

# MINUTES

## Ordinary Council Meeting

18 December 2018

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 18 December 2018 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

19 December 2018

# Welcome to Country

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

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

## Our Guiding Values



## 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.

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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 18 December 2018.

## 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 7.00pm.

## 2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Report related to Tender 14/2018 – Provision of Graffiti Removal and High Pressure Cleaning which was presented at the Council Agenda Briefing will not be presented to tonight's meeting. This report will be presented to the February 2019 Ordinary Council Meeting.

Item 10.7.1 – Property Committee Meeting 10 December 2018 is a late report which was not presented to the Council Agenda Briefing on 11 December 2018.

## 4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

### Councillors

Como Ward  
Manning Ward  
Manning Ward  
Moresby Ward  
Moresby Ward  
Mill Point Ward  
Mill Point Ward

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

### Officers

Chief Executive Officer  
Director Development and Community Services  
Director Corporate Services  
Director Infrastructure Services  
Manager Governance  
Manager Development Services  
Manager Strategic Planning  
Marketing Coordinator  
Senior Executive Support Officer  
Acting Coordinator Governance

Mr Geoff Glass  
Ms Vicki Lummer  
Mr Colin Cameron  
Mr Mark Taylor  
Ms Bernadine Tucker  
Mr Stevan Rodic  
Ms Elyse Maketic  
Ms Lisa Williams  
Ms Katie Roberts  
Ms Christine Lovett

## Gallery

There were approximately 16 members of the public and 1 member of the press present.

### **4.1 APOLOGIES**

Nil.

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

Como Ward                      Councillor Tracie McDougall

## **5. DECLARATIONS OF INTEREST**

- Cr Milner impartiality interest in relation to Agenda Item 10.1.3 – McDougall Kindergarten Improvement Works – Additional Budget Request.
- Cr Burrows impartiality interest in relation to Agenda Item 10.1.4 – Tender 19/2018 John McGrath Pavilion / Ernest Johnson Oval – Awning Installation.

## **6. PUBLIC QUESTION TIME**

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

Nil.

### **6.2 PUBLIC QUESTION TIME: 18 DECEMBER 2018**

The Presiding Member opened Public Question Time at 7.02pm.

Written questions were received prior to the meeting from:

- Mr Warwick Boardman of Unwin Crescent, Manning

Written questions were received at the meeting by:

- Ms Kerry MacKay of Mullingar Close, Waterford
- Ms Margaret Paolino of Cashel Way, Waterford

The questions and responses can be found in the **Appendix** of these Minutes.

Questions received late OR at the meeting were Taken on Notice. The answers to these questions will be made available in the February 2019 Agenda.

There being no further questions, the Presiding Member closed Public Question Time at 7.10pm.

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 27 November 2018

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Colin Cala

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

**CARRIED (8/0)**

#### 7.1.2 Annual Electors' Meeting Held: 10 December 2018

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Colin Cala

That the Minutes of the Annual Electors' Meeting held 10 December 2018 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**

### 7.2 CONCEPT BRIEFINGS

#### 7.2.1 Council Agenda Briefing

Officers presented background information and answered questions on Items to be considered at the 18 December 2018 Ordinary Council Meeting at the Council Agenda Briefing held 11 December 2018.

##### Attachments

**7.2.1 (a):** 11 December 2018 - Council Agenda Briefing - Notes

#### 7.2.2 City Population Forecasts

Officers provided Council with an overview of City Population Forecasts on 29 November 2018.

##### Attachments

Nil



### 7.2.3 Underground Power Program and Connect South Briefing 4 December 2018

Officers provided Council with an overview of Underground Power Program and Connect South Tender Assessment.

#### Attachments

7.2.3 (a): Concept Briefing - 4 December 2018

### 7.2.4 Environmental Health Services Briefing

Officers provided Council with an overview of Environmental Health Services on 4 December 2018.

#### Attachments

Nil

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Blake D'Souza

**Seconded:** Councillor Ken Manolas

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

- 7.2.1 Council Agenda Briefing
- 7.2.2 City Population Forecasts
- 7.2.3 Underground Power Program and Connect South Briefing 4 December 2018
- 7.2.4 Environmental Health Services Briefing

**CARRIED (8/0)**

## 8. PRESENTATIONS

### 8.1 PETITIONS

#### 8.1.1 Proposed Living Stream at Bodkin Park

A petition was received 3 December 2018 from Mrs Jennie Brown of 35 Cashel Way, Waterford, together with 161 verified signatures in opposition to the proposed 'Living Stream' in Bodkin Park.

The text of the petition reads:

*'We the undersigned electors of the City of South Perth request: That the proposed 'Living Stream' in Bodkin Park does not go ahead for the following reasons:*

- 1. The dense foliage will destroy the ambience of the Park and obscure the view of the flowing stream (as has occurred in the existing 'Living Stream').*
- 2. There will be a risk of injury to pedestrians and cyclists due to vegetation blocking views and narrowing the verges.*
- 3. There will be an increased problem with snakes which is not acceptable in close proximity within a Public Park, where children play.*
- 4. The dense foliage will provide cover for miscreants, reducing security.*
- 5. It should be noted that there is already approximately 300 metres of 'Living Stream' in this water system.'*

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Blake D'Souza

**Seconded:** Councillor Cheryle Irons

That the petition received 3 December 2018 from Mrs Jennie Brown of 35 Cashel Way, Waterford, together with 161 verified signatures in relation to the proposed 'Living Stream' in Bodkin Park be forwarded to the relevant Director for consideration.

**CARRIED (8/0)**

### 8.1.2 Parking Angelo Street

A petition was received 10 December 2018 from Lexie Soklich, of Shop 2, 61 Angelo Street, South Perth, together with 119 verified signatures in opposition of 15 minute car parking in Angelo Street, South Perth.

The text of the petition reads:

*'We at Soklich & Co have found that many people coming to Angelo Street to do Banking, Post, or a quick errand are constantly getting fined for over staying in the 15 minute car parking outside our store. People as a rule can't do a simple banking transaction, send a postal parcel or order a quick coffee in 15 minutes. Please consider elderly people, whom physically cannot adhere to the time frame of 15 minutes.*

*We would like to ask for your support in a petition to ask The City of South Perth to increase the 15 minutes to 30 minutes.*

*Please help make Angelo Street an accessible and enjoyable shopping and business destination that doesn't fine you for not being able to do business in a timely manner.'*

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Greg Milner

**Seconded:** Councillor Ken Manolas

That the petition received 10 December 2018 from Lexie Soklich, of Shop 2, 61 Angelo Street, South Perth, together with 119 verified signatures in relation to parking in Angelo Street be forwarded to the relevant Director for consideration.

**CARRIED (8/0)**

### 8.2 PRESENTATIONS

Nil.

### 8.3 DEPUTATIONS

Deputations were heard at the Agenda Briefing of 10 December 2018.

### 8.4 COUNCIL DELEGATES REPORTS

Council Delegates' Reports are circulated to Elected Members.

### 8.5 CONFERENCE DELEGATES REPORTS

Conference Delegates' Reports are circulated to Elected Members.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised 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) as per Clause 5.5 Exception Resolution of the *Standing Orders Local Law 2007*.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 21 August 2018.

### ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.1.1 Adoption of City of South Perth Cultural Plan 2019-2023
- Item 10.3.2 Draft Scheme Amendment No. 57 Canning Highway (East) to Town Planning Scheme No. 6 - Final recommendation to Western Australian Planning Commission

The Presiding Member called for a motion to move the balance of reports en bloc by Exception Resolution.

## EN BLOC MOTION AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Travis Burrows

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

- Item 10.1.2 Supplementary Tender Information for Traffic Management Services; Sound, Lighting and Staging Services; and Security Services for the City's Community Events Program
- Item 10.1.3 McDougall Kindergarten Improvement Works - Additional Budget Request
- Item 10.1.4 Tender 19/2018 John McGrath Pavilion / Ernest Johnson Oval - Awning Installation
- Item 10.2.1 Tender 18/2018 Connect South Mends Street
- Item 10.3.1 Tender 20/2018 Mowing of Verges, Median Strips and Rights of Ways
- Item 10.3.3 Review of Local Planning Policy P350.03 - Car Parking, Access, Siting and Design - Consent to advertise
- Item 10.3.4 Retrospective additions and alterations to Single House at Lot 119 (123) Lansdowne Road, Kensington
- Item 10.3.5 Proposed Child Day Care Centre at Lot 18 (No 88) McDonald Street, Como
- Item 10.4.1 Tender 13/2018 Training Design and Delivery of Leadership/Management and Project Management Training
- Item 10.4.2 Local Government Elections
- Item 10.4.3 Listing of Payments - November 2018
- Item 10.4.4 Monthly Financial Statements - November 2018
- Item 10.7.1 Property Committee Meeting 10 December 2018

**CARRIED (8/0)**

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 Adoption of City of South Perth Cultural Plan 2019-2023

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-18-130467
Meeting Date:	18 December 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 advises the results of the recent community and stakeholder consultation phase for the City of South Perth Draft Cultural Plan 2019-2023; and seeks final adoption of the Cultural Plan for the community.

#### Officer Recommendation

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Travis Burrows

That Council adopt the City of South Perth Cultural Plan 2019-2023 shown as **Attachment (a)**.

#### Amendment

At the request of Council the Presiding Member put the amendments separately.

**Moved:** Councillor Greg Milner  
**Seconded:** Councillor Blake D'Souza

That Council adopt the City of South Perth Cultural Plan 2019-2023 shown as **Attachment (a)** with the following minor amendments:

1. Purpose (Page 15 of the Agenda Attachment) - add the words '*subject to budgetary approval each year*' so that the amended sentence shall read as follows:

*The Cultural Plan sets the course for cultural activity and investment in the City during the next five years subject to budgetary approval each year.*

**The amendment was put and declared LOST (5/4).**

**For:** Cr Irons, Cr Manolas, Cr Milner, Cr D'Souza  
**Against:** Mayor Doherty, Cr Burrows, Cr Cridland, Cr Cala  
**Casting Vote Against:** Mayor Doherty

2. Purpose (Page 16 of the Agenda Attachment) - insert a new point 7 after the existing point 6 as follows:

*7. Maximise the community benefit per dollar of public funds spent by delivering cultural programs and services as cost-effectively and cost-efficiently as practicable.*

**The amendment was put and declared LOST (5/4).**

**For:** Cr Irons, Cr Manolas, Cr Milner, Cr D'Souza  
**Against:** Mayor Doherty, Cr Burrows, Cr Cridland, Cr Cala  
**Casting Vote Against:** Mayor Doherty

3. Notwithstanding Item 2.4 of the Implementation Plan, the "City of South Perth Streets Alive" initiative be discontinued as at 1 July 2019.

**The amendment was put and declared CARRIED (6/2) and formed part of the substantive motion.**

**For:** Cr Irons, Cr Manolas, Cr Milner, Cr D'Souza, Cr Burrows, Cr Cala

**Against:** Mayor Doherty, Cr Cridland

4. Resourcing (Page 33 of the Agenda Attachment) - additional information be inserted to emphasize that the Cultural Plan has 'cost effectiveness and efficiency' objectives. The amended paragraph shall read as follows:

*Resourcing*

*Any financial requirements for implementing the Cultural Plan will be sought through the City's annual operating budget process, with external funding to be pursued. Wherever practicable, the City will deliver cultural services cost-effectively and cost-efficiently by:*

- *making use of existing City assets and personnel where feasible;*
- *recovering costs (or partial costs) on a 'user-contributes/pays' basis where reasonable to do so;*
- *seeking external funding where doing so is likely to be cost-effective; and*
- *partnering with external entities where appropriate.*

**The amendment was put and declared LOST (5/4).**

**For:** Cr Irons, Cr Manolas, Cr Milner, Cr D'Souza  
**Against:** Mayor Doherty, Cr Burrows, Cr Cridland, Cr Cala  
**Casting Vote Against:** Mayor Doherty

**COUNCIL DECISION**

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Travis Burrows

That Council adopt the City of South Perth Cultural Plan 2019-2023 shown as **Attachment (a)** with the following amendment:

- Notwithstanding Item 2.4 of the Implementation Plan, the “City of South Perth Streets Alive” initiative be discontinued as at 1 July 2019.

**CARRIED (8/0)**

**Background**

At the Ordinary Council Meeting held on 28 August 2018 Council resolved to endorse the draft City of South Perth Cultural Plan 2019-2023 for community and stakeholder consultation for a period of 42 days. This report advises the results of the recent community and stakeholder consultation and seeks final adoption of the Cultural Plan 2019-2023.

**Comment**

A total of seven responses were received on the draft Cultural Plan during the consultation period. A summary of the feedback received and the City’s associated comments is detailed in **Attachment (b)**.

In general the feedback provided was complimentary overall. In reviewing the feedback the City has made some minor amendments to the Cultural Plan to:

- Accommodate for the relevant feedback;
- Include additional information on the six key principles that underpin cultural development planning and how the Plan will be reviewed and progress monitored;
- Merge some compatible Actions together to reduce duplications;
- Remove reference to the City’s leading Business Unit responsible for each Action; and
- Correct grammatical errors.

The adoption of the Cultural Plan will provide positive outcomes for the community, including:

- Enhanced opportunities for community participation in a wide range of arts and cultural pursuits
- A strategic and coordinated approach to the provision of arts and cultural programs and services throughout the City
- Greater activation of public spaces to enhance the community's ownership and sense of pride in these spaces.
- Improved capacity of local community based organisations and individuals who provide art and cultural opportunities to deliver those opportunities.



**Consultation**

Feedback on the draft Cultural Plan was invited through a range of communication mediums, namely: City website ('Your Say' portal and news updates); newspaper advertising; social media (Facebook); electronic media (e-newsletter); internal staff workshop; and correspondence sent to arts and cultural organisations.

**Policy and Legislative Implications**

Development and implementation of the Cultural Plan 2019-2023 is aligned with the charter set out in current City Policy (P105) – 'Cultural Services and Activities'.

**Financial Implications**

The Cultural Plan will be delivered over a five-year period; (that is 2019 to 2023 inclusive), with the Cultural Plan Actions to be funded using a combination of municipal funds; external funding; and resources derived from other cultural stakeholders/partners.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Culture and Community
Strategy:	Facilitate and create opportunities for social, cultural and physical activity in the City

**Attachments**

- |             |   |
|-------------|---|
| 10.1.1 (a): | City of South Perth - Amended Cultural Plan 2019-2023   |
| 10.1.1 (b): | Feedback on City of South Perth Cultural Plan 2019-2023 |

### 10.1.2 Supplementary Tender Information for Traffic Management Services; Sound, Lighting and Staging Services; and Security Services for the City's Community Events Program

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-18-130505
Meeting Date:	18 December 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

- Three tender reports were presented at the Ordinary Council Meeting on 30 October 2018 relating to traffic management services; sound, lighting and staging services; and security services for the City's community events program.
- These reports omitted the estimated total value of the tender supply contracts over the four year maximum duration of the contracts.
- This report addresses this omission by providing the anticipated costs of the three contracts.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

1. That Council agree to amend part (b) of the Council resolution made on 30 October 2018 for Item 10.1.1 relating to 'Tender 10/2018 – Traffic Management Services for the City's Community Events Program' from \$94,719 to \$502,837.
2. That Council agree to amend part (b) of the Council resolution made on 30 October 2018 for Item 10.1.2 relating to 'Tender 11/2018 – Sound, Lighting and Staging Services for the City's Community Events Program' from \$18,219 to \$445,133.
3. That Council agree to amend part (b) of the Council resolution made on 30 October 2018 for Item 10.1.3 relating to 'Tender 12/2018 – Security Services for the City's Community Events Program' from \$26,785 to \$218,445.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

**Background**

At the Ordinary Council Meeting held on 30 October 2018, three reports were presented to Council relating to tenders for the City's community events program, namely:

1. Report 10.1.1: Tender 10/2018 – Traffic Management Services for the City's Community Events Program;
2. Report 10.1.2: Tender 11/2018 – Sound, Lighting and Staging Services for the City's Community Events Program; and
3. Report 10.1.3: Tender 12/2018 – Security Services for the City's Community Events Program.

The previous reports listed above mistakenly omitted the estimated total value of the tender supply contracts.

**Comment**

This current report provides the anticipated costs of the three contracts over the four year maximum duration of the contracts. The supplementary tender information provided in this report does not alter the previous assessment results for Tender 10/2018; Tender 11/2018; or Tender 12/2018 made by the City's Evaluation Panels.

**Consultation**

Consultation has occurred with the City's Procurement staff in the preparation of this report.

**Policy and Legislative Implications**

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

The following Council Policies also apply:

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

### Financial Implications

The tables below outline the anticipated costs of the three contracts with the successful tender contractors.

#### Tender 10/2018 – Traffic Management Services

	Year 1	Year 2	Year 3	Year 4	Total
Altus Traffic	\$122,000	\$124,440	\$126,929	\$129,468	\$502,837

#### Tender 11/2018 – Sound, Lighting and Staging Services

	Year 1	Year 2	Year 3	Year 4	Total
One20 Productions	\$108,000	\$110,160	\$112,363	\$114,610	\$445,133

#### Tender 12/2018 – Security Services

	Year 1	Year 2	Year 3	Year 4	Total
Bellrock Protective Services	\$53,000	\$54,060	\$55,141	\$56,244	\$218,445

The cost of the contracts for traffic management services; sound, lighting and staging services; and security services for the City's community events program in Year One is included in the 2018/2019 budget. The supply costs for subsequent years will be sought in future City operational budgets for the life of the contracts.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Community  
 Aspiration: A diverse, connected, safe and engaged community  
 Outcome: Culture and Community  
 Strategy: Facilitate and create opportunities for social, cultural and physical activity in the City

### Attachments

Nil

### 10.1.3 McDougall Kindergarten Improvement Works - Additional Budget Request

Location:	McDougall Kindergarten
Ward:	Como
Applicant:	City of South Perth
File Ref:	D-18-130507
Meeting Date:	18 December 2018
Author(s):	Adele Scarfone, Project Officer
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

A budget shortfall has been identified in the scope to complete upgrade works to the McDougall Kindergarten.

This report proposes to address this issue by requesting a budget reallocation to enable construction to proceed.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council approve a transfer \$115,000 from the Neil McDougall Toilet upgrades project within the 2018-2019 Capital Expenditure Budget to the McDougall Kindergarten Improvement Works budget.

**ABSOLUTE MAJORITY REQUIRED**

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

#### Background

The McDougall Community Kindergarten is part of the Community Kindergarten Association of WA, with the teaching staff employed through the department of Education. The City of South Perth supports the group through provision of the facility and its maintenance.

In July 2017, as part of the annual budget process, Council approved \$160,000 for McDougall Kindergarten improvement works. The original scope of the project was to upgrade the administration, outdoor play areas and the play room. The works commence a three year plan to upgrade all of the City managed childcare / kindergarten facilities. McDougall Kindergarten has been identified as the highest priority.

During the detailed design phase of this project, following budget approval, additional works were identified. These included the requirement for a universal access toilet and the need to upgrade the air-conditioning.

### Comment

The City invited tenders (Tender 16/2018) for these works on 20 October 2018 with submissions closing on 13 November 2018. The aim is to construct during the school holiday shutdown period - 14 December 2018 to 2 February 2019.

Tenders are below the City's Delegation limit, so there is no requirement to report the tender to Council; however there is a requirement to seek additional budget to enable the project to be completed to the revised scope. An additional \$115,000 is required.

### Consultation

The staff and parents of McDougall Community Kindergarten have been expecting these works to go ahead after a consultation period with them to define the needs of the Kindergarten for future operation which has been incorporated into the design and tender documentation.

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* requires a local government to call tenders when the expected value is likely to exceed \$150,000.

Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

### Financial Implications

The City is requesting the additional \$115,000 be reallocated from Neil McDougall Toilet upgrades within the 2018-2019 Capital Expenditure Budget. The McDougall toilet upgrade works will only proceed to design development in the current financial year meaning there will be surplus funds to reallocate. For the 2018/19 Budget, there is nil impact, as this Budget Adjustment is essentially a transfer between Capital Budget line items.

Account number	8184
Budget item	Kindergarten Improvement works
<b>Original budget</b>	<b>\$160,000</b>
Less YTD expenditure	\$12,049
Less commitments (not incurred)	\$5,472
Available balance	\$142,479
Budget adjustment (to be adopted)	\$115,000
Available funds	\$257,479
<b>Adjusted Budget</b>	<b>\$275,000</b>

Funding source to offset budget shortfall (detailed above):

Account number	8183
Budget item	Neil McDougall Park Toilets
<b>Original Budget</b>	<b>\$230,000</b>
YTD expenditure	\$0
Commitments (not incurred)	\$0
Available balance	\$230,000
Budget adjustment (to be adopted)	(\$115,000)
<b>Adjusted Budget</b>	<b>\$115,000</b>

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Community

Aspiration: A diverse, connected, safe and engaged community

Outcome: Community Infrastructure

Strategy: Develop and facilitate community infrastructure to respond to changing community needs and priorities

### Attachments

Nil

### 10.1.4 Tender 19/2018 John McGrath Pavilion / Ernest Johnson Oval - Awning Installation

Location: Ernest Johnston Reserve, South Perth  
Ward: Mill Point Ward  
Applicant: City of South Perth  
File Reference: D-18-130508  
Meeting Date: 18 December 2018  
Author(s): Jac Scott, Manager Business & Construction  
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 received from the advertising of Tender 19/2018 for the John McGrath Pavilion / Ernest Johnson Oval – Awning Installation.

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

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council:

- (a) approves the tender submitted by AE Hoskins for the John McGrath Pavilion / Ernest Johnson Oval - Awning Installation, in accordance with Tender Number 19/2018 for the period of supply up to 30 June 2019 inclusive; and
- (b) at the tender price of \$443,536.00 excluding GST as included in confidential attachment (a).

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

#### Background

The City has completed Stages One (John McGrath pavilions construction) and Two (landscaping) of the Ernest Johnson Masterplan.

On completion and commissioning of the pavilions the City soon recognised that the external blinds, installed to reduce the impact of the afternoon sun on the western windows of the buildings, were never going to be a long term solution. A number of problems were experienced in their operation and they are not sturdy enough. In addition, it became apparent, particularly from user feedback that the pavilions would operate much more efficiently if additional outside shade and shelter was provided.



The City considers the best response, to complete what has been a very successful project, is to construct awnings over the western windows of the two pavilions to provide the additional shade and shelter. As part of the adoption of the 2018/2019 budget Council approved an allocation of \$500k for Stage Three of the Masterplan implementation. The City's plan was to consider the construction of awnings using this allocation.

#### Comment

Awning designs were subsequently procured. A key criteria was a design which would be complimentary to the buildings so a casual observer would not notice that they had been added later.

A Request for Tender (RFT) for the John McGrath Pavilion / Ernest Johnson Oval – Awning Installation (Tender 19/2018) was advertised in the West Australian newspaper on Saturday 20 October 2018 and closed at 2.00pm on 9 November 2018.

Tenders were invited as a Lump Sum Contract. The RFT is for the John McGrath Pavilion / Ernest Johnson Oval – Awning Installation. The contract is for the period 1 February 2019 – 30 June 2019.

At the close of the tender advertising period one submission had been received and this is tabled below:

TABLE A – Tender Submission

Tender Submission
AE Hoskins Building Services

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	40%
2. Key Personnel, Skills & Resources	40%
3. Demonstrated Understanding	20%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 19/2018 John McGrath Pavilion / Ernest Johnson Oval – Awning Installation, it is recommended that the tender submission from AE Hoskins Building Services be accepted by Council.

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

#### Consultation

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

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

### Financial Implications

The full cost of the works is included in the 2018/2019 Infrastructure Capital Works budget. This item increases the overall estimated cost of the project, that has/will be funded from the Major Community Facilities Reserve.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Community  
Aspiration: A diverse, connected, safe and engaged community  
Outcome: Community Infrastructure  
Strategy: Develop and facilitate community infrastructure to respond to changing community needs and priorities

### Attachments

10.1.4 (a): Tender Evaluation Report (*Confidential*)

## 10.2 STRATEGIC DIRECTION 2: ECONOMY

### 10.2.1 Tender 18/2018 Connect South Mends Street

Location:	South Perth Foreshore
Ward:	Mill Point Ward
Applicant:	City of South Perth
File Reference:	D-18-130509
Meeting Date:	18 December 2018
Author(s):	Jac Scott, Manager Business & Construction
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.2 Activated Places

#### Summary

This report considers submissions received from the advertising of Tender 18/2018 for the Connect South Mends Street Project.

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

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council:

- (a) approves the tender submitted by Menchetti Consolidated Pty Ltd (trading as MG Group) for the Connect South Mends Street project in accordance with Tender Number 18/2018; and
- (b) at the tender price of \$5,041,901.19 excluding GST as included in *confidential* attachment (a).

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

#### Background

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

The strategy for this node is to: 'Develop the Mends Street node as:

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

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

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

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

A draft Masterplan Concept Design was developed over a five month period with significant community and stakeholder input. At the November 2017 meeting Council resolved the following with respect to the Masterplan Concept Design for Connect South:

*That:*

- (a) The draft Masterplan for Connect South Mends Street (Attachment (a)) be endorsed by Council for community and stakeholder engagement until 22 December 2017; and*
- (b) A final draft Masterplan be developed taking into account community engagement and be considered by Council at a meeting in early 2018.*

In response to the draft Masterplan Concept Design feedback period, the City received 101 completed feedback forms. All the feedback was reviewed and analysed by the project team. The Masterplan Concept Design was subsequently revised and considered by Council at the April 2018 meeting where the following was resolved:

*That Council:*

- (a) Endorse the Connect South Mends Street Masterplan Concept Design (Attachment (c)); and*

- (b) (i) *the design element of Stage One works in the Masterplan Concept Design, (the area described as the “Bosque”) be supported ‘in principle’ as an integral contrasting natural space for shade and informal social interaction, and that its features be given further consideration before finalisation in the detailed design phase.*
- (ii) *the City continue to engage with the affected property owners; following which further detailed design options will be presented to Councillors for workshopping in time to enable the project to go to tender and meet contracted obligations.*
- (iii) *Directs the City to immediately prepare detailed design plans and specifications for the remaining Stage One Works.*
- (iv) *Directs the City to immediately consult with any relevant statutory authorities and obtain any required statutory approvals for the Stage One Works.*

### Comment

The City has progressively worked through the Council resolution to finalise the outstanding issues. These were discussed with Councillors at three concept briefings (8 May, 5 June and 10 September). Councillors were satisfied with the City’s responses and this project was able to proceed through detailed design to procurement of a construction contractor.

In July 2018, the City invited Expressions of Interest (EOI) calling for suitable contractors to deliver Stage 1 of the Connect South Mends Street Project. Six expressions of interest were received. The number of suitable contractors were then shortlisted down to four by the Evaluation Panel.

The four remaining contractors were subsequently invited to tender (Tender 18/2018) for the Connect South Mends Street project on 9 October 2018 with tenders closing at 2.00pm on 5 November 2018. A Councillor concept briefing was held on 12 November to discuss the tender assessment process.

Tenders were invited as a Lump Sum Contract. The RFT is for the *Connect South Mends Street Project*. The contract is for the period January 2019 to September 2019.

At the close of the tender advertising period three (3) submissions had been received and these are tabled below:

TABLE A – Tender Submission

Tender Submission
1. Civcon Civil & Project Management Pty Ltd
2. Ertech Pty Ltd
3. Menchetti Consolidated Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
• Methodology	40%
• Suitability and logic of works program	30%
• Key Personnel & Sub Contractors capacity and experience	20%
• Day Rates, Plant Rates and Equipment Rates	10%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 18/2018 Connect South Mends Street, it is recommended that the tender submission from Menchetti Consolidated Pty Ltd (trading at MG Group) be accepted by Council.

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

### Consultation

Since the April Council resolution about this project, Councillor concept briefings have been held on:

- 8 May;
- 5 June;
- 10 September; and
- 12 November.

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

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* requires a local government to call tenders when the expected value is likely to exceed \$150,000.

Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

#### ***Regulation 21. Limiting who can tender, procedure for***

- (1) *If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.*

The following Council Policies also apply:

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

**Financial Implications**

The full cost of the works is included in the 2018/2019 budget/s.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Economy

Aspiration: A thriving City activated by innovation, attractions and opportunities

Outcome: Activated places

Strategy: Facilitate activity centres and neighbourhood hubs that offer a diverse, viable and attractive mix of uses.

**Attachments**

10.2.1 (a): Tender Evaluation Report (*Confidential*)

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

### 10.3.1 Tender 20/2018 Mowing of Verges, Median Strips and Rights of Ways

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Reference:	D-18-130510
Meeting Date:	18 December 2018
Author(s):	Geoff Colgan, Parks Operations Coordinator Steve Atwell, Manager Programs Delivery
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

#### Summary

This report considers submissions received from the advertising of Tender 20/2018 for the Mowing of Verges, Median Strips and Right of Ways.

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

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council:

- (a) approves the tender submitted by A Better Class Lawns & Gardens for the Mowing of Verges, Median Strips and Right of Ways in accordance with Tender 20/2018 for the period of supply up to 2020/21 financial year, plus two (2) further one (1) year extension options at the City's discretion, subject to satisfactory performance of the contract; and
- (b) at the tender price of \$1,159,097.63 excluding GST as included in attachment (a).

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

#### Background

A Request for Tender (RFT) 20/2018 for the Mowing of Verges, Median Strips and Right of Ways was advertised in the West Australian newspaper on Saturday 27 October 2018 and closed at 2:00pm on Tuesday 13 November 2018.

The RFT is for the Mowing of Verges, Median Strips and Right of Ways. The contract provides for mowing services throughout the City's arterial roads, principal distributor roads, local roads and rights of way.



Tenders were invited as a Schedule of Rates. The contract is for the period is for three (3) years, plus two (2) further one (1) year extension options at the City's discretion, subject to satisfactory performance of the contract.

### Comment

At the close of the tender advertising period two (2) submissions had been received as indicated in the table below:

TABLE A – Tender Submission

Tender Submission
1. A Better Class Lawns & Gardens
2. Lochness Landscape Service

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Key personnel, skills and resources	20%
2. Relative experience	30%
3. Demonstrated understanding	20%
4. Equipment	30%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 20/2018 Mowing of Verges, Median Strips and Right of Ways, it is recommended that the tender submission from A Better Class Lawns & Gardens be approved by Council.

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

### Consultation

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

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

10.3.1 Tender 20/2018 Mowing of Verges, Median Strips and Rights of Ways

**Financial Implications**

The full cost of the works is included in the 2018/2019 budget and future budgets.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)  
Aspiration: Sustainable Urban Neighbourhoods  
Outcome: Enhanced environment and open spaces  
Strategy: Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores.

**Attachments**

10.3.1 (a): Recommendation Report (*Confidential*)

### 10.3.2 Draft Scheme Amendment No. 57 Canning Highway (East) to Town Planning Scheme No. 6 - Final recommendation to Western Australian Planning Commission

Location:	N/A
Ward:	Mill Point, Moresby
Applicant:	N/A
File Ref:	D-18-130511
Meeting Date:	18 December 2018
Author(s):	Aaron Augustson, Senior Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

At its meeting of 26 June 2018 the Council resolved to undertake public consultation on draft amendment No. 57 to Town Planning Scheme No. 6 (the Scheme). The amendment proposes to:

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

Public consultation was undertaken for a period of 63 days, starting on 14 August 2018 and concluding on 16 October 2018. The City received 28 submissions supporting the amendment including submissions with qualified support and 29 submissions opposing the amendment. A total of 35 submissions requested modifications to the amendment including requests to expand the amendment area, modify height controls (both upward and downward) and amendment zonings to allow for a greater range of land use.

Following review of the submissions received and further review of the proposed amendment, the amendment is proposed to be modified in the following ways:

- Re-zone Lot 24 Broome Street from Residential R15 to Local Reserve;
- Define the term 'storey' and limit development within the precinct to the applicable number of storeys, in addition to the metre limit in the amendment as advertised; and,
- Modify Table C to clarify the criteria relating to the minimum frontage needed for a site to be considered for additional height and/or plot ratio.

It is recommended the Council resolve to support the proposed amendment subject to these modifications and forward the amendment to the Western Australian Planning Commission for final assessment and approval.

#### Officer Recommendation

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Glenn Cridland

That Council:

1. Note the submissions received as detailed in the Schedule of Submissions at **attachment (a)**;
2. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support scheme amendment No. 57 to the City of South Perth Town Planning Scheme No. 6, with modifications as detailed in **attachment (b)**;
3. Authorise the Mayor and Chief Executive Officer to execute the relevant documents and affix the common seal of the City of South Perth on the documentation; and,
4. Request that the Minister for Planning grant final consent to proposed scheme amendment No. 57 to the City of South Perth Town Planning Scheme No. 6.

#### Amendment

At the request of Council the Presiding Member put the amendments separately.

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Greg Milner

Resolve pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support scheme amendment No. 57 to the City of South Perth Town Planning Scheme No. 6, with modifications as detailed in **attachment (b)**, subject to the following modifications:

(a) Amend Table B of Schedule 14, Row 3 by adding as follows:

Streetscape Type	Medium density detached (D2)		Medium density attached
(1) Site R-Coding	R60	R80	R80 (A2)
(3) Plot ratio upper limit with additional height applicable.	0.9	1.5	2.0, <u>except where marked on Plan 1 as being subject to a plot ratio of 3.0.</u>

The amendment was put and declared CARRIED (8/0) and formed part of the substantive motion.

(b) Modify Plan 1 – Additional Height as contained in Table B of Schedule 14 to depict the following site(s) as being subject to the higher, 3.0 plot ratio:

- (i) No. 2 (Lot 3) & 10 (Lot 3) Canning Highway, South Perth; and,
- (ii) No. 3 (Lot 1) & No. 11 (Lot 16) Canning Highway, South Perth.

The amendment was put and declared **CARRIED (8/0)** and formed part of the substantive motion.

(c) Modify the Amended Scheme Map to depict No. 64 (Lot 44), No. 66 (Lot 45) and No. 68 (Lot 46) Canning Highway as being zoned 'Highway Commercial' and coded 'R80'.

The amendment was put and declared **LOST (5/4)**.

**For:** Cr Irons, Cr Manolas, Cr Milner, Cr Burrows  
**Against:** Mayor Doherty, Cr D'Souza, Cr Cridland, Cr Cala  
**Casting Vote Against:** Mayor Doherty

5. Commence the preparation of a Parking Management Plan for the land within and around the amendment area in the second half of the 2019/2020 financial year.

The amendment was put and declared **CARRIED (8/0)** and formed part of the substantive motion.

#### COUNCIL DECISION

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

That Council:

1. Note the submissions received as detailed in the Schedule of Submissions at **attachment (a)**;
2. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support scheme amendment No. 57 to the City of South Perth Town Planning Scheme No. 6, with modifications as detailed in **attachment (b)**; subject to the following modifications:

(a) Amend Table B of Schedule 14, Row 3 by adding as follows:

Streetscape Type	Medium density detached (D2)		Medium density attached
<b>(1) Site R-Coding</b>	R60	R80	R80 (A2)
<b>(3) Plot ratio upper limit with additional height applicable.</b>	0.9	1.5	2.0, <u>except where marked on Plan 1 as being subject to a plot ratio of 3.0.</u>

- (b) Modify Plan 1 – Additional Height as contained in Table B of Schedule 14 to depict the following site(s) as being subject to the higher, 3.0 plot ratio:
  - (iii) No. 2 (Lot 3) & 10 (Lot 3) Canning Highway, South Perth; and,
  - (iv) No. 3 (Lot 1) & No. 11 (Lot 16) Canning Highway, South Perth.
3. Authorise the Mayor and Chief Executive Officer to execute the relevant documents and affix the common seal of the City of South Perth on the documentation;
4. Request that the Minister for Planning grant final consent to proposed scheme amendment No. 57 to the City of South Perth Town Planning Scheme No. 6; and
5. Commence the preparation of a Parking Management Plan for the land within and around the amendment area in the second half of the 2019/2020 financial year.

**CARRIED (8/0)**

### Background

Council resolved to publically advertise proposed amendment No. 57 to Town Planning Scheme No. 6 at its Ordinary Meeting of 26 June 2018 (refer Item 10.3.6). As part of this resolution, Council resolved to progress the amendment as a ‘complex’ amendment, pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015 and advertise the amendment for a period of not less than 60 days. The amendment is the culmination of previous studies undertaken by the City known as the ‘Canning Highway Residential Density and Built Form Study’ and ‘Canning Highway - #ShapeOurPlace’ project. These studies were undertaken in response to a Council resolution relating the draft Local Housing Study 2011 which recommended investigation of density increases in the land on either side of Canning Highway. The intent of these studies was to investigate appropriate built form provisions for Canning Highway consistent with its role as an important transport corridor and to resolve issues of transition where development on land coded R80 directly abuts land coded R15.

The amendment area consists of ‘Place 1’ and ‘Place 2’ as identified in the original ‘Canning Highway Residential Density and Built Form’ (the GHD Report) report prepared by GHD Consultants in 2016. The map below depicts this area:



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

The draft amendment proposes to:

- Create a new precinct for the subject area, ‘Precinct 16: Canning Highway (East)’;
- Apply development provisions relating to height, plot ratio, setbacks, building design and vehicle access for all new comprehensive development within the new precinct. The provisions allow for multi-storey, medium density development on all sites between 3-4 storeys. Some sites may, subject to a range of criteria, be permitted to be developed to either 5 or 6 storeys; and
- Create a new special control area for land fronting Canning Highway at the eastern end of the new precinct to coordinate rationalisation of vehicle access directly to Canning Highway.

Following the resolution, the amendment was forwarded to the Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) for consent to advertise. This was granted on 24 July 2018 and public advertising of the amendment commenced in August 2018.

**Comment**

The City undertook public consultation for the amendment from 14 August 2018 to 16 October 2018. The details of this consultation are discussed in the consultation section of this report. The key matters raised during consultation are outlined in the table below and officer comments are provided in response. A detailed officer response to each submission, including matters that are not discussed below, is contained in the ‘Schedule of Submissions’ at **attachment (a)** of this report.

Matter	Officer summary of key issue	Officer comment
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Building height	The building heights are too great. The potential for 6 storey developments is not supported.	<p>The amendment allows for a range of building heights between 3 to 6 storeys. The heights that are proposed have been based on a number of background studies that consider and balance the character of the area and respecting the amenity of existing residents, with the most appropriate built form for an inner urban corridor such as Canning Highway. The heights broadly align with the corresponding heights for the relevant density codes in the R Codes. . These previous studies include the #Shape Our Place project, and the Kensington/South Perth-Character Study Reports.</p> <p>The availability of development height above 4 storeys is limited and subject to a range of criteria.</p> <p>The criteria are intended to ensure larger sites, where building bulk can be more appropriately managed, are the only sites that can achieve development heights greater than 4 storeys.</p>
	Heights within the precinct should be limited to two or three storeys.	Large areas of the precinct are already subject to a 10.5m (3 storeys) height limit. An objective of the amendment is to accommodate more density and growth along an urban corridor (adjacent to existing public transport infrastructure) in accordance with State policy and planning directions. The current height limits have not resulted in redevelopment of sites to any significant degree. The amendment seeks to provide for density and growth in a medium density, mid-rise form; between 3 and 6 storeys. The heights proposed are consistent with the corresponding heights for the relevant density.
Density & housing	The amendment will lead to an increase in density which will help prevent more urban sprawl but may also alter the character of the area.	One of the objectives of the amendment is to increase density and accommodate growth along an urban corridor, which is consistent with overarching state policy (Perth and Peel @ 3.5 Million). The proposed amendment area has been identified



	The amendment will increase housing options in the area.	as suitable to accommodate a density increase as it strikes an appropriate balance between preliminary engagement outcomes, state government policy direction to increase density along and adjacent to urban corridors and the protection of established low density residential areas. The amendment is expected to provide for a range of housing opportunities including new Multiple Dwellings (apartments) and Grouped Dwellings (townhouses, villas).
Amendment area.	The amendment should limit buildings to being medium density along Canning Highway only. The amendment extends too far into the adjoining suburbs.	The boundary of the precinct was determined where possible by street alignments and broadly a 100m distance from Canning Highway and was resolved through several preliminary stakeholder engagement exercises. The amendment area is considered to strike an appropriate balance between preliminary engagement outcomes, state government policy direction to increase density along and adjacent to urban corridors and the protection of established low density residential areas.
Loss of significant views	The height limits proposed under the amendment will obstruct views of the Perth skyline and the Swan River.	Protection of significant views is an important consideration and future development applications will be subject to the criteria of P350.09 – Significant views. Potential loss of views is a recognised impact of this amendment however shaping the amendment to protect all potential loss of significant views would be virtually impossible and severely limit the ability for the amendment to achieve the density expectations of the state planning framework. It is therefore better to assess impacts on views at the development application stage where the specific impact on a view can be assessed and individual aspects of the building designed to minimise loss of significant views wherever possible.

Traffic and congestion	The amendment will increase the number of cars in the area and the number of people trying to access Canning Highway.	<p>One of the objectives of the amendment is to incentivise redevelopment of land fronting Canning Highway so that the existing reservation, which in some cases extends 20m into properties, can be resumed for future widening. Future widening of Canning Highway will substantially increase the capacity of the road and improve levels of vehicle and public transport accessibility.</p> <p>It is estimated that the amendment will result in an additional 300-400 dwellings across the amendment area, if the full development potential of the amendment was realised. This number is not considered substantial and will not result in significant additional traffic. It is also unlikely that all sites will redevelop to their full extent given the various constraints on development, such as land fragmentation, lot size and dimensions. Importantly, these dwellings will be added incrementally over time allowing the traffic impacts to be assessed monitored and managed progressively over time through the development application process and the City's capital works program.</p> <p>Moreover, the WAPC's 'Transport Impact Assessment Guidelines' indicate that transport or traffic assessments are required for scheme amendments when a proposal is likely to generate in excess of 5,000 vehicle trips per day. The amendment is expected to generate considerably less vehicle trips given the modest size and incremental nature of the growth expected. The WAPC guidelines outline a typical trip generation of 1.6 trips per dwelling during peak periods throughout the day. Based on the expected dwelling growth, this means adding approximately 480-640 additional peak period vehicle trips to the road network throughout the precinct. Additional trips will also be</p>
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		created should new non-residential floor space be added within the amendment area.
Vehicle parking	There will be insufficient parking (in general) if the amendment proceeds.  The amendment will result in a significant increase in the amount of street parking in the area.	The amendment does not propose to modify the vehicle parking criteria of the R-Codes or the Scheme. There are not considered to be any unique circumstances that suggest vehicle parking demand will be greater than in other areas of Perth, where the same R-Code criteria apply.  A parking management plan will need to be developed for the area in order to address on street parking issues.
Character	The scale of development under the amendment is out of character with the surrounding area. The character of the area is one of suburban family homes with landscaped gardens.	The amendment is accompanied by a draft local planning policy that seeks to reinforce character elements apparent in the surrounding residential neighbourhoods. Substantial developments will also be subject to the City's Design Review Panel, which will consider matters such as materiality, scale, proportions for compatibility with adjoining streetscapes. The setbacks contained in the amendment are intended to ensure sufficient side and rear setback areas are maintained and landscaped. Moreover, the distribution of height and density codings throughout the precinct are intended to manage the transition between more 'urban' (4-6 storey) development on Canning Highway down to the single and two storey single dwelling development existent on the periphery of the precinct.
Access from Canning Highway	There should be no access to land from Canning Highway. This should be via side streets.	The amendment does not allow new development (other than a Single House) to directly access Canning Highway. Over time, access to Canning Highway will be rationalised as sites are redeveloped.
Loss of visual privacy	The height of development will lead to a loss of visual privacy.	Notwithstanding the relevant height, plot ratio and setback criteria, the criteria of the R-Codes relating to visual privacy remain applicable. Any future development will be assessed against this criteria. These criteria are

		considered sufficient to address visual privacy concerns.
Solar access	Solar access will be restricted to adjoining land and reduce amenity.	The solar access criteria of the R-Codes continue to apply. These criteria will be applied equally along with criteria of the amendment relating to setbacks and height. The intent of the solar access criteria is to ensure adjoining dwellings have sufficient access to sunlight. These criteria are considered sufficient to ensure adequate access to sunlight for adjoining properties.
Built-form transition	The amendment will result in single storey buildings being located next to taller potentially 4-6 storey developments.	The provisions of the amendment relating to height, plot ratio and setbacks have been designed to ensure appropriate transition, and manage the impacts of the built form between different codes/building heights and land outside of the precinct. The setbacks contained in Schedule 14 and the distribution of heights in the amendment area are intended to balance appropriate built-form outcomes for an area adjacent to an urban corridor with the need to reduce impacts on the amenity of adjoining properties both within and outside the precinct. Notwithstanding it is acknowledged that in the short-term, there may be instances where larger buildings are proposed next to smaller buildings. The building heights, setbacks and plot ratio criteria of the amendment are intended to limit buildings to a scale that, as much as reasonable, minimises impacts upon adjoining sites while the area transitions to the proposed medium density form.
Grouped Dwellings	The restriction on Grouped Dwellings is not supported as it restricts landowners development potential.	Grouped dwellings are not prohibited throughout the entire amendment area. The restriction on grouped dwellings only relates to those lots proposed to be coded R80. The majority of the land within the R80 coded area is located in the immediate context of Canning Highway. Table A of Schedule 14 includes criteria restricting Grouped Dwellings from the R80 coded sites within the Precinct as

		one of the objectives of the amendment is to achieve a more intense form of development near to Canning Highway. Prohibiting Grouped Dwellings in these locations will encourage a greater intensity of development and a more 'urban' built form.
Local Development Plan	The City of South Perth should produce a Local Development Plan that shows how access will be achieved in Special Control Area 3 (SCA3).	The land subject to SCA3 is highly fragmented and consists of long street blocks which only have access to Canning Highway. It is acknowledged that resolving access in this area is not straight forward. Recognising this, the amendment seeks to first resolve the scale of development before progressing detailed plans for access within SCA3. The amendment requires that a Local Development Plan be prepared for land in SCA3, prior to any significant development occurring. This ensures that, prior to any significant development the built-form outcomes and vehicle access arrangements for sites in SCA3 are resolved. A range of options to resolve vehicle access within SCA3 could be explored in the process of preparing the LDP. This includes construction of rear or street front access ways, use of easements to provide mid-block access or, subject to the agreement of MRWA, amalgamation of land into larger blocks that provide consolidated access directly to Canning Highway. These options will be explored in detail in the future upon development of the Local Development Plan required for land within SCA3.

In addition to the key matters raised during consultation, officers have also undertaken further internal review of the amendment. This review, made in the context of the submissions received during the consultation phase, has led to a number of recommended modifications. These modifications are considered to refine the provisions of the amendment whilst remaining consistent with the original objectives of the amendment. In determining whether a modification should be upheld or not, officers considered the suggested modification in the context of:

- The outcomes of the consultation undertaken as part of the overall #ShapeOurPlace project which identified community attitudes regarding

development scale, height, extent of the amendment area and design character;

- The criteria of the State policies, which recommend directing future population growth towards locations well served by transport infrastructure and at densities intended to support the on-going viability of the existing transport infrastructure; and,
- The recognition that the existing planning framework for the amendment area has not lead to any widespread redevelopment and that there is a recognised need to improve the Canning Highway streetscape.

The recommended modifications as well as other potential modifications suggested by submissions are discussed below.

#### Proposed modifications

##### *Re-zoning of Lot 24 Broome Street*

The amendment area includes a property at Lot 24 Broome Street. This property forms part of an existing park/playground at Shaftsbury Street reserve. The land is owned by the City and is zoned Residential R15. The reasons as to why this park is zoned 'Residential' are unclear and it would appear to be an anomaly that has existed in the Scheme for some time. The amendment proposes to recode this site R50.

Given the land forms part of the existing playground/parkland, despite the existing Residential zoning, it is recommended the amendment be modified to reserve this land as 'Local Reserve'. Such a zoning better reflects the use of the site as parkland.

##### *Frontage requirements for additional height and plot ratio development provisions*

Element (2) of Table C provides that one of the criteria for being considered for additional height or plot ratio within the precinct is achieving a *primary* street frontage of 25 metres or more. The intent of this provision is to encourage amalgamation of land to achieve larger sites in order to support a larger development. Having a larger site allows for flexibility in design and greater setbacks, which will help in minimising the bulk and scale of the taller buildings provided for under the additional height and plot ratio criteria.

However some lots on street corners have frontages greater than 25 metres and could, subject to designing a development to address this street, satisfy this criteria without amalgamating with an adjoining site. It is therefore recommended that Element (2) of Table C be modified, as included in **attachment (b)** to clarify that the primary street shall be taken to be Canning Highway, Mill Point Road or Douglas Avenue where land has frontage to any of these roads. Additional height is only available to lots with a 25 metre primary frontage to these roads, or to land which amalgamates at least two lots to achieve a 25 metre frontage to any other road.

##### *Clarify development standards in terms of storeys*

The amendment proposes control of building heights by way of the existing Building Height Limit Plan that accompanies the Scheme. This plan references building height limits for sites in terms of metres only.

Topography through the precinct varies significantly, to the extent that on some larger sites a greater number of storeys than otherwise indicated by the building height limit could be achieved. Clause 6.1A of the Scheme also permits minor

projections above the building height limit which in some circumstances could result in an additional storey/loft.

The amendment has been prepared on the basis that the majority of buildings within the precinct are limited to 3-4 storeys, with no building being greater than 6 storeys. It is recommended that Schedule 14 be modified, as included in **attachment (b)** to include reference (as an additional section (5) to the schedule) to the number of storeys that development within the amendment area is limited to and to include a definition of 'storey' as follows;

*'storey means a space within a building which is situated between one floor level and the floor level above, or if there is no floor above, the ceiling or roof above, but does not include:*

*a. Mezzanines;*

*b. Rooftop areas; or*

*c. Basement car parking or storage areas where the ceiling is not more than 1 metre above natural ground level at any point.'*

The modification sets out that sites coded R50 and R60 shall be limited to three (3) storeys and the R80 and R80(A2) codes are limited to a maximum of four (4) storeys, unless additional height and/or plot ratio is applied. This will ensure that the intent of the amendment to limit height to between 3 to 6 storeys is achieved.

#### Requested modifications

A number of submissions also requested modifications to the amendment area. The key requested modifications are discussed below and all suggested modifications are discussed in the Schedule of Submissions included at **attachment (a)** of this report.

#### *Modification to the extent of the amendment area*

A number of submissions requested the amendment area be expanded. These requests included expanding the amendment area to include:

- Additional properties along Hovia Terrace to the north of Canning Highway and apply the R50 code to these properties; and,
- Additional properties along Dyson Street, to Darling Street.

The boundary of the precinct was determined where possible by streets (in the case of Westbury Road for example) and broadly a 100m distance from Canning Highway and having regard to the outcomes of preliminary engagement undertaken as part of the #ShapeOurPlace project. This contains most of the dwelling growth to land on or adjacent to Canning Highway. Extending beyond these nominal limits (and applying this criterion consistently throughout the amendment area) would substantially increase the scope and scale of the amendment and not be consistent with the overall objective (to increase density along and adjacent to Canning Hwy).

Furthermore, a submission received requested the City investigate including the land bound by Way Road, Mill Point Road, Hovia Terrace and Westbury Road, South Perth. This area forms a triangular wedge between Mill Point Road and Canning Highway. This area is highly accessible by public transport given its position between these two roads. While inclusion of this area would be consistent with the overall objectives of the amendment (providing for population growth in locations

well served by public transport, for instance), it would be a considerable departure from the abovementioned principles that underpinned how the amendment area was defined. This area may be investigated for future density code under a future local planning scheme.

*Modification to height, plot ratio and density codes*

A number of submissions requested general increases or decreases in the height, plot ratio or overall density limits contained in the amendment. The quantity of these submissions is summarised as follows:

- 8 submissions expressly requested an increase in height, plot ratio or overall density for a site within the amendment area; and,
- 7 submissions expressly requested a decrease in height, plot ratio or overall density for a site within the amendment area. It is noted that most objecting submissions inferred that the proposed building heights, density or plot ratio were too great for the area without specifically stating to what extent they should be reduced.

While for certain sites greater height may assist in accommodating future population growth, such a modification would represent a significant departure from the outcomes of the consultation under the #ShapeOurPlace project. Other submissions requested decreases in development standards (height, density, plot ratio) that would see limited or no change to the existing situation, thereby undermining the objectives of the #ShapeOurPlace project and the amendment overall.

*Additional height and plot ratio*

The City received a submission on behalf of landowners at No. 2 & 10 Canning Highway requesting the City investigate a higher plot ratio for sites subject to additional height criteria. The amendment originally proposed a plot ratio limit of 3.0 for sites coded R80(A2) and subject to the additional height available under Table B of the Scheme amendment. This amongst other elements was modified by Council resolution, to a maximum of 2.0, prior to public advertising of the amendment.

The submission argues this would be a way of linking community benefits to design flexibility. The 3.0 plot ratio limit is consistent with the State governments draft Apartment Design Policy; which recommends this plot ratio limit where additional height and plot ratio would be appropriate in the local context.

In the context of the earlier Council resolution to modify this criteria it is not recommended that Council reintroduce the higher (3.0) plot ratio limit. The reasons for reducing this plot ratio was to ensure that developments between 4-6 storeys in height would have a reduced bulk and scale and better integration with neighbouring properties. Notwithstanding, there may be opportunities where additional plot ratio (up to the original 3.0 limit) is appropriate in the context of a 5-6 storey building. Council may consider modifying the amendment to apply this additional plot ratio to certain sites where:

- The site is of significant enough size and the additional plot ratio promotes design flexibility; and,
- The site(s) are not those with an interface to lower coded properties, or properties outside the precinct where managing transition in built-form would be more problematic.

*Other requested modifications*



A number of other submissions request minor modifications to the amendment based on the particular circumstances of the site. Responses to these requests are contained in the Schedule of Submission contained at **attachment (a)**. Having regard to the above sections of this report and the statements outlined in **attachment (a)**, no further modifications arising from these submissions are recommended.

#### Recommendation to the WAPC

While it is noted that the public consultation identified (broadly) balanced community support and objections, the amendment is considered to, on-balance, provide an outcome that enables the City to appropriately manage population growth while also ensuring transition between developments of varying scales and differing streetscape character. The proposed amendment is a culmination of a long-running project aimed at providing for the future development of Canning Highway. The amendment is expected to deliver the following outcomes:

- New development at a scale that is consistent with the outcomes of the State planning framework, while also being complimentary to community expectations identified during public consultation and as part of consultation exercises prior to formulation of the amendment;
- The improvement of the Canning Highway streetscape by ensuring new development respects existing streetscape context and is of a high quality;
- The provision of facilities of community and occupier benefit in new developments on sites where additional height and plot ratio is available;
- The provision of more housing, employment and activity along Canning Highway, which will support existing and future transport services and infrastructure; and,
- A reduction in vehicle access points directly to Canning Highway, thereby improving the current and future function of the highway as a transport corridor.

It is recommended the City forward the amendment (as modified) to the WAPC for final assessment with a recommendation for approval.

#### Local Planning Policy

The amendment is accompanied by a draft local planning policy that seeks to reinforce character elements apart in the adjoining residential neighbourhoods. Adoption of this policy does not require the approval of the WAPC or the Minister for Planning. Following a decision by the Minister on this amendment, a report will be presented to Council that considers the draft local planning policy.

#### **Consultation**

The draft amendment was advertised for a period of 63 days, concluding on 16 October 2018, in accordance with the Regulations (which require a minimum 60 day period) and Local Planning Policy 301 'Community Engagement in Planning Proposals' (P301). This consultation involved:

- Two notices in the Southern Gazette, appearing on 14 August 2018 and 11 September 2018;

**Draft Scheme Amendment No. 57 Canning Highway (East) to Town Planning Scheme No. 6 - Final recommendation to Western Australian Planning Commission**

- Four community drop-in sessions attended by approximately 80 stakeholders (average of 20 per session) where City officers answered questions and provided more information on the amendment.
- Direct email notices to parties that had previously registered interest in the Canning Highway project as part of previous consultation exercises;
- Notice and copies of the draft amendment documents being published on 'Your Say South Perth' throughout the consultation period;
- Approximately 1,460 direct mail notices being sent to property owners of properties the subject of the amendment, as well as those within approximately 150m of the amendment area;
- Hard copy notices and copies of the amendment documents being available at the City's Civic Centre and libraries throughout the consultation period;
- Various social media posts and a follow-up email notice to interested parties to remind them to make a submission.

At the conclusion of the consultation period a total of 64 submissions had been received. This included:

- 28 submissions supporting the amendment (including qualified support);
- 29 submissions objecting to the amendment; and,
- 7 submissions were unqualified, indicating neither support nor objection to the amendment.

Given the amount of notifications sent the response rate is considered low. A total of 35 submissions requested some form of modification to the amendment. The majority of these modifications were minor, suggesting modifications to the amendment area, minor changes to codes or to the building heights prescribed under the amendment. These modification requests are summarised above and each submission is discussed in detail in the Schedule of Submissions contained at **attachment (a)**.

### **Policy and Legislative Implications**

The Council has undertaken community consultation as required by the Regulations, the Scheme and P301 and must now consider whether to recommend to the Minister for Planning to approve amendment No. 57, with or without modifications, or not approve it. The recommendation is to support the amendment **with modifications**. Should the Minister approve amendment No. 57, the City will arrange for notice of the Ministers approval to be published in the Government Gazette and in the Southern Gazette newspaper. The amendment provisions will then become operative.

The statutory scheme amendment provisions are set out below, together with a date for each stage;

<b>Stage of amendment No. 57 process</b>	<b>Estimated time</b>
Council decision to initiate amendment and Council adoption of draft amendment report and scheme text for advertising purposes.	26 June 2018

Referral of draft amendment documents to EPA for assessment and to WAPC for information.	2 July 2018
Receipt of EPA comments advising that no environmental assessment or conditions are required.	19 July 2018
Public consultation period of 63 days.	14 August 2018
Council consideration of report on submissions.	December 2018
Referral to WAPC and Minister for consideration of the below information and final approval: <ul style="list-style-type: none"> <li>- All of the submissions,</li> <li>- Schedule of Submissions;</li> <li>- Councils recommendation on draft amendment No. 57.</li> </ul>	Within two weeks of Council resolution.
Minister's final determination of amendment.	Not yet known.
City publication of notice of the Minister's final determination of amendment No. 57 in Government Gazette and Southern Gazette.	Not yet known.

### Financial Implications

Should the Minister for Planning approve the amendment there will be costs associated with the gazettal of the amendment in the Government Gazette. These costs have been accounted for in the 2018/19 budget

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

**Strategic Direction:** Environment  
**Aspiration:** Sustainable urban neighbourhoods  
**Outcome:** Sustainable built form  
**Strategy:** Develop a local planning framework to meet current and future community needs and legislative requirements.

### Attachments

10.3.2 (a): attachment (b) - Modified amendment documents - Amendment 57

10.3.2 (b): attachment (a) - Schedule of submission - Amendment 57

### 10.3.3 Review of Local Planning Policy P350.03 - Car Parking, Access, Siting and Design - Consent to advertise

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-18-130512
Meeting Date:	18 December 2018
Author(s):	Aaron Augustson, Senior Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

This report recommends the Council consent to commence public consultation on modifications to Local Planning Policy 'P350.03 – Car Parking, Access, Siting and Design' (P350.03) as contained at **attachment (a)**. Part of the modifications include renaming the policy 'P350.03 – Setback of garages and carports, garage width and design of parking spaces and vehicle access'.

In 31 July 2018, Council resolved (refer item 12.2) to review clauses 8.2 and 8.4 of P350.03. These clauses relate to the use of mechanical car-stacking equipment within new developments.

The modified policy includes provisions that ensure a minimum ratio of parking bays being outside of car-stacking equipment. The modifications to P350.03 also seek to clarify that design or site difficulties are not a valid consideration when assessing the availability, size or design of mechanical car-stacking equipment.

In addition to the modifications described above, the policy has also been comprehensively reviewed. This review is to ensure (a) compliance with the Residential Design Codes, which limits the matters in which local planning policies can address, and (b) in the context of the City's review of Town Planning Scheme No. 6 (the Scheme), to ensure the policy will be consistent with the emerging future planning framework.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council, in accordance with the provisions of Schedule 2, Clause 5(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Adopt the draft modified Local Planning Policy P350.03 – Car Parking, Access, Siting and Design as contained at **attachment (a)** for public comment for a period of not less than twenty one (21) days; and,

2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

### Background

At its meeting of 31 July 2018, Council resolved to review clause 8.2 and 8.4 of P350.03. These clauses relate to the use of mechanical car-stacking equipment within new residential developments. Specifically, the Council resolution requested the following be investigated:

- Whether the minimum ratio of onsite car bays that must be accommodated in any development outside of any car stacker system is reasonable; and,
- Whether site difficulties are a proper planning consideration for allowing the installation of smaller/less capable car stackers that cater for a smaller proportion of vehicles traditionally used and seen in the City of South Perth.

In July 2017 the City resolved to review the existing Scheme and replace it with a new scheme based upon regulatory changes made by the State government. Part of this review includes preparing a local planning strategy while also ensuring the existing suite of local planning policies remains effective in guiding future development within the City.

Officers have undertaken a review of P350.03. While the origin of this review is Council's resolution to review requirements relating to car-stacking equipment, the review is also to ensure:

- Compliance with the Residential Design Codes, which limits the matters in which local planning policies can address; and,
- In the context of the City's review of the Scheme, to ensure the policy will be consistent with the emerging future planning framework.

### Comment

#### *Modification to resolve use of car-stacking equipment*

P350.03 currently contains the following clauses relating to car-stacking systems:

*'8.1 Where a car stacking system is proposed, the minimum internal dimensions of associated car parking bays are to be 2.1 metres in height, 5.5 metres in length, 2.5 metres in width, and having a minimum weight bearing capacity of 2,600 kilograms.*

*8.2 A minimum of 20% of the total onsite car parking bays provided shall be provided without requiring the use of a mechanical parking device.*

*8.4 Variations to clause 8.1 may be considered where the applicant can clearly demonstrate that site constraints prohibit compliance, and the City is satisfied that the mechanical parking device will not adversely affect the amenity of the locality nor be unduly impractical in use.'*

The resolution made by Council requires officers to investigate whether the criteria of clause 8.2 and 8.4 reasonably control the use of car-stacker equipment in new development.

Clause 8.2 intends to limit the percentage of parking bays contained or reliant on vehicle stacker for access/use. The presumed purpose of this provision is to:

- Afford future residents of a development the ability to access a typical hardstand bay; and,
- Ensure in the event of mechanical failure of the stacking equipment that a minimum number of bays are available to residents/users, so as to prevent excessive spill over into off-site bays.

To ensure these objectives are clear and consistently applied, it is recommended that clause 8.2 be re-worded as follows:

*'A minimum of 20% of the total onsite car parking bays provided shall be provided on hardstand material and shall not require, rely or be assisted by mechanical stacking equipment for access at any time.'*

Clause 8.1 provides that stacking equipment shall be of a greater capacity to enable all forms of typical household vehicles (ie. larger SUV and four-wheel drive vehicles) to utilise stacking bays. Some typical 'off-the-shelf' equipment is designed with a smaller capacity that allows only for the parking of smaller and lighter vehicles. The criteria ensure future residents are not constrained by capacity limits that may exist in certain car stacking equipment.

Clause 8.2 is supplemented by clause 8.4 which allows the City to consider varying this requirement when 'site constraints' prohibit providing the larger capacity equipment. Notwithstanding the existing policy, it is unclear how 'site constraints' could unreasonably restrict the ability of a development to provide parking free from car-stacking equipment. Previous development applications have been accompanied by submissions suggesting the maximum development potential of a site could not be achieved without the extensive use of car-stackers (in order to provide sufficient parking at the maximised scale) and that this limitation formed a 'site constraint'.

Clause 8.4 erodes the achievement of the underlying purpose of clause 8.1. Ensuring parking facilities meet the needs of future residents is not considered to be determined, or indeed impacted by, any site constraints such as size, dimensions or slope. However as suggested above, expressly limiting the use of car-stacking equipment may reduce the scale of future developments, or potentially necessitate the use of basement structures in order to provide sufficient parking. Nonetheless, it is recommended that clause 8.4 be deleted so that the integrity of clause 8.1 is maintained.

#### *Other modifications*

While the primary purpose of the review of P350.03 has been concerned with the extent to which car-stackers are used in new developments, P350.03 has also been reviewed to ensure its contents will be consistent with a likely future planning framework. This includes aligning the provisions of P350.03 to the R-Codes.

Part 7.3 of the R-Codes outlines how local governments may supplement the codes by providing alternative deemed-to-comply criteria, or additional/augmented design principles to guide decision making. This Part limits the design elements of the R-Codes in which the City can modify the deemed-to-comply criteria. For the

matters covered by P350.03, this is limited to Design Element 5.2.1 (Setback of garages and carports).

The contents of P350.03 have therefore been reviewed to ensure that:

- Any modifications to the deemed-to-comply are permitted by Part 7.3 of the R-Codes and the policy clearly sets this out;
- Where an existing policy criteria can be augmented into a design principle it has been, and the applicable design element of the codes is clearly set out; and
- Where a matter is incidental to matters covered by the R-Codes (locations of crossovers, maximum gradients, etc.) these have been transferred to a 'guidelines' section. This section will not form part of the policy statements of P350.03 but will assist in guiding any decision made under the policy.

The table below sets out the various modifications recommended to be made to P350.03.

Existing provision	Modification proposed	Officer comment
1.1 Minimum setbacks of garages from the primary street.	Provision recommended to be deleted.	The provision provides criteria that have the same effect as the R-Codes provisions. The provision is redundant and can be deleted.
1.2 Minimum setback of carports from the street boundary.	Retain provisions as alternative deemed-to-comply criteria but delete some redundant elements	The current provision provides criteria for the setting back of carports from street boundaries. Parts (c) and (d) of the existing clause are the same as the R-Codes and are therefore recommended to be deleted. Parts (a) and (b) of the clause have been retained.
1.3 Minimum setback of unroofed car bays from the street boundary	Provision recommended to be deleted.	The R-Codes does not allow the City to modify deemed-to-comply criteria relating to the location of car bays. If a bay meets the deemed-to-comply criteria, which largely concerns its compliance with the dimension and manoeuvring requirements of AS2890.1 it must then be supported. This provision is therefore redundant and is recommended to be deleted.
1.4 Measurement of setbacks from the street boundary	Provision recommended to be deleted.	The stated measurement techniques are consistent with those that apply under the R-Codes. The provisions can therefore be deleted as the codes adequately deal with this matter.
2.1 Roof cover to occupiers' car bays	Provision recommended to be deleted.	The provision relates to matters concerning the design of parking spaces. The R-Codes does not permit the City to vary the deemed-to-comply provisions of Design Element 5.3.4 or 6.3.4 (Design of car parking spaces). Such criteria could

		only be applied through additional design principles. In the instance a development meets the deemed-to-comply criteria, this provision would not apply. This will lead to inconsistent application of the criteria and it is therefore recommended to be deleted.
2.2 Garage and carport opening width	Partially deleted, garage width criteria augmented into design principle under Design Element 5.2.2.	Part (a) of this provision required minimum opening dimensions for carports. This matter is covered by AS2890.1. Part (b) of this element provides criteria relating to triple-width garages. This criteria has been retained and augmented into an additional design principle for assessment under Design Element 5.2.2 (Garage width) of the R-Codes. This provision will assist the City in determining proposals that seek discretion to the prescribed garage width and restrict the situations where a triple-width garage could be developed.
2.3 Garages and carports within front setback area.	Partially deleted, included as new additional deemed-to-comply criteria under Design Element 5.2.1.	The existing provisions require new carports and garages to achieve a number of design requirements. Clause 2.3(a) requires the materials used in new garages and carports to match the colour, material and design of the appurtenant dwelling. This criteria has been retained but modified to require complementary materials to be used. This criteria now forms an additional deemed-to-comply criteria for assessment under Design Element 5.2.1 (Setback of garages and carports). This modification allows for greater design flexibility. Clause 2.3(b) is recommended to be deleted as it conflicts with the R-Codes definition for 'carport'. The R-Codes requires all carports to be without doors, unless such a door is visually permeable. Clause 2.3(c), which requires brick pillars to be used for carports proposing a pitched roof is recommended to be deleted. This pre-determines that a brick pillared structure will be the only suitable material for a carport. This may be unnecessary in instances where a carport is proposed to a dwelling with cladding other than bricks. Modifications recommended to clauses 2.3 and 2.4 will



		ensure carport structures are constructed of complementary materials. This is considered sufficient in ensuring the design integrity of the site and/or streetscape is maintained. Should Council determine otherwise, the provision may be retained as additional 'deemed-to-comply' criteria to Design Element 5.2.1.
2.4 Garages and carports not within front setback area.	Partially deleted, arranged into new deemed-to-comply criteria under Design Element 5.2.1.	Similar to clause 2.3(a), the provisions of 2.4 have been reconfigured into a single deemed-to-comply criteria that require garages in front setback areas, or to the sides of dwellings (where they remain visible from the street) to be constructed of complementary materials.
2.5 Maximum size of carport support columns.	Retain provision as an additional deemed-to-comply criteria under Design Element 5.2.1.	The existing provision limits the dimensions of pillars to a maximum dimension of 360mm x 360mm when located within 1.5 metres of the street boundary. This assists in limiting the bulk of carport structures when located close to the public street. The provision has been retained as an additional deemed-to-comply criteria as part of Design Element 5.2.1.
2.6 Garages where vehicles are parked parallel to the street.	Provision recommended to be deleted.	The matters contained in this clause are covered by Design Element 5.2.1 of the R-Codes. The provision is therefore redundant and is recommended to be deleted.
3.0 Conversion of car parking spaces.	Provision recommended to be deleted.	Clause 3.0 restricts the conversion of an existing parking area to another use (i.e. a garage to a bedroom). The R-Codes allows the City to consider (a) how many parking bays are provided for on a development sites, and (b) how those bays are designed. If these two elements are achieved, the City would not have the ability to restrict such a conversion. It is therefore recommended this provision be deleted.
4.0 Design and location of visitor car parking spaces.	Partially deleted, arranged into new design principle criteria.	The R-Codes does not allow the City to vary deemed-to-comply relating to visitor parking. Clause 4.4, which provides discretionary statements relating to the location of visitor parking behind a secure barrier. These provisions have been retained (as criteria for a design principle assessment pursuant to Design Element 5.3.4 & 6.3.4), while the

		remainder of the criteria have been deleted.
5.0 Formed driveway dimensions; 6.0 Vehicle crossovers; and, 7.0 Formed driveway gradients.	Provisions relocated to 'guidelines' section.	Clauses 5.0, 6.0 and 7.0 of P350.03 provide a range of criteria and guidance on how vehicle parking bays should be designed and accessed. This information is useful to the design and assessment of vehicle parking in development proposals and is also covered by a range of other Council policies such as P350.05 (Trees on Development Sites and Street Verges). The matters also do not relate to any specific matter covered in the R-Codes and it is therefore inappropriate for such matters to be addressed in a policy specifically seeking to vary the R-Codes. It is recommended this information form part of an appendix to the policy, in lieu of being included in the policy statements directly.

In addition to the modifications to the provisions of P350.03, the title, policy application and policy status sections have also been re-worded to provide greater clarity to the elements of the policy.

### Consultation

Should the Council resolve to adopt the policy for the purpose of public consultation, advertising of the policy will be undertaken for a period of twenty-one (21) days in accordance with Schedule 2, clause 4(1) and 4(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Consultation will be undertaken in accordance with P301 – Community Engagement in Planning Proposals commencing at an appropriate time following the Christmas and New Year period.

### Policy and Legislative Implications

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

The City is able to adopt local planning policies relating to matters of local development under Schedule 2, clauses 5 & 6 of the Planning and Development (Local Planning Schemes) Regulations 2015. This policy has been made pursuant to this legislation. The table below sets out the process for review of this policy and the likely timeframes.

Stage of Process	Estimated Time
Council resolves to advertise local planning policy.	December 2018
Local planning policy advertised for a period of at least 21 days.	February 2018
Council to consider outcomes of consultation and recommendation on whether to adopt the local planning policy.	March/April 2018

### Financial Implications

There will be minor financial implications to the City in carrying out consultation on the draft policy. These costs have been accounted for in the 2018/2019 budget.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)  
Aspiration: Sustainable urban neighbourhoods  
Outcome: 3.2 Sustainable built form  
Strategy: (A) Develop a local planning framework to meet current and future community needs and legislative requirements

### Attachments

**10.3.3 (a):** Draft modified P350.03 - Setback of garages and carports, garage width, design of parking spaces and access- December 2018

### 10.3.4 Retrospective additions and alterations to Single House at Lot 119 (123) Lansdowne Road, Kensington

Location: Kensington  
 Ward: Moresby Ward  
 Applicant: Mr. K Cliffe  
 File Reference: D-18-130513  
 DA Lodgement Date: 28 September 2018  
 Meeting Date: 18 December 2018  
 Author(s): Brendan Philipps, 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

On 27 November 2018, Council resolved to defer consideration of the application for retrospective additions and alterations to the Single House at Lot 119 (No. 123) Lansdowne Road, Kensington until the December Council meeting. The reasons for the deferral are as follows:

*The applicant is in discussions with the City's Administration in view of modifying the recently submitted (20 November 2018) amended plans. Further discussions with the adjoining owners to the rear will be required and a reassessment by the City's Administration. It is therefore considered appropriate to defer consideration of this item until the December meeting so that a reassessment of the proposal can be carried out.*

Following this deferral, the applicant submitted an amended set of development plans for Council's consideration. The City's Administration have carried out an assessment on this revised set of plans dated 27 November 2018, and have sought feedback from impacted neighbour(s).

In regards to the latest set of amended plans dated 27 November 2018, Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
<i>Site Works (fill)</i>	Clause 6.10 (3) of TPS6 Clause 2.0 of Local Planning Policy P350.17 – Site Works Clause 5.3.7 of the Residential Design Codes WA
<i>Sight Lines</i>	Clause 5.2.5 of the Residential Design Codes WA
<i>Fencing Height</i>	Clause 6.7 of the City's Town Planning Scheme No. 6 and Clause 2.0 of Policy P350.07 – Fences and Street Walls
<i>Visual Privacy (south-west)</i>	Clause 5.4.1 of the Residential Design Codes WA

**Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Travis Burrows

That Council 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 retrospective additions and alterations to the Single House at Lot 119 (Lot 123) Lansdowne Road, Kensington **be approved** subject to the following conditions:

- (1) The development shall be in accordance with the approved plans unless otherwise authorised by the City.
- (2) Notwithstanding condition 1, the ground level of the sunken grassed area shall be lowered to 21.61m RL, to the satisfaction of the City.
- (3) The additional course of limestone block proposed on the south west boundary abutting the sunken area is hereby deleted and does not form part of this approval.
- (4) The maximum height of the limestone fencing on the south west boundary is to be 23.4m RL.
- (5) The obscure glass panels bordering the pool, as indicated on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structures shall be installed and remain in place permanently, to the satisfaction of the City.
- (6) Upon practical completion of the installation of the obscure glass panels, a licensed land surveyor is to submit a surveying report to the City confirming that the ground levels (RLs) are in accordance with conditions 1 and 2 above, to the satisfaction of the City.
- (7) The following modified works are to be carried out within 60 days from the date of this determination:
  - a) Obscure glass panels installed;
  - b) Ground level of the sunken grass area to be reduced to 21.61m RL; 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.
- (9) No street trees shall be removed, pruned or disturbed in any way, without prior approval from the City.

Note: City officers will include relevant advice notes on the recommendation letter.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

## Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	766m <sup>2</sup>
<b>Building height limit</b>	7 metres
<b>Development potential</b>	One Single House
<b>Plot ratio limit</b>	N/A – open space requirements apply

The location of the development site is shown below:

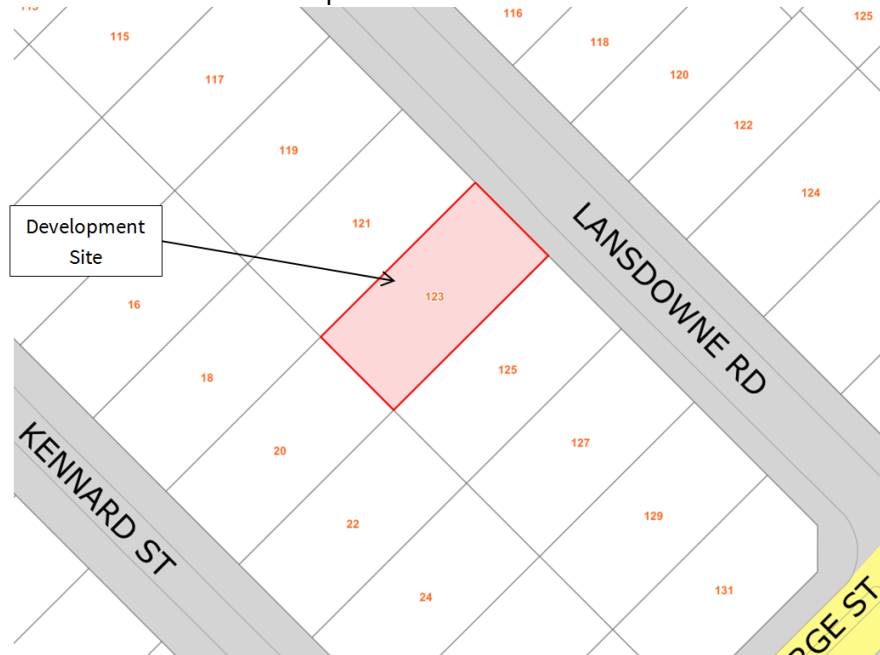


Figure 1: Location map of subject site.

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

### ***3. Developments involving the exercise of a discretionary power***

*This power of delegation does not extend to approving applications for planning approval involving the exercise of a discretionary power in the following categories:*

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

## Comment

- (a) Background  
For detailed background information, refer to the previous Council Meeting Minutes (27 November 2018) at Item 10.3.4.

On 23 November 2018, after the Council Agenda Briefing on 20 November 2018, the City met with the applicant on site to discuss further modifications to the plans.

Following the deferral resolution at the Council Meeting on 27 November 2018, the applicant submitted an amended set of development plans for Council's consideration. The following changes have been made to the development plans:

- A reduction in the ground level for a rectangular portion of land at the south-western corner of the site. The ground level of this component of the property is to be dropped from an RL of 23.164m to 22.164m.
- Inclusion of obscure glass balustrading situated along the rear boundary to comply with pool safety requirements. The glass panels wrap around the pool in a north-easterly direction adjacent to the sunken area. The obscure glass balustrading terminates at the mid-point of the pool.
- An additional course of limestone brick has been added onto the rear boundary, only directly abutting the sunken area.
- Updated elevation drawings depicting the proposed glass balustrading, existing trees on the neighbouring property and the further limestone added adjacent to the sunken area.

(b) Existing Development on the Subject Site

The existing development on the Site currently features a Single House approaching practical completion, as depicted in the site photographs.

(c) Description of the Surrounding Locality

The Site has a frontage to Lansdowne Road to the north-east, Kennard Street to the south-west, George Street to the south-east and Seventh Avenue to the north-west, as seen in **Figure 2** below:



Figure 2: Aerial image of subject site.

**(d)** Description of the Proposal

The proposal involves the construction of additions and alterations, as well as retrospective approval for site works (fill) at the rear of the property. Specifically, the works can be described as follows:

Proposed

- Primary street fencing to 1.2m in height.
- Retaining walls, excavation and landscaping in the front setback area.
- Fencing (glass balustrading and limestone) additions to the rear boundary.
- Excavation to create a 'sunken' space in the backyard.

Retrospective

- Site works carried out to the rear and side boundaries of the property.

The following components of the proposed development do not satisfy the City of South Perth Town Planning Scheme No. 6 (**Scheme; TPS6**) the Residential Design Codes of WA 2008 (**R-Codes**) and/or Council Policy requirements:

- Site works (fill)
- Sight lines
- Fencing Height
- Visual privacy (south-west)

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

**(e)** Site Works (fill)

Element	Permitted	Undertaken / Proposed
Site works (fill)	Up to 1m of fill within 3m of a lot boundary	Up to 1.1m of fill from natural ground level (NGL) – <i>undertaken</i>
Site works (excavation)	500mm of excavation from NGL, within 1 metre of boundary	Up to 1m of excavation, reducing the ground level in the sunken area. Ground level to be returned to be closer to the original NGL – <i>proposed</i> <i>No variation sought</i>
<p><u>Design Principles</u>  <i>Residential Design Codes - Clause 5.3.7</i>            P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.            P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</p>		



*Policy P350.17 – Clause 2*

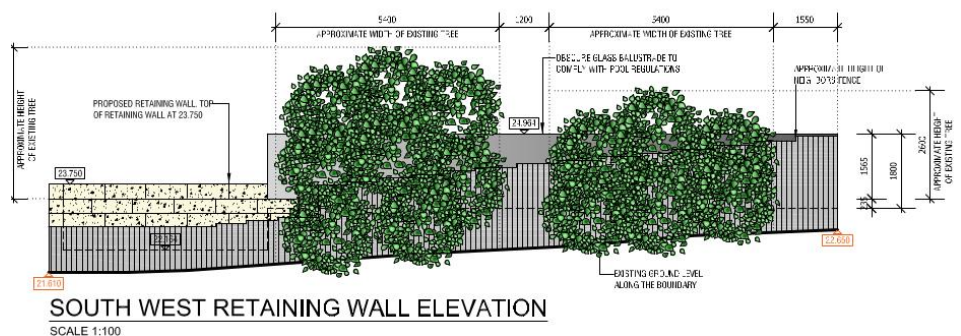
Where a development proposal does not meet the applicable deemed-to-comply criteria of this policy, the proposal is to be assessed against the design principles of the R-Codes. This policy does not modify the design principles, however the following matters will be considered in the determination of proposals that apply the design principles of Design Element 5.3.7 P7.1 & P7.2;

- (i) The natural features of the site, in particular any significant differences in natural ground level that result in a sloping site;
- (ii) The interpretation of natural ground level at all lot boundaries;
- (iii) The natural ground level as viewed from the street; and
- (iv) Having regard to the natural features of the site and adjoining properties, the necessity for any excavation and/or fill.

In accordance with clause 1.2 of Policy P350.17 – Site Works, the maximum permitted level of fill within 3 metres of a lot boundary shall not exceed 1 metre above the natural ground level. The revised site plan submitted indicates a level of fill up to 1.1m from natural ground level. As such, the site works that have been undertaken still seek a variation from Policy P350.17. However, it is noted that some excavation is proposed to reduce the levels in a rectangular corner toward the south-west of the site.

It is considered that a condition of approval should be imposed requiring that the RL of the sunken area is reduced further to 21.61m RL, in order to more accurately respond to the natural topography of the site. Subject to this condition of approval, the site works are considered to satisfy the relevant design principles for the following reasons:

- The proposed sunken area would reduce the ground level by 1.55 metres from 23.164m RL, to 21.61m RL. The original natural ground level in the south-western corner of the property varies between 21.61m – 21.82m RL. Such a modification would return the levels to, effectively, their original state for this rectangular portion of the site. This alteration is considered to be acceptable subject to the fencing complying with the visual privacy requirements of the R-Codes.
- The natural topography of the backyard slopes downwards from south-east to north-west along the rear boundary, as can be seen in the elevation drawing below.



**Figure 3: Updated south-west fencing elevation**

In this regard, the maximum of 1.1m of fill that has already been carried out on site would only comprise a minor portion of the backyard level. The extent of fill that would remain, excluding the excavation of the sunken space, graduates from 1.1m to 0.2m. The incorporation of the proposed obscure glass balustrading and the sunken area, in conjunction, contribute toward mitigating the potential for overlooking to occur. This arrangement provides a more suitable outcome to address visual privacy, compared with the previous set of plans. On this basis, the balance of excavation and fill in this amended scheme, subject to the recommended condition, is considered to be supportable.

The City recognises that the site works that have been undertaken on site are significant and of a considerable scale. It would, therefore, not be unreasonable for Council to decide that all fill should be removed. Notwithstanding, the amendments proposed in the most recent set of plans, in combination with appropriate conditions of approval, are considered to represent a sufficient compromise to address the applicable design principles.

(f) Sight Lines

Element	Deemed-to-comply	Proposed
Vehicle sight lines	1.5m offset from vehicle access points, no obstructions	1.33m setback distance from fencing to driveway
<p><i>Design Principles</i>  <i>Residential Design Codes – Clause 5.2.5</i>            P5 Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.</p>		

The proposed vehicle sight lines are considered to satisfy the design principles of the R-Codes for the following reasons:

- The fencing is of a relatively low height, being a maximum of 1.2m from ground level, and is not considered to significantly obstruct viewing toward the footpath and the street. Safety for both vehicle drivers and pedestrians is deemed to be maintained.
- There is a degree of visual permeability proposed in the fencing which is considered to facilitate additional visibility.
- The offset of 1.33m proposed is a relatively minor variation from the required 1.5m distance, as shown in the image below.

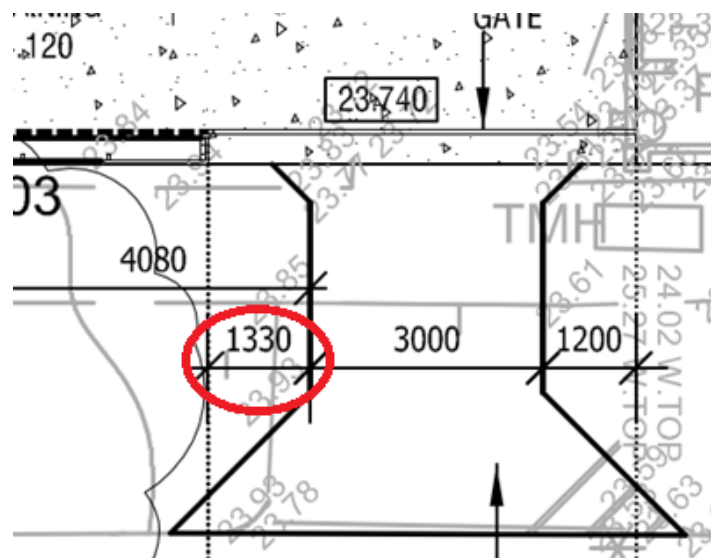


Figure 4: Vehicle sightline truncation from fencing to crossover.

(g) Fencing Height

Element	Deemed-to-comply	Proposed
Fencing Height	1.8m in height	Maximum of 3.2 metres
<i>Design Principles</i>		
<i>Policy P350.07 – Street Walls and Fences</i>		
<i>(a) Whether the height, materials and visual permeability of the proposed fence is consistent with the established pattern of fences within the surrounding streetscape or will not materially impact on the character or amenity of the surrounding streetscape. This includes matters such as excessive shadow and restriction on sun penetration, restriction on views of significance and adverse bulk and scale.</i>		
<i>(b) Additional fence height where necessary by virtue of the sloping topography of the site, including any level difference between a site and the adjacent street verge.</i>		
<i>(c) Where privacy screening is needed in the street setback (primary, secondary or communal street) area because there is no alternate outdoor living area or where privacy screening is needed for a north facing outdoor living area.</i>		
<i>(d) The fence relates to a Mixed Development and the height or solidity of the fence is considered to compliment the form of the Mixed Development.</i>		

The fence to the rear of the subject site is considered to satisfy the design principles of P350.07 for the following reasons:

- In total, the overall fence height as shown in the amended plans, inclusive of the glass balustrading, is a maximum of 3.2 metres from natural ground level. It is noted that adjacent to the proposed sunken area, there are no glass panels proposed on the rear boundary. As highlighted in the updated rear (south-west) elevation drawings, the removal of the glass panels adjacent to the sunken area is considered to reduce the perception of an adverse visual impact of the fencing to the rear property. It can also be observed the existing trees on the neighbouring site obscure some of the glass balustrading. However, it is noted that the trees cannot be relied upon as a means to screen the fencing, as the vegetation is located on the adjoining site.

- The selection of glass as a material is beneficial in allowing the infiltration of light and is preferred compared with a more solid material such as additional limestone.
- On balance, and owing to the layout and material selection, the glass balustrading is considered to be supportable.

It is considered that a condition of approval is recommended requiring the removal of the additional course of limestone block proposed on the south-west boundary, adjacent to the sunken area. The existing height to the top of the limestone fence, being 23.4m RL, would achieve a height of 1.8m from the reduced level of 21.61m RL for the sunken area. As such, this arrangement would comply with the visual privacy requirements of the R-Codes.

(h) Visual Privacy

Element	Deemed-to-comply	Proposed
Visual Privacy Setback – Outdoor living area (south-west)	7.5m visual privacy setback	2.3m visual privacy setback
<p><i>Design Principles</i>  <i>Residential Design Codes – clause 5.4.1</i>            P1.1: Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> <li>• Building layout and location;</li> <li>• Design of major openings;</li> <li>• Landscape screening of outdoor active habitable spaces; and/or</li> <li>• Location of screening devices.</li> </ul> <p>P1.2: Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> <li>• Offsetting the location of ground and first floor windows so that viewing is oblique rather direct;</li> <li>• Building to the boundary where appropriate;</li> <li>• Setting back the first floor room from the side boundary;</li> <li>• Providing higher or opaque and fixed windows; and/or</li> <li>• Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>		

The visual privacy variation is considered to satisfy the design principles of the R-Codes for the following reasons:

- Notwithstanding the level of the backyard still exceeding 500mm from natural ground level, the inclusion of obscure glass balustrading restricts a large extent of direct overlooking onto adjoining sites to the south-west. As the glass steps in to the mid-way point of the pool, residents cannot readily look downward onto the adjoining sites, as they would be positioned a reasonable distance from the rear boundary.
- The viewing corridor shown in the image below is largely orientated in the direction of an outbuilding at No. 20 Kennard Street, which is not considered to represent a sensitive space.

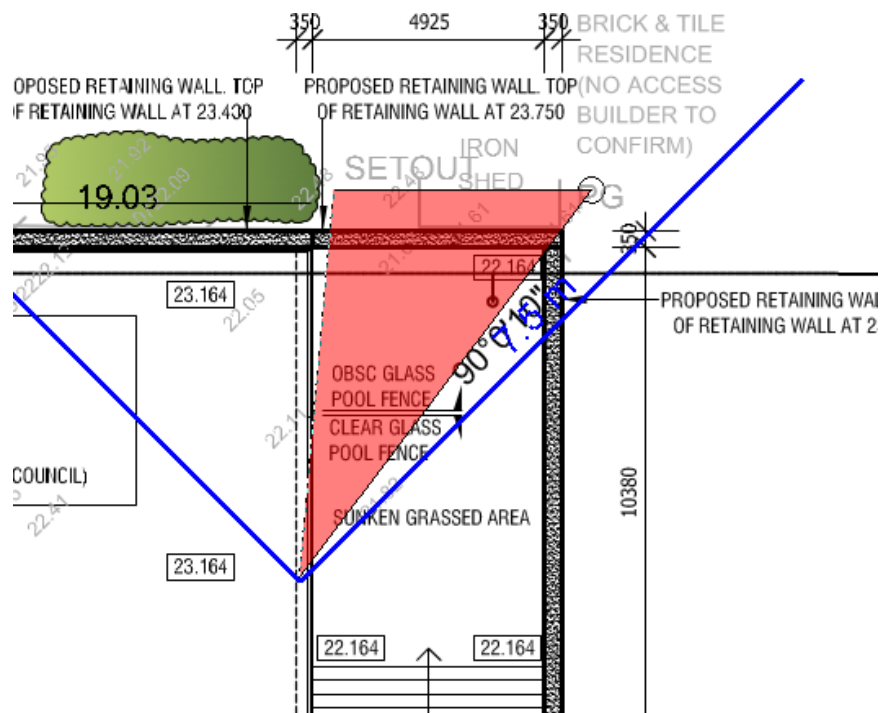


Figure 5: Visual privacy diagram illustrating viewing corridor to neighbouring site.

It is recommended that a condition of approval is imposed to ensure the obscure glass complies with the required 75% level of opacity as specified in clause 5.4.1 C1.2 of the R-Codes.

- (i) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6  
In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

(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 the above item.

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

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application –

Matters	Officer’s Responses
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	For reasons outlined in the report, the development is considered to be consistent with the aims and provisions of the Scheme, particularly the following:

	Clause 1.6 (f): <i>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.</i>
(f) any policy of the State;	For reasons outlined in the report, the development is considered to meet the relevant design principles within the Residential Design Codes, being a state planning policy of the state.
(g) any local planning policy for the Scheme area;	For reasons outlined in the report, the development is considered to address the City's Local Planning Policy P350.17 – Site Works.
(y) any submissions received on the application.	As discussed further in the Consultation section below, the concerns raised by surrounding neighbour(s) have been taken into account as part of the assessment of the retrospective development application.

### Consultation

#### (k) Neighbour Consultation

Due to the time constraints following the deferral resolution from the Council Meeting on 27 November 2018, it was not possible for the City to carry out the standard 14 days of neighbour consultation. The report being presented to the next available Council Meeting in December was required to be completed by 30 November 2018. For this reason, the neighbour(s) that previously submitted in relation to the application were informed of the latest set of plans, and were provided with the opportunity to submit comments on the latest set of plans until COB Wednesday 5 December 2018. The latest comments provided by the submitter are summarised in the table below.

Submitters' Comments	Officer's Responses
<p><b>Survey plan inaccuracy</b> The survey plan provided shows misleading contours and is not correct.</p>	<p>The City must rely upon the survey plan provided as it has been completed by a licensed land surveyor. Any dispute relating to contour levels should be substantiated by an independent survey drawing conducted by a licensed land surveyor. It also is unclear as to why this issue has been raised at this stage in the application process, given the same survey plan has been utilised through each version of the amended development plans.</p> <p>The comment is <b>NOTED</b>.</p>
<p><b>Trees on neighbouring site</b> The trees and vegetation shown on the south-western elevation cannot be relied upon to provide visual privacy screening.</p>	<p>The report notes that the trees are on the neighbouring site. Visual privacy has been assessed irrespective of the trees, taking into account the obscure glass panels proposed.</p> <p>The comment is <b>NOTED</b>.</p>

<p><b>Sunken area</b> The sunken area is tokenistic and will do little to improve the amenity of the adjoining property.</p>	<p>For reasons mentioned in the report, the reduction of levels at the rear is considered to result in a more acceptable outcome and is supported. A condition of approval recommends a further reduction in the level of the sunken area to appropriately respond to the topography for this portion of the site.</p> <p>The comment is <b>NOTED</b>.</p>
<p><b>Additional fencing height</b> The increase in the height of limestone fencing adjacent to the sunken area is significant.</p>	<p>For reasons mentioned in the 'fencing' section of this report, the obscure glass panels are considered to address the applicable design principles. It is recommended that the additional limestone block be removed, as the reduction in the level of the sunken area will result in the existing fence achieving compliance with visual privacy requirements of the R-Codes for this section of the property.</p> <p>This comment is <b>UPHELD</b>.</p>

### 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 – if Council refuse the proposal, and if the applicant appeals the decision / direction at the State Administrative Tribunal, the City would be required to seek representation (either internal or external).

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)  
 Aspiration: Sustainable urban neighbourhoods  
 Outcome: Sustainable built form  
 Strategy: Promote and facilitate contemporary sustainable buildings and land use

### Sustainability Implications

Not applicable

### Conclusion

It is considered that the proposal does meet all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as the amended plans are considered to represent a compromise that satisfactorily addresses the relevant design principles for variations being sought.

It is acknowledged the site works that have been carried out on site are of a considerable scale. This retrospective application is unique and significant in that the level of fill that has been added to the backyard is virtually to a level comparable to the height of a standard dividing fence (1.8m). As such, careful consideration and pragmatism is applied to the assessment of the application, as it not a form of application the City deals with on a day to day basis.

The amendments being proposed are deemed to either largely address or reduce variations that were not supported in the previous set of plans. In particular, the predominant concern in the previous Council report related to visual privacy, and the inclusion of obscure glass balustrading prevents a large degree of overlooking. Additionally, the incorporation of a rectangular 'sunken space' in the south-western corner of the site returns the levels closer to the original natural ground levels for this portion of the property. However, it is recommended that conditions of approval are imposed requiring modifications to the sunken area to reduce the ground level further, and remove the proposed course of limestone block from the south-west boundary. It is considered that these additional changes to the development plans will have a more satisfactory amenity impact to the south-west.

In summary, the revisions to the development plans, as well as the recommended conditions of approval, are considered to result in an outcome that can be accepted and is a substantial improvement from the current situation that exists on site today. For this reason, the latest set of plans is recommended for approval, subject to appropriate conditions.

### Attachments

- 10.3.4 (a):** Amended Plans (27-11) - 123 Lansdowne Road - Retrospective additions and alterations to Single House - 11.2018.286.1
- 10.3.4 (b):** Minutes from Council Meeting (27 November 2018) - 123 Lansdowne Road - Retrospective additions and alterations to Single House - 11.2018.286.1
- 10.3.4 (c):** Site Visit Photos - 123 Lansdowne Road - Retrospective additions and alterations to Single House - 11.2018.286.1



### 10.3.5 Proposed Child Day Care Centre at Lot 18 (No 88) McDonald Street, Como

Location: Lot 18 (No. 88) McDonald Street, Como  
 Ward: Como Ward  
 Applicant: Tom Godden Architects  
 File Reference: D-18-130514  
 DA Lodgement Date: 30 November 2018  
 Meeting Date: 18 December 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

To consider an application for development approval for a Child Day Care Centre on Lot 18 (No.88) McDonald Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use ('DC' Use)	Town Planning Scheme No.6, clause 3.3
Lot Boundary setbacks	Town Planning Scheme No.6, Table 3
Car parking	Town Planning Scheme No.6, clause 6.3 and Table 6
Family Day Care and Child Day Care Centres	Council Policy P307

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council, pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 (TPS6) and the Metropolitan Region Scheme, this application for development approval for a Child Day Care Centre on Lot 18 (No.88) McDonald Street, Como be **approved** subject to the following 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, details of the surface of the boundary wall to the store rooms and covered play area not visible from the street and on the north east 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.

3. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
4. The hours of the Child Day Care Centre are to be limited to the following:
  - (i) Opening Hours: Monday to Friday – 7:30am – 6:30pm.
  - (ii) Staff Hours: Monday to Friday – 7:00am – 6:30pm.
5. The Waste Management Plan dated 4 September 2018 shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
6. Prior to submission of a building permit, the applicant shall prepare and submit a Parking Management Plan for staff and visitors of the building to the satisfaction of the City. The plan should outline how the parking for the proposed development will be managed and identify practical strategies to minimise parking demand and conflict between different users. The Parking Management Plan shall be implemented and adhered to all times, to the satisfaction of the City.
7. Prior to submission of a building permit or a demolition permit, or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City. The Construction Management Plan must address the following issues, where applicable:
  - a. public safety and amenity;
  - b. site plan and security;
  - c. contact details of essential site personnel, construction period and operating hours;
  - d. community information, consultation and complaints management Plan;
  - e. noise, vibration, air and dust management;
  - f. dilapidation reports of nearby properties;
  - g. traffic, access and parking management;
  - h. waste management and materials re-use;
  - i. earthworks, excavation, land retention/piling methods and associated matters;
  - j. stormwater and sediment control;
  - k. street tree management and protection;
  - l. asbestos removal management Plan; and/or
  - m. any other matter deemed relevant by the City.
8. The number of children on site at any one time is to be restricted to a maximum of 122.
9. The number of staff on site at any one time is to be restricted to a maximum of 25.
10. Prior to use, all noise attenuation measures, identified in the Acoustic Report completed by Lloyd George Acoustics Pty Ltd (ref no. 18074522-01, dated 13 August 2018) shall be implemented or installed and remain in place permanently, to the satisfaction of the City.
11. Prior to use, the car parking bays and access-ways shall be marked on site as indicated on the approved plans, and such marking shall be

subsequently maintained so that the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City.

12. The internal carparks to be designed in accordance with the Australian Standards AS2890.1 & 2890.6.
13. Prior to use, 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.
14. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
15. The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City.
16. Prior to submission of a building permit, civil drawings for the verge bay upgrades are to be submitted to the City for review and endorsement.
17. Following endorsement of the civil drawings for the verge bay upgrades that are in accordance with the City's specifications, the verge works are to be undertaken at the applicant's expense and prior to use of the child day care centre, to the satisfaction of the City.
18. 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. Fencing above 0.75 is to achieve a minimum of 80% visual permeability, to the satisfaction of the City
19. Prior to the submission of a building permit, a detailed landscaping plan for the site shall be submitted by the applicant, to the satisfaction of the City. Prior to use, landscaping areas shall be installed in accordance with the approved landscaping plan, and all landscaping areas shall be maintained thereafter, to the satisfaction of the City.
20. The proposed signage shall not be illuminated without the prior approval of the City.
21. All vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover(s), are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City.
22. The development is to achieve a 4 Star Green Star rating or the equivalent under another formally recognised ecologically sustainable rating system. Prior to the submission of a building permit application, the applicant is to submit a sustainability report confirming the final green star strategy that will guide the construction stage of the development and beyond; this report shall clearly demonstrate that an equivalent sustainable design rating is to be achieved for the development. Where relevant, elements of the sustainability report and strategy should clearly be reflected in documentation and plans submitted with the building permit application.

#### **Specific Advice Notes**

1. In relation to the Parking Management Plan, it is advised that the applicant considers a staggered starting time for staff members of the Child Day Care

Centre, with some staff arriving after the peak period in the morning (i.e. after 9am).

2. It is the responsibility of the Applicant to liaise with the City’s Environmental Health Services to ensure satisfaction of all of the relevant requirements, including, but not limited to, the following applicable legislation (as amended):
  - (i) The City of South Perth Health Local Laws 2002;
  - (ii) Health Act 1911;
  - (iii) Environmental Protection (Noise) Regulations 1997.
  - (iv) Food Act 2008;
  - (v) Australian New Zealand Food Standards Code;
  - (vi) Health (Public Buildings Regulations) 1992.
3. It is the responsibility of the applicant to contact relevant service providers and obtain approval as necessary if any removal or modification of infrastructure is required as a consequence of the construction process.
4. The applicant is advised of their obligation to satisfy relevant requirements under the Child Care Services Act 2007.

Note: City officers will include relevant advice notes on the recommendation letter.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

**Background**

The development site details are as follows:

<b>Zoning</b>	Public Assembly
<b>Density coding</b>	R25
<b>Lot area</b>	3895 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:

**1. Specific Uses**

*(a) Child Day Care Centres*

**(a) Background**

The application for the construction and use of a 'Child Day Care Centre' subject of this report on Lot 18 (No.88) McDonald Street, Como was received by the City in August 2018. The site is currently developed with a Church, a Hall, an outbuilding and a tennis court as depicted in the site photographs in Attachment (a). The site was previously occupied by the Uniting Church but is currently unoccupied.

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

The Site has a frontage to McDonald Street to the north - west and located adjacent to low density residential dwellings the north-east and south - west, and medium density residential dwellings to the south-east as seen in **Figure 2** below:



*Figure 2: Aerial of Development Site*

**(c) Description of the Proposal**

The proposal involves the demolition of existing outbuilding and tennis court and the refurbishment of the existing Church and Hall buildings to be used as a Child Day Care Facility as described in the applicants report contained in **Attachment (b)**. Specifically the works can be described as follows:

- Internal and external refurbishment of the existing Church and Hall buildings;
- Construction of an additional single storey building in the location of the existing tennis court;
- Modification and upgrade to existing verge bays;
- Reconfiguration and upgrade of existing off-street parking;
- Installation of landscaping and outdoor play areas; and

- Erection of two outbuildings.

The proposal is considered to satisfy the Scheme and relevant Council policies, with the exception of the below aspects. These aspects, as well as any other relevant matters, are discussed in further detail below.

**(d) Land Use**

The proposed use of 'Child Day Care Centre' is classified as a 'DC' (Discretionary with Consultation) land use within the Public Assembly zone, as prescribed in Table 1 (Zoning - Land Use) of the Scheme. As outlined clause 3.3(5) of Scheme, any 'D' or 'DC' use requires an assessment against the objectives of the Scheme, the objectives of any relevant precinct plan and any relevant matters of Clause 67 of the Deemed Provisions. No precinct plan currently exists and therefore an assessment cannot be undertaken in regards to its objectives. An assessment against the relevant objectives of the Scheme and clause 67 of the Deemed Provisions has been undertaken and details are provided below:

*Scheme Objectives*

The development is considered to address the 'Scheme Objectives' listed in clause 1.6 of TPS6 due to the following reasons:

- Taking into account the nature and scale of the existing building on site, the proposal is considered to ensure that development is of an appropriate scale and sympathetic to the character of the surrounding area;
- The land use is considered to provide a community facility for the general public; and
- The 'child day care centre' use is deemed to represent a compatible land use within a predominantly residential area, subject to certain conditions of approval to mitigate any potential adverse impacts on the amenity of nearby properties.

*Clause 67 of the Deemed Provisions*

The following matters listed in clause 67 of the Deemed Provisions within the Planning and Development (Local Planning Schemes) Regulations 2015 are considered relevant to this application:

- m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- n) *the amenity of the locality including the following –*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- s) *the adequacy of –*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

- t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

In relation to (m) above, the existing Church and hall are to be retained as part of this development and therefore the bulk and scale of the development is already established.

The three outbuildings and an additional day care centre room are of a small single storey nature and are considered to remain of a consistent scale to the current development on site and, by virtue of this comparable form, the child day care centre is deemed to be compatible within its setting. Furthermore, the relationship of the proposed and refurbished building to adjoining sites is considered to be acceptable, owing to the reasonable setbacks afforded, with the exception of a boundary wall and associated covered play area and two small outbuildings (sheds) proposed on the boundary to the north east of the development site. These sheds are proposed in order to create a more private setting for this particular neighbour, as well as additional storage facilities for the child day care centre. It is also noted that child day care centers are commonly established within predominantly residential areas.

In relation to (n) above, the applicant has provided an acoustic report contained within **Attachment (b)** which demonstrates that the use would achieve compliance with the Environmental Protection (Noise) Regulations 1997, subject to appropriate noise attenuation measures. The City's Environmental Health department has endorsed this report subject to the recommended conditions. The proposed landscaping will assist with obscuring the view of the car park (from McDonald Street and the residential properties adjoining the development site) and will further act to soften the impact of the development in terms of its presentation to the street. The solid 2.9 metre high wall to the north east boundary will minimise noise impacts. On the basis of the above, the development is considered to have an acceptable impact on, and is compatible with, the amenity of the locality.

In relation to (s) above, the applicant has provided a traffic impact statement contained within **Attachment (b)** which supports the access and egress configuration to the site, as well as the arrangements for vehicles to manoeuvre and park in a safe and efficient manner. The City's Engineering department and Network Operation departments have reviewed the access arrangements and vehicle parking proposed and are supportive of the configuration, subject to the recommended conditions. It is recommended that provision of a parking management plan is included as a condition of approval so as to ensure that service vehicles will not ordinarily create conflict with other vehicles during peak hours of operation.

The parking management plan shall include careful consideration as to how staff parking is coordinated. On the basis of internal comments received, the information provided in the traffic impact statement is considered to be satisfactory in addressing the car parking access considerations outlined in Policy P307 (Family Day Care and Child Day Care Centres). Given the nature of the land use proposed, parents dropping off and collecting their children will, generally, only occupy a bay for a relatively short period of time. To this end,

the anticipated transient pattern of vehicle movements is considered to facilitate the necessary turnover of vehicle parking bays so as to reduce any potential parking conflict.

It is further acknowledged that the applicant's traffic report indicates that trips to the site would exhibit some distribution from 7am to 9am, rather than all trips falling within a more constrained period of time. It is also a reasonable proposition to expect that some parents may drop off, and collect, more than one child at a time.

In addition to the above, a waste management plan has been submitted and supported adequately addressing the logistics of rubbish collection on site.

In relation to (t) above, Network Operation department have reviewed the impact on the surrounding road network and the information provided within the applicant's traffic impact statement. Network Operation department outlined that the impact on the surrounding road network as a result of the development would be seen as negligible and not directly lead to any future capacity issues. On the basis of this advice received, the amount of traffic anticipated to be generated by the proposal is considered to have an acceptable impact on the road system and traffic flows.

#### *Relevant Strategic Documents*

##### Planning Bulletin 72 – Child Care Centres (ref. 72/2009)

The above document states the following in respect to the consideration of safety and amenity impacts as part of Child Day Care Centres:

*“A child care centre should be approved only if it can be demonstrated that it will have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians or road users.”*

It is considered that the proposal adequately meets this criteria as it responds to the relevant provisions of Local Planning Policy P307 and addresses the safety provisions of the policy. Further, the advice from Network Operations concludes that the impact on the traffic network would be acceptable.

##### Canning Highway Residential Density and Built Form Study

This report considers land (broadly) within 100 metres of Canning Highway and makes recommendations on future built form and density. The report identifies the site as being within the 'Suburban' streetscape with a recommended density of between R30 and R40 and a building height of 10.5 metres (3 storeys). The adjoining properties fronting McDonald Street to the north-east and south-west are also recommended to have the same density and building height. The adjoining property to the rear fronting Canning Highway is identified as being within the 'Highway' streetscape with a recommended density of between R60 and R80 with a building height of 4 storeys (14 metres).

It is expected that the recommendations of this report will be enacted through a scheme amendment process in the short to medium term leading to a change in the built form and density within the area.



**(e) Lot Boundary Setbacks**

A variation to the lot boundary setback is proposed to north-eastern boundary. Clause 5.1(4)(a) of TPS6 stipulates that in respect of development in a non-residential zone which shares a common boundary with land in the residential zone the setback from that common boundary shall be the same as that prescribed for Grouped Dwellings on the adjoining residential land, unless otherwise prescribed by the local government. Therefore, the setback requirements shall be assessed against the provisions of clause 5.1.3 of the R - Codes.

The boundary wall dimensions are as follows:

Element	Requirement	Proposed
Boundary Wall to north-east boundary	<u>R15</u> Design principles assessment	Length: 16.23m Height Max: 2.91m Ave. Height: 2.815m
	<u>R20 to R25</u> Length: 19.5m Height Max: 3.5m Ave. Height: 3m	

The adjoining site to the north east is dual-coded 'R15/25'. The land has been developed with 2 grouped dwellings and therefore is considered to have an R-coding of at least R20. As such, a boundary wall with not higher than 3.5 metres with an average height of 3 metres or less and with a maximum length of 19 metres, being one third of the balance of the lot boundary behind the front setback, shall meet the deemed-to-comply requirements of the R-Codes and therefore be permitted under the Scheme.

**(f) Car Parking**

The minimum number of car parking bays required for the use of Child Day Care Centre is prescribed by Table 6 of the TPS6. Based on the number of employees (25) and proposed number of children (122) the number of bays required is 38. This number may be reduced having consideration to Local Policy P315 "Car Parking Reductions for Non-Residential Uses". Based on the location of the development and the provision of adequate bicycle parking in excess of the requirements of clause 6.4(5), the adjustment factor applicable is 0.8.

Therefore, the total number of car bays required having consideration to Policy P315 is derived using the following formula:

TPS6 car parking requirement	R
Apply the total adjustment factor	A
Minus the car parking proposed to be provided on site	P
Minus the most recently approved on site car parking shortfall (after taking into account relevant adjustment factors), unless the proposal is deemed to be a comprehensive new development	S
Resultant number of car parking bays subject to cash-in-lieu payment	= R x A - P - S

R= 38

A = 0.8

P = 21

S = 0 (comprehensive new development in terms of parking area)

Shortfall of parking bays =  $38 \times 0.8 - 21 = 9.4$  (**10 Bays**)

Where a shortfall in parking bays is proposed, the City may approve a lesser number of bays in accordance with clause 6.3(4) of TPS6 provided that the proposed number of car parking bays is sufficient having regard to the peak parking demand generated by the use or uses and any opportunities for reciprocal parking arrangements.

Having consideration to the above clause, the City considers that the shortfall of parking is considered acceptable due to the following reasons:

- The peak parking demand for on-site bays is considered to be reduced by virtue of verge bays appurtenant to the site. There are 10 bays in the verge area directly adjacent to the subject site, which, in conjunction with the on-site provision of 21 vehicle parking bays, would satisfy the TPS6 requirement. The City's Engineering Department requires a loss of one verge car parking bay to align bays with the Australian Standards, which has been recommended as a condition of approval. Inclusive of 9 verge car parking bays, which are to be upgraded to the City's specifications, there is a shortfall of 1 car parking bay.
- The verge bays have been in existence for a considerable period of time and have historically been utilised by staff and visitors in conjunction with the subject site. While it should be acknowledged that visitors would not have exclusive use of verge bays, this parking would assist with accommodating parents dropping off and collecting their children from the proposed use.
- State Planning Bulletin 72/2009 – 'Child Care Centres' states "*Parking areas should be located in front of the building.*" The existing verge parking positioned directly in front of the child day care centre would evidently achieve this objective.
- It is recognised that due to the number of staff required as part of the land use, there would obviously not be sufficient parking on site to accommodate a vehicle for each individual staff member (25 staff and only 21 on-site bays). As such it is recommended that a condition of approval is imposed requiring the submission of a parking management plan, with specific consideration to:
  - the logistics of staff arriving on site;
  - how staff parking will be coordinated in an efficient and logical manner; and
  - Minimising potential conflict between staff and visitors seeking to use a parking bay when arriving at the site.
- There could be an opportunity for reciprocal parking to occur on-street, whereby some staff arrive after the peak morning period (ie. after 9am) to further assist with improving the availability of vehicle bays for parents. It is generally accepted that the peak period in the afternoon for child day care centres exhibits a greater extent of distribution compared with a more constrained peak period in the morning. It is recommended that information relating to this arrangement is included as an advice note to provide guidance on satisfying the condition of approval relating to a parking management plan.

#### Upgrading of verge bays

The parking provided is considered to be acceptable subject to the recommended conditions and therefore there are no 'deficit bays' and cash-in-lieu payment cannot be sought. Notwithstanding this, as noted above, the City's Engineering department has advised that the on-street parking bays will need to be upgraded to meet Australian Standards should the development be supported. This may result in the realignment of the verge car parking bays and therefore a loss of one existing verge bay. In this case, it would be more pragmatic and sensible that the required upgrades to the existing verge bays adjacent to the subject site be undertaken by the applicant in accordance with the City's standards.

In response to the City's Engineering Infrastructure advice, the applicant has acknowledged that upgrades to these existing on-street bays are a necessary pre-condition to bring the bays up to an acceptable standard and are satisfied with the recommended condition relating to this matter. Additionally, the applicant has advised that the works would be carried out in accordance with advice from the City's Engineering department to ensure the verge works comply with the City's specifications.

#### (g) **Landscaping**

Table 3 of TPS6 specifies the landscaping requirements for non-residential developments in non-residential zones. The minimum landscaped area prescribed by for a Public Assembly use in the Scheme is 25% of the site. The development proposes approximately 32% (1,277m<sup>2</sup>) of the site as landscaping, a surplus of 7% (303.25m<sup>2</sup>). The development therefore meets the minimum landscaping requirements of the Scheme.

Notwithstanding this TPS6 notes where development is required to provide a minimum area of landscaping, a landscaping plan shall be provided. A landscaping plan was provided with the application that was referred to the City's Landscaping Officer who provided the following comments:

*"As a concept this landscape plan is good, particularly for its retention of existing trees, to maintain the urban canopy cover, and to add to it with new trees. Detail of the use of more permeable surface and/or planting to the canopy drip line area of retained trees in artificial turf is to be incorporated. Further softscape details and additional hardscape information to be provided in the subsequent development plans".*

In response to these comments, a planning condition has been recommended requiring the resubmission of an amended landscaping plan that addresses the above comments to the satisfaction of the City.

#### (h) **Signage**

The proposed development includes signage of a single pre-cast concrete column approximately 1.2 metres in length, 0.3 metres width and 3.6 metres in height as depicted in the development plans at **Attachment (c)**. The sign is located on the primary street boundary and will contain the vertical letters 'SOEL' etched into the concrete. The sign is proposed to be illuminated the hours of 7am and 8pm at night.

A second sign is proposed to be fixed to the fencing on the McDonald Street boundary adjacent to the main entrance. The sign will be 2.4 metre wide and 1.2 metres high and consist of the following graphic:



Figure 3: Proposed Signage on Mcdonald Street Fence

The City supports the location of the advertisements proposed however does not support the illumination for the following reasons:

- The sign is to advertise the business location and therefore does not need to be illuminated as the business only operates between 7.30 am and 6.00pm. The business is closed outside of these times.
- The signage is proposed in a predominantly residential area and the amenity of the residential locality will be compromised if illumination is proposed.

TPS6 clause 6.12(6) requires that when determining an application for planning approval for a sign, the [decision maker] shall examine the application in the light of the objectives of the Scheme and the precinct, and with particular regard to the character, amenity, historic or landscape significance and traffic safety, within the locality.

The City's *Policy P308 Signs* outlines planning considerations regarding the relationship between sign and a use of a site. The requirements are set out below:

*On a site in any zone, the City will only approve a sign relating to:*

- (a) a use or business carried out on that site;*
- (b) the name of one or more of the occupiers of that site; or*
- (c) merchandise sold on that site.*

The proposed signage is observed to be consistent with TPS6 and policy provisions and is of comparable scale and visual impact as the nearby signs, as what would be expected for a Child Day Care Centre and other non-residential uses within the predominately residential area, provided the conditions are applied as recommended regarding the sign not being illuminated.

**(i) Child Day Care Centre Policy**

The City's *Policy P307 – Family Day Care and Child Day Care Centres* outlines planning considerations regarding the design, safety and functionality of child day care centres. In particular, one requirement of the policy relates to the play area(s) proposed being enclosed with a 1.8m high fence comprised of

material(s) deemed satisfactory to the City. It is noted that fencing enclosing the play areas is to be constructed of either:

- Corrugated fibre-cement sheeting;
- Steel/ garrison;
- Colourbond;
- Plexiglass; or
- Other material approved by the City.

The proposed fencing is a mix of 1.8 metre high 'garrison' steel fencing fronting McDonald street and 1.8 metre Colorbond (or other as negotiated with respective) on the side and rear lot boundaries.

The materials selected are considered to be appropriate subject to the use of a 'plexiglass' material being utilised in conjunction with the garrison fencing fronting McDonald Street as recommended by the Acoustic Report provided by the applicant. A condition has been recommended to ensure the recommendations of the acoustic report are complied with.

Aside from fencing materials, the proposal is considered to satisfy all other relevant provisions of Policy P307 in the following ways:

- A portion of play areas are oriented toward the street intersection rather than adjoining properties;
- The car parking area would be screened by landscaping and vegetation;
- On the basis of the traffic report and internal comments received, it is considered that the applicant has demonstrated how parking and access will be managed. Conditions of approval are also recommended to further address this.
- The noise report submitted by the applicant asserts that the noise penetration from internal play areas to neighbouring dwellings would be within acceptable levels.

**(j) Green Star Rating**

The City's *Policy P350.01 – Environmentally Sustainable Building Design* requires development with a gross floor area (GFA) of more than 1,000m<sup>2</sup> to meet a four star rating under the relevant Green Star rating tool, or equivalent. The applicant has submitted a preliminary document from a consultant which advises that an equivalent four star Green Star rating will be achieved in the development. A condition of approval is recommended to ensure the development meets this particular standard.

**(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. The matters most relevant to the proposal, and the City's response to each consideration, are outlined in the table below:

Matter	Officer's Comment
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The existing church and hall are being retained with the proposed new early childhood centre being single storey and well setback from the north and east boundaries.
<i>(n) the amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;</i>	As outlined in report, the proposed development is not considered to have significant impact on the amenity of the locality, and is not out of character with the surrounding area.
<i>(s) the adequacy of – (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i>	The City's Engineering department and Network Operation department have reviewed the access arrangements and vehicle parking proposed and are supportive of the configuration, subject to the recommended conditions. The upgrade of the existing street parking is a positive addition to the development.
<i>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i>	Network Operation Services have reviewed the impact on the surrounding road network and the information provided within the applicant's traffic impact statement. The traffic to be generated from the development can be accommodated by the surrounding road network.

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

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

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

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

## Consultation

### (a) Neighbour Consultation

Public consultation was undertaken in September 2018 to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 2' consultation method outlined in the aforementioned policy, individual property owners and occupiers were invited to inspect the plans and to submit comments during a minimum 21-day period. Public consultation signage was also installed on site during the advertising period. A total of 184 consultation notices were sent and a total of 5 submissions being received, with all 5 of the submissions generally raising objection to the application. A range of concerns were raised by submitters, with predominant and recurring themes outlined below, together with officer responses.

Submitters' Comments (summarised)	Officer's Responses
<b>Traffic Generation</b> <ul style="list-style-type: none"> <li>• Additional congestion</li> <li>• Disruption to neighbourhood</li> <li>• Difficulty accessing the site</li> </ul>	<p>The density of the development and the resultant traffic impacts is consistent with the intent of the area( R25). The applicant has submitted traffic impact statement which is supported by the City's Infrastructure Services. The proposal satisfies the parking requirements.</p> <p>This comment is <b>Noted</b>.</p>
<b>Parking Availability</b> <ul style="list-style-type: none"> <li>• Insufficient parking</li> <li>• Concerns regarding overflow parking</li> <li>• Staff will use bays intended for parents</li> </ul>	<p>It is considered the propose car bays both on street and off street achieve the peak parking demand. A car parking management plan will assist in compliance with car parking availability.</p> <p>This comment is <b>Noted</b>.</p>
<b>Design</b> <ul style="list-style-type: none"> <li>• Design is not in keeping with the area</li> <li>• Significant scale in comparison to houses nearby</li> <li>• Concern regarding location of north-eastern boundary wall</li> <li>• Loss of privacy</li> </ul>	<p>The site is consistent with the zoned "Public Assembly" land use. The proposal is considered to ensure that development is of an appropriate scale and sympathetic to the character of the surrounding area.</p> <p>This comment is <b>Noted</b>.</p>
<b>Noise impacts</b> <ul style="list-style-type: none"> <li>• Unreasonable noise impact due to number of children</li> </ul>	<p>The State's Environmental Protection (Noise) Regulations 1997 applies to noise matters. An advice note is included in the recommendation section of this report, informing the applicant of their obligation to achieve compliance with legislation relating to noise levels in residential areas.</p> <p>This comment is <b>Noted</b>.</p>

<b>Occupancy Limit</b>	Management practices are recommended as conditions if this application is supported to mitigate disturbance to the surrounding locality.  This comment is <b>Noted</b> .
<b>Existing Vegetation</b> Existing vegetation to remain onsite	The proposed landscaping plan addressed the City's comments and was considered appropriate for the site if recommended conditions are applied.  This comment is <b>Noted</b> .

A summary of the submissions received as well as comments in response to these comments from the applicant is provided as **attachment (d)**.

Where relevant, all submissions were considered in the recommendations for this proposal and many of the elements are discussed in sections of this report.

**(b) Internal Administration referrals**

Engineering Infrastructure

The application was referred to the City's Engineering Infrastructure department on two occasions, corresponding with two sets of amended plans. The minor changes made in the third iteration did not warrant another referral. Comments were received in respect to verge parking, vehicle access, crossover location, deliveries and rubbish collection.

The main concern related to the upgrade of the verge infrastructure. This will involve:

- Replacement of Footpath (ensuring any service manholes are flush;
- Replacement of Kerb, maximising available 45 degree parking bays, to local government Standard kerb.
- Installation grated soakwells at isolated low points & connection to drainage network.
- Design of on-road carbays to Australian Standards.  
A design needs to be undertaken, and approved by the City.

Conditions and advice notes have been recommended to satisfy a number of these matters.

City Environment

The application was referred to the City's Landscape Architect and detailed landscaping comments were provided after reviewing the original set of plans. The amended plans were consequently referred for further comment, as a number of revisions had been made to landscaping in particular. The amended landscaping comments are mentioned earlier in this report. Conditions and advice notes have been recommended to address these comments.



#### Environmental Health

The application was referred to the City's Environmental Health department for comment on noise impacts, as well as other health requirements specific to child day care centres. The response from Environmental Health states that the findings of the acoustic report submitted by the applicant contained at **Attachment (b)** are accepted and endorsed. A recommended condition of approval relating to waste management and an advice note concerning compliance with food preparation have also been included to address matters raised by this department.

#### Network Operations

The application was referred to the City's Network Operation department for comment on traffic impacts relating to the proposed change of use and development. The response from Network Operation Services advises that the findings of the traffic report submitted by the applicant contained at **Attachment (b)** are accepted. Additionally, the advice received in relation to traffic generation states that the anticipated impact on the surrounding road network would be negligible, and the roads within the vicinity would have the capacity to accommodate the extra number of vehicles. Conditions and advice notes have been recommended as required.

### **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 the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built and natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	Sustainable built form
Strategy:	Promote and facilitate contemporary sustainable buildings and land use

### **Sustainability Implications**

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

### Conclusion

Overall, the development is considered to appropriately respond to the planning framework relating to child day care centres by including measures to address parking, safety, functionality, and minimising the impact on the amenity of adjoining properties, as well as the surrounding area. The proposal is considered to be compatible within its setting, noting that child day care centres are commonly established within residential areas. The retention and upgrade of the building will contribute to the streetscape and is a positive outcome from a sustainability point of view.

Based on the advice provided by the City's Network Operations department in relation to the findings of the traffic report submitted by the applicant, the traffic impacts of the development are considered to be acceptable. It is acknowledged that there may be an impact on the nearby roads and, although it is considered to be negligible in relation to the capacity of the road network, it may have an amenity impact on the surrounding area. The impact on the amenity of the surrounding area however is considered to be acceptable subject to the upgrading of the adjacent on-street bays and the adoption of a satisfactory parking management plan. As such, the City recommends that the application should be approved, subject to recommended conditions.

### Attachments

- 10.3.5 (a): Site Photos
- 10.3.5 (b): Applicant's Report
- 10.3.5 (c): Development Plans
- 10.3.5 (d): Applicant Response to Submitters

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Tender 13/2018 Training Design and Delivery of Leadership/Management and Project Management Training

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Reference:	D-18-130515
Meeting Date:	18 December 2018
Author(s):	Pele Phillips, Manager Human Resources
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report considers submissions received from the advertising of Tender 13/2018 for the Design and Delivery of Leadership/Management & Project Management Training.

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

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council:

- (a) Accepts the tender submitted by Infinity Training Australia Pty Ltd for the Design and Delivery of Leadership/Management & Project Management Training in accordance with Tender Number 13/2018 for the period of supply up to two (2) years inclusive with the option of one (1) year and a further one (1) year at the City's discretion; and
- (b) at the tender price of \$378,000 excluding GST as included in attachment (a).

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

#### Background

A Request for Tender (RFT) 13/2018 for the Design and Delivery of Leadership/Management & Project Management Training was advertised in The West Australian on Saturday 15 September 2018 and closed at 2pm on Thursday 4 October 2018.

Tenders were invited as a Schedule of Rates contract.

### Tender 13/2018 Training Design and Delivery of Leadership/Management and Project Management Training

The RFT 13/2018 is for the Design and Delivery of Leadership/Management & Project Management Training.

The contract is for the period of two (2) years inclusive with the option of one (1) year and a further one (1) year at the City's discretion.

#### Comment

At the close of the tender advertising period thirteen (13) submissions had been received and these are tabled below:

TABLE A – Tender Submission

Tender Submission
1. North Metropolitan TAFE
2. Mainpiper P/L
3. MODAL P/L
4. South Metropolitan TAFE
5. UNE Partnerships P/L
6. Blue Visions Management P/L
7. Future Institute of Australia P/L
8. Aveling
9. Infinity Training Australia
10. Institute of Project Management
11. LKS Quaero P/L
12. Logikal Projects P/L
13. Integral Development Associates P/L

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Experience	40%
2. Expertise & Capability	40%
3. Referees	20%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 13/2018 Design and Delivery of Leadership/Management & Project Management Training, it is recommended that the tender submission from Infinity Training Australia Pty Ltd be accepted by Council.

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

10.4.1 Tender 13/2018 Training Design and Delivery of Leadership/Management and Project Management Training

**Consultation**

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

**Policy and Legislative Implications**

Section 3.57 of the *Local Government Act 1995* requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

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

**Financial Implications**

The full cost of the works is included in the 2018/2019 budget/s.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

**Attachments**

10.4.1 (a): Panel Evaluation Report

## 10.4.2 Local Government Elections

Location:	
Ward:	Como Ward, Manning Ward, Mill Point Ward and Moresby Ward
Applicant:	
File Ref:	D-18-130516
Meeting Date:	18 December 2018
Author(s):	Christine Lovett, Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

This report suggests the local government elections to be held in October 2019 are to be postal elections, and recommends the Western Australian Electoral Commissioner be appointed to conduct the local government election or polls on the City of South Perth's behalf.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council:

1. Notes that the Western Australian Electoral Commissioner has agreed to conduct the 2019 local government election and any other polls which may be required for the City of South Perth.
2. Declare that in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner is responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required.
3. Decide that in accordance with Section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

**ABSOLUTE MAJORITY REQUIRED**

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

### Background

Local government elections are held on the third Saturday in October every two years with the next election scheduled to occur on 19 October 2019. The *Local Government Act 1995* (Act) and associated regulations specify how local government elections must be conducted.

Section 4.20(1) of the Act provides for the Chief Executive Officer to be the returning officer for the local government elections unless Council appoint another person. If Council appoint a person other than the Chief Executive Officer, the Western Australian Electoral Commissioner must approve that person.

Under Section 4.20(4) of the Act, Council can determine that the Western Australian Electoral Commissioner be responsible for the election, including the appointment of a returning officer and other arrangements associated with the election.

Recently, the City received a letter from the Western Australian Electoral Commissioner to conduct the local government election on the City's behalf and any other polls that may be required in 2019. In accordance with the Act, Council is required to confirm whether the Electoral Commissioner is to undertake the local government elections in 2019 on the City's behalf as well as determine the method of voting to be used at any election in 2019.

### **Comment**

Under the Act, there are two methods for conducting local government elections. That is, postal voting or voting in person. The Act states that postal elections must only be conducted by the Western Australian Electoral Commission. Postal elections are more convenient for many electors and typically result in a higher rate of voter participation than in person ballots. Also, an Electoral Commission appointed returning officer creates independence and impartiality in the election process.

At the 2017 local government election, the City received an average voter turnout of approximately 35.6% with the postal election process, above the State average of 34.5%.

### **Consultation**

Nil.

### **Policy and Legislative Implications**

Sections 4.19, 4.20 and 4.61 of the *Local Government Act 1995*.

### **Financial Implications**

The Electoral Commissioner has quoted \$122,000 (including GST) to conduct a postal ballot. Costs not incorporated into the quote include:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- One local government staff member to work in the polling place on election day
- Any additional postage rate increase by Australia Post.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

Nil



### 10.4.3 Listing of Payments - November 2018

Location: City of South Perth  
Ward: Not Applicable  
Applicant: Council  
File Ref: D-18-130517  
Meeting Date: 18 December 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 between 1 November 2018 and 30 November 2018 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(598)	\$4,605,614.02
Cheque Payment to Creditors	(9)	\$13,856.27
<b>Total Monthly Payments to Creditors</b>	<b>(607)</b>	<b>\$4,619,470.29</b>
Cheque Payments to Non-Creditors	(103)	\$113,721.69
<b>Total EFT &amp; Cheque Payments</b>	<b>(710)</b>	<b>\$4,733,191.98</b>
Credit Card Payments (November 2018)	(7)	\$16,120.46
<b>Total November Payments</b>	<b>(717)</b>	<b>\$4,749,312.44</b>

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

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

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

#### Background

Regulation 11 of the Local Government (Financial Management) Regulations 1996 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 included at **Attachment (a)**.

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**  
These include payments by both Cheque and EFT that are regular suppliers with whom the City transacts business. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number.
- **Non Creditor Payments**  
The payments are one-off payments to individuals / suppliers who are not listed as regular suppliers. These payment listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held.
- **Credit Card Payments**  
Credit Card Payments are not processed in Authority Finance System as a Creditor Payment or Non-Creditor Payment per above. The direct debiting of the bank account results in Credit Card Payment being excluded from the Payment Listing provided.

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

Regulation 11 of the Local Government (Financial Management) Regulations 1996.  
Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

### Financial Implications

The payment of authorised amounts is within existing budget provisions.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

10.4.3 (a): Listing of Payments - November 2018

#### 10.4.4 Monthly Financial Statements - November 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-130518
Meeting Date:	18 December 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 Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council note the Financial Statements and Report for the month ended 30 November 2018.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

##### Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 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 2018/19 Budget, adopted on 26 June 2018, adopts a variance analysis for significant amount of \$10,000 or 10% for the 2018/19 financial year.

Each Financial Management Report contains the Original Budget and the Annual Budget, allowing a quick comparison between the adopted budget and any budget adjustments approved by Council.

##### 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 November year-to-date (YTD) is \$50.023m in comparison to budget of \$49.756m. Actual expenditure from operating activities for November is \$24.387m in comparison to budget of \$25.045m. The November operating net position was \$0.925m favourable with lower actual expenditure than budget of \$0.658m in addition to higher revenue of \$0.040m than planned.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.734m in comparison to the budget of \$0.568m. Actual Capital Expenditure for the year to date is \$4.886m in comparison to the budget of \$5.842m.

Cash and Investments balance is \$71.416m. Traditionally November Cash is a higher balance following the collection of Rates Revenue commencing in August for the year.

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 52.0% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, **Attachment (h)**, illustrates the percentage invested in each of the Non-Fossil Fuel institutions and the Short Term Credit Rating for each of the institutions.

#### **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 1995* and regulation 34 and 35 of the Local Government (Financial Management) Regulations 1996.

#### **Financial Implications**

The preparation of the monthly Financial Reports occurs from the resources provided in the Annual Budget.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

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

## 10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.7.1 Property Committee Meeting 10 December 2018

Location:	City of South Perth
Ward:	All
Applicant:	N/A
File Ref:	D-18-130412
Meeting Date:	18 December 2018
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report provides the recommendations from the Property Committee meeting held on 10 December 2018 for Council's consideration, the Minutes of which can be found at **Attachment (a)**.

#### COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council adopt the following recommendations of the Property Committee meeting held on 10 December 2018.

##### 7.1 Burch Street Carpark

###### Committee Recommendation

The Committee recommends to Council that this item be presented to a future Property Committee in 2019 after a presentation by the South Perth Hospital.

##### 7.2 Reserve 33804 Proposed Millers Pool Cafe

The Committee recommends to Council to receive the report and note progress to date.

##### 7.3 Angelo Street South Perth

The Committee recommends to the Council that it proceed with the recommendation as detailed in this report for Angelo Street South Perth.

##### 7.4 Former Manning Library

The Committee recommends to the Council that it proceed with the recommendation as detailed in this report for the Former Manning Library.

##### 7.5 Boatshed Cafe Expansion

The Committee recommends to Council to receive and note the report for the Boatshed Café expansion.

**7.6 Lease of property on Lot 228-229, House Number 26 to 28, Vista Street Kensington**

The Committee recommends to Council to:

1. Give the Chief Executive Officer approval to enter into and finalise lease negotiations with the Department of Education for the Kensington Pre-primary Centre located at Lot 228-229, House Number 26 to 28, Vista Street Kensington.
2. Give authority to sign and affix the Common Seal to the proposed five (5) year lease between the City of South Perth and the Education Department for the use of the property as a pre-primary centre.

**7.7 New lease to SOCO Realty for the property located at Lot 747, House Number 57 Angelo Street, South Perth (formally known as the South Perth RSL Hall)**

The Committee recommends to Council that it approves a new lease for the property located at Lot 747, House Number 57 Angelo Street, South Perth (formally known as the South Perth RSL Hall) with the following terms:

- a) A term of three years; and
  - b) Annual rent at the commencement of the lease to be set at \$50,000 plus GST per annum; and
2. That authority be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to effect the lease.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

**Background**

The Property Committee meeting was held on 10 December 2018 with the following Items listed for consideration on the Agenda:

- Burch Street Carpark
- Reserve 33804 Proposed Millers Pool Cafe
- Angelo Street South Perth
- Former Manning Library
- Boatshed Cafe Expansion
- Lease of property on Lot 228-229, House Number 26 to 28, Vista Street Kensington
- New lease to SOCO Realty for the property located at Lot 747, House Number 57 Angelo Street, South Perth (formally known as the South Perth RSL Hall)

**Comment****Burch Street Carpark**

This report presents a range of development options for the Carpark at Burch Street South Perth while giving appropriate consideration to the parking needs of the South Perth Hospital.



## 10.7.1 Property Committee Meeting 10 December 2018

### Reserve 33804 Proposed Millers Pool Cafe

This report provides an update on the process of inviting Expressions of Interest for the development and operation of the proposed Millers Pool Café.

### Angelo Street South Perth

This report provides an update on the various recommendations endorsed by Council at the meeting held in August 2018.

### Former Manning Library

This report provides an update regarding the former Manning Library and recommends a preferred way forward.

### Boatshed Cafe Expansion

This report provides an update regarding the proposed expansion of the Boatshed Café.

### Lease of property on Lot 228-229, House Number 26 to 28, Vista Street Kensington

This report considers a new lease agreement with the Education Department over property located on Vista Street Kensington for a pre-primary centre.

### New lease to SOCO Realty for the property located at Lot 747, House Number 57 Angelo Street, South Perth (formally known as the South Perth RSL Hall)

This report seeks Councils approval to enter into a new lease with SOCO Realty for the property located at Lot 747, House Number 57 Angelo Street, South Perth (formerly known as the South Perth RSL Hall)

#### **Consultation**

Nil.

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

Nil.

#### **Financial Implications**

Nil.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

10.7.1 (a): Minutes

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Blake D’Souza for the period 10 January 2018 to 21 January 2019, inclusive.
- Councillor Glenn Cridland for the period 21 December 2018 to 18 January 2019, inclusive.

The Presiding Member called for a Motion to approve the Leave of Absence applications.

### MOTION TO APPROVE LEAVE OF ABSENCE APPLICATION AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Greg Milner

That Council approve the Leave of Absence application received from Councillor Blake D’Souza for the period 10 January 2018 to 21 January 2019, inclusive.

That Council approve the Leave of Absence application received from Councillor Glenn Cridland for the period 21 December 2018 to 18 January 2019, inclusive.

**CARRIED (8/0)**

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

Nil.

## 13. QUESTIONS FROM MEMBERS

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

Nil.

### 13.2 QUESTIONS FROM MEMBERS

- Councillor Ken Manolas asked questions relating to “The Big Wedgie” waterslide at Sir James Mitchell Park.
- Councillor Glenn Cridland asked questions relating to the “Report it” tool on the website.

The questions and responses can be found in the **Appendix** of these Minutes.

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

Nil.

## 15. MEETING CLOSED TO THE PUBLIC

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

*The Report has been circulated separately to Councillors.*

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Travis Burrows

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

15.1.1 City of South Perth Committees - External Memberships

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

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

#### 15.1.1 City of South Perth Committees - External Memberships

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

Location:

Ward: All

Applicant:

File Ref: D-18-130519

Meeting Date: 18 December 2018

Author(s): Bernadine Tucker, Manager Governance

Reporting Officer(s): Geoff Glass, Chief Executive Officer

Strategic Direction: Leadership: A visionary and influential local government

Council Strategy: 4.3 Good Governance

## 15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

### 15.1.1 City of South Perth Committees - External Memberships

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council:

- 1) re-appoint Ms Shona Zulsdorf and Mr Steve Vanstan to the City of South Perth Audit, Risk and Governance Committee for the period 28 February 2019 to 19 October 2019.
- 2) re-appoint Mr Lewis Brock to the City of South Perth Property Committee for the period 28 February 2019 to 19 October 2019.

**CARRIED BY EXCEPTION RESOLUTION (8/0)**

## 16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.02pm.

## RECORD OF VOTING

### 7.1.1 Ordinary Council Meeting Held: 27/11/2018

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

### 7.1.2 Annual Electors' Meeting Held: 10/12/2018

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

### 7.2.1 Council Agenda Briefing

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

### 7.2.2 City Population Forecasts

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

### 7.2.3 Underground Power Program and Connect South Briefing 4 December 2018

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

### 7.2.4 Environmental Health Services Briefing

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

### 8.1.1 Proposed Living Stream at Bodkin Park

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

### 8.1.2 Parking Angelo Street

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

9.1 En Bloc Motion

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

10.1.1 Adoption of City of South Perth Cultural Plan 2019-2023 (with amended Motion 3)

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

Amended Motion 1

For: Councillor Cheryle Irons, Councillor Ken Manolas, Councillor Greg Milner, Councillor Blake D'Souza

Against: Mayor Sue Doherty, Councillor Travis Burrows, Councillor Glenn Cridland, Councillor Colin Cala

Casting Vote Against: Mayor Sue Doherty

Amended Motion 2

For: Councillor Cheryle Irons, Councillor Ken Manolas, Councillor Greg Milner, Councillor Blake D'Souza

Against: Mayor Sue Doherty, Councillor Travis Burrows, Councillor Glenn Cridland, Councillor Colin Cala

Casting Vote Against: Mayor Sue Doherty

Amended Motion 3

For: Councillor Cheryle Irons, Councillor Ken Manolas, Councillor Greg Milner, Councillor Blake D'Souza, Councillor Colin Cala

Against: Mayor Sue Doherty, Councillor Travis Burrows, Councillor Glenn Cridland

Amended Motion 4

For: Councillor Cheryle Irons, Councillor Ken Manolas, Councillor Greg Milner, Councillor Blake D'Souza,

Against: Mayor Sue Doherty, Councillor Travis Burrows, Councillor Glenn Cridland, Councillor Colin Cala

Casting Vote Against: Mayor Sue Doherty

10.1.2 Supplementary Tender Information for Traffic Management Services; Sound, Lighting and Staging Services; and Security Services for the City's Community Events Program

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

10.1.3 McDougall Kindergarten Improvement Works - Additional Budget Request

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

10.1.4 Tender 19/2018 John McGrath Pavilion / Ernest Johnson Oval - Awning Installation

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

10.2.1 Tender 18/2018 Connect South Mends Street

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

10.3.1 Tender 20/2018 Mowing of Verges, Median Strips and Rights of Ways

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

10.3.2 Draft Scheme Amendment No. 57 Canning Highway (East) to Town Planning Scheme No. 6 - Final recommendation to Western Australian Planning Commission (with amended motion 2

Amended Motion 1

For: Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Greg Milner; Councillor Travis Burrows

Against: Mayor Sue Doherty; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Colin Cala

Casting Vote Against: Mayor Sue Doherty

Amended Motion 2

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



10.3.3 Review of Local Planning Policy P350.03 - Car Parking, Access, Siting and Design - Consent to advertise

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

10.3.4 Retrospective additions and alterations to Single House at Lot 119 (123) Lansdowne Road, Kensington

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

10.3.5 Proposed Child Day Care Centre at Lot 18 (No 88) McDonald Street, Como

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

10.4.1 Tender 13/2018 Training Design and Delivery of Leadership/Management and Project Management Training

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

10.4.2 Local Government Elections

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

10.4.3 Listing of Payments - November 2018

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

10.4.4 Monthly Financial Statements - November 2018

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

10.7.1 Property Committee Meeting 10 December 2018

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

15.1 Matters For Which The Meeting May Be Closed

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

15.1.1 City of South Perth Committees - External Memberships

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

## APPENDIX

<p>1. Warwick Boardman, 20 Unwin Crescent, Salter Point Received: 14 December 2018</p>	<p>Responses provided by:</p> <p>Question 1: Mark Taylor, Director Infrastructure Services</p> <p>Question 2: Colin Cameron, Director Corporate Services</p> <p>Question 3: Geoff Glass, Chief Executive Officer</p>
<p>1. Regarding management of natural areas in the city:</p> <p>a. what was the assumed natural environment management objectives to be achieved by the bush crew when it was instigated or was there an experimental aspect to the staffing level at the time?</p>	<p>The natural areas team was first established in the mid to late 1990's and was originally made up of one staff member reporting to the Environmental Officer. The assumed management objectives of the time was to be as effective as possible in maintaining the natural areas of the City. These were early days of active natural areas management and you could say there was learning required to fully appreciate the scope of work involved.</p> <p>The team was later expanded to two staff as the City better understood the workload involved and the team became more sophisticated with detailed works programs and schedules.</p> <p>The City currently has three full time positions maintaining natural areas being the two member Natural Areas team plus a full time Natural Resource Management officer position supervising them.</p> <p>In addition the City engages contractors to assist with the maintenance of natural areas and to implement various environmental projects.</p>

<p>b. Assuming that the numbers of the bush crew are not in excess, given the number of years since formation, has any consideration been made to increasing the number of staff given the increased area they are now expected to help manage since original formation – including Clontarf and parts of the Collier Golf Course? If not, why not?</p> <p>c. What is the number of hectares to manage per bush crew member and, of these, what is the number of hectares per bush crew member that is difficult to manage – e.g. Waterford foreshore?</p>	<p>The City’s current position is to retain the natural areas team at its existing staffing level and engage contractors to assist where necessary.</p> <p>New areas taken on will be largely contracted because the City considers the workload will be too much for the current team. In the case of the golf course it was decided that it would be best to utilise the natural areas team and if needed, bring contractors in.</p> <p>The Natural Areas team currently has around 76 hectares of natural areas to manage, however this is a combination of bushland, river foreshore and waterbodies.</p> <p>The City prioritises the Natural Areas team work based on time spent at each site per month, rather than the personnel per hectare. For example, areas such as Goss Avenue Reserve, which are high priority for management, receive nine hours of per month in comparison to the Sandon Park foreshore which is small and easy to manage and only receives four hours per month.</p>
<p>2. While I welcome the council’s desire to reduce costs by not undertaking identified wasteful projects - such as minimising the print run of the annual report and auditor’s report – will the proposed budget for 2019-2020 be made available for public comment so that further savings suggestions may be identified by ratepayers?</p>	<p>The city undertakes numerous public consultation processes to gather information to assist Council to determine the priorities to be funded in each budget.</p> <p>One example is the review of Strategic Community Plan 2017 – 2027 and in addition to that Council are provided information in relation to Asset Management Plans, Workforce Plans and many other informing plans that have previously been adopted by Council.</p> <p>Councillors are available to receive any feedback at any time from residents and ratepayers and are encouraged to use all formal and informal avenues to provide information to assist the Council in their adoption of the budget each year.</p>

<p>3. Can the City arrange to send an email, to those who register for it, informing ratepayers when items of interest to them are available – such as the annual report and the auditor’s report?</p>	<p>The City’s enewsletter is a fortnightly email communication to let the community know about key City projects and services. Outcomes of Council meetings are often published in the newsletter with links to the City’s website for further information. The email is available to all who subscribe to it and community members can sign up via the City’s website.</p> <p>The agenda for every Council meeting is published on the City’s website on the Friday before the meeting.</p> <p>The City also posts on Facebook a few days before council meetings and each post informs followers that the agenda is available on the City’s website.</p> <p>The annual report is presented to Council every year at the Annual Elector’s meeting. This meeting is held in early December and the dates for which are published on the City’s website towards the end of the year. The Auditor’s report is printed in the financial statements of the annual report every year.</p>
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## ELECTED MEMBER QUESTIONS TAKEN ON NOTICE: 18 DECEMBER 2018

### Cr Ken Manolas

*[Preamble] I have had a query from the community in relation to the waterslide in Sir James Mitchell Park*

1. Sir James Mitchell Park has a height limit of 7 metres and how is there an 18 plus meter water slide then erected in Sir James Mitchell Park.

That portion of land is reserved under the Metropolitan Region Town Planning Scheme and therefore the building height limits of Town Planning Scheme No. 6 are not applicable. The relevant authority (i.e. WAPC or Swan River Trust) may take into consideration building height limits of Town Planning Scheme 6, however they are not technically applicable to any proposal for development in that area.

### Cr Glenn Cridland

*[Preamble] I went to use the 'Report It' app the other day and it wouldn't work as the location field is a necessary field and it said that the google map location wasn't working.*

1. I went to use the Report It app the other day and it wouldn't work as the location field is a necessary field to be completed on the app and it said that the google map location wasn't working. Have we had some reports of this app not working

This issue has arisen due to the fact that Google maps are no longer a free service.

This problem has been fixed on the Android platform. We are currently in the processes of liaising with Apple to make the necessary amendments to the Apple app; however we do not have a specific fix date.

## 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 held: Tuesday 26 February  
2019.

Signed \_\_\_\_\_

Presiding Member at the meeting at which the Minutes were confirmed