


# MINUTES.

## Ordinary Council Meeting

29 May 2018

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 29 May 2018 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



COLIN CAMERON  
ACTING CHIEF EXECUTIVE OFFICER

1 June 2018

# Our Guiding Values

## Trust

Honesty and integrity

## Respect

Acceptance and tolerance

## Understanding

Caring and empathy

## Teamwork

Leadership and commitment

## Disclaimer

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

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

## Further Information

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

- **Council Meeting Schedule**

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

- **Minutes and Agendas**

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

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km<sup>2</sup> divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

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

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# Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 29 May 2018.

## **1. DECLARATION OF OPENING**

The Presiding Member opened the meeting at 7.01pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

## **2. DISCLAIMER**

The Presiding Member read aloud the City's Disclaimer.

## **3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

### **3.1 STANDING ORDERS LOCAL LAW 2007**

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

### **3.2 AUDIO RECORDING OF THE COUNCIL MEETING**

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

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

### **3.3 FAREWELL - MR PHIL MCQUE, MANAGER GOVERNANCE AND MARKETING**

The Presiding Member acknowledged the services of Mr Phil McQue, the City's Manager of Governance and Marketing, who leaves the City after 7 years of service to take up a new position at a Council in Melbourne. The Presiding Member thanked him for his service and contribution to the City's achievements and wished him well in his new position.

## 4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

### Councillors

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

### Officers

Mr Geoff Glass	Chief Executive Officer
Mr Colin Cameron	Director Corporate Services
Ms Vicki Lummer	Director Development and Community Services
Mr Mark Taylor	Director Infrastructure Services
Mr Phil McQue	Manager Governance and Marketing
Mr Stevan Rodic	Manager Development Services
Ms Elyse Maketic	Manager Strategic Planning (until 10.52pm)
Mr Cameron Howell	Senior Statutory Planning Officer (until 10.52pm)
Ms Sharron Kent	Governance Officer
Ms Christine Lovett	Corporate Support Officer
Ms Katie Roberts	Senior Executive Support Officer

### Gallery

There were approximately 35 members of the public and 1 member of the press present.

### 4.1 APOLOGIES

Nil.

### 4.2 APPROVED LEAVE OF ABSENCE

Nil.

## 5. DECLARATIONS OF INTEREST

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

A Declaration of Interest was received from Mayor Sue Doherty in relation to Agenda Item 10.3.13 Proposed Commercial Development within a Single Storey plus Basement Building, Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway & Part Lot 182, No. 272 Canning Highway, Como

The Presiding Member advised that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* this Declaration would be read out immediately before Item 10.3.13 was discussed.

## 6. PUBLIC QUESTION TIME

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

The Presiding Member advised that the responses to public questions Taken on Notice at the April 2018 Ordinary Council Meeting are available in the Appendix of the Agenda.

### 6.2 PUBLIC QUESTION TIME: 29 MAY 2018

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

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

The Presiding Member then opened Public Question Time at 7.07pm.

No written questions were received prior to the meeting

Written questions were received at the meeting by:

- Ms Tiffany Donovan of Hensman Street, Kensington
- Mr Bill Gleeson of Canning Highway, Como

The answers to these questions were provided at the meeting and be found in the **Appendix**.

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

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 24 April 2018

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

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Ken Manolas

That the Minutes of the Ordinary Council Meeting held 24 April 2018 be taken as read and confirmed as a true and correct record.

**CARRIED (9/0)**



## 7.2 BRIEFINGS

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

### 7.2.1 Concept Briefings/Workshops - March/April/May 2018

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Ken Manolas

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

- Draft South Perth Activity Centre Plan Workshop – 21 March 2018;
- Draft South Perth Activity Centre Plan Workshop – 23 April 2018;
- Canning Highway East Scheme Amendment – 1 May 2018;
- Connect South – 8 May 2018;
- South Perth Station Analysis – 14 May 2018;
- 2018/2019 Budget Workshop # 2 – 15 May 2018;
- Community Infrastructure Analysis (Confidential) – 21 May 2018;
- CCTV Workshop – 21 May 2018;
- Council Agenda Briefing – 22 May 2018.

**CARRIED (9/0)**

#### Attachments

- 7.2.1 (a):** Draft South Perth Activity Centre Plan Workshop - 21 March 2018 - Notes
- 7.2.1 (b):** Draft South Perth Activity Centre Plan Workshop - 23 April 2018 - Notes
- 7.2.1 (c):** Canning Highway East Scheme Amendment - 1 May 2018 - Notes
- 7.2.1 (d):** Connect South - 8 May 2018 - Notes
- 7.2.1 (e):** South Perth Station Analysis - 14 May 2018 - Notes
- 7.2.1 (f):** 2018/2019 Budget Workshop #2 - 15 May 2018 - Notes
- 7.2.1 (g):** Community Infrastructure Analysis (Confidential) - 21 March 2018 *(Confidential)*
- 7.2.1 (h):** CCTV Workshop - 21 May 2018 - Notes
- 7.2.1 (i):** Council Agenda Briefing - 22 May 2018 - Notes

## 8. PRESENTATIONS

### 8.1 PETITIONS

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

There were no petitions to present.

### 8.2 PRESENTATIONS

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

There were no presentations.

### 8.3 DEPUTATIONS

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

Deputations were heard at the Council Agenda Briefing held 22 May 2018.

Two further reports - Responsible Authority Reports (RAR) - were added to the Agenda following the Agenda Briefing. These reports were 'called in' by Council to be considered prior to presentation to the JDAP for determination. They are Items:

10.3.12 Proposed Two Storey Child Day Care Centre - Lots 123 & 124 (No. 46) David Street, Kensington – scheduled for 1 June.

10.3.13 Proposed Commercial Development within a Single Storey plus Basement Building. Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway & Part Lot 182, No. 272 Canning Highway, Como scheduled for 7 June.

Members of the public were given the opportunity to address Council on these two Items by submitting a Request for a Deputation to Address Council form prior to the meeting. Deputations were heard from:

#### **Item 10.3.12 Proposed Two Storey Child Day Care Centre - Lots 123 & 124 (No. 46) David Street, Kensington**

1. Mr Brendan Joss of Hensman Street, Kensington spoke AGAINST the Officer Recommendation

At this point, prior to inviting Deputations for Item 10.3.13, Mayor Sue Doherty read aloud her Declaration of Interest at the Item, as follows:

*"I wish to declare an Indirect Financial Interest in Agenda Item 10.3.13 Proposed Commercial Development within a Single Storey plus Basement Building. Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway & Part Lot 182, No. 272 Canning Highway, Como on the Ordinary Council Meeting Agenda of 29 May 2018.*

*I declare that I was the recipient of electoral donations from Revel Enterprises (Preston Street IGA) at the 2015 Ordinary Council Elections.*

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

At 7.27pm Mayor Sue Doherty vacated the Chamber. Deputy Mayor Glenn Cridland took the Chair as Presiding Member.

The Presiding Member advised at this point that, in relation to *Item 10.1.1 Returned and Services League (RSL) Club Fee Waiver Request for use of John McGrath Pavilion and Hall*, he is a member of the RSL. This advice is not submitted as a Declaration of Interest.

**Item 10.3.13 Proposed Commercial Development within a Single Storey plus Basement Building. Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway & Part Lot 182, No. 272 Canning Highway, Como**

2. Ms Belinda Moharich of Angelo Street, South Perth spoke AGAINST the Officer Recommendation
3. Mr Paul Crock of Bessell Avenue, Como spoke AGAINST the Officer Recommendation
4. Mr Stephen Russell of Hobbs Avenue, Como spoke AGAINST the Officer Recommendation
5. Mr Mark Goodwin of Hobbs Avenue, Como spoke AGAINST the Officer Recommendation
6. Mr Sam Parr & Paul Azzalini of Hobbs Avenue, Como spoke AGAINST the Officer Recommendation

Councillor Tracie McDougall vacated the Chamber at 8.15pm at the conclusion of the above Deputation and returned at 8.20pm, during the following Deputation.

7. Mr Ed Turner (speaking on behalf of Mr Angus Witherby of Revel Enterprises, Preston Street, Como) spoke AGAINST the Officer Recommendation
8. Mr Darren Levey of Uloth & Associates spoke AGAINST the Officer Recommendation
9. Mr Jim Tsagalis of Lease Equity spoke AGAINST the Officer Recommendation
10. Mr Sean Fairfoul of the Rowe Group spoke AGAINST the Officer Recommendation
11. Mr Dan Lees of Element WA spoke FOR the Officer Recommendation

At this point the Presiding Member advised he would bring forward *Item 10.1.13 Proposed Commercial Development within a Single Storey plus Basement Building. Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway & Part Lot 182, No. 272 Canning Highway, Como* for consideration, prior to Mayor Sue Doherty returning to the Chamber.

During discussion on the following Item Councillor Cheryle Irons vacated the Chamber at 9.30pm and returned at 9.31pm, prior to voting.

### **8.3A REPORT ITEM BROUGHT FORWARD**

#### **10.3.13 Proposed Commercial Development within a Single Storey plus Basement Building. Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway & Part Lot 182, No. 272 Canning Highway, Como**

Location:	264-270 Canning Highway, Como
Ward:	Moresby Ward
Applicant:	Element
File Reference:	D-18-53642
DA Lodgement Date:	20 October 2017
Meeting Date:	29 May 2018
Author(s):	Cameron Howell, Senior Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### **Summary**

This report seeks Council's consideration of a Responsible Authority Report (RAR) and development application for a proposed commercial development (supermarket and retail tenancies) within a single storey plus basement building, on Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway and Part Lot 182, No. 272 Canning Highway, Como.

The RAR and its attachments are attached to this report for review and consideration, prior to determination of the Metro Central Joint Development Assessment Panel (Metro Central JDAP) at the meeting scheduled to commence at 2.00pm on Thursday 7 June 2018 in the City's Council Chambers.

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

**Moved:** Councillor Greg Milner

**Seconded:** Councillor Travis Burrows

That Council notes the Responsible Authority Report (RAR) prepared for the Metro Central Joint Development Assessment Panel (Metro Central JDAP) regarding the proposed commercial development located on Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway and Part Lot 182, No. 272 Canning Highway, Como.

**LOST (1/8)**

## **ALTERNATIVE RECOMMENDATION AND COUNCIL DECISION**

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Cheryle Irons

That the Responsible Authority Report not be Endorsed/Adopted, and Council recommend to JDAP to refuse the proposed commercial development located on Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway and Part Lot 182, No. 272 Canning Highway, Como.

**CARRIED (8/1)**

### Reason for Alternative

The development is not consistent with SPP 4.2 with no strategic justification provided and the development is not consistent with the Local Commercial Strategy and the purpose of the Highway Commercial Zone.

The retail impact assessment provided is flawed and is not a firm basis for considering the impacts of or needs for the development. Importantly parking and traffic management as proposed is inadequate and is at the centre of why this proposal should be refused due to the amount of concessions being sought.

The development is contrary to Town Planning Scheme No. 6 as parking within the road widening area/reserve should not be counted in supporting the development and the development is not suitable to be given parking relief under Policy 351 due to the nature of the retail activity proposed.

The proposed parking layout lacks functionality, does not comply with AS2890.1 and is unacceptable for a supermarket style development. Further the development is not consistent with WAPC Policy 5.1 in that all access should be from a side road, not direct to Canning Highway.

The amenity impacts on directly adjacent residential areas are not acceptable and the variations to standards proposed should not be supported in its present form. The development would significantly interfere with the operation of the Birdwood Avenue/Canning Highway intersection and the proposed access driveway arrangements with the Canning Highway are unacceptable on traffic functional and safety grounds.

The development as it stands should therefore be refused and any subsequent application for retail on this site should be redesigned to provide all car park access off Hobbs Ave.

### **Comment**

As requested by Council, the RAR is attached for Council to consider. The Metro Central JDAP meeting is scheduled to commence at 2.00pm on Thursday 7 June 2018 in the City's Council Chambers.

### **Policy and Legislative Implications**

Comments are provided in the RAR in relation to Scheme and Policy requirements.

### **Financial Implications**

Nil.

### **Strategic Implications**

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

## **Attachments**

- 10.3.13 (a):** Responsible Authority Report (RAR) - DAP/17/01314 | 11.2017.367.1
- 10.3.13 (b):** RAR Attachment 1 - Development Plans
- 10.3.13 (c):** RAR Attachment 2 - Applicant's Reports
- 10.3.13 (d):** RAR Attachment 3 - Design Review Panel Comments
- 10.3.13 (e):** RAR Attachment 4 - Engineering Infrastructure Comments
- 10.3.13 (f):** RAR Attachment 5 - Environmental Health Comments
- 10.3.13 (g):** RAR Attachment 6 - Main Roads WA Comments
- 10.3.13 (h):** RAR Attachment 7 - Public Consultation Submissions
- 10.3.13 (i):** RAR Attachment 8 - Special Electors' Meeting

At 9.52pm Mayor Sue Doherty returned to the Chamber and resumed the Chair as Presiding Member.

#### **8.4 COUNCIL DELEGATES REPORTS**

*Council Delegates' Reports are circulated to Elected Members as they become available.*

#### **8.5 CONFERENCE DELEGATES REPORTS**

*Conference Delegates' Reports are circulated to Elected Members as they become available.*

### **9. METHOD OF DEALING WITH AGENDA BUSINESS**

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 22 May 2018 with the exception of Item 10.3.1.2 and 10.3.1.3 which were added to the Agenda following the Agenda Briefing as outlined at Agenda Item 8.2.

The Chief Executive Officer confirmed that this was correct.

#### ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.2.1 South Perth Esplanade Parking
- Item 10.3.2 Building Height Limits within Precinct 13 'Salter Point'
- Item 10.3.9 Proposed Three-Storey Single House on Lot 2 (No. 31) Sulman Avenue, Salter Point
- Item 10.3.12 Proposed two storey Child Day Care Centre - Lots 123 & 124 (No. 46) David Street, Kensington
- Item 10.3.13 Proposed Commercial Development within a Single Storey plus Basement Building. Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway & Part Lot 182, No. 272 Canning Highway, Como

#### **9.1 EN BLOC MOTION**

##### **EN BLOC MOTION AND COUNCIL DECISION**

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

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

- Item 10.0.1 Proposed Joint Funding of the Curtin University Bus
- Item 10.1.1 Returned and Services League (RSL) Club Fee Waiver Request for use of John McGrath Pavilion and Hall
- Item 10.3.1 Initiation of Advertising for Draft Revised Local Heritage Inventory and Heritage List
- Item 10.3.3 Initiation of Scheme Amendment No. 59 - Recoding of Land Bounded by

Conlon Street, Garvey Street and Manning Road, and Keaney Place, McKay Street, Manning Road and Garvey Street, Waterford from R20 to R60 and Associated Development Requirements

Item 10.3.4 Proposed Single House (Single Storey). Lot 18, No. 42 Douglas Avenue, South Perth

Item 10.3.5 Proposed 4 x Three Storey Grouped Dwellings with Roof Terraces. Lot 18, No. 18 Coode Street, South Perth

Item 10.3.6 Proposed Overheight Fence Addition to Multiple Dwelling. Lot 703, No. 30 Banksia Terrace, South Perth

Item 10.3.7 Proposed Extension of the Validity of Approval for a Temporary Viewing Tower and Sales Office, Lots 2-20 (Nos 72-74) Mill Point Road, South Perth

Item 10.3.8 Proposed Extension of Temporary Approval for Residential Building on Lot 206 No. 426 Canning Highway Como

Item 10.3.10 Perth Zoo Parking Feasibility Study

Item 10.3.11 eQuotes 2/2018 & 6/2018, Waste Management Services

Item 10.4.1 Monthly Financial Statements - April 2018

Item 10.4.2 Listing of Payments - April 2018

**CARRIED (9/0)**



## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Proposed Joint Funding of the Curtin University Bus

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-18-53494
Meeting Date:	29 May 2018
Author(s):	Mark Taylor, Director Infrastructure Services
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

#### Summary

This report discusses the Council resolution that the City investigates partnering with Curtin University to jointly fund the University bus service that operates in the City of South Perth.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

That the City:

- not partner with Curtin University to expand its bus operations at this time, due to the expense;
- work with Curtin University to raise community awareness of the existing service; and
- monitor community patronage of the service, following its promotion, to determine whether there is sufficient uptake to warrant future consideration to expand the service.

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

#### Background

At the March 2018 Ordinary Council Meeting, Councillor Ken Manolas moved the following Motion which was subsequently resolved:

*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.*

#### Comment

Curtin University (Curtin) currently operates a bus service called the Curtin Access Bus Service (CABS) for the benefit of its staff and student population. CABS is a free shuttle bus which operates Monday to Friday during normal Semester weeks only.

Buses can be hailed at any point along their designated routes. CABS operates on three circular routes (**Attachment (a)**):

1. Waterford;
2. South Perth and Victoria Park (two routes clockwise and anti-clockwise); and
3. Technology Park.

The main driver for Curtin with operating CABS is the safety of its students and staff, and a secondary objective is to reduce the demand for parking on the campus, which also means reduced congestion on the access roads. Curtin allows the wider community to use the bus services it provides.

Curtin does not keep statistics on the numbers of students and community members the service carries however anecdotal evidence suggests the numbers of community members using the service is low. Curtin is keen to increase use of the service, and would welcome any promotion the City would like to undertake.

The cost to Curtin to operate the service is commercially confidential however it is believed to be in the region of \$500k per year. Curtin has indicated it would be interested in expanding the service by frequency as well as coverage if the City partnered with them. In stating this, the representative advised that if the City was keen to expand the coverage, it would need to be cognisant of the time for the total journey.

### **Conclusion**

The current CABS is not widely known to be available to the wider community therefore is not well patronised. This makes it difficult for the City to assess whether there is interest in this additional bus service.

The City is closely monitoring its overall expenditure to ensure responsible budget and rates management. It is therefore recommended that prior to any consideration to increase the service, potentially at considerable cost, the current service should be more widely publicised to gauge community interest. A monitoring program could be initiated to assess uptake prior to any consideration to partner with Curtin to expand the service.

### **Consultation**

The City has liaised with a representative from Curtin University in preparing this report.

### **Policy and Legislative Implications**

Nil

### **Financial Implications**

The current cost to Curtin to operate the service is approximately \$500k per year.

### **Strategic Implications**

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

### **Attachments**

**10.0.1 (a):** Curtin Access Bus Services (CABS) Circulate Routes

## 10.1 STRATEGIC DIRECTION 1: COMMUNITY

### 10.1.1 Returned and Services League (RSL) Club Fee Waiver Request for use of John McGrath Pavilion and Hall

Location:	John McGrath Pavilion and Hall
Ward:	Como Ward
Applicant:	Returned and Services League (RSL) Club
File Ref:	D-18-53495
Meeting Date:	29 May 2018
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

This report seeks Council's consideration of a request from the Returned and Services League (RSL) Club for a waiver of the proposed annual rental fees for its use of John McGrath Pavilion and Hall over the ten year period prescribed in the Management Licence Agreement.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

That the:

- a) City advises the Returned and Services League (RSL) Club South Perth Branch that it is required to pay the annual licence fee and utility costs to the City for its use of the John McGrath Pavilion and Hall as determined in the Management Licence Agreement;
- b) City provides an annual donation to the Returned and Services League (RSL) Club South Perth Branch in recognition of the significant contributions/benefits it provides to the community;
- c) City's annual donation to the Returned and Services League (RSL) Club South Perth Branch will be calculated based on 100% reimbursement of the John McGrath Pavilion and Hall annual licence fee received from the RSL Club listed in the Management Licence Agreement (**Attachment (b)**);
- d) City's annual donation to the Returned and Services League (RSL) Club South Perth Branch is to be used to support its costs associated with the facilitation of the annual ANZAC Day and Remembrance Day community events; and that the donation remains applicable for the ten year period of the Management Licence Agreement.

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

**Background**

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

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

1. South Perth Junior Football Club;
2. Western Australian Football League (WAFL) Umpires;
3. RSL Club of South Perth-Burswood (RSL); and
4. Returned Services League (RSL) South Perth Branch.

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

On 17 April 2018, the City received correspondence (**Attachment (a)**) from the RSL Club to advise it is agreeable to the majority of the proposed Management Licence Agreement terms and conditions except payment of the annual licence fee, which is the subject of this report. In particular, the RSL Club is requesting that the proposed annual fee be waived and replaced with a 'peppercorn' fee.

**Comment**

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

1. The local community benefits generated through the RSL Club's annual activities and projects (i.e. a community benefit assessment); and
2. The RSL Club's capacity to pay the proposed annual licence fee.

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

**RSL Club's Community Activities and Projects**

The RSL Club is a local not-for-profit community group. Each year the Club facilitates two community events (ANZAC Day and Remembrance Day) to recognise and acknowledge personnel who served and died in war, conflict, and/or peacekeeping operations. RSL members also attend schools to present citizenship awards to local students. The City is of the view that these events and activities represent a significant contribution to the local community.

**Proposed Annual Licence Fee and RSL Club's Capacity to Pay**

The \$1,100 annual licence fee proposed to be levied on the RSL Club is considered by the City to be fair and reasonable for the following reasons:

- The proposed licence fee has been calculated by the City using the 'discounted' cost setting formula prescribed in Council Policy P609 – 'Management of City Property' (see 'Policy and Legislative Implications' section below for more information).

- The RSL Club will benefit from its new headquarters being a brand new multi-million dollar community facility with a much higher standard of provision.
- The RSL Club will have reduced venue responsibilities and costs under the new arrangement. Although the RSL Club previously leased the RSL community Hall situated at 57 Angelo Street in South Perth under a 'peppercorn fee' arrangement with the City, this site is now being considered for development. The RSL Club was previously responsible for covering all operational costs for its former venue; however, it will incur reduced venue costs in the future. In particular, the estimated annual operating cost to the RSL Club in the new John McGrath Pavilion Management Licence is estimated at \$1,700 (\$1,100 Licence fee + approx. \$600 towards utilities).
- The proposed licence fee represents a small/token contribution toward the City's overall expenses to operate the John McGrath Pavilion and Hall. The City currently does not have a formal cost recovery percentage for its community facilities. However, the City recognises the significant community benefit made by a number of community, not-for-profit organisations such as the RSL Club. As such the fees charged to these groups are heavily subsidised in recognition of this. The estimated annual operating expenditure of John McGrath Pavilion and Hall is estimated at \$150,000, with a cost recovery of approx. 19% (\$28,389). The annual licence fee, utility costs and revenue retention were proposed by the City to recover some costs for the operation of the facility. The annual licence fee and utility fees are deemed as a fair and relatively inexpensive amount compared with other groups. It is an expectation that the City will receive a token amount of income as cost recovery for the expenses on the facility.

In the past, the RSL Club's main income source was through car parking fees generated at its former site; however, this income is no longer available to the Club. Currently the Club only generates minor annual income through membership fees and fundraising activities. In 2018/19 the Club is anticipated to make a \$5,869 loss (see **Attachment (a)**).

Following recent discussions with the RSL Club, the City does acknowledge that without the former car parking income, the RSL Club's ability to support and contribute to local community projects will be significantly affected and unable to maintain the current level of community benefit. It is therefore proposed that the City will provide an annual donation to the RSL Club equating to 100% reimbursement of the John McGrath Pavilion and Hall annual licence fee received from the RSL Club listed in the Management Licence Agreement. Furthermore, it is proposed that the City's annual donation to the RSL Club shall be used to support its costs associated with the facilitation of the annual ANZAC Day and Remembrance Day community events; and that the donation remains applicable for the entire period of the Agreement.

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

“Special Conditions:

- Annual Donation - The City will provide an annual donation to the RSL Club in recognition of the significant contributions/benefits it provides to the community. The donation will be calculated based on 100% reimbursement of the John McGrath Pavilion and Hall annual licence fee received from the RSL Club. The donation is to be used by the RSL Club to support its costs associated with the facilitation of the annual ANZAC Day and Remembrance Day community events. The donation remains applicable for the ten year period of the Management Licence Agreement.

### **Consultation**

Consultation has occurred with the RSL Club in the development of this report.

### **Policy and Legislative Implications**

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

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

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

The current insurance value of the John McGrath Pavilion and Hall is \$5,500,000. The licenced area to be used by the RSL Club equates to approximately 2% (0.02) of the overall facility. Therefore, in applying the above formula, the result is as follows:

- Annual rental fee payable by the RSL Club = \$5,500,000 x 0.01 x 0.02 = \$1,100.

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

### **Financial Implications**

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

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

*Note:*

*a. excludes any income from RSL Club or Rotary Club.*

*b. income is current estimate without deducting annual donation to RSL Club and Rotary Club.*

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

1. South Perth Junior Football Club = \$2,750 (plus utility charges). *Note: The Football Club has agreed to pay their proposed fees.*
2. Western Australian Football League (WAFL) Umpires = \$2,200 (plus utility charges). *Note: The WAFL has agreed to pay their proposed fees.*
3. Rotary Club of South Perth-Burswood = \$1,650 (plus utility charges). *Note: The Rotary Club has agreed to pay their proposed fees; however, it will also benefit from receiving an annual donation from the City calculated on 100% reimbursement of the John McGrath Pavilion and Hall venue hire income received from the Rotary Club associated user groups.*

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

Over the ten year period of the Management Licence Agreement, the estimated rental income payable to the City by the RSL Club for its use of the Pavilion and Hall is \$11,500 (i.e. \$1,100 x 10 x annual CPI adjustments = \$11,500).

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

Should Council resolve for the City to pay the proposed annual donation to the RSL Club, it will result in a 'cost neutral' outcome for the City (i.e. the City will receive rental income from the RSL each year; and the City will then donate the same amount back to the RSL each year for community programs).

### **Strategic Implications**

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

### **Attachments**

- 10.1.1 (a):** RSL Club South Perth Branch - John McGrath Pavilion and Hall - Licence Fee Waiver Request
- 10.1.1 (b):** RSL Club South Perth - John McGrath Pavilion and Hall - Draft Management Licence Agreement - Special Conditions



## 10.2 STRATEGIC DIRECTION 2: ECONOMY

### 10.2.1 South Perth Esplanade Parking

Location: South Perth  
Ward: Mill Point Ward  
Applicant: City of South Perth  
File Ref: D-18-53497  
Meeting Date: 29 May 2018  
Author(s): Phil McQue, Manager Governance and Marketing  
Reporting Officer(s): Geoff Glass, Chief Executive Officer  
Strategic Direction: Economy: A thriving City activated by innovation, attractions and opportunities  
Council Strategy: 2.1 Local Business

#### Summary

This report seeks Council's consideration of a review of the South Perth Esplanade parking trial and recommends that the 'First Hour Free' initiative be discontinued, given the availability of free car parking in this precinct and noting that South Perth ratepayers subsidised this initiative, with an estimated loss of \$138,000 in revenue occurring from May 2017 to April 2018.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Glenn Cridland

That the Council resolve to discontinue the South Perth Esplanade 'First Hour Free' initiative effective 30 June 2018, noting that it resulted in an estimated loss of \$138,000 in revenue from May 2017 to April 2018.

**CARRIED (8/1)**

#### Background

Following the receipt of a petition relating to business in the Mends Street Precinct, the Council resolved the following in March 2017:

*That:*

- *the 'First Hour Free' parking trial be introduced in May 2017 to SPE3 and SPE4, with the appropriate changes in times as outlined in the report, and to the South Perth Esplanade from approximately opposite Harper Terrace through to Queen Street;*
- *the parking trial be reviewed each quarter with a report to be brought to Council in the event that it is recommended the trial be discontinued;*
- *the Council note that the proposed introduction of 'First Hour Free' would result in approximately \$150,000 per annum reduction in parking revenue, with a budget adjustment to be provided to Council in Quarter Three to reflect this revenue loss; and*
- *the request to change the designation of the loading bay adjacent to #11 Mends Street to parking bays is supported on a trial basis with the bays remaining 15 minute limit.*



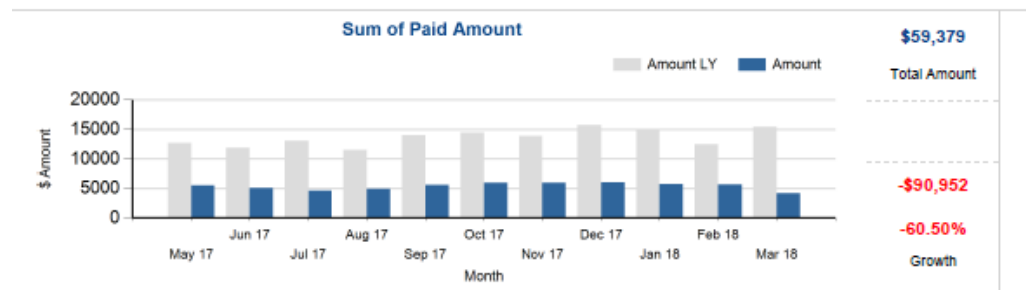
### Comment

The *First Hour Free* trial was introduced with a view to attracting more visitations to the Mends Street Precinct and also encouraging turnover of car parking bays, however during the period under review there is a recorded decrease of 33.07% in paid tickets issued at the South Perth Esplanade car parks from the corresponding period in 2016/17.

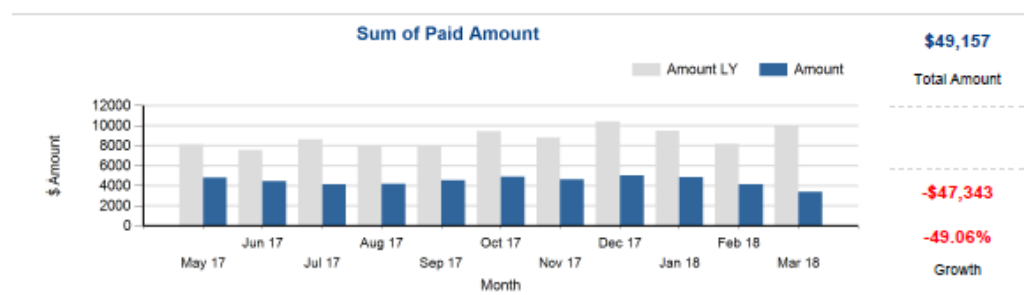
This is in part due to visitors to the South Perth Esplanade misusing the Council's initiative by obtaining another free one hour ticket upon expiry of their first free one hour ticket. Combined with the first hour free, this resulted in the following decrease in revenue from the corresponding period in 2016/17.

SPE3	60.50% decrease	\$90,952 decrease in revenue from previous year
SPE4	49.06% decrease	\$47,343 decrease in revenue from previous year
Total	54.78% decrease	\$138,295 decrease in revenue from previous year

#### SPE3 Car Park



#### SPE4 Car Park



The City is of the view that there is sufficient free and paid parking available in the Mends Street Precinct to cater for the present parking demands:

- Parking along the South Perth Esplanade is within two time restricted paid parking areas (SPE 3 – northwest of Mends Street and SPE 4 – southeast of Mends Street) and on-street “pay as you use” parking north side (riverside) full length from near Queen Street through to the east end;
- Parking on the north/west side of the South Perth Esplanade Mends Street through to Queen Street is time limited with no fee;
- Mends Street is time restricted parking with no fee;
- Free one hour parking is available in adjacent Ray Street;
- First hour free parking is provided in the undercover South Shore Centre paid parking station off South Perth Esplanade;
- Paid parking is available at the Windsor Hotel carpark.

South Shore Centre has provided the City with their car park patronage statistics for their 175 car park. A sample month was analysed showing that the car park is readily available with vacant bays for one hour free parking:

Maximum occupancy	89%
Average percentage occupancy	34%
Average percentage occupancy during office hours	55%
Average percentage occupancy on Fridays	37%
Average percentage occupancy on Saturdays	35%
Average percentage occupancy on Sundays	27%

Given the above availability in parking and the considerable loss in revenue associated with this trial, it is recommended that this initiative be discontinued effective 30 June 2018.

**Consultation**

This report has been prepared in consultation with the City's Rangers.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

There has been a loss in revenue of approximately \$140,000 due to this Council initiative.

**Strategic Implications**

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

**Attachments**

Nil

## 10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

### 10.3.1 Initiation of Advertising for Draft Revised Local Heritage Inventory and Heritage List

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-18-53498
Meeting Date:	29 May 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

The compilation and maintenance of a Local Heritage Inventory (formerly Municipal Heritage Inventory) is a requirement of each local government under the Heritage of *Western Australia Act 1990*. This inventory categorises properties according to their level of cultural heritage significance and is required to be reviewed on a four yearly basis. In addition, a local government may prepare and maintain a Heritage List under Part 3 of the Deemed Provisions, which usually consists of those properties on the Local Heritage Inventory with the highest level of significance.

The City first adopted its Local Heritage Inventory (LHI) in 1994 and has undertaken several reviews since this time. The City of South Perth Heritage List consists of those properties on the LHI categorised as A+, A and B. The last major review of the City's LHI was undertaken in 2006 and a review is therefore due. As the City's Heritage List is informed by the LHI it is prudent to review this list at the same time. The City engaged Hocking Heritage Studio and Creating Communities to undertake this review in July 2017. The review included preliminary engagement, nomination and assessment of up to 20 additional places and re-assessment of all existing places on the Local Heritage Inventory.

Preliminary engagement and reassessment has been undertaken and the purpose of this report is to outline the process to date and to seek Council consent to advertise the draft revised LHI and Heritage List.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

That Council:

1. Endorse the draft revised Local Heritage Inventory included at **Attachment (a)** for public advertising in accordance with P301 'Community Engagement in Planning Proposals' for a period of 42 days.
2. Note that those properties listed as Management Category A and B of the draft revised Local Heritage Inventory included at **Attachment (a)** are recommended to form the City's Heritage List subject to the processes

outlined in Part 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. Pursuant to clause 8(3), Part 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notify in writing each owner and occupier of those places listed as Management Category A and B of the draft revised Local Heritage Inventory included at **Attachment (a)** of the City's recommendation to include these properties on the City's Heritage List and invite the owners and occupiers of these properties to make a submission on the proposal within the public advertising period specified in point 1.
4. Pursuant to clause 8(3), Part 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notify in writing each owner and occupier of the places listed in **Attachment (b)** that these places are recommended to be removed from the Heritage List and invite the owners and occupiers of these properties to make a submission on the proposal within the public advertising period specified in point 1.

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

### Background

In 1994, the City adopted a Local Heritage Inventory (LHI) (formerly the Municipal Heritage Inventory), as required by clause 45 of the *Heritage of Western Australia Act 1990 (WA)* (the Act). The purpose of an LHI is to identify buildings and places that have cultural heritage significance to the local area. The LHI identifies local heritage assets and provides the base information needed for the City to achieve consistency, strategic direction and community support when dealing with heritage matters. Places are categorised on the LHI according to their level of cultural heritage significance.

In addition to the LHI a local government may prepare a Heritage List in accordance with Schedule 2, Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This list provides statutory protection to those places included on the list by requiring a development application to be submitted for any proposed works including additions and alterations, internal works and demolition. These Lists are usually informed by the LHI and consist of those properties on the LHI with the highest level of significance.

The Act requires local governments to update their heritage inventories annually, and undertake a major review every four years. A summary of the annual update and reviews of the LHI undertaken since 1994 are detailed in the table below.

Date	Additions	Deletions	Total places in LHI
1994	55 places	-	55
1995	4 places	4 places	55
1996	Appendix: 'Origin of Street and Place Names'	1 place	54
1997	1 place	-	55
1998-2000	3 places	2 places	56
2002	2 places	-	58
2003	4 places	-	62
2005	-	1 place	61
2006	(20 additional places proposed but not adopted)	1 place	60
2015	-	1 place	59

There are currently 59 listed places listed by the City on the LHI. Each place has been professionally assessed and classified according to its level of local cultural heritage significance as either category A+, A, B, C, D or E. The City's Heritage List was adopted in 2013 with the adoption of Local Planning Policy P313 'Local Heritage Listing' and consists of those properties listed as A+, A, and B on the LHI. This adoption process is different to the current adoption process as outlined in the Deemed Provisions.

The most recent major review of the City's LHI was undertaken by the City in 2006. The recommendations from this review were not adopted by the Council in 2006 and consideration of the revised LHI was deferred pending the preparation of a heritage policy to give guidance and consistency to heritage-related decisions. Consequently, Local Planning Policy P313 'Local Heritage Listing' was adopted by the Council in April 2013, enabling the LHI review process to re-commence. The objectives of P313 are to:

- Provide guidance to property owners, developers, the City's administration and the general community with respect to nomination and assessment of properties,
- Ensure consistency in decision making for listing of properties on the LHI and Heritage List and
- Detail the extent to which incentives and development bonuses/concessions apply to properties on the Heritage List.

The latest review of the LHI was undertaken in November 2015 in preparation for a major review which is now being undertaken. In this update no places were added, one place was deleted, and the document was extensively reformatted with additional explanatory text and photographs.

The LHI is due for a major review. Given that the Heritage List is informed by the LHI and was adopted under different processes than those currently in place it was considered prudent to review this list at the same time. In July 2017, the City engaged Hocking Heritage Studio and Creating Communities to undertake this review. The review involves the following milestones:

1. Literature review and preliminary advice; and
2. Review of Local Heritage Inventory and Heritage List.

Milestone 1 has been completed and milestone 2 has been partially completed in that a draft revised LHI and Heritage List have been prepared. The purpose of this report is to outline the process to date and to seek Council consent to advertise the draft revised LHI and Heritage List.

### **Comment**

#### *Process to Date*

The process undertaken to date as part of this review is outlined below:

#### Preliminary Engagement

Before commencing this review, the consultants and City officers undertook preliminary engagement between 28 August and 22 September 2017. The purpose of the engagement was to ascertain community views and aspirations in relation to heritage, and provide an opportunity to nominate additional places for inclusion on the LHI. The preliminary engagement included the following:

- A project page on Your Say South Perth including a summary of the project, key dates of the project, a link to the on-line survey, details of the information session, and some FAQ's.
- An on-line survey was available for completion on Your Say South Perth. The survey included questions relating to what the community thought was unique about South Perth and what makes South Perth a vibrant place to live, and also invited suggestions for additional places for assessment and possible inclusion in the LHI. There was also an opportunity to provide any other general comments.
- Community Information Session on Wednesday 13 September, 2017 from 6:00pm to 8:00pm, at the Manning Community Centre. The session was attended by 10 community members and included a presentation from Creating Communities and Hocking Heritage Studio on the heritage review process, the different types of heritage categories in the current LHI, and an explanation of the LHI and the Heritage List. Participants completed two activities in small groups discussing the questions of 'what is unique about South Perth' and 'what can the City do to celebrate and recognise its heritage' before sharing back with the whole group.

A total of 32 survey responses were received from the preliminary engagement as well as feedback from the information sessions. The key findings from the preliminary engagement is that the most valued and unique aspects of heritage in South Perth are the Mends Street precinct, the tree lined streets and open space, the Swan River and foreshore areas and the general older style of homes and buildings. Respondents also identified that heritage tours and walks, open days and exhibitions would be the best ways to recognise and celebrate heritage in the City. The full summary report from the preliminary engagement is included at **Attachment (c)**.

#### LHI review and Assessment Process

A total of 37 nominations were received from the community as part of the preliminary consultation process. An additional 7 nominations were also provided from the City. Following a preliminary review, a total of 22 places were nominated for inclusion on the LHI. These places were selected as they were identified by the consultants as having merit to be included on the LHI.

These 22 new nominated places as well as all those 59 places on the current LHI were reviewed and reassessed (a total of 81 places). Letters were sent to all owners and occupiers of these properties advising of the assessment/reassessment process.

The assessment process for all places on the draft LHI has been conducted in accordance with the State Heritage Guidelines released by the State Heritage Office. These guidelines aim to guide local governments in the assessment of heritage places and the preparation of an LHI by providing standardised assessment criteria including aesthetic value, historic value, research value, social value, rarity and representativeness. The condition, integrity and authenticity of a place are also given consideration. Detail is also provided on how to apply the criteria to a place to determine its heritage value and subsequently the Management Category it should be assigned. The assessment process included the following:

- Consideration of the management categories used in the LHI. The current LHI has 6 categories; 'A+', 'A', 'B', 'C', 'D', and 'E' which differs from the State Heritage Guidelines;
- Reassessment/assessment of the 81 places taking into consideration the assessment criteria in the State Heritage Guidelines, including assigning an appropriate management category;
- Determining those places that will be recommended to make up the City's Heritage List; and
- Identification of any Heritage Areas for future consideration.

*Key recommendations:*

The key modifications to the existing LHI are as follows:

- The draft revised LHI proposes only 4 categories being 'A', 'B', 'C', and 'D', as opposed to the current 6. This is consistent with the State Heritage Guidelines. A description of each of the management categories and the desired outcomes of these categories as detailed in the state government guidelines is included below.

Management Category Description	Category Description	Desirable Outcome
<b>Category A</b> Exceptional Significance  (Previously A and A+)	Essential to the heritage of the locality. Rare or outstanding example.  Recommended for inclusion on the State Register of Heritage Places.	The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise.  Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).  Include on the Town Planning Scheme No. 6 Heritage List
<b>Category B</b> Considerable Significance	Very important to the heritage of the locality. High degree of integrity/authenticity	Very important to the heritage of the City of South Perth. High degree of integrity and authenticity.  Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place  Include on the Town Planning Scheme No. 6 Heritage List
<b>Category C</b> Some/Moderate Significance	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.
<b>Category D</b> Little significance	Contributes to the understanding of the history of the City of South Perth.	Photographically record prior to major development or demolition. Recognise and interpret the site if possible.



- Existing places in categories 'A+' and 'E' have been assessed and reallocated to a new management category.
- The following properties are proposed to be re-categorised:

#	Listing Name	Address	Suburb	Proposed change	Comment
4	Residence: 5 Eric Street	5 Eric Street	Como	Lowered from Category 'C' to 'D'	Alterations to dwelling impacted on heritage value
16	Forests Department Headquarters (fmr)	17 Dick Perry Ave	Kensington	Lowered from Category 'B' to 'D'	Assessed to have minimal heritage value
17	Western Australian Herbarium (fmr)	17 Dick Perry Ave	Kensington	Lowered from Category 'B' to 'D'	Assessed to have minimal heritage value
20	Pine Trees at Collier Park Golf Course	-	Como	Lowered from Category 'B' to 'C'	Included with Collier Pine Plantation entry (new nomination)
22	Mount Henry Bridge	-	Salter Point	Lowered from Category 'B' to 'C'	Amended to reflect current heritage value
26	South Perth Sub-Branch RSL Hall	57 Angelo Street	South Perth	Raised from Category 'D' to 'C'	Higher social value than previously acknowledged
29	Solar Energy Advisory Centre (fmr)	95 Canning Hwy	South Perth	Lowered from Category 'B' to 'D'	Amended to reflect current heritage value
32	Roma	182 Canning Hwy	South Perth	Raised from Category 'C' to 'B'	Assessment determines high rarity value
35	Coode Street Jetty	-	South Perth	Lowered from Category 'B' to 'D'	Assessment determined no original fabric but still high social value
44	Residence: 43 Gladstone Avenue	43 Gladstone Ave	South Perth	Lowered from Category 'C' to 'D'	Assessment determined minimal heritage value
54	Perth Surgicentre (fmr)	38 Meadowvale Ave	South Perth	Lowered from Category 'C' to 'D'	Assessment determined minimal heritage value
62	Mill Point Reserve	-	South Perth	Lowered from Category 'B' to 'C'	Significant loss of original landscape but retains social and historic value
67	Commercial Premises: 252 Mill Point Road	252 Mill Point Rd	South Perth	Lowered from Category 'B' to 'C'	Assessment determined loss of original fabric affected heritage value



76	Mends Street Jetty	-	South Perth	Lowered from Category 'A' to 'C'	Assessment determined no original fabric but still high social value
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- Places allocated a Management Category of 'A' or 'B' are recommended to make up to City's Heritage List. The current Heritage List includes places with a category 'A+', 'A' and 'B' (a total of 50 places).
  - 9 places are proposed to be removed the Heritage List being those places listed in **Attachment (b)**.
  - 1 existing place is proposed to be included on the Heritage List being 'Roma' located at 182 Canning Highway, Como.
  - 6 new places are proposed to be included on the Heritage List as detailed in the table below:

#	Listing Name	Address	Suburb	Category
15	Kensington Primary School	73 Banksia Terrace	Kensington	B
18	Memorial Church of St Martin in the Field and Durbridge Hall	50 Dyson Street	Kensington	B
37	Commercial Premises: 91 Coode Street	91 Coode Street	South Perth	B
46	South Perth Child Health Centre (fmr)	46 Hensman Street	South Perth	B
69	Clayton's Butcher Shop	271 Mill Point Road	South Perth	B
77	Residence: 69 South Perth Esplanade	69 South Perth Esplanade	South Perth	B

- Renumbering and reordering places to make the LHI more concise and user friendly.

### Consultation

Preliminary consultation was undertaken in August/September 2017 as outlined above. Council was briefed on the proposed draft revised LHI and Heritage List on 13 March 2018. This briefing provided a background of the City's heritage prior to this review, an overview of the current review that is being undertaken, and an outline of the proposed modifications to the existing LHI and Heritage List.

Community consultation requirements for the review of an LHI are prescribed by Part 12 of Local Planning Policy P301 'Community Engagement in Planning Proposals'. Subject to Council endorsement, community consultation on the draft revised LHI will be undertaken for a minimum of 42 days in accordance with Local Planning Policy P301 'Community Engagement in Planning Proposals'. In addition to letters to owners and occupiers of properties on the draft LHI consultation will include notices in the Southern Gazette newspaper, at the Civic Centre, the City's Libraries and on the City's Your Say South Perth webpage. Comments will also be invited from the State Heritage Office.

Community consultation requirements for the additions and alterations to the Heritage List are prescribed by Clause 8(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). These requirements differ substantially from the previous requirements included in TPS6 that were applicable prior to the gazettal of updated regulations in 2015.

Consultation on the draft Heritage List in accordance with the abovementioned requirements will be undertaken in conjunction with consultation on the revised LHI. The 42 day comment period will be double the minimum period required by the Regulations. Consultation will include letters to owners and occupiers of all existing and proposed places on the draft Heritage List.

As the processes for additions and alterations to the Heritage List in the Regulations are different to the previous process, the City considers it prudent to follow the current process for all places on the draft revised Heritage List, both existing and nominated. This will ensure the process is undertaken in accordance with the current requirements.

Consultation of the draft LHI and the draft Heritage List will be undertaken concurrently.

Following community consultation the City will review any comments received and recommend modifications to the draft LHI and Heritage List where appropriate. The documents will then be presented to Council for final adoption.

Should the LHI and Heritage List be adopted by Council, all owners and occupiers of all places on the LHI and Heritage List will be notified in writing, as will the Heritage Council of Western Australia.

#### **Policy and Legislative Implications**

The statutory process for review of the LHI is set out in Clause 45 of the *Heritage of Western Australia Act 1990 (WA)*.

The statutory process for alterations and additions to the Heritage List is set out in Schedule 2, Part 3, Clause 8 of the Regulations. As noted in the previous section the process differs from the previous requirements prior to the gazettal of the Regulations in 2015 and therefore from the process previously undertaken by the City. This process will run concurrently with the timeframes for the review of the draft LHI as listed above. The process, together with an estimate of the likely time frame associated with each stage of the process, is detailed below.

<b>Stage of LHI review</b>	<b>Estimated Time</b>
Preliminary consultation with owners of properties on the current LHI and other key stakeholders	August/September 2017
Preparation of draft LHI and Heritage List	March 2018
Council resolution to advertise of draft revised LHI and Heritage List	29 May 2018
Public advertising period of not less than 42 days including referral to the State Heritage Office	Early June 2018
Council consideration of Report on Submissions and resolution on adoption of the draft revised LHI and Heritage List	September 2018
Provision of a copy of the adopted LHI and Heritage List to the Heritage Council of Western Australia	October 2018

#### **Financial Implications**

The full cost of the review is included in the 2017/2018 budget.

**Strategic Implications**

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

*1.1 Culture and Community*

- (d) Celebrate and support heritage within the City for present and future generations.

*3.2 Sustainable Built Form*

- (a) Develop a local planning framework to meet current and future community needs and legislative requirements.

**Attachments**

- 10.3.1 (a):** Draft Reviewed Local Heritage Inventory
- 10.3.1 (b):** List of places proposed to be removed from the Heritage List
- 10.3.1 (c):** Preliminary Community Engagement Report - Major LHI Review

### 10.3.2 Building Height Limits within Precinct 13 'Salter Point'

Location:	Not Applicable
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-18-53500
Meeting Date:	29 May 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

At the Ordinary Council Meeting of October 2017 Council resolved that a review of building heights in Precinct 13 (Salter Point) be undertaken, followed by a subsequent scheme amendment. This review, which has included a review of previous proposals/investigations to modify how height is controlled within this precinct, has now been undertaken. The purpose of this report is to outline the results of this review and make a recommendation on how to proceed.

Heights in this area have long been the subject of contention due to the topography of the land and access to views of Canning River. As recently as 2013 Council resolved that the City undertake preliminary consultation for a draft scheme amendment to lower building height limits within with Salter Point Parade/River Way area. In 2014 Council resolved to not proceed with this amendment due to a lack of consensus from the community. Council also resolved at this time that no further proposals to change building height limits within Precinct 13 (Salter Point) be prepared.

The City is currently in the process of reviewing the existing local planning scheme which will ultimately lead to a new local planning scheme. As part of the development of this new scheme the City will be undertaking a review of the building height limits throughout the City, including Salter Point, as well as the way building heights are measured. This is considered an equitable and holistic approach to building heights review. Attempting to review Salter Point ahead of the whole of City review will divert resources and delay the completion this important City wide project.

The existing building heights limits, in conjunction with Scheme provisions relating to measurement of building heights and protection of significant views, are considered to be an appropriate interim measure for the area. It is therefore recommended that no further changes are proposed to the building height limits in Precinct 13 (Salter Point) and that further investigation be undertaken as part of the review of *Town Planning Scheme No. 6*.

**Officer Recommendation****Moved:** -**Seconded:** -

That the Council not prepare a scheme amendment for changes to the building height limits applicable in Precinct 13 – Salter Point for the following reasons:

1. Council resolved in March 2014 not to proceed with a similar scheme amendment following preliminary community consultation, and that no further proposals for changes to the building height limits applicable only in Precinct 13 – Salter Point be prepared;
2. Investigations into building height limits and the measurement of building height in all precincts within the City will be undertaken in the near future as part of the review of *Town Planning Scheme No.6* and development of Local Planning Scheme No. 7. Undertaking an amendment for this precinct would divert resources from the Scheme Review and lead to delays with the completion of this project; and
3. The existing building height limits, in conjunction with Scheme provisions relating to measurement of building heights and protection of significant views, are considered to be an appropriate interim measure for this precinct.

**LAPSED FOR WANT OF A MOVER**

**ALTERNATIVE MOTION AND COUNCIL DECISION****Moved:** Councillor Colin Cala**Seconded:** Mayor Sue Doherty

That:

- 1) the Officer Recommendation not be adopted;
- 2) further to the Council Resolution of October 2017, a Policy be developed to provide more clarity and guidance on the application of clause 6.1A(9) of the Town Planning Scheme No. 6 (Building Height Restrictions in Precinct 13 'Salter Point'), particularly in regard to the impact of a development on the significant obstruction of views from existing buildings on neighbouring land .
  - a) the policy shall focus on measures to reduce the visual impact that a roof may have on the significant views of the Canning River by neighbouring land owners, and provide guidance in respect to roof pitch, maximum ridge height, the orientation of the ridge and the massing of the roof, and any other relevant matter.
  - b) a Report and a Draft Policy shall be presented to Council at the September 2018 Ordinary Council Meeting.
- 3) further Investigations into building height limits and the measurement of building height for Precinct 13 shall continue and form part of the review of Town Planning Scheme No.6 and development of Local Planning Scheme No. 7.

**CARRIED (6/3)**

Reasons for Alternative

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

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

*The intention of Amendment No. 17 is not to change the building height limits contained in the Scheme Maps, nor to change the historic method of measuring building height. Rather, the objective of the Amendment is to clarify, refine and, where necessary, elaborate on the existing provisions, still based on the same principles that have existed in TPS6 since 2003. Similar principles were also contained in the previous TPS5. Based on operational experience in the use of the existing TPS6 clauses, it has become apparent that there is a need to ensure that the objectives and intentions of the building height provisions of the Scheme are more clearly expressed, more easily applied and better understood.*

Because of ongoing problems, the matter was revisited in 2014, under Amendment 42, but due to a lack of alignment between owners, the issue has been left unresolved and Applicants, Councillors and Planning staff alike are faced with subjective assessment criteria.

The problem that exists is due in part to the City removing the historic building height restriction in 2003 that had been in place since 1974 under the provisions of Town Planning Scheme No. 3 for the protection of views of the Canning River from properties along the Salter Point escarpment. In addition to the Scheme, many of the blocks along Salter Point Parade had height covenants placed on them to further ensure the protection of views: some of these are still in place today.

What makes the locality special is not just the views in themselves, it is the nature of the three block subdivision along this area, that creates a middle block between River Way and Salter Point Parade.

The present TPS6 states for *Clause 6.1A(9) Building height restrictions in Precinct 13 'Salter Point'*:

*In Precinct 13 'Salter Point', on any land which has been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres, a person shall not erect or add to a building unless:*

- (a) drawings are submitted showing, to the Council's satisfaction:*
  - (i) the location of the proposed building in relation to existing buildings on lots potentially affected with respect to views of the Canning River;*

- (ii) *the finished floor levels and the levels of the highest parts of those existing and proposed buildings; and*
- (iii) *sight lines demonstrating that views of the Canning River from any of those existing buildings will not be significantly obstructed;*
- (b) *notice has been served upon the owners and occupiers of the lots potentially affected in relation to views of the Canning River, in accordance with clause 7.3; and*
- (c) *the Council is satisfied that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed.*

Clause 6.1A (9) should also be read in conjunction with clause 6.1A (4), which provides the local government with the power to restrict roof heights, where the height or the pitch of the roof would have an adverse effect on nearby existing development.

*Clause 6.1A(4)(b) states that:*

- (b) *The Council may impose a restriction on roof height where, in the Council's opinion, the proposed roof height or pitch would:*
  - (i) *have an adverse impact on, or be out of character with, development on the development site or within the focus area; or*
  - (ii) *Contravene any planning policy adopted under clause 9.6 relating to the design of buildings, significant views, or maintenance of streetscape character.*

Despite these special provisions in TPS6 for Precinct 13 – Salter Point; there is still lack of certainty and outcome that the earlier TPS 3 provided. The present system is creating an adversarial climate between neighbours and ensuring poor relations for the future.

While a long term solution is through a new Local Housing Strategy and Scheme Amendment: these may take considerable time. A new Policy will assist in the short term to provide more guidance to the Scheme Provisions particularly in regard to the Roof geometry, while work on longer term Local Housing Strategy and Scheme Review can continue.

### **Background**

Building heights along Salter Point Parade and River Way within the Salter Point Precinct have long been the subject of contention due to the topography of the land and access to views of the Canning River. The City has previously considered an amendment to modify the building height limits within this area in 2013 and 2014. The Council resolved not to proceed with this amendment due to the lack of community consensus on the matter. This process is outlined in further detail in the comment section of this report.

Most recently in October 2017, Council resolved that:

*“as a matter of urgency, the City undertake a review of building heights in Precinct 13 (Salter Point) and following this, a new Town Planning Scheme Amendment.”*



This resolution was in response to a Notice of Motion (refer Item 12.2 'New Local Planning Strategy for Precinct 13'). This Notice of Motion reiterated concerns over the difficulty that applicants, landowners, planning officers and elected members are experiencing in applying the provisions of the Scheme in relation to building height limits. These concerns related particularly to Precinct 13 (Salter Point). Supporting documentation to this motion included a letter submitted to the City from a local community group regarding the impacts that new development in the area are having on the streetscape and the concern that the Scheme is not effectively protecting access to significant views.

In accordance with this resolution a review has been undertaken, including a review of previous proposals/investigations to modify how height is controlled within this precinct.

### **Comment**

In considering this matter it is important to outline:

- How building heights are measured in the City;
- The history the current building height limits within this precinct; and
- The history of previous amendments relating to building heights within this precinct and the City.

#### *Building Height under Town Planning Scheme No. 6*

Building Height limits within the City of South Perth are controlled via various clauses contained within Town Planning Scheme No. 6. Building Height Limit is defined in the Scheme as meaning *"a horizontal plane or planes at the maximum permissible height of a building as prescribed by the Scheme Maps - Building Height Limits and clause 6.1A."*

The maximum building heights are prescribed in the building height Limits Map, and Building Height Limit is measured in accordance with Clause 6.1A of the Scheme. Under this clause building height is measured from the highest point of the ground level under the building that is also setback at least 6.0 metres from the front setback and 1.5 metres from any side boundary, to the uppermost point of a building above the outer face of the external walls. As per Clause 7.8(2) of the Scheme no discretion may be applied to building height limits.

Prior to the gazettal of Town Planning Scheme No. 6 (TPS6, Scheme), building height provisions for the Salter Point precinct were controlled by the relevant provisions of Town Planning Scheme No. 3 (TPS3) gazetted in 1974. TPS3 only applied to the Salter Point precinct and in addition to development requirements included provisions relating to roads and drainage, sewerage connection, subdivision. Building heights under TPS3 were measured in 'Australian Height Datum' (AHD). AHD is a measure of altitude relative to the sea level meaning all developments were limited to the same maximum height irrespective of ground levels.

With the introduction of TPS6 in 2003 the building height limits and the way building heights are measured were modified throughout the City. The method of measurement was modified from an 'AHD' to 'metres above ground level'. The reason for this was to allow building height limits to be measured relative to the ground levels of each property ensuring fairness and equity, and to ensure consistency across the City. The building height provisions have remained the



same throughout Precinct 13 (Salter Point) since the gazettal of TPS6 with the exception of Lots 501 and 502 River Way that had their building height limit boundaries modified to align with the property boundaries as part of scheme Amendment No. 52 gazetted in June 2017. The building heights of the lots themselves were unchanged.

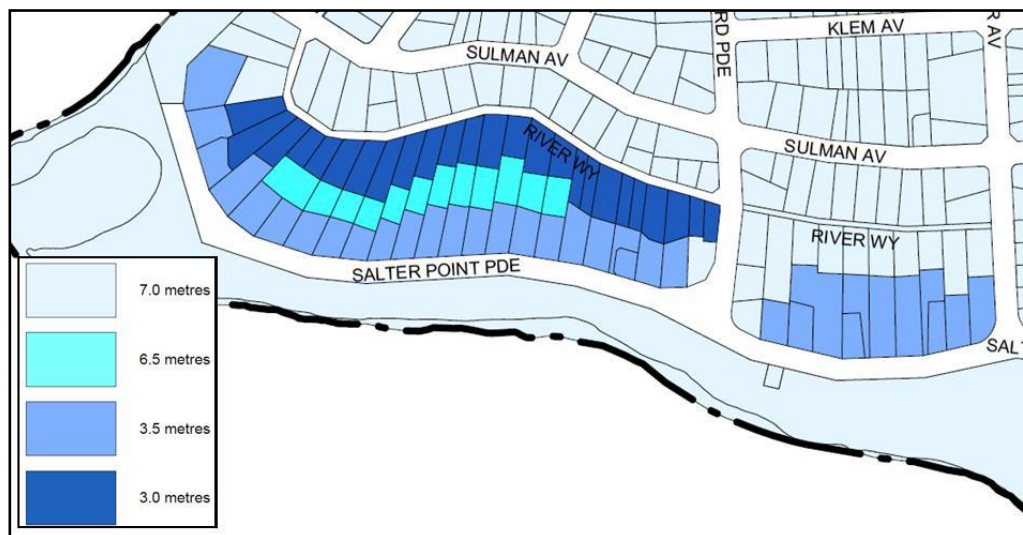
The building height limits within the Salter Point Precinct as defined in TPS3 are largely reflected in the building height controls under TPS6 with some modifications made to align building height limit areas with existing and future expected subdivision boundaries.

#### Scheme Amendment No. 17

In July 2013 the clause relating to measuring building heights (clause 6.1A) was expanded by way of Amendment No. 17. The purpose of this amendment, as stated in the amendment document, was to clarify existing provisions contained in the Scheme relating to measurement of building height so that it was more clearly written, more easily applied, and more clearly understood by the public, professionals, City Officers and Council Members. This amendment did not alter the existing building height limits or allow for any additional height than what could be built prior to the amendment.

#### Salter Point Building Heights

The building height limit throughout most of Precinct 13 (Salter Point) is 7.0 metres which is consistent with the majority of residential areas within the City. The exception to this is the areas adjacent to River Way and Salter Point Parade where the topography is heavily sloping up and away from the foreshore creating an escarpment. The building height limits within this area range from 3.0 metres to 7.0 metres as depicted on the below extract from the building height limit map for Precinct 13: Salter Point.



The building heights along Salter Point Parade and River Way have been developed to ensure that development is of an appropriate scale for the area and that development follows the topography of the land to maintain significant views for neighbouring properties. Lower building heights are appropriate for this area due to the topography but would not be suitable for relatively flat areas with no direct access to significant views. Notwithstanding, the building height limits within this portion of the precinct have been the subject of ongoing contention due to the

unique views to the Canning River and the protection of that view for property owners. No issues relating to building heights have been raised with the City in regards to properties with a 7.0 metre height limit in the precinct.

The height requirements along the escarpment are supported by clause 6.1A(9) of the Scheme 'Building height restrictions in Precinct 13 (Salter Point)'. This clause requires that drawings are submitted with all development applications on properties with a building height limit of 3.0 metres, 3.5 metres or 6.5 metres that demonstrate, to the satisfaction of the City, that the views of the Canning River from any buildings on neighbouring lands will not be significantly obstructed.

*Draft Amendment No. 42*

In April 2013 the City received a petition requesting that changes to the planning controls relating to building height for River Way and Salter Point Parade properties be initiated. The petition expressed concerns relating to the protection of views of the Canning River, and the impact of new developments on the streetscape. The request proposed that the provisions of TPS6 relating to height in the area be reverted back to the controls held within TPS3 in order to give absolute certainty to the maximum building heights in the area including the heights of the roof. It should be noted that these issues are the same as those that were included as supporting documentation for the most recent Notice of Motion.

As a response to the petition, in June 2013 Council resolved that preliminary consultation for a scheme amendment be undertaken for the following matters:

- (i) *deletion of clause 6.2(2);*
- (ii) *amending the Scheme Map – Legend for the purpose of reducing the 3.5 metre building height limit to 2.8 metres;*
- (iii) *inserting provisions applicable to land assigned a building height limit of 2.8 metres, requiring that building height is to be measured in the manner prescribed in clause 6.2(1) with the following variations:*
  - (A) *In addition to the standard requirements in clause 6.2(1)(b), the ground level reference point for measuring building height shall be located within the 2.8 metre building height limit area; and*
  - (B) *The highest point of the roof shall not be higher than 2.0 metres above the horizontal plane at the 2.8 metre building height limit;*
- (iv) *amending the Scheme Map – Building Height Limit for Precinct 13 – Salter Point for the purpose of:*
  - (A) *increasing the building height limit of the affected portion of Lot 931 (No. 11) Salter Point Parade from 3.0 metres to 6.5 metres; and*
  - (B) *decreasing the building height limit of the affected portion of Lot 19 (No. 32) River Way from 6.5 metres to 3.0 metres*

Clause 6.2(2) of the Scheme in 2013 as referenced in point (i) above related to building heights within Precinct 13 (Salter Point) and is still in the Scheme ( clause 6.1A(9) of the Scheme). The properties at Nos. 11 and 32 Salter Point Parade referenced in point (iv) above were properties that had been subdivided and the building height limit boundaries did not match those of the new lot boundaries and therefore required realignment of the Scheme Map.

Preliminary consultation was undertaken by way of letter, information sheet of the proposed changes, and questionnaire to all landowners within the subject area, as well as adjacent properties and two local community groups. The consultation period was for 28 days. The City received a total of 66 completed questionnaires and other written submissions representing 61 individual properties. The majority of submitters were supportive of changes to the existing building height limit provisions, though there was no consensus in terms of what these provisions should be. Conflicting requests were received to retain the existing height limits, lower the height limits and to increase the height limits. The summary of submissions is included at **Attachment (a)**.

Landowners were also invited to attend a community workshop to discuss the proposed amendment as well as any other alternative options. A total of 84 people attended the workshop all of whom lived in the precinct. The Outcomes Report from this workshop is included at **Attachment (b)**. The key issues that were discussed at this workshop were:

- individual circumstances and concerns on specific properties;
- previous controls and history;
- proposed Height controls; and
- The possible streetscape policy controls in River Way.

Of relevance to this matter is the discussion on proposed height controls. The proposal to reduce height was not widely supported and there was no consensus reached on a fair and balanced way to proceed.

Overall, whilst there appeared to be support for some form of modification to the existing building height limits, there was no consensus on what the revised provisions should be, and consequently no consensus on the proposed amendment.

The matter was presented to Council in March 2014 where Council adopted the City's recommendation to not proceed with the amendment. Specifically, Council resolved that:

- (a) no further proposals for changes to the building height limits applicable only in Precinct 13 – Salter Point be prepared;*
- (b) the Council is not prepared to initiate proposed Amendment No. 42 to Town Planning Scheme No. 6; and*
- (c) the submitters be thanked for their participation in this matter, be advised of the Council's decision as set out in parts (a) and (b) and that no further action will be taken regarding the Scheme Amendment.*

#### Consideration of Current Motion

Properties along River Way and Salter Point Parade are unique with the significant views to Canning River and beyond. In the past there has not been a consensus from the community about how building height limits should be applied. This is evident from the community consultation that was conducted as part of draft Amendment No. 42. There is no evidence to illustrate that this has changed in the intervening four years. Significant control is already provided on building heights in these areas effectively limiting properties to a single storey when viewed from River Way allowing views for those properties behind. The height limits of 3.0 metres, 3.5 metres and 6.5 metres for lots in the area are lower than the 7.0 metres applicable

to the majority of residential lots within the City. As noted earlier in this report, these heights originate (generally) from the former TPS3.

Since Council resolved not to proceed with draft proposed Amendment No. 42 in March 2014, there has been no significant change in State Government legislation applicable to low density residential dwellings or single/grouped dwelling building heights. There has also been no change to the zoning or density within the Salter Point Precinct under TPS6 excepting the realignment of building height limit boundaries to align with new lots boundaries of approved subdivisions (Amendment No. 52). There are therefore no overarching changes to the statutory framework since the matter was last considered that would result in a reason for it to be reconsidered.

The City is currently reviewing TPS6, which will ultimately inform the preparation of a new Local Planning Scheme No. 7. As part of this process the height limits and method of measurement of building height in this precinct, and City as a whole, will be reviewed. When considering building height provisions it is important to holistically consider how they apply to the City as a whole, as well as to each individual precinct, and particular sub-precincts within each precinct. This ensures that all relevant factors are considered and minimises the risk of unintended consequences/impacts.

The Scheme Review is a high priority for the City due to the age of the current Scheme, its inconsistency with the current model framework for Schemes and the resultant issues this presents for various clauses. Progressing a scheme amendment for a single issue in one precinct would divert resources from this project and potentially delay its completion. This would impact the whole of the City.

The factors affecting Council's decision on this matter are therefore summarised as follows:

- The planning framework governing height in this area has not changed (with the exception of lots 501 and 502) since at last the introduction of Amendment No. 17 to TPS6 in 2013. The City has consistently applied the building height provisions of TPS6 to all new development in this area since this time. While this area has unique topography, consideration of this is already made via the tiered height limits along River Way and Salter Point Parade;
- There is no clear consensus of opinion on building heights within Precinct 13 (Salter Point) as previously explored in detail through proposed Amendment No. 42. The City has not identified any factors that would suggest that opinions have differed from the previous review in 2013/2014;
- TPS6 is currently being reviewed. It is preferred that the building heights are considered holistically across the entire City as part of the town planning scheme review to ensure a consistent and equitable approach is taken; and
- Undertaking a scheme amendment at this time will divert resources away from the Scheme review and potentially delay its completion, which would impact the whole of the City

For the above reasons it is recommended that Council resolve not to proceed with a scheme amendment for building height provisions within Precinct 13 (Salter Point).

**Policy and Legislative Implications**

Nil

**Financial Implications**

An amendment to the building heights limits in the Precinct 13 (Salter Point) has not been included in the 2017/2018 budget and will therefore divert resources away from other strategic planning projects.

It is estimated that the cost to proceed with a scheme amendment to modify building heights within Precinct 13 (Salter Point) would be between \$20,000 and \$25,000. This figure is based on previous costs incurred for amendments of a similar scale having regard to maximum hourly rates for local government staff undertaking a scheme amendment as per clause 48(5) of the *Planning and Development Regulations 2009* and the cost of community engagement.

**Strategic Implications**

This report is aligned to the Council's [Strategic Community Plan 2017-2027](#) in particular outcome 3.2(A) 'Develop a local planning framework to meet current and future community needs and legislative requirements'. It is considered that the existing local planning framework is sufficient in achieving this outcome.

Should Council consider it necessary to proceed with an amendment to the Scheme relating to building height limits in Precinct 13 (Salter Point), resources will need to be diverted from the Scheme Review. This will lead to a delay in the delivery of this project, which would impact the whole of the City.

**Attachments**

- 10.3.2 (a):** Summary of Submissions - Salter Point Building Heights
- 10.3.2 (b):** Community Workshop Outcomes Report

### 10.3.3 Initiation of Scheme Amendment No. 59 - Recoding of Land Bounded by Conlon Street, Garvey Street and Manning Road, and Keaney Place, McKay Street, Manning Road and Garvey Street, Waterford from R20 to R60 and Associated Development Requirements

Location:	Not Applicable
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-18-53502
Meeting Date:	29 May 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

Draft amendment No. 59 follows a number of planning and urban design studies that have been undertaken since 2006 for the land bounded by Manning Road, Conlon Street, Garvey Street, Keaney Place and McKay Street, Waterford (known as the Waterford Triangle).

The recommendations and vision of the Urban Design Plan and Design Guidelines have been reviewed in detail in light of investigations into required infrastructure upgrades and access arrangements for properties adjacent to Manning Road. The recommendations from this work and the proposed approach to prepare a town planning scheme amendment were endorsed by Council in December 2017, along with endorsement to undertake preliminary consultation on this proposal.

Since December 2017 the City has prepared a draft scheme amendment (**Attachment (a)**), which proposes to 'up-code' properties within the subject area from R20 to R60, increase the building height limit from 7.0m to 10.5m, prohibit grouped dwellings, require setbacks to all lot and street boundaries and provide alternative access to properties fronting Manning Road. A local development plan (**Attachment (b)**) is proposed to accompany the amendment to illustrate the requirements for vehicle and pedestrian access, vary requirements of the R-Codes for fencing and building orientation on specific lots, and provide guidance on the application of discretion for open space. This proposed amendment seeks to implement the vision of the Urban Design Plan and Design Guidelines for Waterford Triangle endorsed by Council in February 2012.

The City subsequently undertook preliminary consultation with landowners in the subject area during March 2018, including two information sessions. The response from landowners regarding the draft amendment and associated local development plan is at **Attachment (c)** and was generally positive. No changes are proposed to the draft amendment as a result of the preliminary consultation.



It is recommended that Council support the initiation of proposed amendment No. 59 and give consent to publicly advertise the draft amendment in accordance with Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

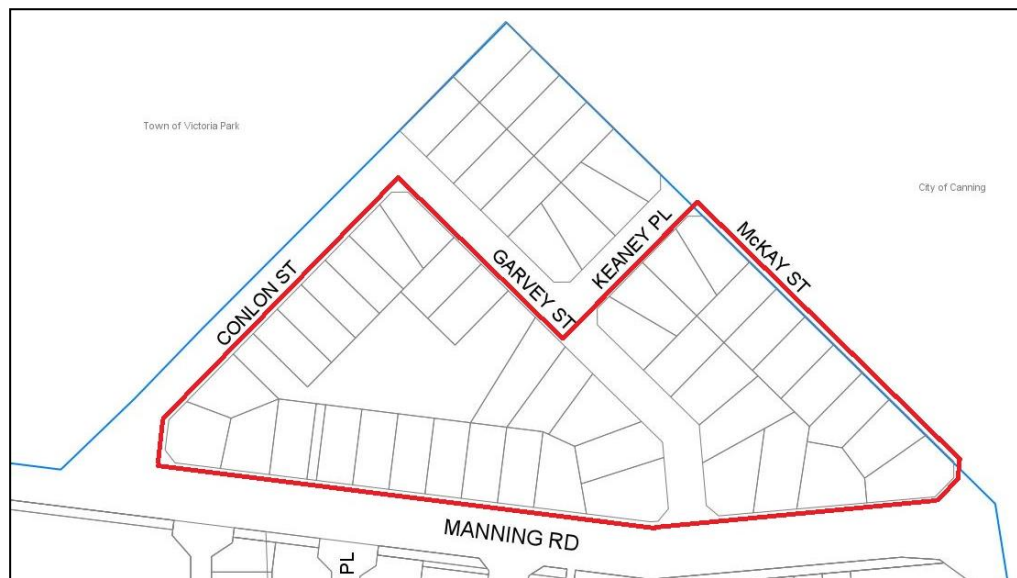
That Council:

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Clause 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to adopt the proposed amendment No. 59, to Town Planning Scheme No. 6 as detailed in the amendment documents contained in **Attachment (a)**;
2. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that the amendment is a complex amendment for the following reasons:
  - a. The land the subject of the amendment is not addressed by a Local Planning Strategy; and
  - b. The amendment relates to development that will have an impact that is significant relative to development in the locality;
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed amendment to the Environmental Protection Authority for consideration prior to advertisement;
4. Pursuant to Clause 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the amendment to the Western Australian Planning Commission for examination and consent to advertise;
5. Upon receipt of consent to advertise from the Western Australian Planning Commission prepare notice of, and advertise, the proposed amendment with a submission period of not less than 60 days pursuant to Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's policy P301 'Community Engagement in Planning Proposals'; and
6. Resolve pursuant to Clause 50(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* to advertise the draft Local Development Plan contained in **Attachment (b)** which illustrates the requirements for vehicle and pedestrian access, provides guidance to vary the R-Code deemed-to-comply requirements for fencing and building orientation for specific lots, and provides guidance on the application of discretion for open space.

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

### **Background**

The Waterford Triangle is bounded by Manning Road, Conlon Street and McKay Street in Waterford and currently consists of 81 single and duplex dwellings at an R20 density code. Due to the proximity of Curtin University, high proportions of houses within Waterford Triangle are occupied by group households and/or are rented to students. However, despite the unique location close to the university and public transport, the existing density code does not encourage investment in the area and many of the properties have been poorly maintained over time. Public open space, including road verges, and road carriageways are also in need of upgrade to improve the amenity of the area and to provide attractive and useable spaces for local residents. The below map depicts the subject area.



The block bounded by Garvey Street, Keaney Place, McKay Street and Curtin University to the north of the amendment area will be the subject of a separate amendment, to be prepared by a landowner to accommodate a particular development concept.

Planning for this area to address the above shortfalls and facilitate the appropriate redevelopment of the precinct has been ongoing since 2006 which culminated in the preparation of an Urban Design Plan in 2012. This Urban Design Plan was intended to inform a scheme amendment in the area. A detailed overview of the work previously undertaken was outlined in the Council report of December 2017 (refer Item 10.3.2) and is also provided in the scheme amendment report included at **Attachment (a)**.

The Urban Design Plan and associated recommendations were comprehensively reviewed during 2017 in light of the changes to the planning context that have occurred in the six years since the plan was finalised. These changes include the release of Perth and Peel @3.5 Million (in particular the planning framework for the Central sub-region), draft Design WA, and the draft Bentley-Curtin Structure Plan. This review assessed the likely built form outcomes of the recommended provisions from the Urban Design Plan and considered appropriate provisions to be included in a town planning scheme amendment and local development plan.



**Initiation of Scheme Amendment No. 59 - Recoding of Land Bounded by Conlon Street, Garvey Street and Manning Road, and Keaney Place, McKay Street, Manning Road and Garvey Street, Waterford from R20 to R60 and Associated Development Requirements**

At the December 2017 Council Meeting, Council considered an item relating to this review and resolved as follows:

*That Council:*

- a. *Consider, subject to annual budget approval, the infrastructure upgrades listed in Attachment (b) to be planned and delivered over time as part of the City's capital works program to improve the amenity, safety and use of public space in the Waterford Triangle;*
- b. *Endorse for preliminary consultation the approach to provide alternative access to properties that currently rely on direct vehicular access to Manning Road as set out in Attachment (c), as follows:*
  - *The City to fund construction of Stage 1 of the laneway between Conlon and Garvey Streets on park land as a cul-de-sac.*
  - *Introduce a town planning scheme provision to require amalgamation of numbers 225 and 227 Manning Road with adjoining properties, in order to remove access from Manning Road.*
  - *Introduce a second town planning scheme provision to require amalgamation of numbers 217 and 219 Manning Road with adjoining properties, in order to remove access from Manning Road.*
  - *Adopt a Local Development Plan to illustrate the access requirements for all properties adjacent to Manning Road and/or that are serviced by the proposed laneway, to be adopted along with the proposed town planning scheme amendment.*
- c. *Note the investigation into development contributions set out in Attachment (d), including that development contributions are not a suitable mechanism for funding infrastructure upgrades in the Waterford Triangle because the upgrades are needed to improve the amenity of the area, rather than to increase the capacity of the infrastructure to accommodate redevelopment, and it is therefore not possible to demonstrate the "need and nexus" with new development to the extent required under State Planning Policy 3.6 Development Contributions for Infrastructure;*
- d. *Endorse the preparation of a draft amendment to Town Planning Scheme No. 6 and an associated local development plan and planning policy, for preliminary consultation with affected landowners in accordance with policy P301 Community Engagement in Planning Proposals and Clause 9.8 of Town Planning Scheme No. 6. The documentation shall include:*
  - *Re-coding the subject properties from R20 to R60;*
  - *Scheme provisions increasing the building height limit from 7.0 metres to 10.5 metres;*
  - *Scheme provisions prohibiting grouped dwellings;*
  - *Scheme provisions and a Local Development Plan to resolve access for properties that currently directly access Manning Road;*
  - *Scheme provisions to reduce open space requirements for properties with direct frontage onto the park area;*
  - *Scheme provisions to ensure a visually permeable interface and casual surveillance of the park area; and*
  - *Local planning policy provisions to provide additional detail regarding objectives, expected built form outcomes and design requirements where a degree of flexibility is required.*

**Initiation of Scheme Amendment No. 59 - Recoding of Land Bounded by Conlon Street, Garvey Street and Manning Road, and Keaney Place, McKay Street, Manning Road and Garvey Street, Waterford from R20 to R60 and Associated Development Requirements**

The City has now undertaken this preliminary consultation as resolved at point 'b' and "d" above and is seeking endorsement from Council to adopt the draft town planning scheme amendment and local development plan prior to advertising.

**Comment**

Preliminary Community Consultation

The preliminary consultation was undertaken in March 2018 and included the following:

- Letter and email (where possible) to landowners within the study area providing background detail and the draft amendment and Local Development Plan and inviting comment;
- Invitation to a Landowner Information Session which included a choice of 2 sessions held on Wednesday 14 March and Wednesday 21 March; and
- Invitation for affected landowners to phone, email or meet with City officers to discuss the proposed amendment.

A copy of the preliminary consultation letter and information sent to landowners is included at **Attachment (d)**.

A total of 14 people attended the Landowner Information Sessions and a total of 9 written responses were received. The full schedule of responses along with officer comments is included at **Attachment (c)**.

Overall the comments of landowners within the proposed scheme amendment area were positive. The key comments raised in the written submissions included:

- Overall in support of the amendment;
- Redevelopment is essential in this area however the stipulated requirements for providing easements and minimum setback put the landowners in a difficult situation; and
- Uncertain that the vision can be successfully executed when land is owned by multiple parties.

No changes to the draft amendment were required following the preliminary consultation.

Proposed Scheme Amendment

The proposed Scheme amendment has been prepared in accordance with the principles endorsed by Council in December 2017.

The amendment proposes to:

- Re-code the subject properties from R20 to R60;
- Increase the building height limit from 7.0 metres to 10.5 metres;
- Prohibit grouped dwellings;
- Include scheme provisions and a Local Development Plan to resolve access for properties that have sole direct access to Manning Road;
- Include provisions to reduce open space requirements for properties with direct frontage onto the park area; and
- Include provisions to ensure a visually permeable interface and casual surveillance of the park area.

The scheme amendment report included at **Attachment (a)** provides a comprehensive analysis as to why the amendment is proposed and how it will achieve the objectives and vision set out in the Urban Design Plan. The key elements of the amendment are summarised below.

#### Residential density

The proposed amendment will increase the density code in the amendment area from R20 to R60. This proposed density, along with the prohibition of grouped dwellings, will allow for multiple dwelling (apartment) developments within the prescribed 10.5 metre building height limit.

#### Prohibiting Grouped Dwellings

The Urban Design Plan did not include provisions to prohibit Grouped Dwelling (villas, townhouses, etc.) developments. This is primarily due to the Urban Design Plan envisioning that dwellings would be in a 'terrace' style with minimal or zero setbacks to side boundaries. Further investigation has identified that, due to the lot sizes and dimensions within the subject area, this form of development would not achieve the desired density for the area and would result in a built form that does not achieve the vision of the Urban Design Plan as both Manning Road and the public open space could not be suitably addressed.

Multiple dwelling developments can provide a range of dwelling sizes, including a diversity of smaller dwellings that would suit students who are attracted to the area by the proximity of Curtin University. A multiple dwelling form will also provide appropriate parking and balconies/private open space, in support of the objectives of the Urban Design Plan.

#### Lot boundary setbacks

In order to ensure space for landscaping, the provision/retention of shade trees, adequate separation between buildings and to provide a transition between new development and existing dwellings, a 4.0 metre setback to all streets and side boundaries is proposed. Further, a minimum 6.0 metre setback is proposed to Manning Road to provide for potential future road widening of Manning Road and to ensure an adequate setback to Manning Road for landscaping and noise buffering in the event that widening does not occur.

#### Height

The height of buildings within Waterford Triangle is relatively uniform at one storey, with a small number of two storey developments.

An increase in building heights to allow for three storey buildings was recommended as part of the Urban Design Study. The rationale for the increased height was to increase the density and efficiency of land use in the area due to its strategic location close to Curtin University and Manning Road.

The proposed scheme amendment includes a height of 10.5m throughout the area, which is in line with the recommendations of the Urban Design Study and will allow for development of up to three storeys.

**Initiation of Scheme Amendment No. 59 - Recoding of Land Bounded by Conlon Street, Garvey Street and Manning Road, and Keaney Place, McKay Street, Manning Road and Garvey Street, Waterford from R20 to R60 and Associated Development Requirements**

Vehicle access

A number of sites within the area covered by the proposed amendment have vehicle access solely to Manning Road. Manning Road is classified as an 'Other Regional Road' under the Metropolitan Region Scheme and the Department of Planning will generally not support new development that relies on direct access to an 'Other Regional Road'. To address this issue the City of South Perth intends to create a laneway along the southern boundary of the public open space connecting to Conlon Street, as shown in the diagram below. This will provide alternative vehicular access for a number of properties that currently rely on Manning Road.



In addition, the proposed amendment will require specific properties that do not have access to the planned laneway (identified in red above) to be amalgamated or to provide vehicle access easement arrangements with neighbouring properties to provide legal access to a public road or right of way other than Manning Road. This requirement will give opportunity to all landowners to develop their properties, should the amendment be approved.

Where the site of a proposed development on a property adjacent to Manning Road will in future have vehicular access to a laneway connected to the local road network, temporary vehicular access to Manning Road may be approved provided that the new development is designed to have vehicular access to the planned laneway and to remove direct vehicular access to Manning Road when laneway access is available.

Local Development Plan

In addition to the proposed town planning scheme amendment the City has drafted a local development plan (LDP) to illustrate the requirements for vehicle and pedestrian access, vary the R-Code deemed-to-comply requirements for fencing and building orientation for specific lots, and to provide guidance on the application of discretion for open space. The draft LDP is at **Attachment (b)**. The LDP will help guide developers and is to be read in conjunction with the scheme amendment. An LDP has similar statutory powers to a policy in that it does not bind the City but should be given 'due regard' when making a planning decision.

**Initiation of Scheme Amendment No. 59 - Recoding of Land Bounded by Conlon Street, Garvey Street and Manning Road, and Keaney Place, McKay Street, Manning Road and Garvey Street, Waterford from R20 to R60 and Associated Development Requirements**

The draft LDP is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Subject to Council endorsement the draft LDP will be advertised in conjunction with the draft scheme amendment in order to provide the full context of the vision for the area to the community.

Local Planning Policy

In preparing the draft amendment it was determined that a local planning policy is not necessary to deliver the desired outcome, as the required provisions are provided in the Scheme and local development plan.

Outcomes from the proposed amendment

The expected outcomes of the proposed amendment are detailed in the amendment report at **Attachment (a)**. A summary of these outcomes is as follows.

- The provision of up to approximately 200 dwellings with a dwelling density of approximately 46.5 dwellings per gross hectare. This supports the City of South Perth's dwelling target set out in *Perth & Peel @3.5 Million* by providing for increased dwelling density adjacent to a Specialised Activity Centre and within a transport corridor
- Increase the building height limit to allow for developments of up to three storeys.
- Facilitate medium density development that positively addresses the street and public open space and retains space for soft landscaping and established trees.
- Provide for development of a range of unit sizes, in particular 1 and 2 bedroom units that would suit students, who are attracted to the area by the proximity of Curtin University.
- The prevention of direct vehicular access to Manning Road from adjacent properties that have vehicular access to a local road or laneway.
- Ensure an adequate setback to Manning Road for landscaping and noise buffering.
- Set out additional requirements for open space and building orientation
- Meet the overall objectives and outcomes of the Urban Design Study adopted by Council in February 2012.
- Consistency with the state planning framework as follows:
  - Provision of dwellings to support the City of South Perth's dwelling target set out in *Perth & Peel @3.5 Million* by providing for increased dwelling density adjacent to a Specialised Activity Centre and within a transport corridor;
  - Minimising and/or removing direct access to Manning Road consistent with Development Control Policy 5.1 – Regional Roads (Vehicular Access); and
- The proposed amendment is expected to complement the vision of the draft Bentley-Curtin Structure Plan by providing an increased density in close proximity to the structure plan area.



### **Consultation**

Council endorsed the approach for the draft scheme amendment at the December 2017 Council Meeting. Community consultation requirements for Complex Amendments are prescribed by regulation 38 of the Regulations. These requirements are supplemented by Part 10 of Local Planning Policy P301 'Community Engagement in Planning Proposals', which provides further guidance for advertising such proposals.

As discussed above, preliminary consultation has been undertaken with all landowners within the proposed scheme amendment area on the draft scheme amendment and associated LDP in accordance with Clause 9.8 of Town Planning Scheme No. 6. This included mailed letters, community information sessions and one-on-one meetings.

Following Council's endorsement of the draft Scheme Amendment, the amendment will be forwarded to the Western Australian Planning Commission for preliminary assessment and referred to the Environmental Protection Authority for assessment. Upon receipt of advice from the aforementioned authorities community consultation will be undertaken in accordance with Regulation 38 for a minimum period of 60 days. Consultation will include multiple signs around the site and notices in the Southern Gazette newspaper, the Civic Centre, the City's Libraries and on the City's web site. Notice will also be given to the City of Canning in accordance with Local Planning Policy P301 'Community Engagement in Planning Proposals'.

### **Policy and Legislative Implications**

The amendment is considered to be a complex amendment under the Regulations for the following reasons:

- i. The land the subject of the amendment is not addressed by a Local Planning Strategy; and
- ii. The amendment relates to development that will have an impact that is significant relative to development in the locality.

The statutory process for Complex Scheme Amendments is set out in Part 5, Divisions 1 and 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The process as it relates to proposed Amendment No. 59 is set out below, together with an estimate of the likely timeframe associated with each stage of the process. The below timeframes are based on the WAPC undertaking preliminary assessment within the prescribed 60 day time period.

<b>Stage of Amendment</b>	<b>Estimated Time</b>
Council resolution to adopt proposed draft Amendment for advertising purposes.	May 2018
Referral of draft Amendment proposals to EPA for environmental assessment and WAPC for preliminary assessment within a 60 day time period.	June 2018
Public advertising period of not less than 60 days.	July - September 2018
Council consideration of Report on Submissions and resolution on whether to support or not support the amendment.	November 2018

**10.3.3****Initiation of Scheme Amendment No. 59 - Recoding of Land Bounded by Conlon Street, Garvey Street and Manning Road, and Keaney Place, McKay Street, Manning Road and Garvey Street, Waterford from R20 to R60 and Associated Development Requirements**

Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> <li>• Report on Submissions;</li> <li>• Council's recommendation on the proposed Amendment; and</li> <li>• Three signed and sealed copies of Amendment documents for final approval.</li> </ul>	December 2018
Minister's final determination of Amendment and publication in Government Gazette	Not yet known

**Financial Implications**

There will be operational costs relating to the processing and advertisement of the draft amendment to the town planning scheme. These costs will be included in the 2018/2019 budget.

**Strategic Implications**

This report is aligned to the Council's [Strategic Community Plan 2017-2027](#) in particular outcomes 3.2 'Sustainable built form' and 3.3 'enhanced environment and open spaces'.

**Attachments**

- 10.3.3 (a):** Amendment Report
- 10.3.3 (b):** Local Development Plan
- 10.3.3 (c):** Schedule Of Submissions for Preliminary Consultation
- 10.3.3 (d):** Letter to landowners for preliminary consultation

### 10.3.4 Proposed Single House (Single Storey). Lot 18, No. 42 Douglas Avenue, South Perth

Location: Lot 18, No. 42 Douglas Avenue, South Perth  
Ward: Mill Point Ward  
Applicant: Hemsley Planning  
File Reference: D-18-53503  
DA Lodgement Date: 13 February 2018  
Meeting Date: 29 May 2018  
Author(s): Victoria Madigan, Statutory Planning Officer  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### Summary

This report seeks Council's consideration of an application for development approval for Single House (Single Storey) on Lot 18, No. 42 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	Council Policy P351.5 Clause 4 (a) and Residential Design Codes (Design Principles of Clause 5.1.2)
Boundary Walls	Residential Design Codes (Design Principles of Clause 5.1.3)
Roof Forms and Eaves	Council Policy P351.5 clause 3 (i), (ii) and Clause 4
Lot Boundary Setback (Side and Rear)	Residential Design Codes (Design Principles of Clause 5.1.3)
Open Space	Residential Design Codes (Design Principles of Clause 5.1.4)

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows  
**Seconded:** Councillor Tracie McDougall

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Single House (Single Storey) on Lot 18, No. 42 Douglas Avenue, South Perth be **approved** subject to the following conditions:

##### (a) Conditions

1. Prior to the issue of a building permit, details of the surface of the boundary wall to the garage, kitchen and scullery not visible from the street and on the eastern side of the lot shall be provided and the surface finish is to match the external walls of the neighbour's dwelling, unless the owner(s) of the adjoining property consent to another finish and their written agreement for the selected finish is supplied to the City, to the satisfaction of the City. Walls built to lot boundaries shall be finished in a clean material to the same standard as the rest of the



development prior to the developments occupation.

2. Prior to the occupation of the dwelling, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
3. Prior to occupation of the dwelling the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
4. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
5. The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the Director, Infrastructure Services.
6. No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.
7. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
8. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
9. The height of any wall, fence or other structure, shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City.
10. The driveway shall be maintained and kept clear of obstructions as shown on the approved plans to enable vehicles parked in the garage to be able to exit the property onto Douglas Avenue in forward gear.
11. The development shall be in accordance with the approved plans unless otherwise authorised by the City.

**(b) Advice Notes**

PN02,PN03,PNX1,PNX2,PNX3

1. The applicant / owner are advised of the need to comply with the City's Engineering Infrastructure Department requirements. Please find the enclosed memorandum, dated 24 April and 8 May 2018, to this effect.
2. The City cannot verify that all vehicles will suitably manoeuvre in the turning circle provided by the applicant. The City does not accept any liability of this manoeuvring space as a result of this.

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

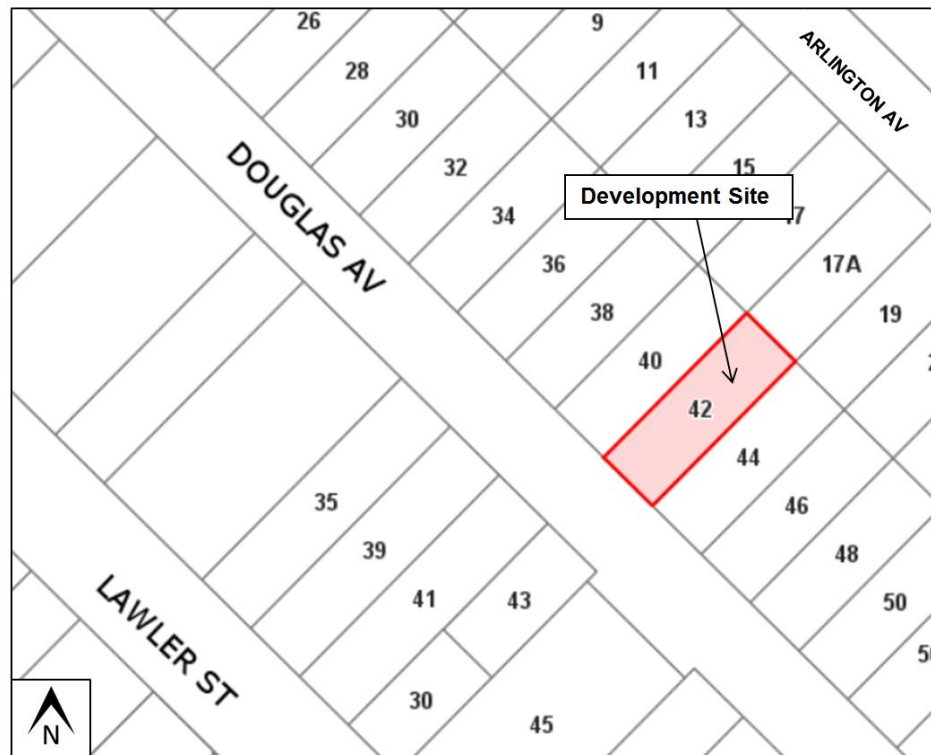
**CARRIED EN BLOC (9/0)**

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	440 sq. metres
<b>Building height limit</b>	7.0 metres

The location of the development site is shown below:



**Figure 1 – Location of Development Site**

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

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

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

### **6. Amenity impact**

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

### **Comment**

#### **(a) Background**

In February 2018 the City received an application for a Single House (Single Storey) on Lot 18, No. 42 Douglas Avenue, South Perth (the **Site**).

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

The site currently features an existing single residential dwelling as depicted in the site photographs at **Attachment (a)**.

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

The site has a frontage to Douglas Avenue to the south and is located adjacent to residential dwellings to the north, east and west, as depicted in **Figure 2** below:



**Figure 2 – Aerial of the Development Site**

**(d) Description of the Proposal**

The proposal involves the demolition of the existing single house and construction of a single storey dwelling on Site, as depicted in the submitted plans at **Attachment (b)**. The Site falls within the Arlington Precinct and is therefore guided by the City's Local Streetscape Policy P351.5 *Streetscape Compatibility – Precinct 5 'Arlington' and Precinct 6 'Kensington'*.

The following aspects do require the exercise of discretion to be approved and are discussed further in the report:

- Boundary Walls (Council Policy P350.02 Clause 1.1 and 2 and Residential Design Codes (Design Principles of Clause 5.1.3))
- Roof Form and Eaves (Council Policy P351.5 clause 3 (i) and (ii))
- Street Setback (Council Policy P351.5 Clause 4 (a))
- Lot Boundary Setback (Side and Rear) (Residential Design Codes (Design Principles of Clause 5.1.3))
- Open Space (Residential Design Codes (Design Principles of Clause 5.1.4)).

These discretionary matters are also addressed by the applicant in their justification report, contained in **Attachment (c)**.

(e) **Street Setback**

Element	Deemed-to-Comply	Proposed
Street Setback	6 metres	Minimum setback is 4.44 metres
<p><b>P351.5 Policy Objectives</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> <li>3. 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).</li> <li>4. To identify the extent of nearby development to be taken into consideration when assessing the streetscape compatibility of proposed residential development.</li> </ol> <p><b>R- Codes Design Principles Clause 5.1.2</b></p> <p>P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> <li>• contribute to, and are consistent with, an established streetscape;</li> <li>• provide adequate privacy and open space for dwellings;</li> <li>• accommodate site planning requirements such as parking, landscape and utilities; and</li> <li>• allow safety clearances for easements for essential service corridors.</li> </ul> <p>P2.2 Buildings mass and form that:</p> <ul style="list-style-type: none"> <li>• uses design features to affect the size and scale of the building;</li> <li>• uses appropriate minor projections that do not detract from the character of the streetscape;</li> <li>• 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 meters and the like; and</li> <li>• positively contributes to the prevailing development context and streetscape.</li> </ul>		

As the site is located within the Arlington Precinct, 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 setback of 6m. The site does not meet this requirement therefore does not qualify for a reduced setback or averaging of the setback as per Council Policy P351.5 Clause 4(a).

The Kensington/Arlington street setback requirements were introduced into Council Policy P351.5 in order to preserve and enhance 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.

The Kensington/ Arlington precincts have an Immediate Assessment Area (IAA) in relation to the street to which the proposed development has primary orientation, being those properties adjoining the side boundaries of the development site and those opposite the development site and a Wider Assessment Area (WAA) in relation to the street to which the proposed development has primary orientation, being those properties on both sides of the street within the immediate street block (to the next road junction or intersection).

As noted in the applicant's justification letter in **Attachment (c)** and on site there are multiple properties within the Focus Area/ Wider Assessment Area with dwellings setback less than 6 metres from the street, it is considered the setback variation is consistent with the existing streetscape.

The definition of dwelling as defined in the Residential Design Codes is stated below:

*"A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family".*

Therefore it is also considered that garages and carports are not included in the averaging of the primary street setbacks, for this purpose, to properties applicable to the Kensington/ Arlington Policy. However, in this instance it is noted there are multiple examples of 'development' being carports and garages within the front setback area, posing consistency with the streetscape should this variation be approved.

Clause 3 (b) of P351.5 states:

*"An applicant seeking approval for a variation from the provisions of sub-clause (a) is to submit for Council's consideration drawings and written justification demonstrating that the bulk, scale and form of the proposed development will be compatible with other dwellings in either the IAA or the WAA. The purpose of using the IAA or WAA is to provide flexibility whereby new development can respond to the streetscape characteristics of either its immediate context or the changing character of an area as defined by the wider context".*

The ground floor level has a minimum setback of 4.44m and does not comply with the minimum 6.0 metre setback requirements.

The applicant has provided comments expressing the reasons why the development as proposed should be approved by Council. The applicant's justification to support the development is provided in **Attachment (e)**.

There are multiple examples of properties with reduced setbacks on the street and within the wider area of Arlington. Examples are shown within the WAA as evident in the applicant's justification. However, with reference to applicant's justification and multiple examples on Douglas Avenue, there is a distinct inconsistency between existing development and deemed to comply setbacks along Douglas Avenue. It is noted the variation is consistent with the streetscape as evident in the examples above. Additionally, there are multiple

carports and garages with a lesser setback (although carports permitted) which is not out of character for the area.

The proposed street setback is considered to meet the Design Principles of the R – Codes and Local Policies for the following reasons:

- The setback variation is consistent with the streetscape;
- There are varying colour and material elements of the design to break up bulk as viewed from the street;
- There is significant landscaping within the front setback area to reduce building bulk;
- Overall, there is not considered to be a significant adverse impact on the amenity of the street as addressed above.

(f) **Boundary Walls**

Boundary Wall Lot boundary Setback and Boundary Street Setback

Element	Deemed-to-Comply Provision	Proposed
Boundary Wall Lot Boundary Setback	1.0 metre	Nil for ( 6.890 metres) to garage Nil for (8.390 metres) to scullery  Combined Length – 17.08 metres
Boundary Wall Street Setback	6 metres	5.6 metres

**P351.5 Policy Objectives**

1. 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.
2. 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.
3. 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).
4. To identify the extent of nearby development to be taken into consideration when assessing the streetscape compatibility of proposed residential development.

**R- Codes Design Principles Clause 5.1.2**

*P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:*

- contribute to, and are consistent with, an established streetscape;
- provide adequate privacy and open space for dwellings;
- accommodate site planning requirements such as parking, landscape and utilities; and
- allow safety clearances for easements for essential service corridors.

*P2.2 Buildings mass and form that:*

- uses design features to affect the size and scale of the building;
- uses appropriate minor projections that do not detract from the character of the streetscape;
- 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*  
 • *positively contributes to the prevailing development context and streetscape.*

The proposed boundary walls to the south east are adjacent to existing neighbouring boundary walls of No. 44 Douglas Avenue, South Perth for the majority of the proposed length of the boundary walls.

The proposed south eastern boundary walls are considered to meet the Design Principles of the R – Codes for the following reasons:

The proposed street setback of the garage boundary wall to the south east of the development site is less than the deemed to comply requirements of the R – Codes, evident in the above table. It is noted the adjoining property to the east has an adjacent carport boundary wall setback 4.4 metres from the street.

As the neighbouring carport boundary wall has an existing street setback of 4.4 metres, reduced setback to the proposed boundary wall will not have an adverse impact on the amenity of the adjoining property.

The applicant has responded to Design Review Panel comments (mentioned further in this report) by using a variation of colours and materials to break up building bulk as viewed from the street.

- The setback variation is consistent with the streetscape;
- There are varying colour and material elements of the design to break up bulk as viewed from the street;
- Sightlines remain the same despite the variation due to the existing adjoining boundary wall; and
- Solar access and ventilation complies;
- Building bulk complies due to existing boundary wall location;
- The proposed walls are not adjacent to any major openings; and
- Overall, there is not considered to be a significant adverse impact on the amenity of the street as addressed above.

**(g) Roof Forms and Eaves**

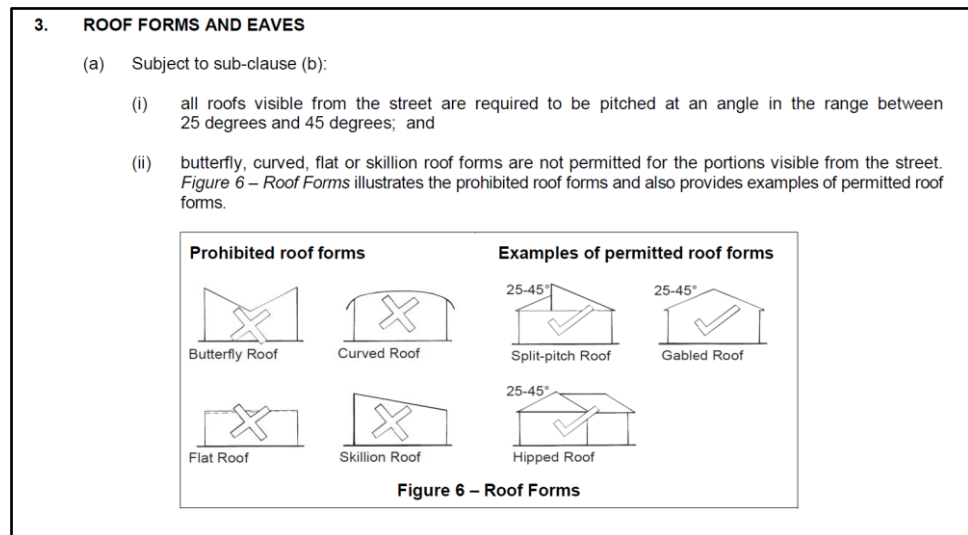
Element	Deemed-to-Comply	Proposed
Eaves	450mm	Nil
Roof Pitch	Split Pitched, Gable, Pitched Roof	Hybrid between Split Pitch and Skillion

***P351.5 Policy Objectives***

- 1. 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.*
- 2. 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.*
- 3. 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*

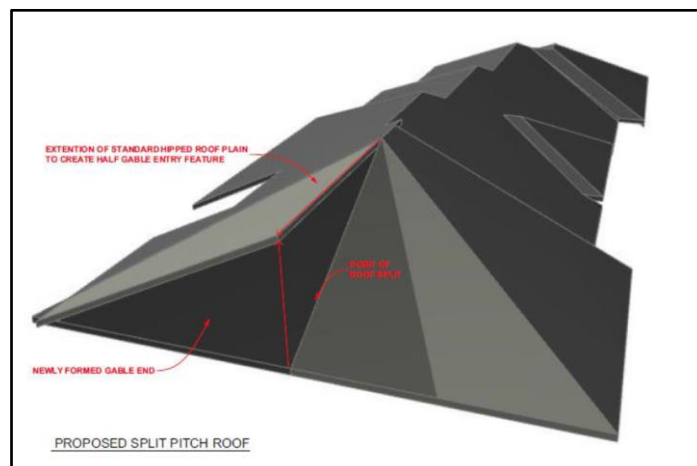
– Matters to be Considered by Council (in considering applications for development approval) of the City's Town Planning Scheme No. 6 (TPS6).  
 4. To identify the extent of nearby development to be taken into consideration when assessing the streetscape compatibility of proposed residential development.

The Arlington Precinct, Policy P351.5 provides enhanced desired streetscape character and has certain requirements for roof forms and eaves. Clause 3 (a)(i) stipulates the degree range permitted for roofs viewed from the street (being 25 degrees to 45 degrees) whilst clause (a)(ii) stipulates examples of permitted and prohibited roof forms, as evident in **Figure 3** below:



**Figure 3 – Permitted and Prohibited Roof Forms within Arlington**

The proposed roof form (as evident in **Figure 4** below) is proposing a hybrid between a split pitched and skillion roof. Whilst split pitched roofs are permitted under P351.5, skillion roofs are not permitted. A superseded version of the proposed roof form was also presented to the City's Design Review Panel and the comments in the Consultation Section of the report below. In summary, the panel identified the roof was a hybrid of the two, and suggested to comply with the policy and incorporate the use of differing colours and materials to reduce bulk as viewed from the street. The applicant responded with the below roof form depicted in **Figure 4 and 5** and justification in **Attachment (c)**.





**Figure 4 – Model of Proposed Split Pitch Roof****Figure 5 – Perspective of Dwelling as Viewed from the Street**

Clause 3(d) of P351.5 also stipulates eaves requiring a minimum width of 450mm to roofs viewed from the street. The proposal does not comply with this element due to the proposed roof form. As evident in the applicants justification in **Attachment (c)**, the WAA along Douglas Avenue, has numerous examples of existing single houses (including the adjoining property at No. 44) that do not comply with this requirement, therefore the proposal is not inconsistent with the existing streetscape character.

The proposed roof form and eave design are considered to meet local policies for the following reasons:

- The roof form is not out of character for the wider assessment area given multiple modern designs amongst the street;
- The hybrid roof form and use of colours and materials breaks up bulk as viewed from the street;
- Douglas Avenue has a variety of roof forms and eaves due to a mix between old character homes and modern homes; and
- Key design elements have been incorporated as a result of the DRP meeting.

**(h) Lot Boundary Setback (Side and Rear)**

Element	Deemed-to-comply	Provided
South East (bed 3 wall)	1.5 metres	1.02 metres
North East(rear)	6.0 metres	1.809 – 2.24 metres
<p><i>Design Principles:</i>  <i>P3.1: Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <li>• <i>Reduce impacts of building bulk on adjoining properties;</i></li> <li>• <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li>• <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul>		

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

South East

- Bed 3 wall is not adjacent to any major openings or outdoor living areas and therefore does not contribute to bulk impact;
- The setback variation complies with solar access and ventilation in accordance with the deemed to comply requirements;
- The variation complies with visual privacy constraints; and
- Overall the 431mm variation is not considered to detract from the amenity of the adjoining property given the location of the wall and the fact it's a single storey level adjacent to a double storey house with no major openings on the ground floor for this portion of the development.

North West

- A portion of the rear development is adjacent to an existing boundary wall of the adjoining neighbour at 44 Douglas Avenue, therefore bulk is mitigated;
- Shadow cast is compliant and ventilation not affected to adjoining properties; and
- Rear properties have an outdoor living area and outbuilding within the rear setback area therefore this variation is considered to be consistent with existing development on adjoining properties.

**(i) Open Space**

Element	Deemed-to-comply	Provided
	50.0 % ( 220m <sup>2</sup> )	46.4% (204m <sup>2</sup> )
<p><i>Design Principles:</i>  <i>P4: Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> <li>• <i>Reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i></li> <li>• <i>Provide access to natural sunlight for the dwelling;</i></li> <li>• <i>Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i></li> <li>• <i>Provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i></li> <li>• <i>Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</i></li> <li>• <i>Provide space for external fixtures and essential facilities.</i></li> </ul>		

The proposed open space variation is considered to meet the Design Principles of the R-Codes for the following reasons:

- There is exceptional quality landscaping provided detailing multiple areas of use for open space including areas at the front and rear of the development;
- Outdoor living areas for the use of the dwelling are adjacent to habitable rooms of the dwelling;
- Cobble stone and vegetation, is visible from inside the dwelling to create aesthetic landscaped areas;
- Overshadowing is still compliant, bulk is reduced by large vegetation in various areas, opportunities for residents to use multiple areas of the dwelling; and
- External fixtures are not visible from the street.

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

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

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

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


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

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

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

The design proposal was considered by the City's Design Review Panel (DRP) members at their meeting held in March 2018. The proposal was not favourably received by the panel members (only with respect to whether the proposed hybrid roof form complied with the City's Streetscape Policy). Their comments and responses from the applicant and City are summarised below.

DRP Comments	Applicant's Responses	Officer's Comments
<b><i>Strengths of the proposal</i></b> <ul style="list-style-type: none"> <li><i>Good access to light to the outdoor living area and alfresco.</i></li> <li><i>Material elements are nicely proportioned and meet the intent of the policy. The use of timber and other materials is supported.</i></li> <li><i>Proposed setbacks give more emphasis on the entrance in lieu of the garage.</i></li> <li><i>Supportive of vegetation interface with street including potential for tree.</i></li> </ul>	Positive response is noted. We seek to draw attention to the statement " <i>Proposed setback give more emphasis on the entrance in lieu of the garage.</i> "	Use of varying colours and materials provided to break up bulk. Applicant amended plans and provided landscaping to reduce emphasis on garage.
<b><i>Weaknesses of the proposal</i></b>	A landscaping plan has	Extensive landscape

<ul style="list-style-type: none"> <li>• <i>Landscaping is important in the development and the location of soak well within the front setback area would be in the way of potential landscaping area.</i></li> </ul>	<p>been submitted with amended plans, with feedback being incorporated into its layout. The soakwell will be located underneath the required paved areas which facilitate access to the street in forward gear.</p> 	<p>plan provided.</p>
<p><b><i>Suggested improvements to the proposal</i></b></p> <ul style="list-style-type: none"> <li>• <i>The policy is important to give knowledge of the neighbourhood and certainty. The intent of policy to maintain and promote design pattern and elements of streetscape. Panel agrees the proposed roof form is skillion and suggest a skillion gable roof over the garage and a genuine split pitch of the front. It is suggestion the applicant make a split pitch roof to meet policy requirements.</i></li> <li>• <i>The wooden garage door is a crucial element to the design and streetscape consistency.</i></li> <li>• <i>Choice of colours emphasise shape and style of building, hence the use of different choice of render including earth tones will reduce garage bulk.</i></li> </ul>	<p>No objections were received during advertisement of the application. The lack of community concern, combined with the existing streetscape character, we do not feel the proposed elevation delivers an outcome which is unexpected, nor unwelcome. The designer disagrees with the written opinion of the DRP, advising that the roof form is 'skillion.' This opinion was not reflective of the verbal feedback from the majority of panellists at the DRP meeting. Regardless of the formal outcome of that meeting, the designer has sought to clarify the roof form to demonstrate it complies with the permitted roof forms outlined in the policy. In response to the DRP's commentary, we submit a elevated perspective render of the proposed roof form which was not presented to the DRP as it was not prepared. We believe this demonstrates</p>	<p>The hybrid roof form is not inconsistent with the existing street as there are multiple roofs within the WAA which pose roof pitches outside of 25-45 degrees. The proposed pitch for this dwelling is 26 degrees, remaining compliant. The emphasis on the modern 'split pitch' hybrid is reduced by the use of varying materials to break up bulk as viewed from the street.</p>

	adequately a roof form which corresponds to a permitted roof form.	
<b>Recommendation/Summary</b> <ul style="list-style-type: none"> <li>Applicant to consider suggested improvements, which will be seen at a Design Review Panel meeting again.</li> </ul>	Modifications sought have been generally incorporated with the exception of a change to the roofline. We have opted to clarify the roof form to demonstrate it is a split-pitch roof.	Suggestions have been incorporated into design with use of colours, materials and landscaping.

The applicant submitted amended plans addressing a number of design review panel elements. As the DRP comments were favourable to the element of design proposed by the applicant, however objected to the design of a 'split pitched roof' the City Officers did not require the application to go back to the design review panel for comment, given the design is not out of character for the existing street and focus area.

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos 40 and 44 Douglas Avenue and 17 – 19 Arlington Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 1 submission was received in favour and 0 against the proposal. The comment of the submitter, together with the officer response is summarised below.

Submitters' Comments	Officer's Responses
Concerns with relation to the type and height of dividing fence. No objection against the proposal if an amicable solution to a dividing fence is agreed upon and privacy is maintained.	<p>Applicant response:  <i>"Intending to install brick fence replacement as has been discussed with the neighbours".</i></p> <p>Requirement for fencing to be 1.8 metres from approved ground level. This will satisfy visual privacy requirements. Colour and material(s) are civil matters addressed under the Diving Fences Act.</p> <p>The comment is UPHOLD.</p>

**(c) Engineering Infrastructure**

Engineering Infrastructure was invited to comment on a range of issues as evident in **Attachment (d)** relating to car parking and vehicle movement arising from the proposal. This section recommends that:

- (i) The garage is to be setback 5.6 metres from the street boundary to permit egress to and from the site; and

- (ii) Difficulty arising from the swept path, B85 vehicle template is seemly tight; B99 vehicle template (land cruiser) will probably be more difficult.

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

**(d) Other City Departments**

Comments were invited from City Environment Department of the City's administration.

The City Landscapes Officer, City Environment section provided comments with respect to the setback of the proposed crossover from the existing street tree. This section raises no objections.

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

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it is not considered to have a detrimental impact on adjoining residential neighbours and streetscape. Notwithstanding the number of the areas of the development seeking use of discretion the proposed dwelling has a bulk and scale that is compatible with the streetscape along Douglas Avenue. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

**Attachments**

- 10.3.4 (a):** Site Photo's - No. 42 Douglas Avenue, South Perth
- 10.3.4 (b):** Development Plans - No. 42 Douglas Avenue, South Perth
- 10.3.4 (c):** Applicant Justification Report - No. 42 Douglas Avenue, South Perth
- 10.3.4 (d):** Engineering Comments - No. 42 Douglas Avenue, South Perth



### 10.3.5 Proposed 4 x Three Storey Grouped Dwellings with Roof Terraces. Lot 18, No. 18 Coode Street, South Perth

Location: Lot 18, No. 18 Coode Street, South Perth  
Ward: Mill Point Ward  
Applicant: Prestige Homes  
File Reference: D-18-53504  
DA Lodgement Date: 22 December 2017  
Meeting Date: 29 May 2018  
Author(s): Victoria Madigan, Statutory Planning Officer  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### Summary

This reports seeks Council's consideration of an application for development approval for 4 x Three Storey Grouped Dwellings with Roof Terraces on Lot 18, No. 18 Coode Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary Walls	Residential Design Codes (Design Principles of Clause 5.1.3)
Significant Views	Council Policy P350.09 Clause 2.2
Lot Boundary Setbacks	Residential Design Codes (Design Principles of Clause 5.13)
Garage Width	Residential Design Codes (Design Principles of Clause 5.2.2)
Outdoor Living Area	Residential Design Codes (Design Principles of Clause 5.3.1)
Retaining Walls	Residential Design Codes (Design Principles 5.38)
Visual Privacy	Residential Design Codes (Design Principles 5.4.1)
Finish Ground Floor Levels - Minimum	Town Planning Scheme No. 6 clause 6.9(2)(b)

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

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 4 x Three Storey Grouped Dwellings with Roof Terraces on Lot 18, No 18, Coode Street, South Perth 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 the issue of a building permit*, revised plans shall be submitted, to the satisfaction of the City that incorporate the following:
  - (i) Additional screening in accordance with Visual Privacy requirements of the Residential Design Codes WA to Unit 4 balconies, sitting rooms and living rooms on the ground floor and upper floor and active habitable spaces on the roof deck on the southern side of the development as evident in the Visual Privacy Document provided by the City.
3. Prior to the issue of a building permit, the applicant is required to pay a sum of \$22,658.90 as detailed on the tax invoice that will be issued by the City for the cost of removing and replacing two existing street trees that are in conflict with the proposed crossover.
4. Prior to the issue of a building permit, the applicant is required to pay a sum of \$40,000 as detailed on the tax invoice that will be issued by the City for the cost of removing and replacing an existing median within Coode Street that is in conflict with the proposed crossover(s) (Refer to Advice Note 6).
5. Prior to occupation of the dwelling, all visual 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.
6. Prior to occupation of the dwelling the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
7. The surface of the boundary wall(s) to the Office rooms of units 1 and 4 visible from the street, on the northern and southern side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
8. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City (Refer to Advice Note 6).
9. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
10. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
11. The height of any wall, fence or other structure shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City.

**(c) Advice Notes**

1. PN02
2. PN03
3. PNX1
4. PNX2
5. PNX3
6. The applicant / owner are advised of the need to comply with the City's



Engineering Infrastructure Department requirements. Please find the enclosed memorandum, dated 10 January 2018, to this effect.

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

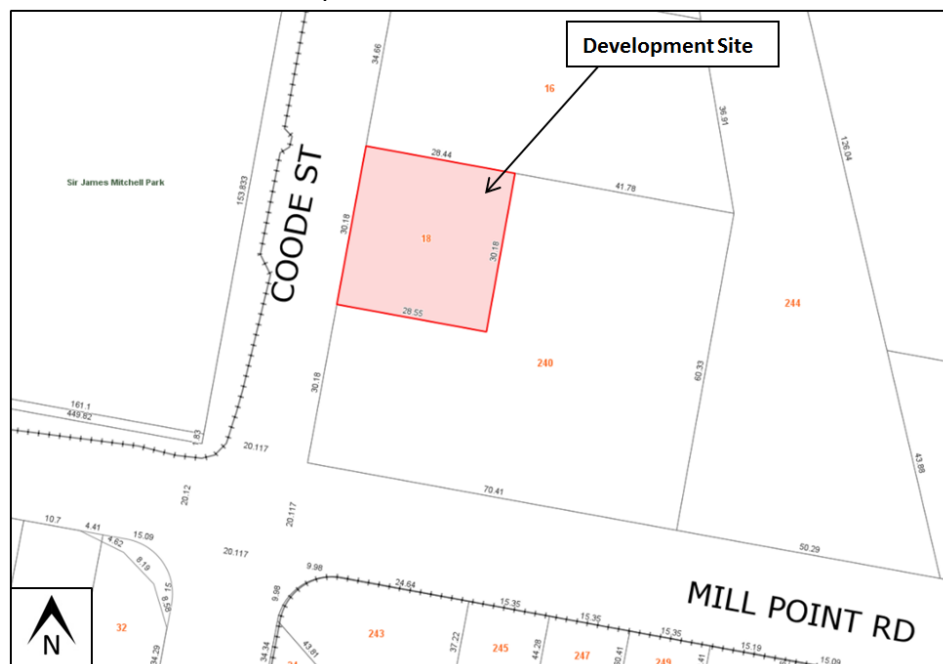
**CARRIED EN BLOC (9/0)**

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R50
<b>Lot area</b>	860 sq. metres
<b>Building height limit</b>	10.5 metres

The location of the development site is shown below:



**Figure 1 – Location of Development Site**

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

### 2. Major developments

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

### 3. The exercise of a discretionary power

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

**6. Amenity impact**

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

**7. Neighbour comments**

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

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

In December 2017 the City received an application for 4 x Three Storey Grouped Dwellings with Roof Terraces on Lot 18, No. 18, Coode Street, South Perth (the **Site**). A subdivision application was received in October 2017, to subdivide the parent lot of 860m<sup>2</sup> into four green title lots, each 215m<sup>2</sup> in area. This subdivision application was deferred by the City until such time a development application was submitted.

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

The site currently features a vacant residential block, as depicted in the site photographs at **Attachment (a)**.

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

The Site has a frontage to Coode Street to the west, located adjacent to two storey Grouped Dwellings to the north, a five storey multiple dwelling development to the south and associated car parking to the east, as depicted in Figure 2 below:



**Figure 2 – Aerial of Development Site**

**(d) Description of the Proposal**

The proposal involves the construction of 4 x three storey grouped dwellings with roof terraces. This is shown in the Development Plans in **Attachment (b)**.

The proposed grouped dwellings include the following:

- A basement level with a triple garage, home office and laundry;
- A ground floor level featuring a sitting room, office, entry, two bedrooms, two bathrooms and a balcony;
- A first floor level featuring family room, dining room, kitchen, scullery, master bedroom, two additional bedrooms and a balcony; and
- A loft across all floors.

The proposal complies with the City's Significant Views Policy P350.09 and Building Height Limit requirement under TPS6.

**(e) Residential Design Codes and Scheme Provisions**

The following aspects do require the exercise of discretion to be approved and are discussed further in the report:

- Boundary Walls (Residential Design Codes (Design Principles Clause 5.1.3))
- Retaining walls (Residential Design Codes (Design Principles 5.38))
- Significant Views (Council Policy P350.09 Clause 2.2)
- Lot Boundary Setbacks (Residential Design Codes (Design Principles Clause 5.13))
- Garage Width (Residential Design Codes (Design Principles of Clause 5.2.2))
- Outdoor Living Area (Residential Design Codes (Design Principles Clause 5.3.1))
- Minimum Ground / Floor levels (Town Planning Scheme No. 6 (TPS6) clause 6.9(2) (b)).

These discretionary matters are also addressed by the applicant in their justification report, contained in **Attachment (c)**.

**(f) Boundary Walls – Ground Floor North and South**

Element	Deemed-to-Comply Provision	Proposed
Boundary Wall Height of Offices – Units 1 and 4	Maximum height – 3.5 metres Average height – 3.0 metres	Maximum height – 5.82 metres Average height – 5.8 metres
<p><i>Design Principles:</i>  <i>Buildings set back from lot boundaries so as to:</i>  <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> <p><i>Buildings built up to boundaries (other than the street boundary) where this:</i></p>		

- *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 northern (unit 1) and southern (unit 4) boundary walls are considered to meet the Design Principles of the Residential Design Codes 2015 (R-Codes) for the following reasons:

#### North (Unit 1)

- The proposed boundary walls exceeding the deemed to comply requirements on the north of the development site area is adjacent to a 3 metre wide driveway. Additionally as per Attachment (d) the boundary wall is not adjacent to any major openings or outdoor living areas and complies with R – Codes solar access provisions.

#### South (Unit 4)

- The proposed boundary walls exceeding the deemed to comply requirements on the south of the development site is adjacent to a 4 metre wide driveway/ access leg for residents to access the carpark of the multiple dwellings. The boundary wall is not adjacent to any major openings or outdoor living areas and complies with the R – Codes solar access provisions.

The proposed boundary walls to the garages and offices of units 1 and 4 to the north and south of the development site have maximum and average heights which exceed the deemed – to – comply requirements of the R – Codes. However, the proposal is compliant with the length and street setback elements of the deemed to comply requirements. The applicant has also provided relevant justification with respect to the boundary wall(s) as depicted in **Attachment (c)**.

As per the City's Consultation Policy P301 (Community Engagement in Planning Proposals) adjoining neighbours were consulted on the proposal and multiple objections were received with respect to the boundary walls (which will be discussed further in the consultation section of this report).

It is considered that the proposed boundary wall variations satisfy the design principle requirements of the R - Codes for the following reasons:

- The proposal makes effective use of space on a narrow lot;
- The proposed walls abut communal driveways and therefore are considered to have limited impact to the amenity of the adjoining property.
- The outlook from the adjoining neighbours' front garden at No. 16 Coode Street is not significantly impacted by the boundary wall height to the office room.

**(g) Significant Views**

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

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

The neighbouring property to the south of the subject site currently have access to views of the Swan River, City Skyline and Sir James Mitchell Park. Eleven submissions were received as a result of the neighbour consultation which raise some concern with the view diagrams provided and the potential impact on some existing view corridors to the north and west.

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

*1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

*2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

*3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms*

*or service areas (though views from kitchens are more highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

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

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

1. It is observed that the property to south of the development site, (No. 240 Mill Point Road), currently enjoys a wide angle of views toward the Swan River and City Skyline from the west to the east and foreshore vegetation in immediate view. It is noted that the interface of vegetation is not of a substantial height and length to adversely impact upon the views to the river and, aside from some trees of a moderate height, the views are generally uninterrupted. In this regard, the view is considered to be more aligned with what would be considered a 'whole' view of the river rather than a partial view or simply a glimpse of the Swan River. Taking these factors into consideration, it is concluded that the views of Swan River currently enjoyed by the residents at No. 240 Mill Point Road are of significance, which is also in accordance with the definition of a significant view provided in Council Policy P350.09 (Significant Views).
2. The views of significance currently available at No. 240 Mill Point Road are largely experienced via the balconies and living areas on the first, second, third and fourth floors of the development at the rear of the site (north facing aspects), although it is recognised that some view corridors may be obscured by the existing two storey car park and three storey adjoining development to the north at No. 16 Coode Street.

It is noted that, in reference to the application proposed, the submitter(s) have raised concerns with views being impacted in an immediate north- westerly direction. This, of course, is a view which is facilitated through a side boundary. As stated previously, it is difficult to protect a view which is enjoyed from a side boundary compared with the rear. It must be reasonably expected that a vacant property



zoned as 'Residential' under The City's Town Planning Scheme No. 6 (TPS6) would, at some stage in the future, be developed for residential purposes, and such vacant sites will not necessarily remain vacant in perpetuity.

3. It terms of assessing the extent of impact on views, the applicant has provided a view diagram in an effort to illustrate the viewing angle as a result of the proposed development which is depicted in Attachment (e).

It is acknowledged the view diagram does not necessarily factor in views from windows or other major openings on the northern elevation of No. 240 Mill Point Road. Notwithstanding, and having regard to point 2 above, it is considered a more pragmatic approach to assess the extent of views that may be impacted via the rear of the site, given that Swan River is, generally speaking, situated to the north of the subject site.

4. With respect to the feasibility of the proposal itself, there are a number of variations from the R-Codes and various Local Planning Policies proposed. However, these variations are considered to be supportable, and due regard must be given to the unique circumstances of the site which are the origin of a large number of variations.

There is no obvious design approach that could be implemented to reduce the impact on views, aside from moving the building further to the north. However, it is noted the applicant is already seeking discretion on setbacks to the north.

It is noted that the proponent could also reduce the height of the development at the south to single storey; however the building height limit for the site is 10.5 metres. As such, the development is fully compliant with building height. Additionally, the adjacent development at No. 240 Mill Point Road is noted to be a pre scheme development with a building height limit of approximately 13 metres across 5 storeys.

It is also noted the rear of No. 16 Coode Street consists of a three storey development. Additionally, Nos 2-8 Witcomb Place, directly adjacent to the foreshore, consists of four storey grouped dwellings with roof terraces, which would already restrict views to the north.

Furthermore, the City's P350.09 (Significant Views) states the following with respect to development potential:

#### *2.3 Normal Development Entitlements Retained*

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

- (a) A reduction to permitted residential density; or*



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

In summary, taking into account all of the relevant points above, the impact on views is considered to be reasonable. Additionally, there is not considered to be a need to setback the development any further than 1.5 metres from the rear boundary, given it is adjacent to a car park. Therefore, the proposal is considered to satisfy the objectives of the City's Policy P350.09 (Significant Views).

**(h) Lot Boundary Setbacks – Ground Floor, First Floor and Roof Deck North and South**

Element	Deemed-to-comply	Provided
Unit 1 – North Side Boundary Setback	1.2 metres – 5.5metres	Nil – 1.8 metres
Unit 4 – South Side Boundary Setback	1.2 metres – 5.5metres	Nil – 1.8 metres
<i>Design Principles:</i> <i>P3.1: Buildings set back from lot boundaries so as to:</i> <ul style="list-style-type: none"> <li>• <i>Reduce impacts of building bulk on adjoining properties;</i></li> <li>• <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li>• <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul>		

The proposed northern and southern lot boundary setbacks (of Units 1 and 4) are considered to meet the Design Principles of the R-Codes for the following reasons:

North (Unit 1)

- The northern lot boundary setbacks on the ground floor to the roof terrace is considered to be a sufficient distance so as to reduce building bulk impacts on the northern adjoining property. The multiple articulations in the walls on these floors with numerous heights and lengths are not considered to result in adverse building bulk impacts. It is noted the walls on the ground floor and second level all have lengths less than 9 metres and varying articulation separations between 3.7 – 4.2 metres.
- The northern lot boundary falls adjacent to a 3 metre wide access leg for two storey grouped dwellings, including a wall with no major openings.
- There is considered to be a reasonable setback afforded to the northern adjoining property to facilitate the infiltration of necessary sunlight and ventilation.
- Overall, there is not considered to be a significant adverse impact on the amenity of the northern adjoining property for the abovementioned reasons.

South (Unit 4)

- The southern lot boundary setbacks from the ground floor to roof terraces are considered to be a sufficient distance so as to reduce building bulk impacts on the southern adjoining property. The multiple articulations in the walls on these floors with numerous

heights and lengths are not considered to result in adverse building bulk impact. It is noted the walls on the ground floor and second level all have lengths less than 9 metres and varying articulation separations between 3.7 – 4.2 metres.

- The southern lot boundary falls adjacent to a 4 metre wide access leg serving a five storey grouped dwelling development which is adjacent to balconies and habitable rooms.
- Although the proposed development casts shadow to the south, the adjacent lot is a generous 3382m<sup>2</sup> in area with a lot width of 70.41 metres. The proposed development runs adjacent to the property for 28.55 metres, being located at the front of the adjacent development site to the south (No. 240 Mill Point Road).
- Although portions of the southern building have major openings and balconies facing the north, it is noted to be a pre scheme development with a building height limit of 13 metres across 5 storeys. These portions of the building still have access to western light through major openings to habitable room windows.
- Overall, there is not considered to be a significant adverse impact on the amenity of the southern adjoining property for the abovementioned reasons.

(i) **Garage Width**

Element	Deemed-to-comply	Provided
Units 1-4	4.525m (60% of frontage)	7.5m (100% of frontage including door and supporting structures)
<i>Design Principles:</i> <i>P2: Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors.</i>		

The proposed garage frontages are considered to meet the Design Principles of the R- Codes for the following reasons:

- A portion of each garages is concealed as viewed from the street by architectural features such as the entry way, steps and brick cladding. The garage width appears at 80% of the frontage as viewed from the street.
- The floor levels of each garage are 650 millimetres lower than the natural ground level at the footpath to reduce impact of garage dominance as viewed from the streetscape.
- Garages are setback greater than the deemed to comply requirements in addition the upper floors protrude over the garage by 3 metres, therefore reducing building bulk.
- Overall, there is not considered to be a significant adverse impact on the amenity of the street as addressed above.

(j) **Outdoor Living Area**

Element	Deemed-to-comply	Provided
Outdoor Living Area	OLA to be provided: <ul style="list-style-type: none"> <li>• In accordance with Table 1 (16m<sup>2</sup>);</li> <li>• Behind street setback area;</li> <li>• Directly accessible from a habitable room of the dwelling;</li> <li>• Minimum length and width dimension of 4m;</li> <li>• At least two-thirds of the required area without permanent roof cover (10.6m<sup>2</sup>).</li> </ul>	<ul style="list-style-type: none"> <li>• 68.2m<sup>2</sup> total per dwelling</li> <li>• 51.3m<sup>2</sup> total uncovered</li> <li>• Minimum dimensions met</li> <li>• Not accessible directly from habitable room.</li> </ul>
<p><i>Design Principles:</i></p> <p><i>P1.1 Outdoor living areas which provide spaces:</i></p> <ul style="list-style-type: none"> <li>• Capable of use in conjunction with a habitable room of the dwelling;</li> <li>• Open to winter sun and ventilation; and</li> <li>• Optimise use of the northern aspect of the site.</li> </ul> <p><i>P2.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.</i></p>		

The proposed outdoor living areas are considered to meet the Design Principles of the R- Codes for the following reasons:

- There are two outdoor living areas designed in conjunction with habitable rooms of the dwelling on the ground and first floor, although less than 4 metres in length and width the areas are still capable of adequate ventilation and open to winter sun.
- There is 51.3 square metres of uncovered outdoor living area on the roof terrace accessible from the stairs of a habitable room. Whilst this area is not directly accessible from a habitable room it is still capable of access to winter and northern sun. Additionally, refer to applicant justification at Attachment (c).
- It is considered there is a generous amount of outdoor living across three separate areas of the dwelling, to be used in conjunction with the dwelling.
- The proposal is adjacent to car parking or vehicle access ways only.

(k) **Retaining Walls – Ground Floor North and East**

Element	Deemed-to-comply	Provided
Retaining wall height – North and East Side	Up to 0.5m within 1m of a lot boundary	0.64m in height
<p><i>Design Principles:</i></p> <p><i>P8: Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.</i></p>		

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

- The retaining walls are considered to facilitate land which can be effectively used for the benefit of residents, by levelling the rear portion of the site appropriately for construction.
- While a section of retaining wall is proposed to be built to an overall height of 640 millimetres from natural ground level, the remainder of retaining wall graduates down to a height of 100 millimetres. Taking into account the graduating nature of the retaining wall heights, there is not considered to be a detrimental impact on adjoining properties. Subject to appropriate conditions of approval, the design of the retaining is also considered to address clauses 5.3.7 (site works) and 5.4.1 (visual privacy) of the R-Codes.

The retaining walls have also been assessed against Policy P350.07 (Street Walls and Fences (as amended)) and R – Codes Clause 5.3.8 Retaining Walls - Design Principles. The retaining wall is largely considered to be necessary to level the site for the effective use of residents. It is also noted that the retaining wall is located at the rear of the site and therefore has no impact on the streetscape.

## (I) Visual Privacy

### North

Element	Deemed-to-comply	Provided
Unit 1 - North Side -Sitting Ground Floor	6 metres	1.5 metres
Unit 1 -North Side - Balcony Ground Floor	7.5 metres	1.5 metres
Unit 1- North Side - Balcony Upper Floor	7.5 metres	1.5 metres
Unit 1 -North Side - Roof Deck	7.5 metres	1.5 metres
<p><i>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> <li>• <i>Building layout and location;</i></li> <li>• <i>Design of major openings;</i></li> <li>• <i>Landscape screening of outdoor active habitable spaces; and/or</i></li> <li>• <i>Location of screening devices.</i></li> </ul> <p><i>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</i></p> <ul style="list-style-type: none"> <li>• <i>Offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</i></li> <li>• <i>Building to the boundary where appropriate;</i></li> <li>• <i>Setting back the first floor from the side boundary;</i></li> <li>• <i>Providing higher or opaque and fixed windows; and/or</i></li> <li>• <i>Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</i></li> </ul>		

The proposed visual privacy variations to the north side boundary (unit 1) are considered to meet the Design Principles of the R-Codes for the following reasons:

- There is a portion of overlooking from the balconies onto the adjoining property (past the battle-axe area). Whilst the R - Codes deemed to comply section permit access leg(s) as setbacks for overlooking, there is a portion of overlooking past the access leg which the overlooking does not meet the deemed to comply requirements.

- An overlay of the cone of vision onto the adjoining property of No. 16 Coode Street, suggests the balcony overlooks a two storey blank wall of the adjoining property.
- The outdoor area of the neighbouring property to the north (No. 16 Coode Street) is partially located within the street setback area and is already visible from the street due to open style fencing.

#### South

Element	Deemed-to-comply	Provided
Unit 4 - South Side - Sitting Ground Floor	6 metres	1.5 metres
Unit 4 - South Side - Balcony Ground Floor	7.5 metres	1.5 metres
Unit 4 - South Side - Balcony Upper Floor	7.5 metres	1.5 metres
Unit 4 - South Side - Roof Deck	7.5 metres	1.5 metres
<p><i>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> <li>• <i>Building layout and location;</i></li> <li>• <i>Design of major openings;</i></li> <li>• <i>Landscape screening of outdoor active habitable spaces; and/or</i></li> <li>• <i>Location of screening devices.</i></li> </ul> <p><i>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</i></p> <ul style="list-style-type: none"> <li>• <i>Offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</i></li> <li>• <i>Building to the boundary where appropriate;</i></li> <li>• <i>Setting back the first floor from the side boundary;</i></li> <li>• <i>Providing higher or opaque and fixed windows; and/or</i></li> <li>• <i>Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</i></li> </ul>		

The apartments located to the south of the subject side (No. 240 Mill Point Road) have balconies and major openings fronting the site having advantage of views to the Swan River.

The proposed visual privacy variations are not considered to meet the Design Principles of the R-Codes for the following reasons:

- The proposed ground and upper floor habitable and outdoor living areas of unit 4 on the north side of the development overlook existing outdoor living areas and habitable rooms for multiple units facing south within the neighbouring property at No. 240 Mill Point Road.

It is proposed that the major openings and habitable outdoor spaces of Unit 4 be screened in accordance with the deemed-to-comply requirements of the R-Codes. These areas are identified in the screening document prepared by the City in Attachment (j). A condition of development approval requiring privacy screens to Unit 4 on the south side of the development has been included in the recommendation.

**(m) Finish Ground Floor Levels - Minimum**

Element	Deemed-to-comply	Provided
Minimum Ground Floor Levels	Non Habitable Rooms (within building) 1.75m AHD	1.550m AHD
<p><i>Clause 6.9(3) of TPS6:</i>  <i>The local government may permit land to be developed with lower levels than prescribed in sub-clauses (1) and (2), if:</i></p> <p>(a) <i>provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;</i></p> <p>(b) <i>the applicant provides the local government with certification from a consulting engineer that adequate water-proofing has been achieved; and</i></p> <p>(c) <i>the applicant satisfies the local government in such manner as the local government may specify that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot.</i></p>		

A Geotechnical report has been submitted by the Applicant detailing that a relative level (RL) of 1.550m AHD is acceptable for the garages of the dwellings (non-habitable room) as depicted in **Attachment (f)**. The report includes engineer's certification in relation to water-proofing against subsoil water seepage and the construction methods required to achieve this.

The City also sought advice from Department of Water and Environmental Regulation with regards to the levels of the dwellings. The Department advised that the proposed finished floor level (FFL) of the garages are acceptable with the Annual Exceedance Probability (AEP) Flood Level (being 1.68-2.28 metres as noted in **Attachment (e)**).

**(n) Building Height Limit**

The Building Height Limit (BHL) is 10.5 metres under the City's TPS6. There were a number of objections received with regard to the height of the proposal, despite meeting the BHL prescribed in the scheme. The height of the development is therefore considered appropriate for the intent of this location. It is understood that neighbours have had view benefits from the vacant block of No. 18 Coode Street for a number of years. The adjoining property is a pre scheme development having a height of approximately 13 metres, being higher than the prescribed 10.5 metre building height limit under the City's Town Planning Scheme No.6.

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

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

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

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

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

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

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

The design of the proposal was considered by the City's Design Review Panel (DRP) at their meetings held in February and April 2018.

The proposal was not favourably received by the panel members. Their comments are summarised below:

*"The development proposal whilst technically complying with the R Codes, does not demonstrate any particular design strengths. The applicant has retained the fundamental town house concept despite advice from the DRP that a grouped or small apartment development, may provide better solar access, natural light and ventilation and minimise overlooking and privacy issues. The current design is therefore limited in terms of amenity for the ultimate occupants and the DRP has concerns regarding the opaque finish to glazing, privacy screens and highlight windows. In addition, the DRP, whilst acknowledging that the applicant has lowered the garages in order to minimise the presentation of garages to the streetscape, the revised design may have in turn introduced some safety issues regarding sightlines for vehicles reversing up driveways and across the public footpath to enter the street. This issue may still require some resolution or investigation. It was also suggested that the front elevation could achieve greater symmetry through alignment of fenestration where possible. Consideration should also be given to improving the amenity, shade and shelter of the roof top terraces".*

It is noted the applicant made changes upon original and secondary design review panel comments and provided a response which can be found in **Attachment (g)**, including the following changes:

- Opaque glass removed to bedrooms on eastern elevation at the rear of all units.
- Glazing to ground & upper floors sliding doors facing Coode Street was amended so they align across all floors as viewed from the street.
- Landscaping and character for amenity added to the roof deck.
- Major changes to the streetscape including reducing crossover widths to create better sightlines.
- Window sizes to the north east and southern bedrooms (Units 1 and 4) and living rooms to increase natural light.
- 600 millimetre wide gap adjacent to garage boundary wall removed.



Accordingly, it is noted that whilst the development was not considered to have any design strengths by the City's Design Review Panel, the design can be attributed to the lot configuration allowed under the R50 density code. It was the applicant's choice to construct four single dwellings rather than a multiple dwelling apartment.

**(b) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 (Community Engagement in Planning Proposals). Under the Standard consultation method (if Area 1 Consultation applied, the same properties would be notified), individual property owners, occupiers and/or strata bodies at No 16 Coode Street and No. 240 Mill Point Road were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 130 consultation notices were sent (over two consultation periods of 14 days) and 11 submission(s) were received against the proposal. The comment(s) of the submitter(s), together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
Potential Restriction of Views	Whist views are extremely desirable and universally sought-after, they are not a property right in WA, and should not be a means to stop other landowners realising their potential views. See section (g) above.  The comment is <b>NOT UPHELD</b> .
Building Height Limit	As mentioned in section (l) above, the building height limit complies with the City's Town Planning Scheme No. 6.  The comment is <b>NOT UPHELD</b> .
Boundary Wall(s) – Building Bulk	As mentioned in section (e) above the boundary walls are both adjacent to 3m and 4m wide access legs and are considered to meet the design principles of the R – Codes.  The comment is <b>NOTED</b> .
Dividing Fence Concerns, replacement and colours and materials.	Governed by the Dividing Fences Act. Applicant has noted in response to neighbour submissions in <b>Attachment (h)</b> dividing fence is to be replaced.  The comment is <b>NOT UPHELD</b> .
Over Development of Site and Setback Variations	As addressed in section (g) of this report the proposal is developed at a density applicable by the City's TPS6 and R – Codes. The setbacks variations are both adjacent to access legs and driveways of adjoining properties and are considered comply with design principles of the R – Codes.

	The comment is <b>NOTED</b> .
Sightlines	Sightlines comply with R – Codes and advice from City’s Engineering Department at <b>Attachment (i)</b> , deemed acceptable.  The comment is <b>NOT UPHELD</b> .
Visual Privacy	Proposal complies with deemed to comply requirements of visual privacy section of the R- Codes.  The comment is <b>NOT UPHELD</b> .
Increased Noise Levels	The development of four residential dwellings will not increase noise levels to a level that will reduce the amenity of the area, given the existing grouped and multiple dwellings in the surrounding vicinity.  This comment is <b>NOT UPHELD</b> .
Flooding due to excavation	Advice sought from Department of Water and Environmental Regulation and Independent Geotech Report submitted by the applicant suggest FFL’s of development and excavation is acceptable.  Stormwater retention design required to be submitted to City’s Engineering Department for Approval. Conditioned.  The Comment is <b>NOTED</b> .

**(c) Engineering Infrastructure**

Engineering Infrastructure was invited to comment on a range of issues relating to general comment, property line levels, verge treatment, crossing design and drainage arising from the proposal as evident in **Attachment (i)**.

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

**(d) Other City Departments**

Comments were invited from City Environment and Building Services section of the City’s administration.

The City Landscapes Officer, City Environment section provided comments with respect to the removal of the existing street tree(s).

**(e) External Agencies**

Comments were also invited from the Department of Water and Environmental Regulation.

The Department of Water and Environmental Regulation provided comments with respect to the potential effect of the development upon the Swan River and flooding with relation to minimum floor levels. This agency raises no objections to the approval.

**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 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 sustainable design principles.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it is not considered to have a detrimental impact on adjoining residential neighbours and streetscape. Notwithstanding the number of the areas of the development seeking use of discretion the site contains four narrow lots located between two adjoining access legs and a car park. The Site is being developed to a density compliant with the City’s Town Planning Scheme No. 6 and R – Codes. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

**Attachments**

- 10.3.5 (a):** Site Photographs
- 10.3.5 (b):** Development Plans
- 10.3.5 (c):** Applicant Justification
- 10.3.5 (d):** Boundary Wall(s) - North and South Overlay
- 10.3.5 (e):** Department Water and Environmental Regulation
- 10.3.5 (f):** Geotechnical Report
- 10.3.5 (g):** Design Review Panel Comments
- 10.3.5 (h):** Neighbour Consultation and Applicant Response
- 10.3.5 (i):** Engineering Referral Comments
- 10.3.5 (j):** Additional Screening Requirements

### 10.3.6 Proposed Overheight Fence Addition to Multiple Dwelling. Lot 703, No. 30 Banksia Terrace, South Perth

Location: Lot 703, No. 30 Banksia Terrace, South Perth  
Ward: Moresby Ward  
Applicant: Logiudice Property Group  
File Reference: D-18-53507  
DA Lodgement Date: 18 April 2018  
Meeting Date: 29 May 2018  
Author(s): Victoria Madigan, Statutory Planning Officer  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### Summary

This report seeks Council's consideration of an application for development approval for an over-height fence addition to multiple dwellings on Lot 703 (No. 30) Banksia Terrace, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Fencing Height	Council Policy P350.07 Clause 1.1.3

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows  
**Seconded:** Councillor Tracie McDougall

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for an over-height fence addition to multiple dwellings on Lot 703 (No. 30) Banksia Terrace, South Perth be **approved** subject to the following conditions:

##### (a) Conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. The external materials and colour finish of the proposed fence shall match with those of the existing building as detailed on the approved plans.

##### (b) Advice Notes

PN02,PN03,PNX1,PNX2,PNX3

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

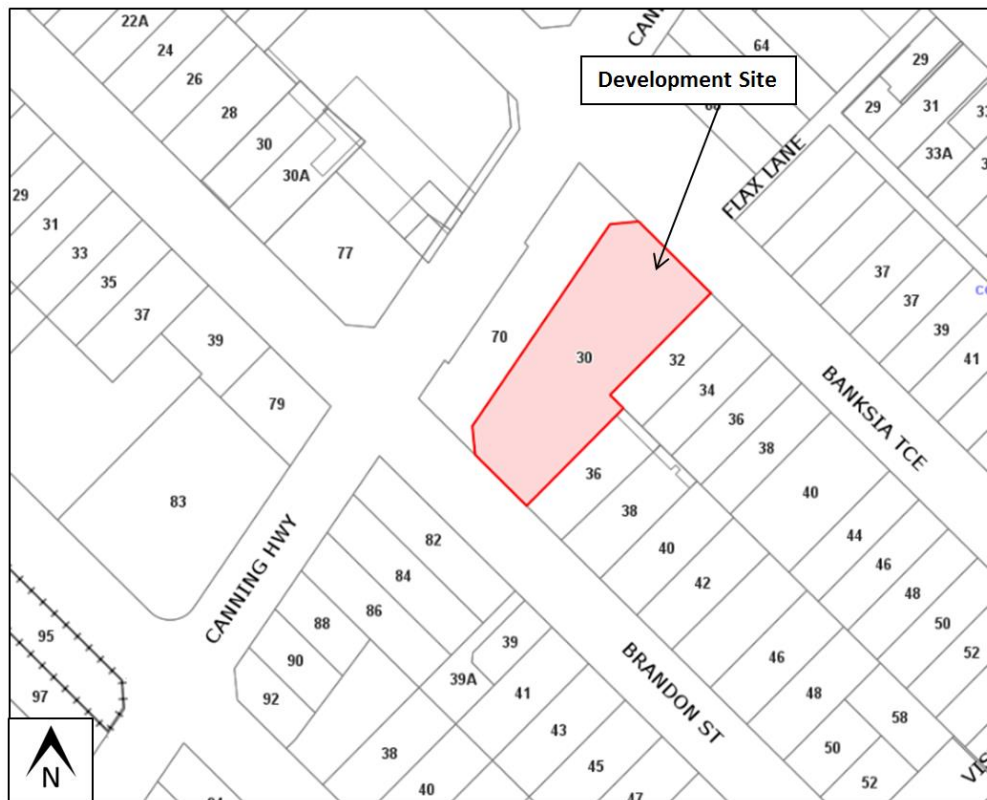
**CARRIED EN BLOC (9/0)**

### Background

The development site details are as follows:

<b>Zoning</b>	Regional Road/ Residential
<b>Density coding</b>	R80
<b>Lot area</b>	2589 sq. metres

The location of the development site is shown below:



**Figure 1 – Location of Development Site**

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

#### 1. Specified uses

- (k) Any fence which:
  - (a) requires Schedule A (Part 7) approval under Clause 61.(k) of the Scheme; and
  - (b) on Non – residential site where fencing exceeds a height of 2.0 metres along any part of its length, measured to the top of infill panels between supporting piers.

### Comment

#### (a) Background

In April 2018 the City received a request for the written consent for a boundary fence exceeding 1.8 metres in height on Lot 703, No. 30 Banksia Terrace, South Perth (the **Site**).

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

The existing development on site currently features a three storey multiple dwelling development as depicted in the site photographs at **Attachment (a)**.

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

The Site has a frontage to Banksia Terrace to the east, located adjacent to residential dwellings to the south, Brandon Street to the west and vacant land (reserved for the Canning Highway Road Reserve) to the north, as seen in **Figure 1** below:



**Figure 2 – Aerial of Development Site**

**(d) Description of the Proposal**

The proposal involves the erection of a boundary fence above an existing fence located on the street boundary, as depicted in the submitted plans and justification at **Attachment (b)**. The existing wall is, at its highest point, 1.65 metres above the natural ground level. The open style fence addition above is proposed at 0.5 metres (therefore being a total of 2.15m above NGL).

The following aspect requires the exercise of discretion to be approved and is therefore discussed further in the report:

- Fencing Height (Council Policy P350.07 Clause 1.1.3)

This discretionary element is also addressed by the applicant in their justification letter, contained in **Attachment (b)**.



**(e) Fencing Height**

Fences within the street setback are permitted to be solid up to a maximum height of 1.8m. In accordance with clause 1.1.3 of Council Policy P350.07 'Street Walls and Fences', a height greater than 1.8 metres may be approved if the City is satisfied that the proposed fence will not adversely affect the amenity of any property in the locality or be out of character with the streetscape.

Council's Policy P350.07 Clause 2 states:

- (a) *Whether the height, materials and visual permeability of the proposed fence is consistent with the established pattern of fences within the surrounding streetscape or will not materially impact on the character or amenity of the surrounding streetscape. This includes matters such as excessive shadow and restriction on sun penetration, restriction on views of significance and adverse bulk and scale*

The proposed fencing design consists of green pillars which are consistent with the facades of the existing portions of building as visible from the street and evident in the site photographs in **Attachment (a)**. Given the permeability of the proposed fence, and the orientation of the lot, the shadow cast as a result of the addition, will fall within the property boundary.

- (b) *Additional fence height where necessary by virtue of the sloping topography of the site, including any level difference between a site and the adjacent street verge;*

There is a marginal difference between the subject site and existing neighbouring road reserve, however the fence is proposed for security purposes.

- (c) *Where privacy screening is needed in the street setback (primary, secondary or communal street) area because there is no alternate outdoor living area or where privacy screening is needed for a north facing outdoor living area;*

The proposal is for security reasons and still permits street surveillance as above 1.4 metres it is visually permeable.

- (d) *The fence relates to a Mixed Development and the height or solidity of the fence is considered to compliment the form of the Mixed Development.*

The existing development onsite is residential multiple dwellings and (d) is therefore not applicable.

In this instance it is considered the proposal complies with the Policy's Design Principles for the following reasons:

- the proposed fence is considered to preserve an 'open front garden' streetscape character which also promotes casual surveillance of the public and private realm with its open design; and
- the proposed fence will provide greater security and safety.



**(e) Delegation from Council DC690 Town Planning Scheme No. 6.**

The City of South Perth's Delegation Policy DC690 requires Council Determination for any fence which:

- (a) requires Schedule A (Part 7) approval under Clause 61.(1) (k) of the Scheme; and*
- (b) on Non-residential sites where fencing exceeds a height of 2.0 metres along any part of its length, measured to the top of infill panels between supporting piers.*

Part 7, Clause 61.(1)(k) states, Development for which development approval is not required of the *City's Town Planning Scheme* states:

*"notwithstanding paragraph (d), for Multiple Dwellings and/or where the R-Codes do not apply, the erection of any proposed wall or fence unless:*  
*(i) it is greater than 1.2 metres in height and located on the primary street boundary of a lot or within the primary street setback area of a lot; or*  
*(ii) it is greater than 1.2 metres in height and located within 3 metres of a secondary street boundary".*

Therefore with reference to the Clause 1(k) in the City's Delegation Policy any fence greater than 1.2 metres in height and located on a primary street boundary or within a primary street setback area of a lot, requires Council determination.

It is considered that applications for fencing of this nature can be dealt with by the City's officers and not require the referral to Council for determination. Therefore the delegation policy should be amended accordingly as part of the next review.

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

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

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

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

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

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

**Consultation**

Comments were invited from the Department of Planning, Lands and Heritage with respect to the proposed fence being greater than 1.8 metres in height and the Site abutting road reservation (land remains vacant for widening the Canning Highway Road reserve). This agency raises no objections and does not recommend any standard conditions and/or notes to be placed on the approval.

**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. It is recommended that the delegation from Council DC690 Town Planning Scheme No. 6 be amended under the next review of delegation, to remove the need for fencing for multiple dwellings to be dealt with by Council.

**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**

The fence is still seen to provide access to winter sun within the front setback area while ensuring the safety to users. The recommendation is seen to achieve an outcome that has regard to the sustainable design principles.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

**Attachments**

- 10.3.6 (a):** Site Photo's - No. 30 Banksia Terrace, South Perth
- 10.3.6 (b):** Development Plans and Applicant Cover Letter

### 10.3.7 Proposed Extension of the Validity of Approval for a Temporary Viewing Tower and Sales Office, Lots 2-20 (Nos 72-74) Mill Point Road, South Perth

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Hillam Architects
File Reference:	D-18-53508
DA Lodgement Date:	1 May 2018
Meeting Date:	29 May 2018
Author(s):	Erik Dybdahl, Senior Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

This reports seeks Council's consideration an application for planning approval for an extension of the validity of approval for a temporary viewing tower and sales office for the purposes associated with the sale of potential future apartments and commercial tenancies on Lots 2-20 (Nos 72 & 74) Mill Point Road, South Perth. Council is not being asked to exercise discretion.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

1. That the Council accepts that this application is appropriate for consideration in accordance with Schedule 2 Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015;
2. Pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for an extension of the validity of approval for a temporary viewing tower and sales office on Lots 2-20 (Nos 72 & 74) Mill Point Road, South Perth be approved subject to:

#### (a) Conditions

1. This approval pertains to the extension of the validity of approval for previously approved (application numbers 11.2015.268.1 & 11.2015.268.2) temporary structures including the 'sales office', 'viewing tower', 8 car bays, signage and landscaping on the site for the purposes associated with the sale of future apartments and commercial tenancies.
2. All temporary structures including the viewing tower, sales office, car bays, signage and landscaping are to be removed from the site in their entirety no later than 12 months from the date of this determination above.
3. The operation hours of the 'sales office' and 'viewing tower' shall be limited to:
  - Monday – Friday: 4:00PM – 7:00PM

- Saturday – Sunday: 10:00AM – 4:00PM
4. No more than six (6) visitor vehicles are permitted on the site at any one time. All employee and visitor vehicles are to be contained wholly within the site and in the car parking bays provided. Visitors are to be made aware of this prior to arrival.
  5. The designated temporary visitor parking bays are to be clearly identified on site by means of a sign bearing the words “Visitor Parking” in accordance with the requirements of clause 6.3(11) of the City of South Perth Town Planning Scheme No. 6.

**(c) Advice Notes**

700A building licence required      795B appeal rights- council decision

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

**Background**

The development site details are as follows:

<b>Zoning</b>	Special Control Area 1 (SCA1)
<b>Density coding</b>	N/A
<b>Lot area</b>	1827 sq. metres
<b>Building height limit</b>	Special Design Area
<b>Development potential</b>	N/A
<b>Plot ratio limit</b>	N/A

The location of the development site is shown below:



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

**1. Specified uses**

- (i) *Temporary Uses being considered under Schedule A (Part 9) Clause 72. (1) of the Scheme* (given 2 objections were received during consultation).

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

In June 2015, following the Joint Development Assessment Panel (JDAP) approval of a 29 storey comprehensive mixed use development on the subject site on the 25<sup>th</sup> May 2015, the applicant subsequently applied for the temporary erection of a sales office and viewing tower on the site for the purpose of selling the recently approved residential apartments and commercial tenancies ahead of construction for a period of 18 months, these temporary structures were subsequently approved and erected on site in 2015.

However, the approval granted by the JDAP was set aside by the Supreme Court following a third-party challenge and as such; the construction did not proceed. Following on from 2015, the applicant has had a series of revised applications, addressing issues raised in the Supreme Court and amendments to planning development controls for the site (Schedule 9A of the City's Town Planning Scheme No. 6). As a result of a series proposals being considered and further approvals granted and subsequently revoked, none of the developments have proceeded to construction as yet and the site has remained undeveloped since 2015, with the exception of the temporary structures. Given the circumstance, an initial application for the extension to the validity of the temporary structures was applied for and approved in November 2016.

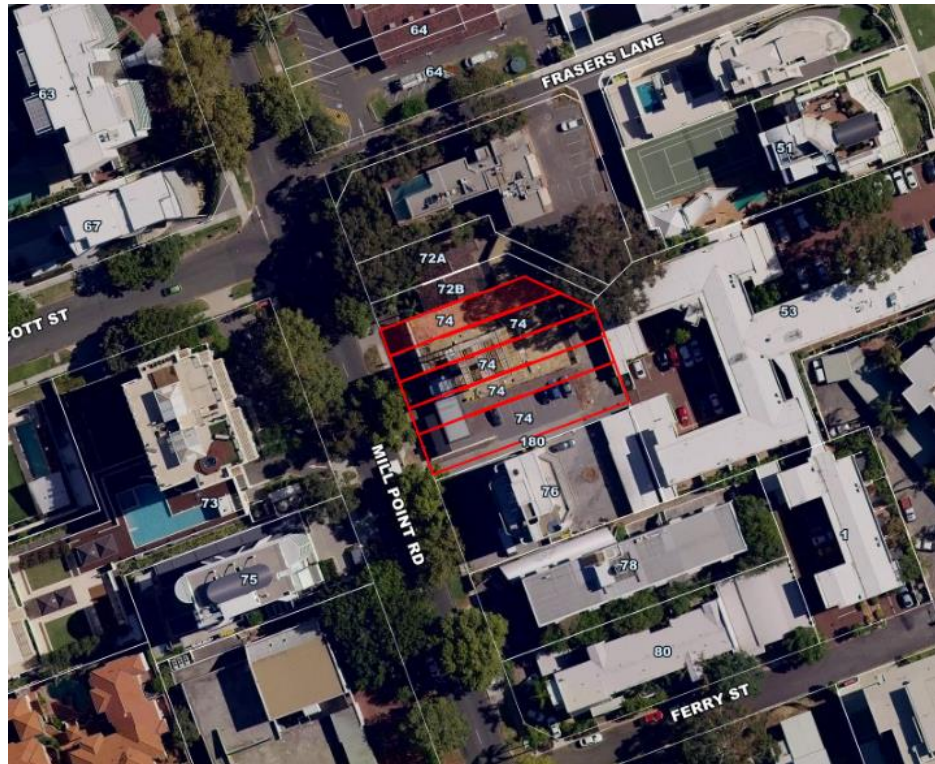
The most current application for the development site (11.2017.409.1), for a 36-level comprehensive mixed use development, was refused by JDAP on 7 March 2018 and is currently the subject of a State Administrative Tribunal (SAT) case, challenging the reasons for refusal; this case has not yet been resolved. Given the SAT case is not yet resolved and the current validity of approval for the temporary viewing tower and sales office is due to expire on 22 May 2018, the applicant is seeking to extend the validity of temporary approval for these structures.

The applicant's covering letter (**Attachment 1**) provides further information as to why an extension is being sought and the original determination notice and approved plans can be found via (**Attachment 2**).

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

The site is within the South Perth Station Precinct (SCA1), has frontage to Mill Point Road to the west and is adjoined by predominantly non-residential mixed use developments immediately to the north and south of the site and tourist accommodation to the east (rear) of the site. The immediate area is generally characterised by a mix of medium to high density residential and mixed use development as shown below:





**(c) Description of the Proposal**

The application simply seeks to extend the validity of approval for the existing and approved temporary viewing tower and site office structures, currently on the subject site. The previously approved plans of the structures can be found via **Attachment 2** and the following site photograph shows the structures as currently on site:



**(d) Land Use**

The temporary land use of a sales office and viewing tower is not one that is listed or defined in Table 1 of the City's Scheme and therefore is considered a *temporary use-not-listed*. The temporary structures were approved and erected for the purposes of selling residential units and commercial tenancies for the subsequent construction of a proposed comprehensive mixed use development on the subject site, as is common practice for similar scale developments and as found on other development sites throughout South Perth prior to the construction of significant buildings.

Given the history on this site, with development approvals being issued and revoked and applications revised and considered by the City, JDAP and SAT; it is considered the purpose of the temporary structures and use are still valid as the sale of residential units and commercial tenancies may continue given the outcome of current SAT proceedings for the latest application have not yet been resolved. However, the City recommends that the extension of validity will only be granted for a maximum of 12 months (instead of the 18 requested by the applicant) and this is to be the last time an extension to the temporary approval is to be granted so that regardless of application and construction status, all structures are to be removed from the site and the use shall cease, no more than 12 months from the date of determination, as per the conditions of approval outlined above.

Clause 72(1) - Schedule A of the City's TPS6 allows for the approval of temporary uses and structures where the Council is satisfied a number of criteria have been met, as discussed in the following section of the report.

**(e) Clause 72(1) - Schedule A of The City's TPS6 – Temporary Development Approval**

Clause 72(1) – Schedule A of the City's Scheme provides guidance with regard to the assessment and determination of temporary use applications, discussed as follows:

*(1) Notwithstanding any other provision of the Scheme, the Council may grant planning approval for land to be used temporarily for a purpose not otherwise permitted by the Scheme provided that:*

*(a) Notice has been served in accordance with clause 7.3, advising of the nature of, and the time limitation on, the proposed use;*

Advertising for this and all previous applications for the temporary use and structures was done in accordance with the City's Policy P301 – 'Community Engagement in Planning Proposals' "Area 1" method of consultation to owners and occupiers or nearby sites and any additional sites thought to be potentially impacted.

*(b) The Council is satisfied that the proposed temporary use will not have any adverse effect on the residents or amenity of the properties in the precinct;*



The temporary use and structures are not expected to have any relevant adverse amenity impacts on properties within the precinct. Since erection and operation of the temporary structures in 2015, the City has not received any complaints (with the exception to the visual appearance of the scaffolding) with regard to relevant amenity impacts from residents such as overshadowing and building bulk.

In terms of traffic, the site provides 8 car bays on site, 2 for staff and 6 for visitors. This provision is considered ample for the purpose of the use and the traffic generated is expected to be so infrequent so as to have a negligible impact on traffic flow and safety within the area. As outlined in the conditions above, all vehicular parking is to be contained on site and visitor numbers at any one time are limited to the number of available on site parking bays.

With regard to any potential amenity impacts from the temporary structures, these are also considered negligible. The viewing tower is setback over 10 metres from all lot boundaries and is of an open nature (scaffolding) which therefore, is not expected to impact any adjoining properties in terms of building bulk nor overshadowing. The temporary sales office and signage address the Mill Point Road frontage and are seen to conceal what would be, a vacant development site. Given the minor height and size of these structures no relevant amenity impacts upon adjoining sites are expected nor have been noted since erection (see **Attachment 2** for structure setbacks and heights).

- (c) *Any proposed building to be erected or placed on the land is, in the opinion of Council, of a temporary or transportable nature.*

The viewing tower is constructed from scaffolding which can be disassembled and removed from the site efficiently if and when necessitated. Furthermore, the sales office is a transportable, modular display unit which can also be removed from the site efficiently if and when required, such as when the validity of approval of this application expires. All other structures including signage and landscaping are minor in nature and can easily be removed as are not permanently fixed to the site.

- (2) *A planning approval granted by the Council for a temporary use shall be for a period specified by the Council and may contain such conditions as the Council consider necessary that there is no adverse effect on the amenity of the precinct.*

Refer to recommended conditions outlined above which specify the expiry date of this extension of temporary approval validity (12 months, at which time all temporary uses and structures shall cease to operate and be removed from the site, with no option to extend further). Other structures on the site, including signage and

landscaping etc. are minor in nature and not permanently affixed to the site.

- (3) *A person shall not undertake the temporary use of land other than in accordance with the provisions of this clause.*

The temporary use and structures on the site are considered to be in accordance with the provisions and considerations of this clause.

- (4) *If the Council grants planning approval for a temporary use, then upon expiry of the period specified by the Council under sub-clause(2):*

- (a) the temporary use shall cease immediately; and  
(b) any temporary or transportable buildings erected or placed on the land pursuant to the Council's approval shall be immediately removed from the land.*

As per the recommended conditions of approval outline above, this application extends the validity of the existing temporary uses and structures for a period of no more than 12 months, with no further ability to extend the approval. As such time, all temporary structures are to be removed from site in their entirety and the use is to cease.

As discussed above, the temporary use extension application is considered to adequately address all relevant considerations of Clause 72(1) - Schedule A of the City's TPS6, subject to the application of the recommended conditions outlined above.

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

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

- (j) In all commercial centres, promote an appropriate range of land uses consistent with:*
- (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) the preservation of the amenity of the locality;*

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

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

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

**Consultation**

**(a) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies within proximity to the site were invited to inspect the plans and to submit comments during a minimum 14-day period

During the advertising period, a total of 194 consultation notices were sent and 2 submission(s) were received. The comments from the submitter(s), together with officer responses are summarised below.

<b>Submitters' Comments</b>	<b>Officer's Responses</b>
The site is not zoned for other than residential and a scaffold is inconsistent with that zoning.	Temporary structures are approved under Clause 7.13 of the City's Scheme.  Temporary offices and scaffolding are typically erected on major development sites ahead of and during construction, as seen on other sites throughout South Perth.
Why has extension been granted for this application with no approval in place and no approval now?	Since 2015, the site has had two previous approvals in place which were determined by the JDAP and the current application is currently at SAT, yet to be resolved.  Given the circumstance of approvals being issued subsequently revoked and the status of the current application, extensions are/were granted as the purpose of the temporary structures remained valid. However, this extension is to be the last granted as per the recommended conditions of approval outlined above.
The scaffolding is not aesthetically pleasing and represents an eyesore for those who see it.	The functional and temporary nature of the development does not require it to be aesthetically pleasing. The structures have no relevant adverse amenity impact, such as building bulk or overshadowing upon nearby sites, given the generous setback and open

	nature of the scaffolding and the small scale of the site office and signage. Regardless, this is to be the final extension of the temporary structures on the development site.
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The submissions have been summarised and responses provided to all comments, as seen above. In this circumstance the submissions are not upheld.

**(b) Internal Administration**

Given the minor scale, temporary nature and negligible impact of the application, no comments were sought from other internal City departments

**(c) External Agencies**

Given the minor scale, temporary nature and negligible impact of the application, no comments were sought from external agencies.

**Policy and Legislative Implications**

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

**Financial Implications**

Should the application be refused, there is potential for some financial implications associated with defending any appeal to the State Administrative Tribunal (SAT).

**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 temporary and minor nature of the use and structures; it is considered there are no sustainability implications associated with this application.

**Conclusion**

The temporary structures were approved and erected for the purposes of selling residential units and commercial tenancies for the subsequent construction of a proposed comprehensive mixed use development on the subject site, as is common practice for similar scale developments and as found on other development sites throughout South Perth prior to the construction of significant buildings. Given the status of the current application is not yet formally resolved as is the subject of a current SAT case and may come back to JDAP for reconsideration, it is considered reasonable to extend the validity of the temporary development approval for an additional 12 months.

**Attachments**

- 10.3.7 (a):** Covering Letter - Proposed Extension of Temporary Viewing Tower and Sales Office - Nos. 72 & 74 Mill Point Road, South Perth
- 10.3.7 (b):** Previous Determination Notice of Approval for Temporary Viewing Tower and Sales Office - Nos. 72 & 74 Mill Point Road, South Perth

### 10.3.8 Proposed Extension of Temporary Approval for Residential Building on Lot 206 No. 426 Canning Highway Como

Location: 426 Canning Highway, Como  
Ward: Moresby Ward  
Applicant: CF Town Planning and Development  
File Reference: D-18-53509  
DA Lodgement Date: 20 February 2018  
Meeting Date: 29 May 2018  
Author(s): Kevin Tang, Statutory Planning Officer  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### Summary

This report seeks Council's consideration of an application for development approval for a five-year extension of temporary approval for residential building on Lot 206 No.426 Canning Highway, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use (Residential 'DC' use)	TPS6 clause 3.3 and P350.18

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

1. Accept that the Development Application reference 11.2016.185.2 to amend the approval granted by Council on 26 April 2017 to extend the validity of approval, is appropriate for consideration in accordance with Clause 77 of the deemed provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for an extension of temporary approval for residential building on Lot 206 No.426 Canning Highway, Como, be approved subject to the following:

#### (a) Conditions

1. The approval of the additional use of 'Residential Building' is valid for two (2) years from 26 April 2018. At the end of this period the building will revert to 'Single House'. A new development approval will be required to extend past this time.
2. All other conditions and requirements detailed on the previous approval dated 26 April 2017 (Reference No. 11.2016.185.1) shall remain unless altered by this application.

**(b) Advice Notes**

PN01, PN02, PNX1, PNX2, PNX3

**(c) Specific Advice Notes**

1. The applicant/landowner is advised that the Residential Building additional use must be operated separately to the use of the subject lot as a Single House. Under no circumstances are the two uses to operate concurrently.

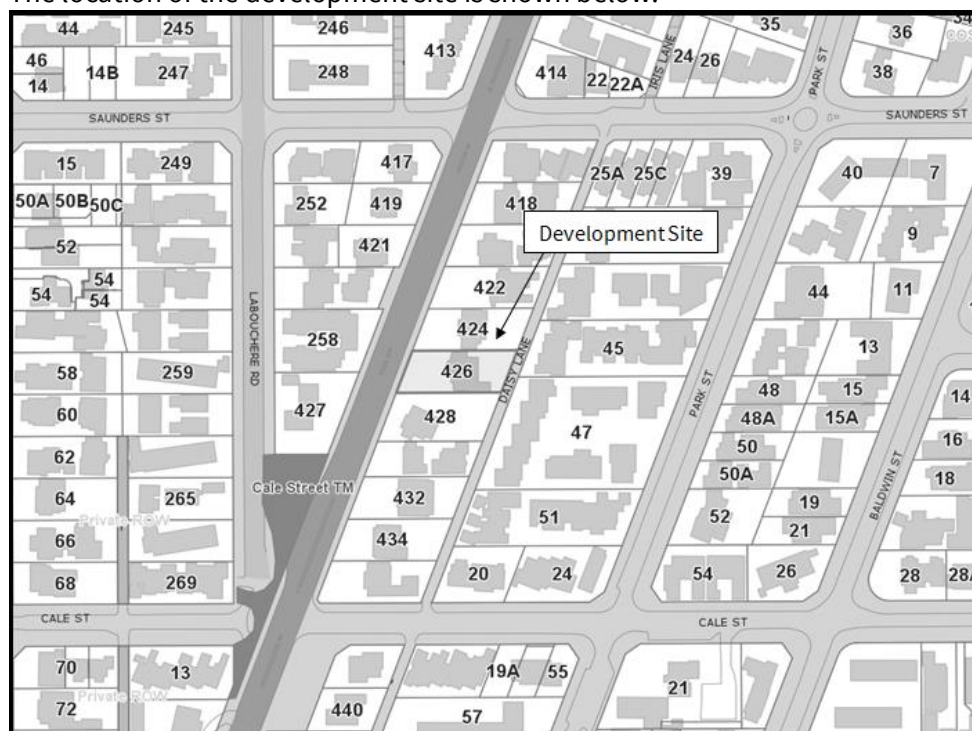
**FOOTNOTE:** A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

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

The development site details are as follows:

<b>Zoning</b>	Residential/MRS Primary Regional Road Reserve
<b>Density coding</b>	R60
<b>Lot area</b>	1,012 sq. metres
<b>Building height limit</b>	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:

**1. Specified uses**

(c) Residential Buildings;

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

(c) Applications involving the exercise of discretion under Clauses 6.1 or 6.11 of the Scheme.



**4. Applications previously considered by Council**

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

**6. Amenity impact**

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

**7. Neighbour comments**

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

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

In February 2018, the City received an application for proposed extension of temporary approval for the additional use of residential building on Lot 206 (No. 426) Canning Highway, Como (the Site). The applicant initially applied for the removal of any time limit on the approval. However, this request would be inconsistent with Condition 1 of the approval, which stipulates the approval must be temporary. Subsequently, the applicant confirmed that a five-year extension will be proposed to be sought.

Council previously considered the original retrospective application at its meeting of 26 April 2017 and approved the application with a 12-month limit, which is due to expire on 26 April 2018. The City successfully prosecuted the owner in September 2017 for the unauthorised operation of residential building. This matter was considered independently from the retrospective application.

The residence at 426 Canning Highway, more commonly known as 'Blue Waters' has been heritage listed in the City's Local Heritage Inventory (LHI) with a classification of Management Category B since 1994. Category B is also on the City's Heritage List in accordance with Council Policy P313. The place is not registered by the Heritage Council of Western Australia in the State Register for Heritage Places.

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

The existing development on the Site currently features a Single House, as depicted in the site photographs at **Attachment (a)**. The existing development is heritage listed under the City's Local Heritage Inventory. Further information regarding the heritage of the property can be found in the Memorandum from the City's (former) Strategic Urban Planning Adviser at **Attachment (b)**.



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

The Site has a frontage to Canning Highway to the west, located adjacent to a City owned Right of Way (ROW) to the east and residential properties to the north and south, as seen in **Figure 1** below:



The Site is also subject to a Metropolitan Region Scheme (MRS) Regional Road Reserve for the future widening of Canning Highway. The reserve does not impact on the proposal as no physical development is required.

**(d) Description of the Proposal**

The existing dwelling is a two-storey, Art Deco inspired residence that has been recently restored by the current owner. It comprises of four bedrooms with a swimming pool and balconies with views to the Swan River. The dwelling has frontages to Canning Highway and Daisy Lane with parking bays accessible from both roads. The site photographs show the relationship of the Site with the surrounding built environment at **Attachment (a)**.

When Council last considered the application (Item 10.3.4 of April Council Meeting 2017), the following conditions were imposed:

1. *This approval pertains to the temporary approval of an additional use of 'Residential Building' to a 'Single House'.*
2. *A maximum of eight (8) temporary occupants are permitted in relation to the additional use of 'Residential Building'.*
3. *The approval of the additional use of 'Residential Building' is valid for one(1) year from the date of this approval. At the end of this period the building will revert to 'Single House'. A new development approval will be required to extend past this time.*
4. *The preparation of a Management Plan for the additional use of 'Residential Building' shall be submitted that is to the satisfaction of the City. The Management Plan is to be submitted within twenty-eight (28) days of the date of this approval.*
5. *The approved Management Plan must be implemented and adhered to for the life of the additional use of 'Residential Building'.*
6. *A minimum of two (2) car parking bays accessible from Daisy Lane shall be permanently available for occupants of the 'Residential Building'.*
7. *All parking for occupants of the 'Residential Building' shall be accessed from Daisy Lane.*

8. *Hard standing areas approved for the purposes of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained in accordance with the requirements of clause 6.3(10) of Town Planning Scheme No. 6.*

The Management Plan was subsequently approved by the City on 10 May 2018. The applicant is applying for a 5-year extension of temporary approval for the additional use of 'Residential Building'. A copy of the applicant's application document, including the existing development approval, is provided at **Attachment (c)**.

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

- Land use (TPS6 Clause 3.3);
- Short-term accommodation policy requirements (P350.18);

**(e) Land Use**

The proposed land use of 'Residential Building' is classified as a 'DC' (Discretionary with Consultation) land use in Table 1 (Zoning-Land Use) of TPS6. The definition of Residential Building is provided in R-Codes as follows:

*A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- *Temporarily by two or more persons; or*
- *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.*

The 'Residential Building' land use was previously considered to be appropriate for this property when Council exercised discretion to approve the original development application with one-year time limit.

**(f) Council Policy P350.18 - Short-Term Accommodation**

Council at its meeting of 27 March 2018 resolved to adopt the Local Planning Policy P350.18 – Short Term Accommodation, which outlines the processes of assessing future short-term accommodation development applications. Clause 4(c) provides a number of factors to consider when determining whether a subsequent approval is to be granted following the 12-month initial approval period. Given there are many similarities between short-term accommodation and residential building land uses, it is advisable that Council uses Clause 4(c) of the Policy as a reference to assess the current development application.

Clause 4(c) provides the following:

*In determining whether a subsequent approval is to be granted under clause 77 of the Deemed Provisions, the City shall have regard to the following matters:*

- *Any changes to the characteristics of the area surrounding the use since the original approval was granted, including re-examination of the matters in Clause 2.0 of this policy;*
- *Whether the approved Management Plan has been sufficiently complied with; and*
- *The validity and severity of any complaints received relating to the operation of the approved use.*

*Changes to the characteristics of the surrounding area*

No significant changes to the characteristics of the surrounding area have taken place since the original approval was granted.

*Management Plan*

Clause 3 of the Policy requires the submission of a Management Plan, which should contain information relating to duration of stay, number of guests and check in and departure procedures, control of noise and other disturbances, complaints management procedure, the use and on-going maintenance of all common property and common facilities, security of guests, residents and visitors, control of anti-social behaviour and potential conflict between the short-term and long-term residents and vehicle parking management.

A Management Plan was submitted to Council for consideration when development approval was granted to this property. The Management Plan has been implemented and largely adhered to since the approval last year. An amended Management Plan to include all required information as per Clause 3 of the Policy is provided at **Attachment (d)**.

*Complaints*

Two complaints against this property have been received due to excessive party noise within the last year. These were one-off instances. Given the above complaints and the number of complaints received prior to the retrospective approval of this development, it is considered that a 5-year extension would be excessive and leave the City with no additional leverage in the event that the development poses greater adverse amenity impact on the surrounding residential area. It is recommended that a 2-year extension be given which will allow the city to again review the management and overall acceptability of this use of the property.

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

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

- (a) Maintain the City's predominantly residential character and amenity;*
- (b) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*

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

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

In considering an application for development approval, the local government is to have due regard to 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. An assessment of the proposal against Clause 67 is considered through the planning assessment above. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

**Consultation**

**(a) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, a total of 77 consultation notices have been sent out inviting residents to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

At the conclusion of the neighbour consultation period, one submission was received against the proposal. The comments from the submitter, together with officer responses are summarised below.

Submitters' Comments	Applicant's response	Officer's Comments
As per our previous experience, our comments and concerns still remain. Although the property use has not had the previous high noise levels and large crowds that we have been aware of over the past 12 months we believe the situation could very easily revert to the same conditions if not monitored very closely and with a regular review date.	As the owner of Blue Waters, I can assure the council that the responsible and considerate use of the property, on an ongoing and sustainable basis, is my prime objective.	Noise is regulated under the <i>Environmental Protection (Noise) Regulations 1997</i> . The City's Environmental Health department will continue to monitor the management of this premise. It is considered that a 2-year extension is appropriate as the applicant has demonstrated willingness to comply with conditions of the approval over the past 12 months.
We urge the City of South Perth not to accept the 5-year extension to this planning proposal and would only support a one-year extension if one was to be given.	This has been demonstrated on an extended time period, with no disruption to the community.	The comment is <b>NOTED</b> .
	The same measures and management plan, with this years enhancements, will ensure the community is not disrupted, but rather the property is a positive and valued feature of the City of South Perth, as it has been for many years.	

**(b) Environmental Health comments**

Comments were invited from Environmental Health section of the City's administration. The following comments were received:

*With reference to this application, I advise of the following complaints received by the City during the current approved period;*

- ***Saturday 29 April 2017 - excessive party noise - 5:30pm till 11pm, Police called.***
- ***Saturday 13 May 2017 - excessive party noise***

*Based on these complaints as well as the numerous complaints received by the City about this property prior to the current approval, a 5 year extension would be considered excessive by the Environmental Health Department. A lesser period of 2 years would be supported in order to assess that the management of this property under this approval can be effective.*

Accordingly, planning conditions are recommended to respond to the comments from the above officers.

**(c) External Agencies**

Comments were also invited from the Main Roads Western Australia. Main Roads has no objections to the proposed 5 year extension of the temporary approval for a residential building at the above address.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has some financial implications, to the extent of:

- (a) Potential appeal of decision through the State Administrative Tribunal (SAT);

**Strategic Implications**

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

**Sustainability Implications**

Nil

**Conclusion**

A one-year temporary approval for the additional use of 'Residential Building' was previously granted for this property. However, given previous history of the site and reliance on good management for the land use of 'Residential Building', it is considered appropriate that Council only grants an extension of 2 years in order to allow the City to continue monitoring the management of this development and its future impacts on the surrounding residential properties.

Accordingly, it is considered that the application should be conditionally approved.

**10.3.8 Proposed Extension of Temporary Approval for Residential Building on Lot 206 No. 426 Canning Highway Como**

**Attachments**

- 10.3.8 (a):** Attachment (a) - Site Photos
- 10.3.8 (b):** Attachment (b) - Heritage Comments and Listing
- 10.3.8 (c):** Attachment (c) - Application Documents
- 10.3.8 (d):** Attachment (d) - Amended Blue Waters Management Plan (11 April 2018)



### 10.3.9 Proposed Three-Storey Single House on Lot 2 (No. 31) Sulman Avenue, Salter Point

Location: Lot 2 No. 31 Sulman Avenue, Salter Point  
Ward: Manning Ward  
Applicant: Stonevale Pty Ltd  
File Reference: D-18-53510  
DA Lodgement Date: 20 November 2017  
Meeting Date: 29 May 2018  
Author(s): Kevin Tang, Statutory Planning Officer  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### Summary

This report seeks Council's consideration of an application for development approval for a three-storey single house on Lot 2 (No.31) Sulman Avenue, Salter Point. The site is in the process of being subdivided and the proposed dwelling will be located on the southern lot from Sulman Avenue. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary Walls	Residential Design Codes (Design Principles 5.1.3 P3.2)
Significant Views	Council Policy P350.09 Clause 2.2

#### Officer Recommendation

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Glenn Cridland

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Three-Storey Single House on Lot 2 No.31 Sulman Avenue, Salter Point, **be approved** subject to the following:

##### (a) Conditions

1. The development shall be in accordance with the stamped plans at all times unless otherwise authorised by the City.
2. Prior to occupation of the dwelling, all visual 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.
3. Prior to occupation of the dwelling the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City (Refer to Advice Note 6).



4. Prior to occupation of the dwelling, at least one tree, not less than 3.0 metres in height, at the time of planting and of a species approved by the City shall be planted within the street setback area or elsewhere on the site. The tree shall be maintained in good condition thereafter.
5. The surface of the boundary wall(s) to the Garage and meter box visible from the street, on the southern side of the lot, shall be finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City.
6. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
7. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
8. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.

**(b) Advice Notes**

PN01, PN02, PNX1, PNX2, PNX3

**(c) Specific Advice Notes**

1. Development Approval or the subsequent issuing of a Building Permit by the City is not consent for the construction of a crossing. As described in Management Practice M353 a 'Crossing Application' form must be formally submitted to Infrastructure Services for approval prior to any works being undertaken within the road reserve.
2. The City's Engineering Department advises that a bus stop sign exists on the verge of the new development. This sign can be relocated to the verge directly opposite the property boundary between Lot 2 No. 31 and No. 33A, or can be left in the current location where it does not appear to affect the crossing of No. 31 Sulman. Should the owner wish to relocate the sign, please contact the City's Engineering Department to arrange for the works.

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

**CARRIED (8/0)**

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	787 sq. metres (Proposed site area: 383 sq.metres)
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	2 dwellings

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:

#### **6. Amenity impact**

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

#### **7. Neighbour comments**

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

#### **Comment**

##### **(a) Background**

The initial development application was received in December 2016 and was not accepted due to non-compliance with the Building Height Limit. The amended development application for a Three-Storey Single House for Lot 2 No. 31 Sulman Avenue, Salter Point, was received in November 2017. A subdivision approval to divide the subject site into two properties was issued on 26 November 2015 by the Western Australian Planning Commission but has not been finalised and separate titles issued. The proposed dwelling will be located on the southern lot and planning assessment has been conducted on the basis of subdivided lot boundaries.

As a result of the City's Further Information Request, plans have been amended a few times. A copy of the applicant's final plans is provided at **Attachment (a)**.

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

The subject site is located at Lot 2 No. 31 Sulman Avenue, Salter Point (the Site) and is currently vacant after demolition of the previous dwelling. Photographs showing the streetscape and surrounding built environment with the proposed building in the context are provided at **Attachment (b)**.

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

The Site has a primary frontage to Sulman Avenue to the east, a secondary frontage to Howard Parade to the north, and is surrounded by residential properties to all other directions as seen in **Figure 1** below:

**(d) Description of the Proposal**

The proposal involves a three-storey construction with the ground floor featuring a bedroom, games room, entry and garage, the first floor featuring balcony, living room, dining room, kitchen, scullery and laundry, the second floor featuring three bedrooms, living room, ensuite and bathroom. A new retaining wall will also be constructed along the western lot boundary.

A copy of the applicant's development plans is provided at **Attachment (a)** and the applicant has also provided photographs showing the streetscape and surrounding built environment with the proposed building in the context at **Attachment (b)**.

The following planning aspects require the exercise of discretion to be approved or are important to be discussed further in the report:

- (i) Boundary Walls (Residential Design Codes Design Principles 5.1.3 P3.2);
- (ii) Significant Views (Council Policy P350.09 Clause 2.2); and
- (iii) Building Height (clause 6.1A TPS6);

**(e) Boundary Walls – Ground Floor North**

Element	Deemed-to-Comply Provision	Proposed
Boundary Wall Height	Street setback - 6.0 metres Maximum height – 3.5 metres Average height – 3.0 metres	Street setback – 4.5 metres Maximum height – 3.229 metres Average height – 2.9 metres
<p><i>Design Principles:</i>  <i>Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <li>• Reduce impacts of building bulk on adjoining properties;</li> <li>• Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p><i>Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>• positively contributes to the prevailing development context and Streetscape.</li> </ul>		

The non-complying portion of the boundary wall only relates to the supporting column for the cantilevered first floor balcony with a width of 1.5 metres and a street setback of 4.5 metres.

The boundary wall variation is considered to meet the Design Principles of the R-Codes for the following reasons:

- The non-complying portion of the boundary wall is narrow in width and breaks up the remainder of the main boundary wall. It has less building bulk impact on the property to the north. Additionally the boundary wall is not adjacent to any major openings or outdoor living areas.
- The proposed boundary wall will not affect the solar access and ventilation as the neighbouring lot is vacant;
- The boundary wall only occupies the front setback of a side boundary;
- The boundary wall does not have significant streetscape impact as there is open area behind;

**(f) Significant Views**

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

- setbacks from the street and lot boundaries;
- floor size;
- roof form; and

- iv) any other design element that impacts upon views.

The neighbouring property to the west of the subject site currently enjoys views of the Canning River and some concerns were raised relating to the potential impact on some existing view corridors to the east.

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

*1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

*2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

*3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are more highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

*4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked*

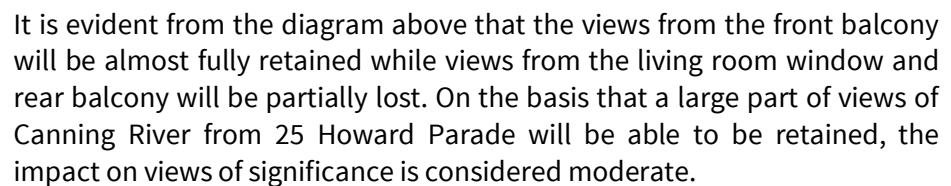
*whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

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

1. As a result of the construction of the proposed dwelling, only one property will be negatively affected. It is observed from a site visit that 25 Howard Parade currently enjoys some views to Canning River from southeast to northeast. The views are being accessed from the first floor rear balcony, first floor living room window and first floor front balcony. The photographs from the site visit are provided at **Attachment (c)**. Whilst the views currently being enjoyed by the affected neighbour can be classified as partial view or a glimpse of Canning River, the current views are considered to be 'significant views' in accordance with the definition of 'significant view' under P350.9, which includes both 'panorama' and 'narrower vista'.
2. The views of significance currently available at No. 25 Howard Parade are largely obtained via the balconies (front and rear) and living room windows on the first floor. It is noted that these views are mainly views obtained from the eastern lot boundary, a side boundary. As discussed above, views obtained from a side boundary are more difficult to protect than views obtained from the front and rear boundaries. It must also be reasonably expected that a vacant property zoned as 'Residential' under TPS6 would, at some stage in the future, be developed for residential purposes, and such vacant sites will not necessarily remain vacant in perpetuity.
3. In terms of assessing the extent of impact on views, the applicant has provided some photomontages at **Attachment (d)**. The Officer has also drawn up view corridors from the main vantage points from 25 Howard Parade and provided below:



### Proposed Three-Storey Single House on Lot 2 (No. 31) Sulman Avenue, Salter Point



There is no obvious design approach that could be implemented to reduce the impact on views, aside from moving the building further to the south or reducing the height of the building. The opportunity to move the building further to the south is limited due to topographical constraints. It would also impinge on boundary setback to the southern boundary and seek additional variations. It is noted that the upper floor of the dwelling is setback greater than the lower floor from the side boundary which allows for view corridors. The roof of the dwelling does not impact the view of the neighbours given the neighbour's view is from the first floor of the property.

The proponent could also reduce the height of the development on the northern portion of the site however this would require significant redesign by essentially stepping half of the dwelling. The dwelling ground floor is cut into the site with the majority of the dwelling above natural ground level being two storey. The development is compliant with building height. Furthermore, the Council's P350.9 states the following with respect to development potential:

### 2.3 Normal development entitlements retained:

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

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

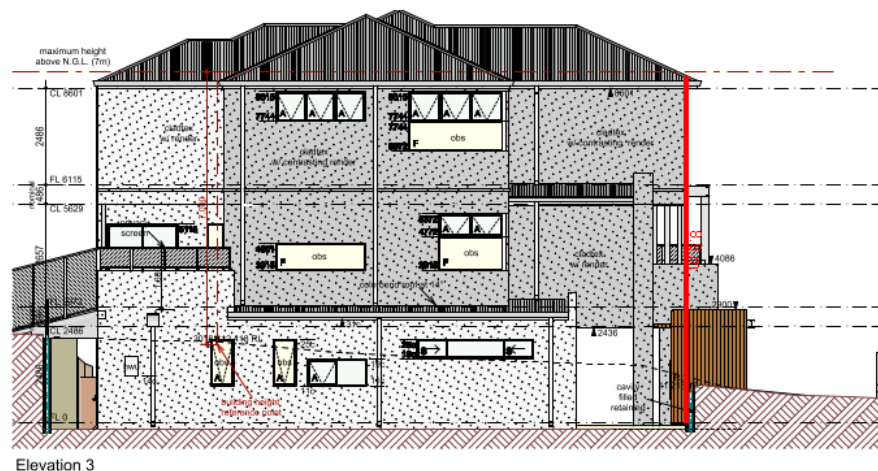
In summary, taking into account all of the relevant points above, the impact on views is considered to be reasonable. Therefore, the proposal is considered to satisfy the objectives of the Council Policy P350.9.

#### (g) Building Height

Even though the proposal is fully compliant with the 7 metre building height limit, the matter is important to be discussed due to comments received during the neighbour consultation period.

One of the submitters questioned that the applicant is using fill materials to obtain a higher natural ground level to be used for measuring building height limit. The Officer investigated the building permit plan for the previous dwelling from the year of 1990, which is provided at **Attachment (e)**, and is confident that the RL12.418m natural ground level reference point on the southwest corner complies with the way in which the building height limit is measured in accordance with clause 6.1A of TPS6. The ground level reference point of RL12.418m is consistent with the previous contour level of 12m and spot height of 12.47m on the southwest corner of the building permit plan. The City's Intramap system can also confirm accuracy of these ground levels.

While the horizontal plane under which all building walls must be measured is RL19.418 (12.418+7) metres, the height of the proposed building walls is RL19.3 (FFL 10.4+8.9) metres. It is therefore considered that the proposal complies with the 7-metre building height limit. The diagram below provides an illustration of this assessment:



It is considered that the proposal complies with the building height limit as prescribed under clause 6.1A of TPS6.

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

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

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

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

**Consultation****(a) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos 25 and 23B Howard Parade, and 33A Sulman Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised). Further consultation with the submitters was conducted on final plans for a period of 7 days.

During the advertising period, a total of 3 consultation notices were sent and 3 submissions were received, all against the proposal. One submitter has lodged two submissions. The submitters' comments, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<u>Bulk and scale of building and its impact on streetscape:</u> the proposed dwelling is not in line with the current streetscape and buildings on Sulman Avenue.	The proposal complies with the deemed-to-comply requirements of R-Codes regarding lot boundary setbacks, except for the boundary wall variation discussed earlier in the report.  The comment is <b>NOT UPHELD</b> .
<u>Height of building:</u> height of proposed building is not in line with current two storey developments	The proposal complies with the 7.0 - metre building height limit. Please refer to detailed discussion in the previous

along Sulman Avenue and Howard Parade. The measuring ground level point is questionable.	section of the report.  The comment is <b>NOT UPHELD</b> .
<u>Loss of significant views</u>	It is considered that the proposal does not have a significant impact on the views of significance. Please refer to detailed discussion in the previous section of the report.  The comment is <b>NOT UPHELD</b> .
<u>Overshadowing</u>	The proposal complies with the deemed-to-comply requirements of the R-Codes regarding solar access. Whilst the R-Codes sets limit on shadow cast on the south side of the proposed building on 21 June, the submitter's property is not located to the south of the development site.  The comment is <b>NOT UPHELD</b> .
<u>Overlooking</u>	The proposal complies with the deemed-to-comply requirements of the R-Codes regarding visual privacy.  The comment is <b>NOT UPHELD</b> .

A full copy of the submissions is provided at **confidential Attachment (f)** and applicant's response to the submissions is provided at **Attachment (g)**.

**(b) Engineering Infrastructure**

The City's Engineering Infrastructure department was invited to comment on the proposal. The commentary received from this department has been included as an Advice Note in the City's recommendation.

**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 a number of north facing windows and the balcony 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 proposal will have some impact on significant views of neighbouring properties, in particular the property of 25 Howard Parade, however the development satisfies setback requirements from the street and lot boundaries and the roof form is not the part of the dwelling that impacts on views. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

**Attachments**

- 10.3.9 (a):** Attachment (a) - Final Development Plans
- 10.3.9 (b):** Attachment (b) - Site photographs
- 10.3.9 (c):** Attachment (c) - View assessment photos
- 10.3.9 (d):** Attachment (d) - Applicant's view assessment photomontages
- 10.3.9 (e):** Attachment (e) - Building Permit Plan
- 10.3.9 (f):** Attachment (f) - A copy of all submissions (*Confidential*)
- 10.3.9 (g):** Attachment (g) - Applicants' response to the submissions

### 10.3.10 Perth Zoo Parking Feasibility Study

Location:	Perth Zoo
Ward:	Mill Point Ward
Applicant:	Perth Zoo
File Ref:	D-18-53511
Meeting Date:	29 May 2018
Author(s):	Mark Taylor, Director Infrastructure Services
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

#### Summary

This report seeks Council's consideration of the *Car Parking Feasibility Study* for a potential multi-storey car park in the vicinity of Perth Zoo. The Study was prepared by a consultant on behalf of the Zoological Parks Authority (ZPA) with a 50% contribution from the City of South Perth.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

That:

- a) Council supports the recommendations the *Car Parking Feasibility Study* commissioned by the Zoological Parks Authority (ZPA) and jointly funded by the City;
- b) the City continues to liaise with the ZPA in developing this project, providing strategic support and in-kind professional assistance as required; and
- c) in consideration of the project being of much greater benefit to the ZPA, the City will not be providing financial assistance for the development of a business case and potentially the construction of a multi-storey car park.

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

#### Background

Perth Zoo is one of the most visited zoos in Australia per capita of population, with over 600,000 visitors per annum. The Zoo has been open every day since it first opened in October 1898.

Zoological Parks Authority (ZPA) research shows that 83% of visitors travel to the Zoo by private car or motorbike. Customer satisfaction with availability of parking, which ZPA research shows is an indicator of willingness to visit the Zoo, has progressively dropped from 81% in 2011 to 49% in 2016. The ZPA advises that complaints about parking have intensified significantly since April 2016, and they expect visitor complaints will continue to escalate, especially during school and public holidays and on weekends when average daily visitation is 2,000-4,000. On peak event days, visitation may rise to 7,000. The ZPA consider there are insufficient carparks to accommodate visitation in these numbers and an increase in affordable car parking spaces, as well as public transport and alternative parking / transport schemes need to be developed.



In March 2016 The ZPA completed a *Commercial Opportunities for Perth Zoo (COPZ)* feasibility study. Several opportunities were identified including the development of a multi-storey car park (MSCP) which could provide ongoing revenue for the ZPA.

The ZPA invited the City to participate in the development of a car parking feasibility study with a view to identifying any mutual benefits that could be achieved in relation to consolidating parking provision from the surrounding precinct within a multi-storey facility.

The City accepted this offer because visitor parking at the zoo impacts on broader issues in the City including residential parking availability, small retail businesses success, and the reputation of South Perth and Perth Zoo.

### Comment

A consultant (Arup) was engaged by the zoo to develop the car parking feasibility study (Study) - see **Attachments (a)** and **(b)**. The Study investigated potential options for introducing a MSCP in close proximity to the zoo. The Study was developed to support an *Application for Concept Approval and Business Case* in line with the State Government's Strategic Asset Management Framework process.

Central to the strategic justification for the Study was the need to investigate the feasibility of increasing car parking provision at the zoo, which aligns with government policy and the following strategic objectives of the ZPA as custodians of Perth Zoo:

- Improve the experience for Perth Zoo patrons through delivering high levels
- of visitor amenity, customer service and community engagement;
- Increase the opportunity to support new and improved events and activities;
- Make best use of asset investment; and
- Maximise commercial revenue generation for Perth Zoo.

The Study commenced with a review of existing assets including:

- Existing car parking provision;
- Existing car parking demand;
- Perth Zoo visitor demand;
- Benchmarking into car parking provision with other major attractions across Australia;
- An analysis of procurement models;
- A gap analysis to ensure available knowledge and evidence was adequate to take the project to the next stage; and
- An assessment of existing assets strengths and weaknesses which could be used to leverage the opportunity or conversely be a risk to the justification to provide a MSCP.

An initial location evaluation process was developed which resulted in the preferred location of the MSCP being at the existing zoo car park on Mill Point Road to the east of Windsor Park. A long list of design options was then identified and refined through stakeholder engagement to a short list of nine. These were evaluated against the set of agreed criteria and three options (A.3, A.4 and C.2) were then chosen as the most advantageous to be considered under a detailed business case.

For the City, provision of a MSCP at Mill Point Road offers the opportunity to review the location of current car parking across the precinct with a view to consolidating supply in areas most needed. It should also facilitate better traffic flow in areas

currently experiencing conflicts between road users, such as along Mends Street and could be used to reduce the number of cars parked north of Mill Point Road. The potential to generate additional commercial revenue is also a consideration for the City however this would only occur if the City remained a partner throughout the process.

Any decision regarding the provision of a MSCP in close proximity to the zoo will not represent the only transport related initiative to support visitor growth to the zoo. The construction of a train station to serve the South Perth Station Precinct remains a long term objective for both the City and the ZPA however may not be available for many years.

The ZPA and the City remain committed to encouraging other forms of transport for visitors to access the zoo with bus stops and cycle parking located in very close proximity to the zoo entrance along Labouchere Road. Use of ferry services to access the zoo has increased dramatically since the opening of Elizabeth Quay in 2017 and the ZPA will continue to monitor access modes.

Based on the assumptions and evaluation process agreed with the stakeholders during a series of working sessions and Project Control Group meetings the Study makes the following recommendations:

- There is an immediate and critical strategic need to improve the level of car parking provision within close proximity to the entrance to Perth Zoo to meet the needs of existing and future patrons of the Zoo and City stakeholders;
- Information provided by Perth Zoo on visitor numbers and customer satisfaction and by the City on parking utilisation and occupancy levels indicates that the current supply, proximate to the Zoo entrance, does not sufficiently cater for day to day visitor demand;
- Options to provide a MSCP on the current at grade Zoo car park accessed from Mill Point Road best meet the business objectives established for the project. Whilst other options to cater for all car parking demand associated with a typical design day for a MSCP were considered (based on the 8<sup>th</sup> busiest day of adult visitors to the Zoo) it was concluded that this may create an oversupply of bays;
- The evaluation process identified that a MSCP over four to five levels on Mill Point Road creates the best outcomes based on the project business objectives and value for money analysis undertaken.

The Study provides guidance on the process moving forward:

- The project progresses to the full Business Case stage with approval to proceed sought from the ZPA board and the City of South Perth Council;
- Concept designs for both a four and five level car park to be refined and interrogated further as part of the business case process;
- Based on the refined concept designs the ZPA and the City should review and clarify the best approach for procuring this investment proposal and identify whether alternative sources of funding are available, in association with advice from Department of Treasury; and
- Relevant data sources should be further interrogated to provide a higher level of granularity to support the business case process. This should include conducting an additional survey of existing users of the Mill Point Road car park and of zoo visitors. This will allow further conclusions to be drawn on whether changes to the way the current at grade car park operates will release sufficient capacity to meet the needs of Zoo patrons.

**Conclusion**

The City has collaborated with the ZPA to produce a feasibility study for a MSCP, the outcome of which, if funded, is recommended to be located on the site of the existing Mill Point Road car park.

The construction of this car park will significantly benefit the Zoo and to some extent, the City's parking demand. It should be noted that the City's Parking Strategy has identified there is sufficient parking within the South Perth Station Precinct for the foreseeable future and this needs to be considered alongside the ZPA's analysis that this is not the case for their customers.

This leads to the question of whether the City should continue to collaborate with the ZPA on this proposal. The financial implications for the City moving forward will be sharing the cost of a full business case and then potentially contributing to the construction of the MSCP. The current estimated cost to develop the business case is \$100k and to construct the MSCP will be between \$26 and \$30 million, depending on the option chosen.

It is the City's recommendation that officers continue to work with the ZPA in their endeavour to develop a MSCP in the vicinity of Perth Zoo. The level of assistance should be of an in-kind professional nature, as required. The City should also continue to support the project strategically as it is deemed to be important to the continued viability of the Perth Zoo.

That said, there should be no more financial support for the project, such as developing the detailed business case and then, if successful a share of construction cost, because the project is of much greater benefit to the ZPA than the City.

**Consultation**

Nil

**Policy and Legislative Implications**

City of South Perth Parking Strategy

**Financial Implications**

The City's financial contribution to the Study was \$52,568 representing 50% of its total cost.

The cost estimate of a full business case for a MSCP has not been provided however is estimated to be \$100k.

The current estimate to construct a MSCP based on the three options chosen in the Study is between \$26 and \$30 million.

**Strategic Implications**

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

**Attachments**

**10.3.10 (a):** Perth Zoo Parking Feasibility Study - Final Report

**10.3.10 (b):** Perth Zoo Parking Feasibility Study - Appendices

### 10.3.11 eQuotes 2/2018 & 6/2018, Waste Management Services

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Reference:	D-18-53512
Meeting Date:	29 May 2018
Author(s):	Geoff Eves, Acting Manager Engineering Infrastructure
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### Summary

This report considers submissions for Waste Management Services from contractors, under the WA Local Government Association (WALGA) Preferred Supply Panel, to replace the following contracts for 12 months from 1 July 2018:

- 7/2011- Collection of household refuse
- 16/2011 - Collection of recyclable material
- 17/2011 - Receival and processing of recyclable material
- 8/2014 - Receival of municipal solid waste

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

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

That:

- (a) Council approves the eQuote submitted by Cleanaway Waste Management for the *Provision of Waste Collection Goods and Services* as per the conditions and pricing via the VP100888 WALGA Preferred Supply Panel eQuote 2-2018 for the period of supply up to 30 July 2019 inclusive; and
- (b) Council approves the eQuote submitted by Suez Recycling and Recovery Pty Ltd for the *Receival of Municipal Solid Waste* in accordance with WALGA Preferred Supply Panel eQuote 6-2018 for the period of supply up to 30 July 2019 inclusive at a price of \$144.42 (ex GST) per tonne.

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

#### Background

The City has utilised the services of Cleanaway for the collection of household refuse since June 2011 and following the exercise of a number of extensions the current contract will conclude in June 2018. There are a number of changes occurring in the waste industry and to better understand the City of South Perth's

timeframe commitment to the Rivers Regional Council a short term contract period of one year was preferred.

Considering the short term contract period, the City accessed the eQuotes process available through the WA Local Government Association (WALGA). eQuotes were introduced to Local Government by WALGA in 2011. The tool provides Local Government staff with direct access to pre-qualified suppliers relevant to the industry. This includes being able to view company profiles, insurances, pricing and contact details. Relevant contract information such as Price Schedules, Contract Summaries and Conditions of Contract are also available within eQuotes.

### Comment

eQuotes were sought through the WALGA Preferred Supply panel for the following two (2) services:

- 1) eQuote 2-2018 for the *Provision of Waste Collection Goods and Services* was sought on 27 February 2018 and closed at 3pm on 14 March 2018. eQuote 2-2018 was invited as a Schedule of Rates to replace the following contracts:
  - 7/2011- Collection of household refuse
  - 16/2011 - Collection of recyclable material
  - 17/2011 - Receival and processing of recyclable material
- 2) eQuote 6-2018 for the *Receival of Municipal Solid Waste* was sought on the 6 March 2018 and closed at 3pm on 21 March 2018. eQuote 6-2018 was invited as a Schedule of Rates to replace the following contract:
  - 8/2014 - Receival of municipal solid waste

At the close of the eQuote advertising period one (1) submission was received for eQuote 2-2018 as a schedule of rates, and two (2) submissions were received for eQuote 6-2018 as a schedule of rates as tabled below:

TABLE A

eQuote 2-2018 Submission
Cleanaway Waste Management (Cleanaway)

TABLE B

eQuote 6-2018 Submission
1. Cleanaway Waste Management (Cleanaway)
2. SUEZ Recycling & Recovery Pty Ltd (SUEZ)

### Evaluation

The Tenders were reviewed by an Evaluation Panel of three officers from Waste and Finance business units and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE C - Qualitative Criteria

Qualitative Criteria	Weighting
1. Compliance with the documents	10%
2. Contractor's demonstrated capacity to successfully carry out the services	10%
3. Contractor's relevant past experience, corporate structure and personnel	30%
4. Price	50%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for eQuote 2-2018 for the *Provision of Waste Collection Goods and Services*, it is recommended that the tender submission from CLEANAWAY be approved by Council.

Based on the assessment of the two submissions received for eQuote 6-2018 for the *Receival of Municipal Solid Waste*, it is recommended that the tender submission from SUEZ be approved by Council.

More detailed information about the assessment process can be found in the Evaluation Panel Members report – **Confidential Attachments (a) and (b)**.

### Consultation

eQuotes 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 / e-quotes 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 / eQuotes 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 eQuotes to a maximum value of \$500,000 (exclusive of GST).

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

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



**Financial Implications**

The full cost of the works is reflected in the draft 2018/2019 budget.

**Strategic Implications**

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

**Attachments**

**10.3.11 (a):** Evaluation Panel Members' report - 2/2018 *(Confidential)*

**10.3.11 (b):** Evaluation Panel Members' report - 6/2018 *(Confidential)*

### **10.3.12 Proposed two storey Child Day Care Centre - Lots 123 & 124 (No. 46) David Street, Kensington**

Location: Kensington  
Ward: Moresby Ward  
Applicant: Taylor Burrell Barnett  
File Ref: D-18-53037  
Meeting Date: 29 May 2018  
Author(s): Brendan Phillips, Statutory Planning Officer  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### **Summary**

This report seeks Council's consideration of a Responsible Authority Report (RAR) and development application for the proposed development of a 2 (two) storey Child Day Care Centre on Lots 123-124 (No. 46) David Street, Kensington. The RAR and all relevant attachments are included within this report for review and consideration, prior to determination of the Metro Central Joint Development Assessment Panel (Metro Central JDAP) at the meeting scheduled to commence at 10:00am on Friday 1 June 2018 within the City's Council Chambers.

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

**Moved:** Councillor Tracie McDougall

**Seconded:** Councillor Travis Burrows

That Council notes the Responsible Authority Report (RAR) prepared for the Metro Central Joint Development Assessment Panel (Metro Central JDAP) regarding the proposed development of a two (2) storey Child Day Care Centre located on Lots 123-124 (No. 46) David Street, Kensington.

**CARRIED (8/1)**

#### **Comment**

As requested by Council, the RAR is provided for Council to consider. The Metro Central JDAP meeting is scheduled to commence at 10:00am on Friday 1 June 2018 in the City's Council Chambers.

#### **Policy and Legislative Implications**

Comments have been provided in the RAR in relation to Scheme and other Policy requirements.

#### **Financial Implications**

Nil

#### **Strategic Implications**

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

**Attachments**

- 10.3.12 (a):** Finalised RAR - 46 David Street - Child Day Care Centre - 11.2018.40.1
- 10.3.12 (b):** Amended Development Plans - 46 David Street, - Child Day Care Centre - 11.2018.40.1
- 10.3.12 (c):** Applicant Reports - 46 David Street - 11.2018.40.1
- 10.3.12 (d):** Site Photographs - 46 David Street - Child Day Care Centre - 11.2018.40.1
- 10.3.12 (e):** Summary of changes by applicant - 46 David Street - Child Day Care Centre - 11.2018.40.1
- 10.3.12 (f):** DRP Meeting Minutes - 46 David Street - Child Day Care Centre - 11.2018.40.1
- 10.3.12 (g):** Applicant response to submissions - 46 David Street - Child Day Care Centre - 11.2018.40.1
- 10.3.12 (h):** Applicant Noise Report - 46 David Street - Child Day Care Centre - 11.2018.40.1

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Monthly Financial Statements - April 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-53514
Meeting Date:	29 May 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

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

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

That Council note the Financial Statements and Report for the month ended 30 April 2018 in accordance with regulation 34 (1) of the Local Government (*Financial Management*) Regulations 1996.

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

#### Background

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

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

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

**Comment**

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

Actual Income from Operating Activities for the year to date is \$54.23m in comparison to budget of \$53.80m. Expenditure from Operating Activities for the year to date is \$46.99m in comparison to budget of \$48.91m. April Operating Activities for expenditure were lower than budget with YTD actual expenditure being approximately \$1.9m lower than budget, with YTD revenue marginally higher (\$0.4m) than budget.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.97m in comparison to the budget of \$1.10m. Actual Capital Expenditure for the year to date is \$13.56m in comparison to the budget of \$17.29m.

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

Cash and Investments balance is \$61.77m, traditionally a diminishing balance, following the annual cycle after reduced income from rates collection in conjunction with consistent levels of operating and capital payments, resulting in net cash outflows impacting cash balances.

The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 being met. Currently the City holds 59.52% 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 - April 2018
- 10.4.1 (b):** Statement of Change in Equity - April 2018
- 10.4.1 (c):** Statement of Financial Activity - April 2018
- 10.4.1 (d):** Operating Revenue & Expenditure - April 2018
- 10.4.1 (e):** Capital Summary - April 2018
- 10.4.1 (f):** Significant Variance Analysis By Business Unit Operating Revenue Expenditure - April 2018
- 10.4.1 (g):** Statement of All Council Funds - April 2018
- 10.4.1 (h):** Summary of Cash Investments - April 2018
- 10.4.1 (i):** Statement of Major Debtor Categories - April 2018



### 10.4.2 Listing of Payments - April 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-53515
Meeting Date:	29 May 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report presents to Council a list of accounts paid under delegated authority (Delegation DC602) between 1 April 2018 and 30 April 2018 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(422)	\$4,059,591.44
Cheque Payment to Creditors	(9)	\$14,749.50
<b>Total Monthly Payments to Creditors</b>	<b>(431)</b>	<b>\$4,074,340.94</b>
Cheque Payments to Non-Creditors	(77)	\$72,361.48
<b>Total Payments</b>	<b>(508)</b>	<b>\$4,146,702.42</b>

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Tracie McDougall

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

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

#### Background

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

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

#### Comment

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

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

The report records payments classified as:

- **Creditor Payments**

*(regular suppliers with whom the City transacts business)*

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

- **Non Creditor Payments**

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

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

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

**Consultation**

Nil.

**Policy and Legislative Implications**

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

**Financial Implications**

The payment of authorised amounts are within existing budget provisions.

**Strategic Implications**

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

**Attachments**

**10.4.2 (a):** Listing of Payments - March 2018

## 11. APPLICATIONS FOR A LEAVE OF ABSENCE

Leave of Absence Applications were received from:

Councillor Tracie McDougall for the period:

- 22 May 2018 (retrospective); and
- 7-24 July 2018, inclusive

Councillor Blake D'Souza for the period:

- 5 June 2018;
- 18 June 2018;
- 20 - 24 June 2018, inclusive; and
- 29 June – 9 July 2018, inclusive

Councillor Greg Milner for the period:

- 6 June 2018 – 15 June 2018, inclusive

### **MOTION TO APPROVE LEAVE OF ABSENCE APPLICATIONS AND COUNCIL DECISION**

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Colin Cala

That the Leave of Absence Applications were received from:

Councillor Tracie McDougall for the period:

- 22 May 2018 (retrospective); and
- 7 – 24 July 2018, inclusive

Councillor Blake D'Souza for the period:

- 5 June 2018;
- 18 June 2018;
- 20 - 24 June 2018, inclusive; and
- 29 June – 9 July 2018, inclusive

Councillor Greg Milner for the period:

- 6 June 2018 – 15 June 2018, inclusive

**CARRIED (9/0)**

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

### 12.1 COUNCILLOR MOTION: QUARANTINING OF FUTURE PROPERTY SALES FOR INVESTMENT (CR KEN MANOLAS)

At the Council Agenda Briefing held 22 May 2018 Councillor Ken Manolas gave notice that at the 29 May 2018 Ordinary Council Meeting he would move the following Motion:

#### MOTION AND COUNCIL DECISION

**Moved:** Councillor Ken Manolas

**Seconded:** Councillor Cheryle Irons

That future sales of any property by the City of South Perth be quarantined for investment to produce and additional income stream.

**LOST (2/7)**

#### Reasons for the Motion

With the invested money, the City would be able to borrow for Community Projects and repay the debt including interest from the income stream of the investment. At the end of the repayment of debt, the city would still have the invested capital.

*Example: if money from the sale of the Civic Heart had been invested to produce an income stream, it could over a period of years paid for Community Projects similar to the Manning Hub and Ernest Johnson buildings. The City would still have the invested capital at the end of the loan repayment. This invested capital would have produced an income stream for the City for the future community projects.*

#### CEO Comment

Should Council wish to proceed with this Notice of Motion, it is recommended this be in the form of a Policy, to guide future decisions of Council. Whilst Council are responsible for Policy, it would be appropriate for this Motion to be considered by the Property Committee of Council in the first instance.

### 12.2 COUNCILLOR MOTION: HAYNE ROYAL COMMISSION (MAYOR SUE DOHERTY)

At the Council Agenda Briefing held 22 May 2018 Mayor Sue Doherty gave notice that at the 29 May 2018 Ordinary Council Meeting she would move the following Motion:

#### MOTION AND COUNCIL DECISION

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Cheryle Irons

The Council require the City Officers to monitor the outcomes of the Hayne Royal Commission and, once final findings from this Royal Commission are completed provide a report to the Audit, Risk and Governance Committee based on these findings and recommendations.

**CARRIED (9/0)**

### Reasons for the Motion

The City of South Perth is required to ensure that they have effective and accountable systems in place to safeguard the City's financial resources.

A copy of this Policy and Delegation (can be found at [p603-investment-of-surplus-funds.pdf](#) ~~dc603---~~[investment-of-surplus-funds.pdf](#)).

The City's Policy P603 Investment of Surplus Funds includes Primary Considerations for the investment of Municipal, Trust and Reserve funds and the key considerations are:

- Preservation of Capital;
- Meeting Liquidity Requirements;
- Meeting the 'Prudent Person' Standard;
- Preventing Conflicts of Interest;
- Transacting only in 'Approved' Financial Instruments; and
- Meeting the City's Risk Management Criteria relating to Credit Risk and Counterparty Diversity.

The Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry was established on 14 December 2017 by the Governor-General of the Commonwealth of Australia. On 14 December 2017, the Hon Kenneth Hayne AC QC was appointed Royal Commissioner into Misconduct in the Banking, Superannuation and Financial Services Industry.

### CEO Comment

Policy P603 Investment of Surplus Funds was adopted by Council on 22/02/2002 and is reviewed annually, with the current review to be considered at the next Audit, Risk and Governance Committee. Given the expected timeframe, the findings of the Hayne Royal Commission may be considered by the Committee and Council during the 2019 Annual Review.

Councillor Tracie McDougall vacated the Chamber at 10.37pm and returned at 10.39pm.

## **13. QUESTIONS FROM MEMBERS**

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

The Presiding Member advised that the responses to questions from Members Taken on Notice at the April 2018 Ordinary Council Meeting are available in the Appendix of the Agenda.

### **13.2 QUESTIONS FROM MEMBERS**

There were no questions from Members.

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

There was no new business of an urgent nature to be introduced.

## 15. MEETING CLOSED TO THE PUBLIC

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

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

As Elected Members did not wish to discuss the Items, the meeting was not closed to the public and the Presiding Member put the Officer Recommendations to the vote.

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

#### 15.1.1 Varied Contract of Sale for Land - City of South Perth, South Perth Civic Triangle Pty Ltd, Finbar Group Limited

*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:	South Perth
Ward:	Mill Point
Applicant:	City of South Perth
File Ref:	D-18-53516
Meeting Date:	29 May 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

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

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Travis Burrows

That the Council endorse the Officer Recommendation as contained within the Confidential Agenda.

**CARRIED (9/0)**



### 15.1.2 Varied Contract of Sale for Land - City of South Perth and Bradshaw 9 Pty Ltd

*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:	City of South Perth
Ward:	Manning Ward
Applicant:	City of South Perth
File Ref:	D-18-53517
Meeting Date:	29 May 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

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

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Tracie McDougall

That the Council endorse the Officer Recommendation as contained within the Confidential Agenda.

**CARRIED (9/0)**

### 15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

As the meeting was not closed to the public the Resolutions were not required to be read aloud.

*Note: the confidential resolutions remain confidential.*

## 16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 11.01pm.

## 17. RECORD OF VOTING

### 7.1.1 Confirmation of Minutes

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

### 7.2.1 Noting of Concept Briefings/Workshops Notes

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

### 10.3.13 Substantive: Proposed Commercial Development within a Single Storey plus Basement Building. Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway & Part Lot 182, No. 272 Canning Highway, Como

For: Councillor Greg Milner

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

### 10.3.13 Alternative Motion: Proposed Commercial Development within a Single Storey plus Basement Building. Lots 181, 803, 804, 805 & 806, Nos. 264-270 Canning Highway & Part Lot 182, No. 272 Canning Highway, Como

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

Against: Councillor Greg Milner

### 9.1 En Bloc Motion

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

### 10.0.1 Proposed Joint Funding of the Curtin University Bus

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

### 10.1.1 Returned and Services League (RSL) Club Fee Waiver Request for use of John McGrath Pavilion and Hall

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

### 10.2.1 South Perth Esplanade Parking

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

Against: Councillor Ken Manolas

- 10.3.1 Initiation of Advertising for Draft Revised Local Heritage Inventory and Heritage List**
- For: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Greg Milner; Councillor Travis Burrows; Councillor Blake D'Souza; Councillor Colin Cala; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Tracie McDougall
- 10.3.2 Alternative Motion: Building Height Limits within Precinct 13 'Salter Point'**
- For: Mayor Sue Doherty; Councillor Greg Milner; Councillor Blake D'Souza; Councillor Colin Cala; Councillor Ken Manolas; Councillor Cheryle Irons
- Against: Councillor Glenn Cridland; Councillor Travis Burrows; Councillor Tracie McDougall
- 10.3.3 Initiation of Scheme Amendment No. 59 - Recoding of Land Bounded by Conlon Street, Garvey Street and Manning Road, and Keaney Place, McKay Street, Manning Road and Garvey Street, Waterford from R20 to R60 and Associated Development Requirements**
- For: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Greg Milner; Councillor Travis Burrows; Councillor Blake D'Souza; Councillor Colin Cala; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Tracie McDougall
- 10.3.4 Proposed Single House (Single Storey). Lot 18, No. 42 Douglas Avenue, South Perth**
- For: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Greg Milner; Councillor Travis Burrows; Councillor Blake D'Souza; Councillor Colin Cala; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Tracie McDougall
- 10.3.5 Proposed 4 x Three Storey Grouped Dwellings with Roof Terraces. Lot 18, No. 18 Coode Street, South Perth**
- For: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Greg Milner; Councillor Travis Burrows; Councillor Blake D'Souza; Councillor Colin Cala; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Tracie McDougall
- 10.3.6 Proposed Overheight Fence Addition to Multiple Dwelling. Lot 703, No. 30 Banksia Terrace, South Perth**
- For: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Greg Milner; Councillor Travis Burrows; Councillor Blake D'Souza; Councillor Colin Cala; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Tracie McDougall
- 10.3.7 Proposed Extension of the Validity of Approval for a Temporary Viewing Tower and Sales Office, Lots 2-20 (Nos 72-74) Mill Point Road, South Perth**
- For: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Greg Milner; Councillor Travis Burrows; Councillor Blake D'Souza; Councillor Colin Cala; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Tracie McDougall
- 10.3.8 Proposed Extension of Temporary Approval for Residential Building on Lot 206 No. 426 Canning Highway Como**
- For: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Greg Milner; Councillor Travis Burrows; Councillor Blake D'Souza; Councillor Colin Cala; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Tracie McDougall
- 10.3.9 Proposed Three-Storey Single House on Lot 2 (No. 31) Sulman Avenue, Salter Point**
- For: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Greg Milner; Councillor Travis Burrows; Councillor Blake D'Souza; Councillor Colin Cala; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Tracie McDougall

**10.3.10 Perth Zoo Parking Feasibility Study**

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

**10.3.11 eQuotes 2/2018 & 6/2018, Waste Management Services**

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

**10.3.12 Proposed two storey Child Day Care Centre - Lots 123 & 124 (No. 46) David Street, Kensington**

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

Against: Cr Cheryle Irons

**10.4.1 Monthly Financial Statements - April 2018**

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

**10.4.2 Listing of Payments - April 2018**

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

**11. Leave of Absence Applications**

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

**12.1 Councillor Motion: Quarantining of Future Property Sales for Investment (Cr Ken Manolas)**

For: Councillor Ken Manolas; Councillor Blake D'Souza

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

**12.2 Councillor Motion: Hayne Royal Commission (Mayor Sue Doherty)**

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

**15.1.1 Varied Contract of Sale for Land - City of South Perth, South Perth Civic Triangle Pty Ltd, Finbar Group Limited**

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

**15.1.2 Varied Contract of Sale for Land - City of South Perth and Bradshaw 9 Pty Ltd**

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

## APPENDIX

### 6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE: 24 APRIL 2018

1. Ms Tiffany Donovan of Hensman Street, Kensington Received at the meeting 29 May 2018	Response provided by: Mr Stevan Rodic, Manager Development Services
<i>[Preamble] Questions relate to Item 10.3.12 Proposed two storey Child Day Care Centre – Lots 123 &amp; 124 (No. 46) David Street, Kensington Note: responses were provided to Ms Donovan at the meeting given the JDAP meeting was scheduled for Friday 1 May 2018 prior to the circulation of the next Agenda.</i>	
1. When will neighbours be personally contacted regarding plans and our concerns?	Consultation occurred in February 2018 – neighbours comments were taken into consideration in the preparation and recommendation of the RAR. Those comments and applicants submissions are included in the attachments to the RAR report and there are comments in the schedule of submissions summary provided by the City.
2. Will bays, trees, crossover be amended? As plans show insufficient bays and no understanding of crossovers with private driveway.	The verge will be upgraded, there will be modifications to existing verge bays and this will include additional tree planting, the removal of 2 bays and the plan will also consider any interruption to any driveways.
3. Trees – who will discuss tree planning to the fenceline of my property? - severe allergy concerns.	As part of the application there is landscaping plan included. The plan details various species to be planted along the boundary of 179 Hensman Street. I am happy to discuss this further with Ms Donovan in terms of the species provided – the plan is still subject to the approval of our City's Parks Department so this will be taken into consideration. The City will be in touch with Ms Donovan in terms of the specific species along her boundary.

2. Mr Bill Gleeson of Canning Highway, South Perth Received at the meeting 29 May 2018	Response provided by: Mayor, Sue Doherty
<i>Note: As per the City's Standing Orders Local Law 2007 s6.7(7)(f), the Presiding Member declared that two of six questions submitted by Mr Gleeson were out of order, and will not be recorded or responded to.</i>	
1. Are you aware SouthCare application was finally approved?	Yes.
2. Are you aware there will be some form of development on the Como Hotel site sometime in the future?  These types of planning application that are being refused by the council, further adds to the minister of planning, list for more reason to remove planning applications from all local government.	Any future development is yet to be determined.
3. Madam Mayor. Is it fact or fiction that you had emergency talks with the South Perth Hospital Board Members, regarding Mr Glass, CEO of the City of South Perth, in relation to the possible sale of the South Perth Hospital neighbouring Car Park?	There have been no emergency talks.
4. Why would the City even think about the sale of the Hospital Car Park when the hospital has invested thousands of dollars in upgrading the car park?	This is purely a speculative question.

## DISCLAIMER

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

These Minutes were confirmed at the Ordinary Council Meeting on Tuesday 26 June 2018.

Signed \_\_\_\_\_

Presiding Member at the meeting at which the Minutes were confirmed