General Design Guidelines (relating to the design of residential development) and clause 7.5 – Matters to be Considered by Council (in considering applications for development approval) of the City's Town Planning Scheme No. 6 (TPS6).</i> <i>To identify the extent of nearby development to be taken into consideration when assessing the streetscape compatibility of proposed residential development.</i> <p><i>R- Codes Design Principles Clause 5.1.2</i></p> <p><i>P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:</i></p> <ul style="list-style-type: none"> <i>• contribute to, and are consistent with, an established streetscape;</i> <i>• provide adequate privacy and open space for dwellings;</i> <i>• accommodate site planning requirements such as parking, landscape and utilities; and</i> <i>• allow safety clearances for easements for essential service corridors.</i> <p><i>P2.2 Buildings mass and form that:</i></p> <ul style="list-style-type: none"> <i>• uses design features to affect the size and scale of the building;</i> <i>• uses appropriate minor projections that do not detract from the character of the streetscape;</i> <i>• minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and metres and the like; and</i> <i>• positively contributes to the prevailing development context and streetscape.</i> 		

The ground floor level has a minimum setback of 3.25 metres and the first floor has a minimum setback of 3.25 metres from the street boundary and as a result does not comply with the minimum 4.0 metres setback requirement.

The applicant has provided comments expressing the reasons why the proposed development should be approved by Council. The applicant's justification to support the development is provided in **Attachment (e)**. The applicant has suggested that there are examples of properties with reduced setbacks (less than 4.0 metres) on the street and within the wider area of Arlington. Examples are drawn from properties up to 800 metres away as justification.

There are examples in Lawler Street where parts of dwellings fronting the street encroach closer than the 4.0 metres street setback requirement, however these properties have been approved upon the basis that they meet a 4.0 metre average setback. Prior to the introduction of the Local Planning Policy P351.5 in 2012 averaging of the front setback was permitted as per the R-Codes. In most of these cases garages are located forward of the 4.0 metre setback line with the main dwelling setback further in order to achieve an average front setback of 4.0 metres. The dwelling to the north-west of the Site at 34 Lawler Street has a garage at 3.0 metres with the main dwelling at least 6.0 metres from the street boundary. Having an articulated front setback line reduces building bulk on the streetscape. In this proposal the garage is at 3.25 metres and the main dwelling at 3.55 metres and therefore there is a minimal offset of the front setback line.

Properties on other streets elsewhere in the precinct are not considered to be adequate justification or a precedent for this variation as they are not part of the same streetscape. The existing streetscape in the area is characterised by single dwellings that on the large are setback at least an average of 4.0 metres from Lawler Street, in particular those properties on the south-western side of the street.

It is considered that the proposed street setback variation does not satisfy the objectives of Local Planning Policy P351.5 nor the Design Principles of Clause 5.1.1 of the R-Codes for the following reasons:

- The setback would not contribute to nor be consistent with the established streetscape;
- The setback would not preserve nor enhance the desired streetscape character of the Arlington precinct; and
- The setback would not positively contribute to the prevailing development context and streetscape.

Accordingly, it is recommended that reason 2 of the refusal under delegated authority be upheld by Council.

(g) Boundary Wall- Ground Floor, South-East, Garage

Element	Deemed-to-Comply	Proposed
Boundary Wall Height	Maximum height – 3.5 metres Average height – 3.0 metres Street setback – 4.0 metres	Maximum height – 2.9 metres Average height – 2.9 metres Street setback – 3.25 metres
<p><i>P350.02 Policy Objectives</i></p> <p><i>1. To ensure that boundary walls are appropriate for the streetscape and do not have any adverse impact on the amenity of adjoining properties.</i></p> <p><i>R- Codes Design Principles Clause 5.1.3</i></p> <p><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> <p><i>P3.2. Buildings built up to boundaries (other than the street boundary) where</i></p>		

this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing development context and Streetscape.*

The proposed boundary wall to the garage satisfies the deemed-to-comply requirements of the R-Codes for height and length of wall. The proposal however, is not compliant with the street setback element of the deemed-to-comply requirements, or the policy objectives of the Local Planning Policy P350.02 'Boundary Walls'. As the deemed-to-comply requirement is not met the proposal shall be assessed against the applicable design principles.

The boundary wall is considered to have an adverse impact on the streetscape both existing and prevailing, as is not in keeping with the character of the area. There are only two examples of a boundary wall being forward of the primary street setback on Lawler Street which are both adjacent to each other, and of these walls one is adjacent to a vacant lot. These examples are considered to be an exception to the rule and not a precedent for newer development which is expected to fulfil the current policy requirements to ensure the desired streetscape character is preserved. It is not considered orderly and proper planning to set further future precedence for non-complying elements of building design that may harm the prevailing development context and streetscape, particularly in a precinct with such specific streetscape design controls.

The applicant has provided justification stating that the boundary wall variation makes the outdoor space much more useable and that the adjoining neighbour has provided "unequivocal approval" of the boundary wall and subsequent street setback variation. The applicant has also raised the streetscape compatibility of the dwelling at 28 Tate Street in terms of its contribution to the existing streetscape of Tate Street.

In response to the applicant's justification, it is noted that the outdoor space would be reduced from 3.8 metres to 3.0 metres only if the whole proposed development was moved back on the lot which is not the only option. A simple redesign of the rear of the development would produce a compliant outdoor living area with sufficient space. A submission has been received by the City from the adjoining neighbour indicating a preferred finish of the boundary wall only. Lastly, 28 Tate Street is a corner lot development with a unique triangular block shape and how a development fits into a streetscape can only be considered in the context of that streetscape.

Overall, it is considered that the proposed street setback variation to the garage boundary wall does not satisfy the objectives of Local Planning Policy P350.02 'Boundary Walls' or the Design Principles of Clause 5.1.3 of the R-Codes for the following reasons:

- The boundary wall would not contribute to or be consistent with an established streetscape;
- The boundary wall setback would not preserve or contribute to the desired streetscape character of the Arlington precinct; and
- The garage boundary wall being forward of the dwelling is considered to dominate the streetscape.

Accordingly, it is recommended that reason 1 of the refusal under delegated authority be upheld by Council.

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

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

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

The proposed development is not considered satisfactory in relation to these matters.

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

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is not considered satisfactory in relation to all of these matters as addressed in this report.

Consultation

(j) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Local Planning Policy P301 'Community Engagement is Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at No. 51 Douglas Avenue and No. 34 Lawler Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 2 consultation notices were sent and 1 submission(s) was received. The submission was neither in support nor against the proposal and only related to a colour preference.

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

If the applicant is aggrieved by Council determination, they have a right of review by the State Administrative Tribunal. If this occurs, there will be some financial implications for the City in defending the decision.

Strategic Implications

This matter aligns with Council's [Strategic Community Plan 2017-2027](#).

Sustainability Implications

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

Conclusion

The reduced street setbacks to the dwelling and the garage boundary wall do not satisfy the relevant Scheme, R-Codes and/or Council Policy objectives and provisions. The development has a detrimental impact upon the established, prevailing and desired streetscape within a unique streetscape design control precinct. Accordingly, the applicant's request to reconsider the officer's original delegated refusal should be dismissed and the application refused accordingly.

Attachments

- 10.3.3 (a):** Planning Refusal Notice
- 10.3.3 (b):** Subdivision Plan
- 10.3.3 (c):** Site Photographs
- 10.3.3 (d):** Plans
- 10.3.3 (e):** Applicant Justification

10.3.4 Tender 2/2018 Ernest Johnson Stage 2 Landscaping

Location:	City of South Perth
Ward:	Como Ward
Applicant:	Council
File Reference:	D-18-28629
Meeting Date:	27 March 2018
Author(s):	Bruce Moorman, Manager City Environment
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

Summary

This report considers submissions received from the advertising of Tender 2/2018 for the Ernest Johnson Reserve Stage 2 Landscaping.

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

That:

- (a) Council approves the tender submitted by MG Group for the Ernest Johnson Reserve Stage 2 Landscaping in accordance with Tender Number 2/2018 for the period of supply up to 2017/18 financial year inclusive; and
- (b) the resolved tender price be included in the Minutes of this meeting.

Background

A Request for Tender (RFT) 2/2018 for the Ernest Johnson Reserve Stage 2 Landscaping was advertised in the West Australian Newspaper and Tenderlink on Saturday 27 January 2018.

Tenders were invited as a *Lump Sum Contract*.

The contract will remain in effect until the work is completed satisfactory as per terms and conditions.

Comment

At the close of the tender advertising period (5) submissions had been received and these are tabled below:

TABLE A - Tender Submission

Tender Submission
Bistel Constructions Pty Ltd
Environmental Industries Pty Ltd
Maintenance and Construction Services Australia Pty Ltd (MACS)

Menchetti Consolidated Pty Ltd (MG Group)
Shelford Constructions Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	30%
2. Key Personnel, Skills and Resources	20%
3. Demonstrated Understanding & Suitable Timeline	30%
4. Resources and Subcontractors	20%
Total	100%

Based on the assessment of all submissions received for Tender 02/2018 Ernest Johnson Reserve Stage 2 Landscaping, it is recommended that the tender submission from MG Group be approved by Council.

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

Consultation

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

Policy and Legislative Implications

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

The following Council Policies also apply:

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

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

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*

10.3.4 Tender 2/2018 Ernest Johnson Stage 2 Landscaping

- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Financial Implications

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

Strategic Implications

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

Attachments

- 10.3.4 (a):** Ernest Johnson Stage 2 Landscaping Evaluation Panel Report
(Confidential)

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Monthly Financial Statements - February 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-28630
Meeting Date:	27 March 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The monthly financial statements have been reformatted and incorporated in one package (**Attachments (a) – (i)**). High level analysis is contained in the comments of this report.

Officer Recommendation

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

Background

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

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

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

Comment

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

10.4.1 Monthly Financial Statements - February 2018

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 \$51.94m in comparison to budget of \$51.97m. Expenditure from Operating Activities for the year to date is \$37.85m in comparison to budget of \$39.41m. Variations in the month of February are minor with Operating Activities tracking marginally lower than budget for expenditure and YTD actual revenue in line with budget.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.82m in comparison to the budget of \$0.69m. Actual Capital Expenditure for the year to date is \$10.69m in comparison to the budget of \$14.94m.

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

Cash and Investments balance is \$67.8m, 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 64.14% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, Attachment 10.6.1 (h), has been improved to illustrate the percentage invested in each of the Non-Fossil Fuel institutions as well as adding the Short Term Credit Rating provided by Standard & Poors (S&P) for each of the Banks.

Consultation

No external consultation is undertaken.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 34.

Financial Implications

The preparation of the monthly financial reports occurs from the resources provided in the Annual Budget.

Strategic Implications

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

Attachments

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

10.4.1 Monthly Financial Statements - February 2018

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

10.4.2 Listing of Payments - February 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-28631
Meeting Date:	27 March 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 February 2018 and 28 February 2018 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(584)	\$4,917,207.83
Cheque Payment to Creditors	(20)	\$36,413.81
Total Monthly Payments to Creditors	(604)	\$4,953,621.64
Cheque Payments to Non-Creditors	(80)	\$69,105.24
Total Payments	(684)	\$5,022,726.88

Officer Recommendation

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

Background

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

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

Comment

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

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

The report records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

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

- **Non Creditor Payments**

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

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

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts are within existing budget provisions.

Strategic Implications

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

Attachments

10.4.2 (a): Listing of Payments - February 2018

10.4.3 Richardson Street Car Park and No. 6 Richardson Reserve Car Park - Perth Zoo Employees

Location:	Richardson Street, South Perth
Ward:	Mill Point Ward
Applicant:	Council
File Ref:	D-18-28636
Meeting Date:	27 March 2018
Author(s):	Phil McQue, Manager Governance and Marketing
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report recommends that the Council introduce a 12 month trial paid parking service for Perth Zoo employees, to park in Richardson Street and Car Park 6 at Richardson Reserve South Perth, Monday to Friday (excluding public and school holidays) at a reduced fee, given both car parks presently have an occupancy rate averaging 30% on these prescribed days.

Officer Recommendation

That the Council give local public notice of the introduction of a 12 month trial paid parking service for Perth Zoo employees subject to the following conditions:

- Trial being for a period of 12 months, effective 1 May 2018 to 30 April 2019;
- Fee payable is 2 hours, entitling the Perth Zoo employee to receive parking for the duration of that day;
- This service only relates to Richardson Street carpark and Carpark 6 at Richardson Reserve;
- Excludes Public and School Holidays;
- A valid Perth Zoo permit must be displayed;
- Perth Zoo will be responsible for the administration of the permit system, which will be limited to a maximum of 100 being issued; and
- The City does not guarantee a parking space for Perth Zoo employees.

ABSOLUTE MAJORITY REQUIRED

Background

Car Park 6 at Richardson Reserve and Richardson Street is a fee paid car park, which is presently \$2.50 per hour (8.00am to 6.00pm) Monday to Friday.

This excludes 10 bays provided exclusively for Perth Zoo Docents and 30 bays provided for Royal Perth Golf Club (RPGC) Members. In addition, the City provides a further 75 bays free of charge exclusively for RPGC members on adjacent Amherst Street, with a further 51 bays free of charge shared between RPGC members and two sporting groups, bringing the number of free bays provided by the City RPGC to 126 bays. The RPGC parking arrangements with the City is presently under review by the City, and will be presented to Council in due course for consideration.

Comment

The Richardson Street and Reserve car parks are underutilised Monday to Friday outside of school holidays, with an average occupancy rate of 30%. During school holidays, the car parks achieve 100% occupancy.

Presently, many Perth Zoo employees park around the vicinity of the Zoo, for free on streets. Following discussions with Perth Zoo, it is proposed that the City commence a 12 month trial paid parking service for Perth Zoo employees, subject to the following conditions:

- Trial being for a period of 12 months, effective 1 May 2018 to 30 April 2019;
- Fee payable is 2 hours, entitling the Perth Zoo employee to receive parking for the duration of that day;
- This service only relates to Richardson Street carpark and Carpark 6 at Richardson Reserve;
- Excludes Public and School Holidays;
- A valid Perth Zoo permit must be displayed;
- Perth Zoo will be responsible for the administration of the permit system, which will be limited to a maximum of 100 being issued; and
- The City does not guarantee a parking space for Perth Zoo employees.

The Perth Zoo has conducted research within their employees, and indicates this will be a popular initiative. The amount of parking bays is being capped to 100 bays for Perth Zoo employees, to still ensure members of the public have parking readily available during this period. The permit system will be administered by Perth Zoo at their expense.

Whilst a discounted parking rate, these car parks are underutilised and this presents an opportunity for the City to generate additional revenue, whilst also removing the congestion of parked vehicles on nearby streets, which the City does often receive complaints on.

It is estimated that this trial initiative could generate approximately \$70,000 per annum. Given it is a new fee to be added to the City's Fees and Charges, it is required to be adopted by an Absolute Majority, with local public notice provided.

The trial will be reviewed by City officers in early 2019, with a subsequent report to be brought to Council at the conclusion of the twelve month period.

Consultation

The City consulted with Perth Zoo and the Perth Station Precinct Parking Management Plan Working Party on this proposal.

Policy and Legislative Implications

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Financial Implications

As previously outlined in the report, it is estimated an additional \$70,000 could be generated in revenue, which would strengthen the financial sustainability of the City and fund other critical municipal projects for the broader South Perth community.

Strategic Implications

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

Attachments

Nil

10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.7.1 Audit, Risk and Governance Committee Meeting - 6 March 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-28637
Meeting Date:	27 March 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 March 2018 for the Council's consideration. The Minutes and Attachments of which can be found at **Attachments (a) & (b)**.

Attachment (c) shows the Committee's recommended amendments to *Item 6.3 Proposed City of South Perth Standing Orders Amendment Local Law 2018* (shown in **green**).

Attachment (d) shows the Committee's recommended additional information to *Item 6.8 Councillor Motion: Ticketed Functions on Reserves or Parks in the City of South Perth* (shown in **green**).

Committee Recommendations

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

6.1 2017/18 Annual Financial Statements Audit (External)

That the Audit, Risk and Governance Committee recommends to Council that it note the attendance of the officers from the Office of the Auditor General.

6.2 2017 Compliance Audit Return

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

- a) adopt the 2017 Compliance Audit Return for the period 1 January 2017 to 31 December 2017 as detailed in Attachment (a);
- b) authorise the Mayor and Chief Executive Officer to jointly certify the 2017 Compliance Audit Return; and
- c) submit the 2017 Compliance Audit Return to the Department of Local Government, in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*.

6.3 Proposed City of South Perth Standing Orders Amendment Local Law 2018

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

- 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 *City of South Perth Standing Orders Amendment Local Law* (as amended as shown in **green** at **Attachment (c)**), 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;
- it provides a copy to the Minister for Local Government and Communities, in accordance with s3.12(4) of the *Local Government Act 1995*;
 - it note that the results of the public submission will be presented to Council for consideration.

6.4 Notifiable Data Breaches (DDB) Scheme

That the Audit, Risk and Governance Committee recommends to Council that it note the obligations of the City of South Perth in relation to the introduction of the Notifiable Data Breaches (NDB) scheme under Part IIIC of the *Privacy Act 1988* commencing 22 February 2018.

6.5 Corporate Business Plan - Quarter Two Update

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

6.6 Review of Policies - Strategic Direction Leadership

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

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

- P648 Motor Vehicles
- P649 Mayoral Vehicle
- P662 Advertising on Banner Poles
- P665 Use of Council Facilities
- P668 Mayoral Portraits
- P670 Delegates from Council
- P671 Governance
- P672 Agenda Briefings, Concept Forums and Workshops
- P673 Audio Recording of Council Meetings
- P674 Management of Corporate Records
- P675 Legal Representation
- P677 State Administrative Tribunal
- P680 Electronic Agendas
- P687 Development of Council Owned Land
- P689 Applications for Development Approval: Applicants Responsibilities
- P692 Sustainability
- P693 Retiring Elected Member Gift
- P695 Risk Management
- P696 Related Party Transactions

- b) The following policy having been reviewed and the content revised as per **Attachment (a)** be recommended to the Council for adoption:

- P609 Management of City Property

P661 Complaints

- c) The following policy as per Attachment (b) having been incorporated into policy P609 Management of City Property, be deleted.

P111 Commemoration

6.7 Review of Council Delegations - Strategic Direction Leadership

That the Audit, Risk and Governance Committee, having reviewed the City's Delegations held within Strategic Direction – Leadership; listed hereunder and contained at Attachment (a) be referred to Council for adoption:

DC609	Leases and Licences
DC642	Appointment of Acting CEO
DC664A	Dogs – Limitation as to numbers
DC664B	Dogs – Dangerous Dog Declaration
DC664C	Dogs – Registration
DC665A	Cats – Registration
DC665B	Cats – Approval to Breed Cats
DC665C	Cats – Recover Costs
DC678	Appointment of Authorised Officers
DC679	Administer the City's Local Laws
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions – Development Applications
DC690	Town Planning Scheme 6

6.8 Councillor Motion: Ticketed Functions on Reserves or Parks in the City of South Perth

That the Audit, Risk and Governance Committee recommends to Council that it adopt amended Policy 'P106 – Use of City Reserves and Facilities' shown as Attachment (a) (as amended as shown in **green** at **Attachment (d)**)

Confidential Item

7.1 Information Systems Strategy – Implementation (1System)

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (c) 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"*

Note: This matter is the subject of a separate report to Council on the March 2018 Ordinary Council Meeting Agenda.

Background

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

- 6.1 2017/18 Annual Financial Statements Audit (External)**
- 6.2 2017 Compliance Audit Return**
- 6.3 Proposed City of South Perth Standing Orders Amendment Local Law 2018**
- 6.4 Notifiable Data Breaches (NDB) Scheme**
- 6.5 Corporate Business Plan - Quarter Two Update**
- 6.6 Review of Policies - Strategic Direction Leadership**
- 6.7 Review of Council Delegations - Strategic Direction Leadership**

6.8 Councillor Motion: Ticketed Functions on Reserves or Parks in the City of South Perth**Confidential Item:****7.1 Information Systems Strategy – Implementation (1System)**

(Note: This matter is the subject of a separate report to Council on the March 2018 Ordinary Council Meeting Agenda.)

Comment

The Audit, Risk and Governance Committee considered the following 9 Items on 6 March 2018:

6.1 2017/18 Annual Financial Statements Audit (External)

This report is to update the Audit, Risk and Governance Committee of the 2017/18 Annual Financial Statements Audit (External) to be undertaken by the Office of the Auditor General, as well as introduce the Auditors (External) to the Committee.

6.2. 2017 Compliance Audit Return

The Department of Local Government's 2017 Compliance Audit Return for the period 1 January 2017 to 31 December 2017 has been completed and is submitted to the Audit, Risk and Governance Committee for consideration.

6.3. Proposed City of South Perth Standing Orders Amendment Local Law 2018

This report recommends that the Council adopt a *Standing Orders Amendment Local Law 2018* that reflects the Council decision of 12 December 2017.

6.4 Notifiable Data Breaches (NDB) Scheme

(Note: This matter will be subject of a separate report to Council)

This report outlines to the Council the Notifiable Data Breaches (NDB) scheme under Part IIIC of the Privacy Act 1988 (Privacy Act) which establishes requirements for entities in responding to data breaches. As a 'relevant entity', the City of South Perth, as at 22 February 2018, has data breach notification obligations when a data breach is likely to result in serious harm to any individuals whose personal information is involved in the breach.

6.5 Corporate Business Plan - Quarter Two Update

This report considers the Corporate Business Plan Second Quarter Update.

6.6 Review of Policies - Strategic Direction Leadership

The City has a statutory obligation under the Local Government Act 1995 to review its Policies each financial year. The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's policies.

The annual review of the City's Policies held within 'Strategic Direction – Leadership' is now presented for the consideration of the Committee and referral to Council.

6.7 Review of Council Delegations - Strategic Direction Leadership

The City has a statutory obligation under the *Local Government Act 1995* to review its Delegations each financial year. The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's delegations.

A review of the Council Delegations held within Strategic Direction – Leadership has been completed and is now presented for the consideration of the Committee and referral to Council for adoption.

6.8 Councillor Motion: Ticketed Functions on Reserves or Parks in the City of South Perth

This report is in response to a Motion submitted at the Audit, Risk and Governance Committee Meeting held on 27 November 2017, that all ticketed functions involving bands on reserves and parks in the City of South Perth is considered at the Committee's next meeting, in relation to procedures to be adopted in a Policy to ensure minimal impact to the community.

Confidential Item

7.1 Information Systems Strategy – Implementation (1System)

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (c) 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"*

Consultation

The 9 Items were the subject of consideration at the 6 March 2018 Audit, Risk and Governance Committee meeting.

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.

Attachments

- 10.7.1 (a):** Minutes - Audit, Risk and Governance Committee Meeting - 6 March 2018
- 10.7.1 (b):** Attachments - Audit, Risk and Governance Committee Meeting - 6 March 2018
- 10.7.1 (c):** Committee's Recommended Amendments to Item 6.3 Proposed City of South Perth Standing Orders Amendment Local Law 2018 (in green)
- 10.7.1 (d):** Committee's Recommended Additional Information to Item 6.8 Councillor Motion: Ticketed Functions on Reserves or Parks in the City of South Perth (in green)

10.7.2 Property Committee - 12 March 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-28638
Meeting Date:	27 March 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 Property Committee meeting held on 12 March 2018 for Council's consideration. The Minutes and Attachments of which can be found at **Attachment (a)**.

Committee Recommendations

That Council adopt the following recommendations of the Property Committee meeting held on 12 March 2018

5.1 Development of Concept Plans - Angelo and Anstey Streets

That the Property Committee recommends to Council that it appoint Mackay Urban Design as their preferred candidate for the development of concept plans for Anstey Street / Angelo Street South Perth.

5.2 Former Manning Library

That the Property Committee recommend to Council that it

1. note the outcome of discussions with the Department of Lands;
2. resolve to progress the Expression of Interest process with the five selected applicants from the confidential Expression of Interest Report 2/2017, December 2017 (**Confidential Attachment (a)**) for a preferred lease period of two years (with an option of up to 3 years);
3. reconsider the proposal to revoke the City's Management Order over the portion of Reserve 33639 that the Manning Library is situated, and request an amendment to the Metropolitan Region Scheme, following the outcome of the George Burnett Leisure Precinct Master Plan Review.

6.1 Boatshed Restaurant - Proposed Extension Concept Plan

That the Property Committee recommends to Council that:

1. it note the report on the proposed extension concept plans for the Boatshed Restaurant, South Perth,
2. it authorises the Chief Executive Officer to sign the relevant development application form as the land owner in order for the application to be submitted to the Department of Biodiversity, Conservation and Attractions (Rivers and Estuary Division) for consideration.

6.2 Proposed Millers Pool Cafe / Restaurant - Lease

That the Property Committee recommends to Council that it submit an application to the Minister for Lands to approve 'in-principle' a 42 year lease and sub-lease for the proposed Millers Pool Restaurant / Café at Reserve 33804.

6.3 Property Asset Management Review

That the Property Committee recommends to Council that it receive the March 2018 progress report on the Property Asset Management Review.

Background

The Property Committee meeting was held on 12 March 2018 with the following Items listed for consideration on the Agenda:

- Development of Concept Plans - Angelo and Anstey Streets
- Former Manning Library
- Boatshed Restaurant - Proposed Extension Concept Plan
- Proposed Millers Pool Cafe / Restaurant - Lease
- Property Asset Management Review

Comment

The Property Committee considered the following Items on 12 March 2018:

5.1 Development of Concept Plans - Angelo and Anstey Streets

The Property Committee previously recommended to Council that it proceed with seeking quotes to engage a design consultant to investigate how City owned land at Lot 747 (No. 57) Angelo Street and Lot 101 (No. 2) Anstey Street could be developed. This visioning exercise aims to develop an understanding of how these properties and nearby properties could be developed to generate the best possible outcome prior to any decisions being made regarding the disposal of the City owned properties.

The Property Committee noted that the Request for Quotations (RFQ) submissions shall be presented back to the Committee for consideration. This report presents an overview of the quotation process and the responses that were received through this process for the Property Committee to consider and make a recommendation to Council.

It is recommended that Mackay Urban Design be engaged to undertake these works.

5.2 Former Manning Library

This report provides an update to the Property Committee on the proposed leasing of the former Manning Library.

6.1 Boatshed Restaurant - Proposed Extension Concept Plan

This report provides an update to the Property Committee on the proposed extension concept plans for the Boatshed Restaurant, South Perth.

6.2 Proposed Millers Pool Cafe / Restaurant - Lease

This report considers the proposed Millers Pool Restaurant / Café at Reserve 33804, and seeks the Property Committee's approval to submit an application to the Minister for Lands to approve 'in-principle' a 42 year lease and sub-lease for the proposed Millers Pool Restaurant / Café at Reserve 33804.

6.3 Property Asset Management Review

This report provides the Property Committee with a progress report on the plan of action submitted to the Committee in July 2017 for dealing with various property assets.

Consultation

The 5 Items were the subject of consideration at the Property Committee meeting.

Policy and Legislative Implications

The Property Committee meetings are held under the prescribed requirements of *the Local Government (Administration) Regulations 1996*.

Financial Implications

Nil.

Attachments

10.7.2 (a): 12 March 2018 - Property Committee Meeting - Minutes

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUESTS FOR LEAVE OF ABSENCE

The following Elected Members apply for Leave of Absence from all Council meetings as follows:

- Councillor Tracie McDougall for the period 27 March – 3 April 2018, inclusive.

Officer Recommendation

That the applications for Leave of Absence be granted to:

- Councillor Tracie McDougall for the period 27 March – 3 April 2018, inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 APPOINTMENT OF CR GREG MILNER TO THE AUDIT, RISK AND GOVERNANCE COMMITTEE

At the Council Agenda Briefing held 20 March 2018 Councillor Blake D'Souza gave notice that at the 27 March 2018 Ordinary Council Meeting he would move the following Motion:

Councillor Motion

That Councillor Greg Milner be appointed to the Audit, Risk and Governance Committee.

Reasons for the Motion

Councillor Milner has expressed his interest in becoming a member of the Audit, Risk and Governance Committee.

CEO Comment

No Chief Executive Officer comment is required in relation to this Notice of Motion.

12.2 CURTIN UNIVERSITY BUS - PROPOSED JOINT FUNDING

At the Council Agenda Briefing held 20 March 2018 Councillor Ken Manolas gave notice that at the 27 March 2018 Ordinary Council Meeting he would move the following Motion:

Councillor Motion

That the City of South Perth investigates partnering with Curtin University to jointly fund the University bus that circulates throughout the City of South Perth.

Reasons for the Motion

The Curtin University bus travels throughout the City of South Perth picking up students. The reason for suggesting the City of South Perth investigate partnering with the University bus is so the service is not only available to students during the University semesters, but also available to residents throughout the year. This would ensure a reliable service for the community and residents for the whole year.

The service could then be advertised by the City giving opportunities to all residents to travel within the City of South Perth. For example from Curtin University, to Meadowvale Shopping precinct, Mends Street, Angelo St., Preston St., Canning Bridge Train station, Manning Hub, Waterford shopping Centre, and then back to Curtin University. The service would also provide a means of transport for residents to cross section the City of South Perth without the use of vehicles, providing access from Manning to catch the Mends St. ferry to the City. There will be some cost for this bus service to the City but it will help alleviate some of the need for vehicles and parking within the City of South Perth, and also promote the commercial precincts for all who reside in the City of South Perth.

CEO Comment

No Chief Executive Officer comment is required in relation to this Notice of Motion.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

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

15. MEETING CLOSED TO THE PUBLIC

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

The Report regarding this matter has been circulated separately to Councillors.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Information Systems Strategy - Implementation (1System)

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (c) 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"*

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-18-28639
Meeting Date:	27 March 2018
Author(s):	Jeff Jones, Manager Information Systems
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

Officer Recommendation

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

15.1.1 Information Systems Strategy - Implementation (1System)

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

16. CLOSURE

APPENDIX

16.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

<p>1. Ms Cerena Stratford of Salter Point Pde, Salter Point Received late: 27 February 2018</p>	<p>Response provided by: Ms Vicki Lummer, Director Development and Planning Services</p>
<p><i>[Preamble] Background: The proposed development at No. 19 Salter Point Parade will significantly obstruct views of the River from the existing houses at 18A and 19A Salter Point Parade, as demonstrated in our various submissions and the presentation made to the Council Agenda Briefing last week.</i></p>	
<p>1. With that in mind, is the Council prepared to accept that it is required to take into account the impact of this proposal on the availability of views of the River from neighbouring properties, pursuant to Clause 6.1A Sub-Clause (9) of the Planning Scheme?</p>	<p>The application was determined by the Council at its February 2018 Ordinary Council Meeting. The application was assessed against a number of planning requirements including Clause 6.1A (9) of the Town Planning Scheme No.6</p>
<p>2. To allow for as much of the existing view as possible to be retained, is the Council prepared to require further design changes to be made to the proposed dwelling, as per the amended motion that we understand has been submitted to the City by Councillor Cala?</p>	<p>The application, as presented to the February 2018 Ordinary Council Meeting, was approved by the Council without any design changes.</p>
<p>2. Mr Anthony Lalor of Killaloe Place, Waterford Received late at the meeting: 27 February 2018</p>	<p>Response provided by: Ms Vicki Lummer, Director Development and Planning Services</p>
<p>1. What is Council's policy on verge parking?</p>	<p>Council does not have a policy on verge parking. Council Policy P210 Street Verges identifies planted lawn and/or gardens as the preferred treatment although brick paving and synthetic turf may be used in certain circumstances as defined in the Street Verge Landscape Guidelines. The Guidelines do not provide for the paving of the verge for street parking except where street parking may have been lost through the installation of traffic management measures. Verge parking under the Parking Local Law is not permitted if signs are installed advising No Verge Parking or at corners where No Stopping is marked on the road. Verge parking is not permitted unless the vehicle being parked is the property of the owner or occupier of the premises immediately adjacent to that verge or is parked with the authorisation of the occupier of the premises.</p>

<p>2. What is Council’s in-fill policy in Waterford?</p>	<p>The City does not have any specific infill strategy for Waterford as a whole. However, the City is currently undertaking preliminary consultation with affected landowners and residents on an amendment affecting the area known as ‘Waterford Triangle’. This amendment (No. 59), which relates to land on the northern side of Manning Road, bound by Conlon Street, Garvey Street, Keaney Place and McKay Street, proposes an increase in the density of this land to allow for medium density development at a maximum height of 3 storeys.</p>
<p>3. Mr Craig Dermer of Mill Point Road, South Perth Received late at the meeting: 27 February 2018</p>	<p>Response provided by: Ms Vicki Lummer, Director Development and Planning Services</p>
<p><i>[Preamble] Amendment 56: the PTG initial document – asked for 96m max. Amendment 56 now says 96m – “unless the Council/JDAP is satisfied – etc. etc.etc”. We view this is a pernicious addition to the amendment! It is a one-off amendment – it applies to just one development. We see this as the sort of obfuscation that has led to many of the Planning problems in SP.</i></p>	
<p>3. Why did you not settle at 96m as the applicant requested, and who made this decision?</p>	<p>Element 1.11, which provides discretion to the maximum permitted height contained in element 1.9 was added to the amendment by resolution of Council at its meeting of 22 August 2017, prior to formal consultation on the amendment. The reasons for this modification are set out in full in the minutes of this meeting. The modification provides for additional height where the decision maker is satisfied that the relevant matters set out in clause 67 of the Regulations are met and any proposed additional height will not have any adverse effect on the amenity of the locality or its inhabitants.</p>