

AGENDA.

Ordinary Council Meeting

27 November 2018

Notice of Meeting

Mayor and Councillors

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



COLIN CAMERON
ACTING CHIEF EXECUTIVE OFFICER

23 November 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 - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

5. DECLARATIONS OF INTEREST

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

6.2 PUBLIC QUESTION TIME: 27 NOVEMBER 2018

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

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

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 30 October 2018

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 30 October 2018 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 20 November 2018

Officers of the City presented background information and answered questions on Items to be considered at the 27 November 2018 Ordinary Council Meeting at the Council Agenda Briefing held 20 November 2018. The Notes of which can be found at **Attachment (a)**.

Attachments

7.2.1 (a): 20 November 2018 - Council Agenda Briefing - Notes

7.2.2 Zoo Paid Parking Workshop - 8 October 2018

Officers of the City and Consultants provided Council with an overview of the Zoo Paid Parking for which further discussion, explanation and advice was requested. The Notes of which can be found at **Attachment (a)**.

Attachments

7.2.2 (a): Zoo Paid Parking Workshop - 8 October 2018

7.2.3 South Perth Recreation and Aquatic Facility (RAF) Briefing - 16 October 2018

Officers of the City provided Council with an overview of the South Perth Recreation and Aquatic Facility (RAF) proposed project.

Attachments

Nil

7.2.4 Amendment No. 60 - Waterford Triangle Purpose Built Student Accommodation; draft South Perth Activity Centre Plan and Amendment No. 61 Briefing - 22 October 2018

Officers of the City provided Council with an overview of Amendment No. 60 – Waterford Triangle Purpose Built Student Accommodation; draft South Perth Activity Centre Plan and Amendment No. 61. The Notes of which can be found at **Attachment (a)**.

Attachments

7.2.4 (a): Concept Briefing 22 October 2018

7.2.5 Connect South Tender Briefing - 12 November 2018

Officers of the City and Consultants provided Council with an overview of the Connect South Tenders.

Attachments

7.2.5 (a): Connect South Tender Briefing - Notes - 12 November 2018
(Confidential)

Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 20 November 2018
- 7.2.2 Zoo Paid Parking Workshop - 8 October 2018
- 7.2.3 South Perth Recreation and Aquatic Facility (RAF) Briefing - 16 October 2018
- 7.2.4 Amendment No. 60 - Waterford Triangle Purpose Built Student Accommodation; draft South Perth Activity Centre Plan and Amendment No. 61 Briefing - 22 October 2018
- 7.2.5 Connect South Tender Briefing - 12 November 2018

8. PRESENTATIONS

8.1 PETITIONS

Nil

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 20 November 2018.

8.4 COUNCIL DELEGATES REPORTS

8.5 CONFERENCE DELEGATES REPORTS

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Australia Day WA Community Citizen of the Year Award

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-18-122990
Meeting Date:	27 November 2018
Author(s):	Rene Polletta, Community Development Officer (Youth & Children)
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

Summary

This report seeks to advise Council of the Australia Day WA Community Citizen of the Year Award nominations received for 2018 and for Council to determine the recipients under the nominated categories in accordance with Australia Day WA's eligibility criteria and selection guidelines.

Officer Recommendation

That Council

- a) approve the following Award recipients for the Australia Day WA Community Citizen of the Year Awards for 2018:
 - i. Citizen of the Year Award be presented to the person highlighted in **Confidential Attachment (a)**.
 - ii. Citizen of the Year - Senior (for a person 65 years or over) be presented to the person highlighted in **Confidential Attachment (a)**.
 - iii. Citizen of the Year - Youth (for a person under 25 years) be presented to the person highlighted in **Confidential Attachment**
 - iv. Active Citizenship Award (for a community group or event) be presented to the person highlighted in **Confidential Attachment (a)**.
- b) note a letter will be sent to all eligible nominees thanking them for their outstanding contribution to the City of South Perth and inviting them to attend the 2019 Australia Day Morning Ceremony.
- c) note a letter will be sent to all eligible nominators and inviting them to attend the 2019 Australia Day Morning Ceremony.

Background

The Australia Day WA Community Citizen of the Year Awards is a state-wide initiative, run by the Australia Day Council of WA. Each local government authority is responsible for promoting the award and selecting winners for their area.

Nominations are encouraged of residents and/or ratepayers of the City of South Perth, who have made a community contribution by improving, developing and nurturing the quality of life within the City and for its residents.

There are four categories for nominations:

1. Citizen of the Year Award

This award is open to individuals who reside or work primarily within the City of South Perth

2. Citizen of the Year Award – Youth (under 25 years)

This award is open to individuals who reside or work primarily within the City of South Perth and are under 25 years old

3. Citizen of the Year Award – Senior (65 years or over)

This award is open to individuals who reside or work primarily within the City of South Perth and are aged 65 years and over

4. Active Citizenship Award (for a community group or event)

This award is open to established community groups that are based or work primarily within the City of South Perth, and groups who have produced a local event

Presentations for the awards are made at the City's annual Australia Day Citizenship Ceremony. The winner of each category is recognised with a framed certificate and all other eligible nominees receive a certificate of appreciation from the City of South Perth.

Nominations were assessed by a panel comprising the City's Manager Community, Culture and Recreation, Community Development Coordinator and Youth and Children's Officer against three selection criteria, namely:

- The significant contribution to the local community
- Demonstrated leadership on a community issue resulting in the enhancement of community life
- Significant initiative which has brought about positive change and added value to community life
- Demonstrated inspiring qualities as a role model for the community.

Comment

This year the City received a total of fourteen (14) nominations comprising:

- 3 x Citizen of the Year nominations
- 4 x Citizen of the Year– Youth (under 25 years) nominations
- 4 x Citizen of the Year– Senior (65 years or over)
- 3 x Active Citizenship (for a community group or event)nominations

10.1.1 Australia Day WA Community Citizen of the Year Award

A summary of the nominations and the City's assessment scores is attached as **Confidential Attachment (a)**.

All nominations received were considered to be of the highest quality, demonstrating the different ways that individuals and groups make significant contributions in our local community; enhancing life opportunities for others and being positive role models in the City of South Perth.

Consultation

The City commenced promotion of the Citizen of the Year Award Program in September 2018. Emails and nomination forms were sent to community groups, sporting clubs, schools and volunteer organisations listed in the City's Community Information Directory. The Award Program was also advertised on the City's website and through a state-wide campaign by the Australia Day WA council. Nominations closed on 31 October 2018.

Policy and Legislative Implications

This report relates to Policy P104 'Community Awards'

"The City recognises the important contribution that an individual's achievements can make towards community development."

Financial Implications

Funds are allocated in the City's 2018/19 Operating Budget for costs associated with the Citizen of the Year Award Program.

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

10.1.1 (a): Australia Day WA Community Citizen of the Year Award - Nomination Summary & Assessment (*Confidential*)

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Single House (Two Storey) - Lot 305 (No. 30B) Lockhart Street, Como

Location:	Lot 305 (No. 30B) Lockhart Street, Como
Ward:	Como Ward
Applicant:	BGC Residential Pty Ltd
File Reference:	D-18-122991
DA Lodgement Date:	10 August 2018
Meeting Date:	27 November 2018
Author(s):	Scott Price, Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for development approval for a Two Storey Single House at Lot 305 (No. 30B) Lockhart Street, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary Walls (North and South – Ground Floor)	Clause 2 of Policy P350.02 and Design Principles of Clause 5.1.3 of R-Codes WA
Lot Boundary Setback (North and South – Ground Floor and Upper Floor)	Design Principles of Clause 5.1.3 of R-Codes WA
Vehicular Access	Clause 6 of Policy P350.03 and Design Principles of Clause 5.3.5 of R-Codes WA
Visual Privacy (North – Upper Floor)	Design Principles of Clause 5.4.1 of R-Codes WA
Outbuildings	Design Principles of Clause 5.4.3 of R-Codes WA

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Single House (Two Storey) at Lot 305 (No. 30B) Lockhart Street, Como **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to occupation of the dwellings the applicant shall construct crossovers between the road and the property boundaries in accordance with the approved plans, to the satisfaction of the City.
3. 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 and hereby maintained for the life time of the development, to the satisfaction of the City.
4. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
5. At least one tree not less than 3.0 metres in height at the time of planting and of a species approved by the City shall be planted preferably within the backyard of the site prior to human occupation of the dwelling. The tree(s) shall be maintained in good condition thereafter.
6. The outbuilding (workshop) is not to be used for the purpose of human habitation.
7. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
8. The alfresco is to remain unenclosed on a minimum of two sides.

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

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20/R30
Lot area	506 sq. metres
Building height limit	7.0 metres
Development potential	One dwelling
Plot ratio limit	N/A

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 Council as it falls within the following categories described in the Delegation:

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

Applications which, in the opinion of the delegated officer, represents a significant departure from the Scheme, the R-Codes or relevant Local Planning Policies.

Comment

(a) Background

In August 2018, the City received an application for two storey single house on Lot 305 (No. 30B) Lockhart Street, Como (the Site). The development Site was created as a result of a two lot survey strata subdivision, approved by the Western Australian Planning Commission in late 2017.

(b) Existing Development on the Subject Site

The subject site is located at Lot 305 (No. 30B) Lockhart Street, Como (the Site). The subject site currently consists of a vacant lot, as depicted in the site photographs at **Attachment (a)**.

(c) Description of the Surrounding Locality

The Site has a frontage to Lockhart Street to the west, whilst having the rear boundary about a Right-Of-Way to the east. The site abuts residential development to the north and south and is located in the block of land bound by Lockhart Street to the west, Greenock Avenue to the south, Labouchere Road to the east and Alston Avenue to the north. This is seen in **Figure 2** below:

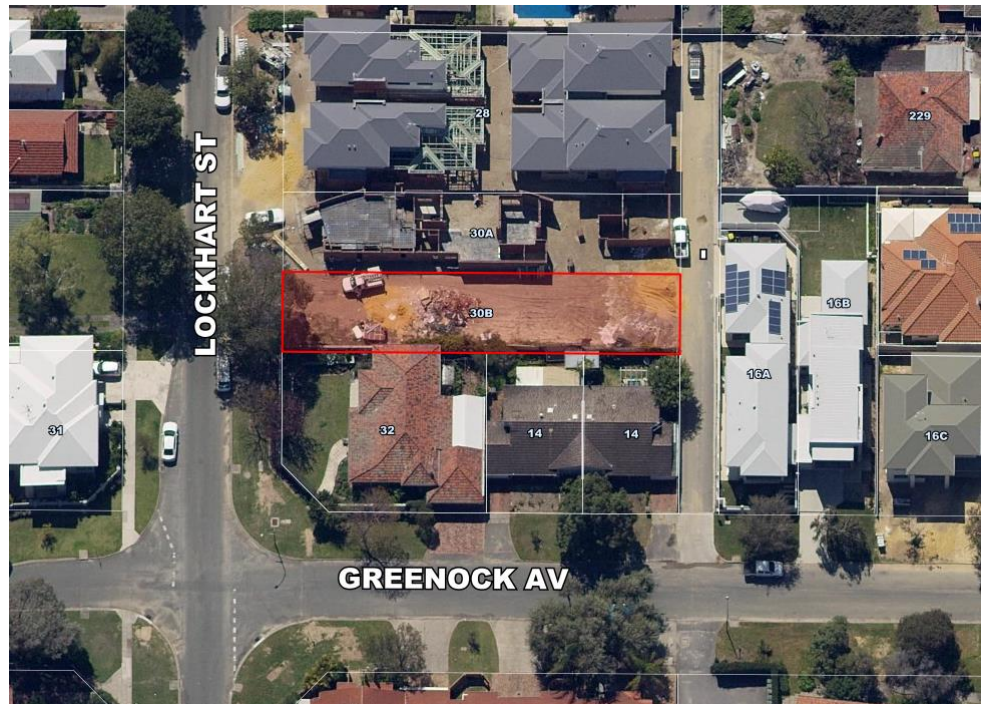


Figure 2: Aerial Image

(d) **Description of the Proposal**

The proposal involves the construction of a two storey dwelling on the Site, as depicted in the submitted plans at **Attachment (b)**. The proposed dwelling consists of:

- two car garage accessed from Lockhart Street;
- three bedrooms;
- two ensuites;
- one bathrooms;
- retreat;
- study room;
- dining;
- kitchen;
- living room;
- home theatre;
- laundry;
- scullery;
- alfresco;
- balcony; and
- outbuilding (workshop).

It is noted that whilst the plans indicate to propose a ‘workshop,’ the workshop is considered to meet the definition of an ‘outbuilding’ in TPS6, which means ‘a store shed, detached laundry, private workshop, carport or garage, machinery room, or the like, appurtenant to and used in conjunction with the principle use of associated buildings.’ For this reason, the workshop is referred to as an outbuilding in the following assessment.

(e) Scheme and R-Code Provisions

The following components of the proposed development require discretionary assessments against the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6) the Residential Design Codes of WA 2018 (R-Codes) and Council Policy requirements:

- (i) Boundary Walls (North and South – Ground Floor)
- (ii) Lot Boundary Setback (North and South – Ground and Upper Floor)
- (iii) Vehicular Access
- (iv) Visual Privacy (North – Upper Floor)
- (v) Outbuildings

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

(f) Boundary Wall (north and south)

Element	Deemed-to-comply	Provided
Northern boundary wall (kitchen and scullery)	1 metre	0 metres
Northern boundary wall (workshop)	1 metre	0 metres
Southern boundary wall (garage)	1 metre	0 metres
Southern boundary wall (dining room)	1.5 metre	0 metres

Design Principles:

Buildings built up to boundaries (other than the street boundary) where this:

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

Policy P350.02 – Lot Boundary Setbacks (Boundary Walls)

The matters below are to be considered in determination of the proposal:

- *streetscape character;*
- *outlook from:*
 - i) the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or*
 - ii) any habitable room window of that adjoining dwelling*
- *visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and*
- *the amount of overshadowing of a habitable room window or outdoor living area on the adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the overshadowing cause d by the boundary wall does not exceed the overshadowing cause by a wall that conforms to the R-Codes ‘deemed to comply’ setback.*

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

- The proposed boundary wall makes effective use of a space by providing for additional width on the building footprint for a narrow lot;
- Impacts from a bulk and scale perspective are minimal, given the wall at a height of 2.6 metres is screened up to 1.8 metres by the dividing fence;
- The boundary wall only occupies a small percentage of the northern boundary (6.8 metres of a 50 metre boundary length) and is not considered to be at a scale which would significantly impact the site's ability to access ventilation. The wall is also located in a position which would have no impact on the subject site's ability to access northern sunlight for major openings and open space;
- The boundary wall has minimal impact on the privacy of the northern lot, given the wall does not have any windows;
- Shadow from the wall will not be cast into the adjoining northern lot, given the orientation of winter sunlight;
- The boundary wall is setback 16m from the street and has a negligible impact on the streetscape character;
- The wall is 10 metres behind the prescribed primary street setback and would have minimal impact on the view from the northern adjoining future development and its ability to look into the street from a major opening/garden addressing Lockhart Street;

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

- The workshop boundary wall makes effective use of the space by providing for sheltered storage;
- The boundary wall is located at the rear of the property, with a height of 2.4 metres that is screened up to 1.8 metres by a dividing fence. The wall is not likely to be of significant detriment to the northern adjoining future development, in relation to visual impacts of bulk. The size of the wall and structure itself is subservient to the scale of the proposed dwelling;
- The wall is not likely to significantly impact the site's ability to access western prevailing winds or northern light given the minor portion of the boundary the wall occupies and its location in the north eastern corner of the lot;
- The boundary wall has no impact on the privacy of the northern lot, given the wall does not have any windows;
- Shadow from the wall will not be cast into the adjoining northern lot, given the orientation of winter sunlight;
- The proposed wall will not impact the streetscape, given the location of the workshop in the rear corner of the subject site.

The proposed southern boundary wall to the garage is considered to meet the Design Principles of the R-Codes and Policy P350.02 – Lot boundary setbacks (Boundary Walls) for the following reasons:

- The boundary wall makes effective use of a space by providing for sheltered car parking;
- Visual impact to the neighbouring lot's front yard from bulk is minimal, as the wall is 2.6 metres in height and would be mostly screened up to 1.8 metres by a dividing brick wall;
- The wall is located towards the primary street setback area and has minimal impacts on the subject site's ability to access ventilation and sunlight to the proposed rear backyard and outdoor living area;
- The wall has minimal impacts on the southern neighbour's privacy, as the elevation does not have any windows;
- The shadow from the boundary wall is contained within the shadow of the upper floor which complies with building height and setbacks and would not impact solar access to the southern lot any more so than the upper floor;
- The boundary wall would have minimal impact on the streetscape, given it has been setback accordingly with the primary street;
- The boundary wall is not considered to have a significant impact in the impeding of street views from the garden of No. 32 Lockhart St, for the reasons that No. 32 Lockhart is contained by a 1.8m high brick wall as a primary/secondary street fence, which impedes views regardless.

The proposed southern boundary wall to the dining room is considered to meet the Design Principles of the R-Codes and Policy P350.02 – Lot boundary setbacks (Boundary Walls) for the following reasons:

- The wall makes effective use of a space by providing for additional width on the building footprint for a narrow lot. Furthermore, the space utilised for the setback is offset to the rear of the lot to enhance the functionality and openness of the backyard and outdoor living area;
- The visual impacts to the southern adjoining lots in terms of bulk and scale are minimal, with the height of the wall at 2.6 metres screened up to 1.8 metres by the dividing fence. Additionally to this, the applicant had made amendments to reduce the height of the wall in question by roughly 100mm to respond to original submissions concerning bulk. Whilst it is acknowledged that the wall occupies some of the northern boundary of No. 32 Lockhart Street, including adjacent to an outdoor living area, No. 32 Lockhart Street contains two active outdoor habitable areas;
- The wall is located away from the rear of the lot and has minimal impacts on the subject site's ability to access ventilation and sunlight to the proposed rear backyard and outdoor living area;
- The wall has minimal impacts on the southern neighbour's privacy, as the elevation does not have any windows;
- The shadow from the boundary wall is contained within the shadow of the upper floor which complies with building height and setbacks and would not impact solar access to the southern lot any more so than the upper floor;

- The boundary wall will not impact the streetscape, given the wall is located behind the garage boundary wall when viewed from the street;
- The location of the wall does not impact views from a front yard of a neighbouring property towards the street.

(g) **Lot boundary setbacks**

Element	Deemed-to-comply	Provided
North (ground floor foyer and laundry)	1.5 metres	1.27 metres
North (upper floor balcony and void)	2.1 metres	1.3 metres
South (ground floor alfresco)	1.5 metres	1 metre
South (upper floor bathroom and walk-in-wardrobe)	2.3 metres	2.1 metres
<p><i>Design Principles:</i> <i>Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> • <i>Reduce impacts of building bulk on adjoining properties;</i> • <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> 		

The proposed northern lot boundary setback to the ground floor foyer and laundry is considered to meet the Design Principles of the R-Codes for the following reasons:

- The bulk and scale of the wall is softened through the use of articulation for the northern ground floor walls, whilst also being screened to a large degree by a dividing fence;
- The 1.27m setback provided is only a minor departure from the deemed to comply requirement and still provides the site's open spaces access to western prevailing winds and northern sunlight, given the east west orientation of the lot;
- As the wall in question does not have any major openings, any future development of the northern adjoining lot is not considered to have its privacy compromised by the reduced setback, with a dividing fence acting as adequate means of screening/separation.

The proposed northern lot boundary setback to the upper floor balcony and void is considered to meet the Design Principles of the R-Codes for the following reasons:

- The impacts of bulk from the reduced setback are somewhat broken up by the upper floor articulation, whilst providing for openings in the northern elevation where possible to reduce the perception of masonry/face brick finish;
- The orientation of the lot allows for prevailing winds to be accessed by the site and its northern adjoining lot, given the setback corridor provided between site's and any future build to the north;

- Privacy concerns to any potential development on the northern adjoining lot caused by the reduced setback is minimised through the elevation containing no major openings to habitable rooms.

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

- Bulk and scale impacts from the reduced setback of the alfresco are considered minimal, as the alfresco is open in design;
- The alfresco remains open and penetrable for wind, enabling ventilation access to the subject site's open space, as well as providing an adequate setback corridor to allow for wind and sunlight to access the southern neighbour's rear courtyard;
- The separation between the subject site's alfresco and the southern adjoining lot's courtyard is provided through the dividing fence and an outbuilding of the adjoining landowner. This is considered to maintain privacy of the southern adjoining lot in relation to the reduced setback.

The proposed southern lot boundary setback to the upper floor bathroom and walk-in-wardrobe is considered to meet the Design Principles of the R-Codes for the following reasons:

- The wall is considered to have a reduced impact of building bulk, by incorporating windows into the elevation, rather than blank walls. The wall is also set back in relation to the rest of the upper floor;
- The reduced lot boundary setback would have no greater impact on solar access to north facing openings of the southern adjoining dwelling than a compliant setback, as the shadows for the compliant and proposed setback both intersect the southern neighbour's dwelling roughly just below eave level. Based upon the modelling, the additional shadow, relative to the R-codes measurement, affects roof only. Furthermore, the setback corridor provided will still maintain access to western prevailing winds for both site's open spaces;
- Lastly, the section of wall seeking a reduced setback only consists of minor openings to non-habitable rooms and is designed so that privacy is largely maintained for the southern adjoining lots.

(h) **Vehicular access**

Element	Deemed-to-comply	Provided
Vehicular access requirements	Where the development site adjoins an essential right-of-way, the City may approve residential development relying on primary vehicular access from a public street, subject to only one crossover from the public street and in the case of a site 12 metres wide or less, the crossover being no wider than 4 metres	Access provided primarily from Lockhart Street, with a crossover width of 4.9 metres

*Design Principles :**Vehicular access provided for each development site to provide:*

- *Vehicular access safety;*
- *Reduced impact of access points on the streetscape;*
- *Legible access;*
- *Pedestrian safety;*
- *Minimal crossovers;*
- *High quality landscaping features.*

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

- The vehicular access provided for both the garage and the rear workshop are considered safe for the reasons of providing compliant sight lines. Furthermore, Lockhart Street is not considered to be a major arterial or distributor road. The vehicular access to Lockhart Street is therefore considered safe for entering the street in reserve gear, due to a standard level of traffic expected in a local suburban setting;
- The level of impact for the crossover servicing access to Lockhart street is considered minimal, with the crossover occupying less than 50% of the 10 metre lot frontage;
- Access provided to both the Garage via Lockhart Street and the rear workshop via the right-of-way are both easy to read and identifiable as vehicular access points, given both crossovers are proposed to be of a concrete finish;
- Pedestrian safety is considered to be maintained, given not only does the development comply with sight lines, but the lot does not abut a pedestrian footpath;
- The proposed development does not seek any more than one crossover from the Lockhart Street frontage, which is a standard number for similar developments within the locality. Additionally, the only site fronting Lockhart Street with proposed sole access to the right-of-way is the northern adjoining lot (No. 30A Lockhart Street), but currently consists of a soon to be decommissioned crossover to Lockhart Street. Therefore, the proposed development at the subject site is considered relatively consistent with the streetscape in terms of crossover design;
- Whilst it is acknowledged that the driveway configuration to Lockhart Street somewhat impacts the ability to provide for high quality landscaping at the street frontage, the design for the driveway and crossover has been amended by the applicant to retain a mature tree within the verge area, valued to roughly \$30,000.

(i) Visual privacy

Element	Deemed-to-comply	Provided
North (Master bedroom - eastern elevation)	4.5 metres	4.3 metres
<p><i>Design Principles:</i> <i>Minimum direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> • <i>Building layout and location;</i> • <i>Design of major openings;</i> • <i>Landscape screening of outdoor active habitable spaces; and/or</i> • <i>Location of screening devices.</i> 		

The proposed view from the Master bedroom is considered to meet the Design Principles of the R-Codes for the following reasons:

- The opening is a minor departure from the deemed to comply criteria. Furthermore, the direct overlooking of the northern neighbours dwelling is minimised, with the opening setback in line with the northern lot's backyard. This means the cone of vision from the opening is forward of this point and mostly overlooks a proposed garage and storage area. Refer to figure 3 below;
- The design of the major opening is that it faces east towards the rear boundary, as opposed to direct viewing which the northern elevation has the potential to do so. Additionally, this particular portion of upper floor has also been setback to comply;
- The portion of the backyard is insignificant and does not affect the outdoor living area component;
- Whilst no screening in the form of vegetation exists on the northern adjoining lot, the officer's recommendation for this particular application includes a condition of approval for the planting of a 3 metre high tree within the backyard as part of Policy P350.05, which could be utilised to provide separation between lots and further enhance privacy. It is noted however that regardless of the condition requiring a private tree up to three metres to be planted, the visual privacy discretion is supported.

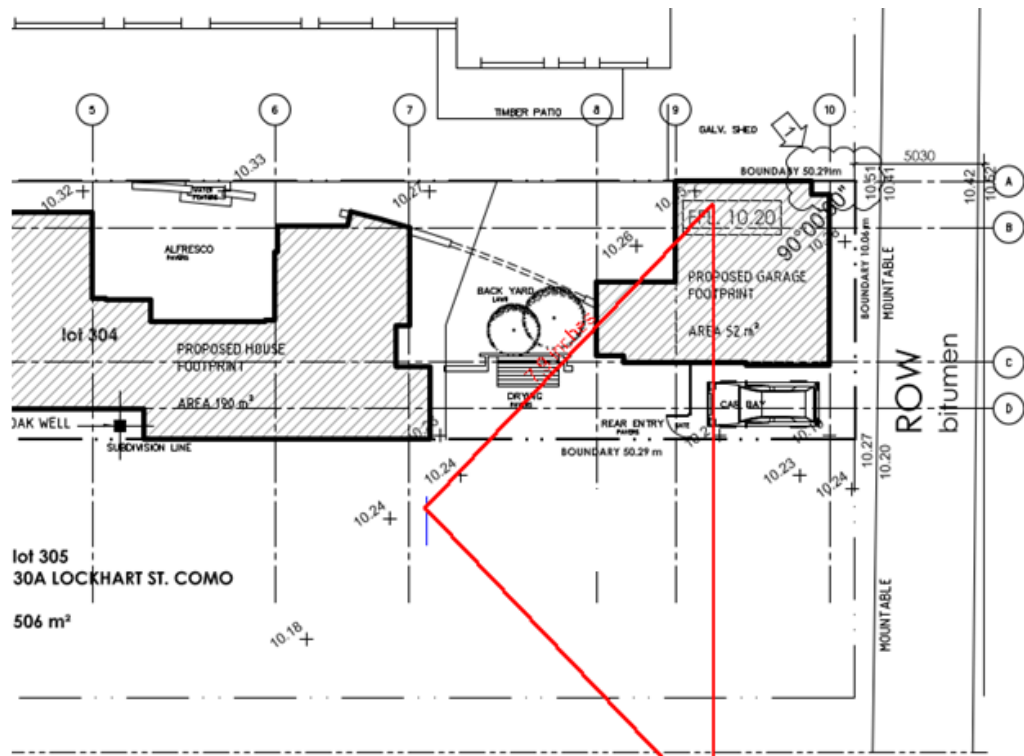


Figure 3: Cone of vision from proposed Master bed in relation to approved plans of northern neighbour.

(j) Outbuilding requirements

Element	Deemed-to-comply	Provided
Outbuilding requirements	Maximum wall height of 2.4 metres	3.8 metres
	Set back in accordance with Table 2a of R-Codes	0 metre setback
<p><i>Design Principles:</i> Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</p>		

The proposed outbuilding is considered to meet the Design Principles for the following reasons:

- The outbuilding is located to the rear of the property and not considered to impact the streetscape of Lockhart Street. Furthermore, the scale and size of the proposed outbuilding is modest in relation to the lot size. The height is mostly screened by a dividing fence and will not significantly impact the amenity of the neighbouring properties, as discussed in this assessment.

(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
(c) any approved State Planning Policy;	As detailed in the report, the proposal is considered to satisfy the relevant Design Principles of the Residential Design Codes where variations are sought from the deemed to comply requirements. The R-Codes is a State Planning Policy incorporated into the City's Town Planning Scheme No. 6.
(g) any local planning policy for the Scheme area;	As detailed in the report, the proposal is considered to satisfy either the relevant local planning policy or respective Design Principles of the R-Codes related to the policy.
(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;	The development for a two storey Single house is common within the broader locality, with the impacts of bulk and scale considered to be at an acceptable level, as per this assessment.
(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;	The proposal is considered to have an acceptable impact on the amenity of the locality as detailed in the report.
(y) any submissions received on the application;	The submissions received in the advertising period have been duly considered, as outlined in the 'Neighbour Consultation' section of this report.

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at No. 30A and No. 1/32 Lockhart Street, and No. 2/14 and No. 3/14 Greenock Avenue were invited to inspect the plans and to submit comments during the minimum 14-day period.

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

Submitters' Comments	Officer's Responses
The southern boundary walls will require the removal of the dividing fence and garden beds of the adjoining properties.	The proposal does not seek to remove dividing fences. This is a civil matter governed under the Dividing Fences Act 1965 and will require consent from all affected landowners if this was to be proposed.
The height of the southern boundary walls will restrict sunlight access and ventilation to adjacent courtyards, gardens and windows.	As discussed in the assessment above, shadow from the boundary wall is contained within the upper floor, which complies with setbacks and building height. As a result, the boundary wall could be set back to comply but shadow would remain the same nonetheless. Additionally to this, solar access to the southern adjoining lots is deemed-to-comply, which allows up to 35% shadow of each lot as per the R-Codes.
The walls built to the boundary will not be aesthetically appealing, but would prefer any boundary walls to match the finish of the dwelling.	Neighbours comments are consistent with P350.02 policy requirements. The impacts of bulk and scale are considered at a satisfactory level, as detailed in the assessment above. A condition of a clean finish is to be included in the recommendation.
Gutters are proposed close to the boundary and will result in stormwater runoff and discharge outside of the lot boundary.	Stormwater discharge is to be contained on site. This is conditioned in the officer's recommendation.
The additional costs associated with maintaining the boundary wall should solely be the responsibility of the applicant.	The responsibility remains with the landowner of No. 30B Lockhart Street to maintain the boundary wall.
The developer should be held accountable, should the development not be built in accordance with the plans for elements such as setbacks.	The development is to be approved in accordance with the proposed development plans. Any elements contrary to the development may be subject to future compliance action by the City.

(b) Internal Administration

Comments have been obtained from the City's Engineering Infrastructure Services as part of the City's processes.

The plans were originally submitted with the intention to remove the tree located within the Lockhart Street verge, for the purpose of providing the development with vehicular access. Advice from the City's Streetscapes Department had returned with a potential quote for over \$30,000 to remove the verge tree at the applicant's cost. As a result, the applicant amended the development plans to alter the crossover configuration and retain the verge tree.

The crossover configuration is not considered to be conventional in design. For this reason, the application was referred to the City’s Engineering department to provide advice based upon the crossover location and the manoeuvrability of the amended driveway design, which is shown in figure 4 below.

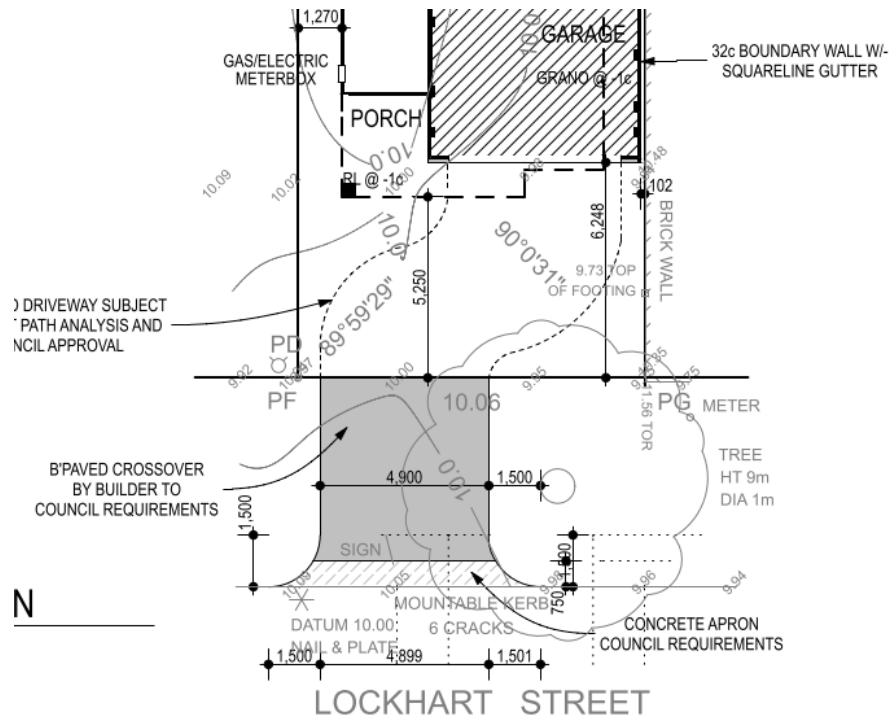


Figure 4: The newly proposed crossover and driveway configuration.

Whilst it is acknowledged that the proposed configuration is not the most convenient design for vehicular access, nonetheless the design has been reviewed by the Engineering Department of the City and assessed as workable.

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

The proposed development poses no substantial sustainability implication.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it is not considered to have a detrimental impact on adjoining residential neighbours or streetscape. In particular, the boundary walls are proposed at an acceptable size which is understood to be proportionate to the size of the lot and proposed scale of the development. Whilst it is acknowledged that the proposed dwelling will result in some shadow falling within the southern adjoining allotments, the upper floor complies in height and is set back in accordance with the R-Codes, meaning the boundary walls to the south will not have any further impact on the ability to access winter sunlight than the upper floor component of the development. Accordingly, it is considered that the application should be approved subject to the appropriate conditions.

Attachments

- 10.3.1 (a):** Site Photos - 11.2018.288.1
10.3.1 (b): 11.2018.288.1 - Latest Amended Plans - No. 30B Lockhart Street, Como

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

Location:	Not Applicable
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-18-122992
Meeting Date:	27 November 2018
Author(s):	Matthew Andrews, Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

At its Ordinary Council Meeting held 29 May 2018, Council resolved to prepare and carry out consultation on proposed amendment No. 59 to Town Planning Scheme No. 6 (the Scheme). The amendment relates to the land known as 'Waterford Triangle' bound by Manning Road, Conlon Street, Garvey Street, Keaney Place and McKay Street, Waterford (the amendment area).

The purpose of the amendment is to implement the vision of the Urban Design Plan and Design Guidelines for Waterford Triangle endorsed by Council in February 2012. To achieve this the City prepared a draft scheme amendment which proposes to:

- Recode properties within the amendment area from R20 to R60,
- Incorporate new built form provisions in the scheme that will facilitate medium density multiple dwellings with adequate space between buildings; and
- Restrict access to Manning Road consistent with state policy.

At the conclusion of the public consultation period on 21 September 2018, the City received 13 submissions of which 6 were supportive, 4 were opposed and 3 were neither supportive nor opposed but provided comment.

It is recommended that the Council support the amendment without modification and forward the amendment to the Minister for Planning for final approval.

Officer Recommendation

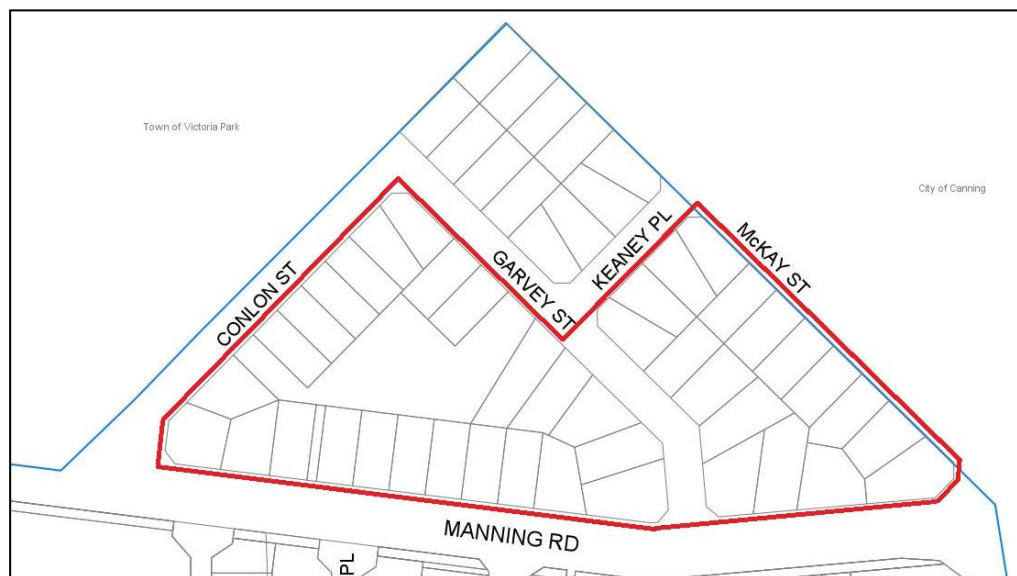
That Council:

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. 59 to the City of South Perth Town Planning Scheme No. 6 without modification, as detailed in the amendment documents at **attachment (b)**;
3. Authorise the Mayor and Chief Executive Officer to execute the relevant scheme amendment documentation and affix the common seal of the City of South Perth to the documentation; and
4. Request that the Minister for Planning grant final consent to proposed Scheme Amendment No. 59 to the City of South Perth Town Planning Scheme No. 6 as referred to in point 2 above.

Background

The proposed amendment relates to the southern portion of the Waterford Triangle site being the land bounded by Manning Road, Conlon Street, Garvey Street, Keaney Place and McKay Street, Waterford. At the Ordinary Council Meeting of 29 May 2018 (refer item 10.3.2) Council resolved to prepare the amendment and carry out consultation. At this meeting Council also resolved that the amendment was complex. Detailed background information relating to the previous studies that have informed the amendment is contained in the 'Background' section of the aforementioned item.

The amendment area currently consists of 81 single and duplex dwellings which are all coded R20 under the Scheme. The below map depicts the amendment area.



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

The amendment seeks to implement the vision set out in the Waterford Urban Design Plan that was endorsed by Council in 2012 and reviewed in 2017 to ensure alignment with the current overarching state planning framework. The amendment proposes to:

- Re-code all properties from R20 to R60;
- Increase the building height limit from 7.0 metres to 10.5 metres;
- Prohibit the development of new Grouped Dwellings;
- Introduce scheme provisions and a Local Development Plan (LDP) to resolve access for properties that have sole direct access to Manning Road; and
- Introduce lot boundary and street boundary setback provisions.

Following the Council resolution to initiate the proposed amendment, the amendment was forwarded to the Environmental Protection Authority (EPA) and the Western Australian Planning Commission (WAPC) for review. On 25 June 2018 the City was advised that the WAPC had granted consent to advertise the proposed amendment. On 2 July 2018 the City was advised by the EPA that the amendment did not require an environmental assessment. The amendment was subsequently advertised for a period of 65 days, exceeding the minimum requirements of the Regulations and Council Policy P301 – Community Engagement in Planning Proposals (P301).

Comment

Key Issues resulting from consultation

During the public consultation period the City received 12 submissions on the proposed amendment, including some from State government agencies. Further information regarding the outcomes of the consultation is detailed 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 to these key issues. A detailed officer response to each submission is contained in the Schedule of Submissions (**attachment (a)** of this report).

Matter	Officer summary of key issue	Officer Comment
Vehicle parking	Increased street parking associated with more dwellings and a new laneway.	Parking requirements for new residential dwellings will be in accordance with the Residential Design Codes (R-Codes). Each development will be assessed against the R-Codes and determined on the particular merits of the proposal at that time. The parking rates in the R Codes are considered sufficient to cater for the needs of residents. On street parking issues can be dealt with through a parking management plan. The design of the laneway is not yet finalised. Amenity issues such as parking and safety for the laneway will be taken into consideration in the design phase.

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

Restriction of access to Manning Road	Access to Manning Road will be removed requiring construction of a rear driveway resulting in a loss of outdoor living area and costing a considerable amount.	Vehicular access to Manning Road from existing dwellings won't be affected. Removal of access to Manning Road will only be required for new developments, taking advantage of the increased development potential under this amendment, and therefore there will be no impact on existing dwellings.
Permissibility and practicality of Single Houses	Single Houses should be permitted including on micro-lots. The rules relating to construction of a Single House should be clarified as a 2-4 metre setback makes it impossible to construct on existing duplex sites.	<p>Single Houses remain a permitted use in this area. The dimensions of lots in the amendment area, particularly the generous depth of lots, are not considered suitable for 'micro-lots' development. Such lot arrangements also require land to have dual access (to a road and a laneway).</p> <p>Setback requirements are considered to be appropriate for the proposed height limits. The setbacks will help mitigate impacts of taller development, such as loss of privacy or loss of solar access. The amendment encourages the amalgamation and redevelopment of existing duplex lots.</p>
Bonuses for amalgamation of sites	Increased density should be granted where sites have amalgamated to incentivise amalgamation and produce better development outcomes.	An increased density for lots that amalgamate is not supported. The Waterford Triangle Urban Design Plan recommended that a zoning of up to R80 is appropriate for larger lots (greater than 1000m ²). The proposed amendment recommends all sites be coded R60. This provides equitable development potential throughout the amendment area. Moreover, incentivising amalgamation of a large number of lots would be inconsistent with one of the objectives of the amendment, which is to encourage medium density development with space between buildings for landscaping.

Upgrades to existing water infrastructure	An existing water reticulation main may need to be upgraded to meet demand. The cost of upgrades should be apportioned across the landowners through a developer contribution plan, or similar.	The City extensively investigated the option of developer contributions in the area. These investigations have shown that it not appropriate to impose a developer contribution plan within the area. There are legal impediments to the City imposing conditions and accepting payments on behalf, of a third party. The cost of any upgrades to third party infrastructure such as reticulations mains is the responsibility of the relevant authority and not the local government.
Connection between physical amenities	Improvement of the physical connections including pedestrian and cycling infrastructure within the amendment area and between the amendment area and Canning River and Waterford Shopping precinct.	A number of upgrades to the public infrastructure are planned within or nearby to the amendment area, including: <ul style="list-style-type: none"> - Footpaths replacement; - Roads resurfaced; and - New laneway; These upgrades, in conjunction with the Joint Bike Plan for City of South Perth and Town of Victoria Park, are anticipated to address this concern.

Having regard to the key matters raised in the submissions no modifications to the proposed amendment are recommended.

Local Development Plan

The proposed amendment is accompanied by a draft LDP (refer **attachment (c)**). The purpose of the LDP is to provide further objectives and requirements to guide future development in the area. Unlike the proposed amendment, adoption of the LDP does not require the approval of the State Government or the Minister for Planning. The proposed LDP was advertised in conjunction with the proposed amendment. Once the Minister makes a decision on the proposed amendment, a further report considering the LDP will be presented to Council.

Consultation

The proposed amendment was advertised for a period of 65 days, between 17 July 2018 and 21 September 2018, in accordance with the Regulations (which require a minimum 60 day period) and Council policy P301. This consultation involved:

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

- Two notices in the Southern Gazette, appearing on 17 July 2018 and 31 July 2018;
- Two 'drop-in' sessions at the George Burnett Leisure Centre; one after hours on a weekday; and one on a weekend day. These sessions were attended by approximately 10 members of the public.
- Three advertising signs erected in strategic locations throughout the amendment area;
- Notice and copies of the amendment documents being published on 'Your Say South Perth' for the duration of the consultation period;
- Hard copy notices and copies of the proposed amendment being available at the City's Civic Centre and libraries for the duration of the consultation period;
- Mail notices being sent to property owners and occupiers within the amendment area and approximately 100 metres around the amendment area.

At the conclusion of the consultation period a total of 13 submissions were received. The positions expressed in the submissions are summarised as follows:

- 6 submissions supported the amendment;
- 4 submissions objected to the amendment; and
- 3 submissions were unqualified, indicating neither support nor objection to the amendment.

A detailed summary of the submissions received is provided at **attachment (a)**. Following detailed review of the submissions the City is recommending to:

- Uphold 1 submission;
- Partially uphold 1 submission;
- Not uphold 5 of the submissions; and
- Note 8 submissions.

As detailed in the preceding section of this report no modification are proposed to the amendment as advertised.

Policy and Legislative Implications

The Council has undertaken consultation as required by the Regulations, the Scheme and Council Policy P301, and must now consider whether to recommend to the Minister for Planning to finally approve Amendment No. 59, with or without modifications, or not approve it. The recommendation is to support the amendment **without modification**. Should the Minister approve Amendment No. 59, the City will arrange for notice of the Minister's 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 process is set out below, together with a date for each stage. The stages which have been completed are shown shaded:

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

Stage of Amendment	Estimated Time
Council resolution to adopt proposed draft Amendment for advertising purposes.	May 2018
Referral of draft Amendment proposals to EPA for environmental assessment and WAPC for preliminary assessment within a 60 day time period.	June 2018
Public advertising period of not less than 60 days.	July - September 2018
Council consideration of Report on Submissions and resolution on whether to support or not support the amendment.	November 2018
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> • Schedule on Submissions; • Council's recommendation on the proposed Amendment inclusive of this report; and • Three signed and sealed copies of amendment documents for final approval. 	December 2018
Minister's final determination of amendment and publication in Government Gazette	First half of 2019

Financial Implications

There will be costs associated with the gazettal of the amendment should the Minister approve it. These costs have been included 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

- 10.3.2 (a):** Schedule Of Submissions
10.3.2 (b): Scheme Amendment Report
10.3.2 (c): Local Development Plan - Waterford Triangle

10.3.3 Proposed Change of Use to 'Use Not Listed' (Holiday House). Lot 352 (No. 7) Vista Street, Kensington

Location: Lot 352 (No. 7) Vista Street, Kensington
 Ward: Moresby Ward
 Applicant: Ross Jutras-Minett
 File Reference: D-18-122995
 DA Lodgement Date: 5 September 2018
 Meeting Date: 27 November 2018
 Author(s): Scott Price, 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 Change of Use to a 'Use Not Listed' (Holiday House) at Lot 352 (No. 7) Vista Street, Kensington. 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 not listed)	TPS6 Clause 3.3(7) and P350.18
Sight lines	Design Principles of Clause 5.2.5 of R-Codes WA

Officer Recommendation

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for development approval for a Change of Use to 'Use not Listed' (Holiday House) at Lot 352 (No. 7) Vista Street, Kensington **be approved** subject to:

1. This approval pertains to the temporary approval of a 'Use Not Listed' (Holiday House) for the purposes of short-term accommodation.
2. A maximum of eight (8) temporary occupants are permitted on site at any one time in relation to the 'Use Not Listed.'
3. The approval of the 'Use Not Listed' for purposes of short-term accommodation is valid for a period of twelve (12) months from the date of this determination. At the end of this period the building will revert to 'Single House.' A new development approval will be required to extend past this time.
4. The approved Management Plan must be implemented and adhered to for the life of the temporary approved use.

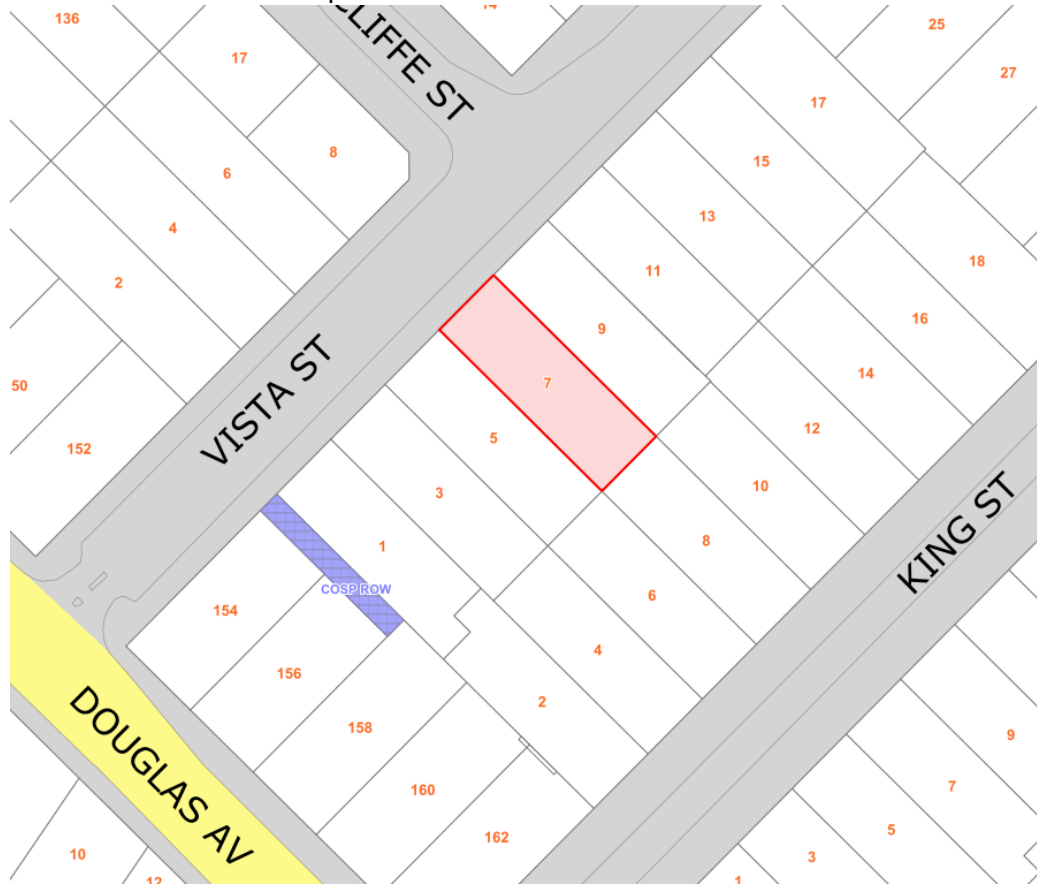
Note: City officers will include relevant advice notes on the recommendation letter.

1. Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	442 sq. metres
Building height limit	7.0 metres
Development potential	One dwelling
Plot ratio limit	N/A

The location of the development site is shown below:



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

1. *Specific Uses*

Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the scheme.

2. Comment

(a) Background

In September 2018, the City received an application for the change of use from Single House to a Use Not Listed (Short Term Accommodation) at Lot 352 (No. 7) Vista Street, Kensington (the **Site**).

A previous variation application for the site in 2018 (11.2017.375.2) pertains to approval for a carport within the primary street setback area to service two vehicles. This approval has subsequently led to the demolition of the existing primary street fence, facilitating two car bays to be utilised for the purpose of the proposed 'holiday home.'

(b) Existing Development on the Subject Site

The existing development on the Site currently contains a Single house.

(c) Description of the Surrounding Locality

The Site has a frontage to Vista Street to the North, with Douglas Avenue to the West, King Street to the south and Collins Street to the east, as seen in **Figure 1** below:

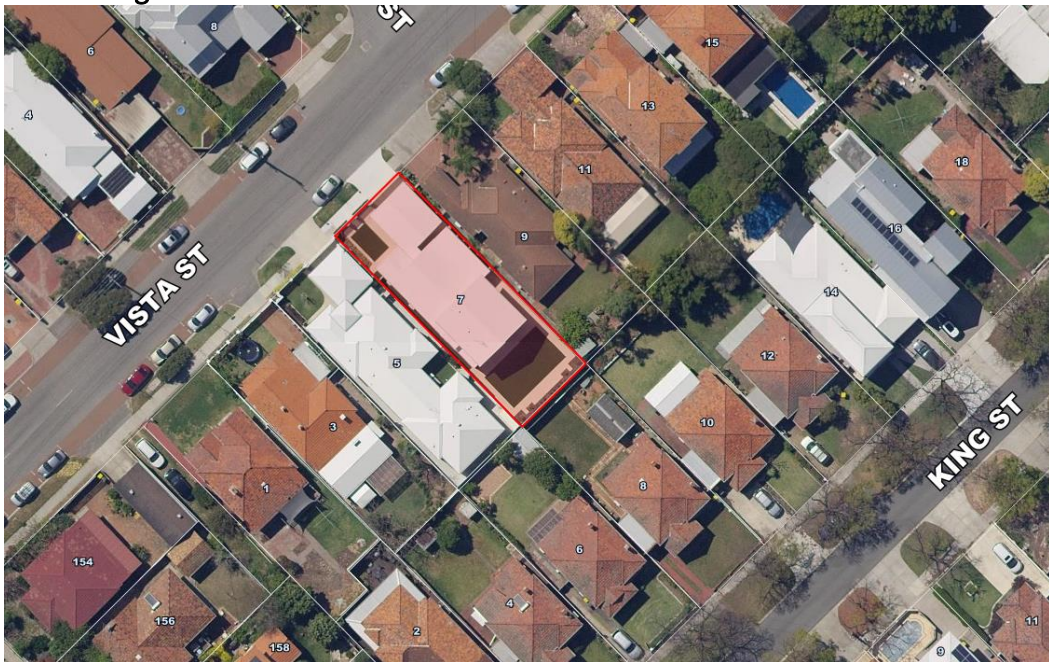


Figure 1: Aerial image of the subject site

(d) Description of the Proposal

The proposal seeks approval for the existing dwelling to be utilised for the purposes of short-term accommodation (Use Not Listed), as depicted in the submitted plans and management plan at **Attachment (a)**. The management plan outlines the following rules for the proposed short term accommodation:

- Guests require a minimum of three night stay at any one period;
- Maximum period in which can be booked is 3 months;
- A maximum number of guests not to exceed 8 people;
- Check in at 2pm and check out at 11am;
- Noise should be minimal between the hours of 10pm and 7am Monday to Saturday, and 10pm and 9am on Sundays and public holidays;
- Any such activities including 'parties,' gatherings or functions are strictly prohibited;
- Pets are only permitted by permission of the property manager;
- Vehicle parking to be contained on-site;
- Breach of the Code of Conduct will result in termination of booking and eviction immediately.

In addition to the proposed use, the applicant wishes to seek approval for the addition of a primary street fence, which consists of a design up to 1.8 metres in height, with an 80% visual permeability incorporated into the portion of fence above 1.2 metres in height.

(e) Scheme and Policy Provisions

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

- (i) Land use (TPS6 Cl 3.3 (7));
- (ii) Short-term accommodation policy requirements (P350.18)
- (iii) Sight lines

(f) Land use

The proposed use for the site as a 'holiday house' is not considered to meet the definitions of any land use listed under TPS6. As per Cl 3.3 (7) of TPS6, a use not listed in Table 1 which cannot reasonably be determined as being included in the general terms of any of the Uses defined in Schedule 1 may only be approved if notice of the development is first given through Area 1 consultation of City Policy P301 – Community Engagement in Planning Proposals. Furthermore, the appropriateness of this use will be discussed in the assessment below as per Cl 3.3 (5) of TPS6, against the objectives of TPS6 and Cl 67 of the Deemed Provisions for Local Planning Schemes.

(g) Council Policy P350.18 – Short-Term Accommodation

In determining the outcome of the proposed 'holiday house,' the use is to be assessed in accordance with Council Policy P350.18. The policy provides guidance in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and the scale of the proposal. In considering the application for a 'holiday home,' the City will have regard to the following matters of Clause 2 in considering the development proposal:

- (a) *The proximity of the development site to tourist features. The City will generally not support proposals located more than 400 metres walking distance from a site, feature or area considered to be of tourism significance, or located in isolated locations such as cul-de-sac streets or in rear grouped dwellings. Sites and features considered to be of tourism significance include Perth Zoo, regional foreshore reserves, activity centres and Curtin University.*
- (b) *The proximity and accessibility to transport infrastructure, including railway station, high frequency bus services as well as cycling, taxi or ride-share infrastructure.*
- (c) *The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area. The City may request a transport impact assessment for proposals likely to generate large volumes of vehicle traffic.*
- (d) *The quality and appropriateness of facilities/communal areas available to occupants of the development, and,*

- (e) *The scale of the proposed use compared to the scale and intensity of development in the area surrounding the development site.*
- (f) *Any proposed management controls by the operator that will be incorporated into the Management Plan required by clause 3.0, which mitigate potential adverse amenity impacts to nearby landowners and occupiers. In the cases where the operator is known, the City shall consider any identified experience or expertise of the applicant/operator in operating other uses involving short term accommodation.*
- (g) *If the application relates to a retrospective development application, whether previous valid complaints have been received relating to a loss of amenity to adjoining properties and whether or not these impacts can be addressed by appropriate management under an approved management plan (refer clause 3.0).*

The proposed 'holiday home' is considered to satisfy the above discretionary criteria in the following ways:

- In defining sites and features to be of 'tourism significance' in Policy P350.18, the Council policy has included examples such as Perth Zoo, regional foreshore reserves, activity centres and Curtin University. The stretch of development fronting Canning Highway between Douglas Avenue to the south and Dyson Street to the north, located approximately 200m to 400m from the site, is regarded to be an activity hub, with the cluster of commercial development consisting of two cafes, two restaurants and two fast food outlets.
- The proposed site is considered to be highly accessible from an occupancy perspective. In terms of the R-Codes the subject site would be within 250m from a high frequency bus service that travels along Canning Highway during peak times providing access to Canning Bridge Train Station and Perth CBD;
- The maximum number of guests on site at any one point in time is limited to a total of 8. However, the management plan states that parking is to be contained on-site, with a total of 2 bays provided. Should the management plan be adhered to by guests, a total number of 3 vehicles arriving and 3 vehicles departing site daily (including potential cleaning services) would not be likely to result in a noticeable difference in traffic volume. This traffic volume would also be considered similar in comparison with the traffic volume generated by a family with two vehicles departing for work in the morning and arriving in afternoon and evening periods. It is noted that the street also provides ample supply of on street parking;
- The proposal will not offer additional facilities or communal areas outside of the existing dwelling and appurtenant open spaces;
- The scale of the use in comparison with the intensity of development of the broader locality is not considered too dissimilar. The street consists of Single houses and Grouped Dwellings. Given the number of guests can range from anywhere between 2 to 8 persons on-site, it is reasonable to expect the average number of guests would be similar to the number of occupants in other dwellings in the locality. It is noted however that the maximum of eight guests would likely be greater. Should Council be of mind that the number of maximum guests is too intense, the number could be reduced;

- A Management Plan has been submitted with the planning application, outlining terms and conditions to limit impacts of noise, traffic and other undue factors which may result in reduced amenity of the locality. The Management Plan is considered to outline appropriate measures in place to handle issues such as antisocial behaviour, aberrant noise, limitation of guest numbers and vehicle parking management.
- The Management Plan addresses the matters set out in Clause 3(a) of Policy P350.18 in the following ways:
 - Limits the minimum occupancy duration period to three nights; with check in at 2pm and check out at 11am;
 - Limits excessive noise to be contained between 7am and 10pm Monday to Saturdays, and 9am to 10pm on Sundays and public holidays;
 - Provides a compliance procedure which involves possible evictions for guests who do not adhere to the Management Plan;
 - Requires guests to adequately secure all openings of the dwelling when absent from the property, for purposes of security;
 - Outlines that the dwelling is explicitly not to be used for the purposes of parties, social gatherings or functions. The neighbours will also be given contact details of the property manager in the case that compliance with this requirement is not upheld;
 - Provides vehicle parking of two bays to the front of the property and prohibits parking outside of the lot.
- With regard to the adjoining resident's current levels of amenity, the Management Plan submitted is an appropriate tool in limiting the impact of noise and antisocial behaviour. A compliance management procedure outlines immediate eviction and termination of contract, should the code of conduct be breached by guests. Furthermore, the contact details of the managing agent will be provided to neighbouring landowners to allow the ability to report any misbehaving actions contrary to that of the rules enforced upon guests of the site

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

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

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

In assessing the application against the objectives outlined in TPS6, the proposed 'holiday house' is considered to address the criteria in the following ways:

- The site remains utilised for the purposes of human habitation, as per the existing Single house and therefore is considered to upkeep the predominant residential character of Vista Street and the immediate locality. The use of the dwelling for the activity of a holiday home, in which would consist of temporary visitation as opposed to permanency of residents, does not significantly alter the use of the site for human habitation;
- The proposal is considered satisfactory in relation to protecting the Residential zone from intensive and inappropriate uses.

Clause 4(a) of Council Policy P350.18 enables the City to grant approval for a 'Use Not Listed' on a temporary basis for a period of 12 months under Cl 72 of the Deemed Provisions. Given the proposal of a 'holiday home' has capacity to be a concern to the amenity of neighbouring properties, it is considered appropriate to limit the approval for twelve months. This will enable the City to review the operator's adherence to the Management Plan and also any concerns raised by neighbours.

At the conclusion of the twelve month period, the approval shall lapse and be of no further affect unless the City resolves to grant approval to a new development application, amend the original approval to delete the condition(s) limiting the time of approval or extends the term of the approval under Cl 77 of the Deemed Provisions.

(i) **Sight lines**

Element	Deemed-to-comply	Proposed
Sight lines	Walls, fences and other structures truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect	Primary street fence proposed to 1.8 metres in height within the prescribed 1.5 metre truncation area
<p><i>Design Principles:</i> <i>P5: Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, right of ways, communal streets, crossovers and footpaths.</i></p>		

The sight lines variation is considered to satisfy the Design Principles of the R-Codes for the following reasons:

- The primary street fence proposes an 80% visual permeability above 0.75 metres in the design. The visual permeability aspect is considered to be largely unobscured and provide a satisfactory level of sight and awareness for the driver of a vehicle when reversing, as well as pedestrians using the footpath.
- The proposed portion of visual permeability is at a greater level than that prescribed within the City's 'Street Walls and Fences Policy' P350.07, which stipulates a requirement for visual permeability above 1.2 metres in height, as opposed to above 0.75 metres in height.

- Furthermore, whilst the fence proposes visual permeability above 0.75 metres in height, the sliding vehicle gate proposes its entire design with 80% permeability up to the maximum height of 1.8 metres. This is considered to be of a similar level of visibility or greater to that of the compliant sight lines figure, which states solid material within the truncation area up to a maximum height of 0.75 metres.

(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 matters listed in Clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. An assessment of the proposal against Clause 67 is considered through the planning assessment above. The matters most relevant to the proposal, and the City's response to each consideration, are outlined in the table below:

Matter	Officer's Comment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposal is considered to be consistent with the relevant provisions of TPS6 and Policy P350.18.
(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;	The Management Plan is considered an appropriate measure to safeguard the amenity of neighbours, as well as limit any significant changes to the character of the area and social impacts of the Holiday House.
(y) any submissions received on the application;	The submissions against the application have been noted and subsequently, the application will only be granted a temporary approval until it is determined whether the Management Plan is adequate and adhered to by the occupiers.

Consultation

(a) Neighbour Consultation

Neighbour consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, a total of 25 consultation notices have been sent, with relevant property owners, occupiers and/or strata bodies invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertisement period, a total of 3 submissions were received, all of which were against the proposal. The comments from the submitters, together with the officer responses are summarised below.

Submitters' Comments	Officer's Responses
The proposal is contrary to the family friendly neighbourhood in which Kensington provides.	The proposed 'holiday home' is still considered to utilise the site for purposes of human habitation, whilst adding to the diversity of housing stock within the locality of Kensington. - Noted
The two storey dwelling directly overlooks the adjoining lot's property and as an impact on visual privacy.	The dwelling on the subject site was previously approved in accordance with the relevant legislation at the time of planning approval - Not Upheld
Noise levels will increase as a result of parties and social gatherings.	The Management Plan strictly prohibits parties and gatherings, with any guests participating in these activities or of a similar antisocial behaviour are to be evicted. The temporary approval will give the City 12 months to review the extent in which the Management Plan and compliance procedure limits noise and the effectiveness of its implementation, before determining whether the use is suitable for a permanent approval. -Noted
The short-term accommodation poses a security threat.	The 'holiday home' caters for a variety of guests, however it would be considered unreasonable to suggest that this service produces a greater level of security risk to neighbouring properties any more so than permanent residents. The Management Plans requires guests to secure the property's doors and windows when absent to prevent theft. - Not Upheld
On street parking on Vista Street is already somewhat limited by workers and clients of nearby commercial businesses.	Nearly all dwellings fronting Vista Street have exclusive single and double car parking spaces contained within their respective lots. However, the section of Vista Street contained by Collins Street to the north and Douglas Avenue to the south consists of approximately 20 on-street bays. - Noted
The Management Plan will not be enforced.	The temporary approval will allow the City to review the applicant's ability to adhere and adequately enforce the Management Plan, particularly in relation to concerns of noise, antisocial behaviour and parking. This will allow the City the option to refuse the applicant's request for a permanent approval once this initial period lapses and the City can determine the appropriateness of the use in its locality. - Noted

(b) Environmental Health comments

Comments were invited from the Environmental Health section of the City's administration. The Environmental Health section provided comments with respect to the proposed use and Management Plan. This section raises no objections and has not recommended further advice be attached to the application's recommendation.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to 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

Conclusion

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. The amenity impact concerns raised by neighbours is acknowledged and therefore it is considered appropriate to recommend a temporary approval for a period of twelve (12) months to enable Council to review the use and its appropriateness with the locality, as well as applicant's ability to properly enforce the Management Plan and compliance procedure. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

Attachments

10.3.3 (a): Development Plans - No. 7 Vista Street, Kensington - 11.2018.318.1

10.3.4 Retrospective additions and alterations to Single House at Lot 119 (No. 123) Lansdowne Road, Kensington

Location: Kensington
 Ward: Moresby Ward
 Applicant: Mr. C Kent
 File Reference: D-18-122996
 DA Lodgement Date: 28 September 2018
 Meeting Date: 27 November 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

To consider an application for development approval for retrospective additions and alterations to the Single House at Lot 119 (Lot 123) Lansdowne Road, Kensington. 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

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 refused for the following reasons:

1. The proposal does not satisfy the design principles of clause 5.4.1 (Visual Privacy) of the Residential Design Codes, by virtue of direct overlooking over adjoining outdoor living areas.
2. The proposal is not considered to satisfy the design principles of clause 2.0 of Local Planning Policy P350.17 and clause 5.3.7 (Site Works) of the Residential Design Codes WA due to the site works failing to appropriately respond to the natural topography of the site. Additionally, the site works are considered to

be in contravention of clause 6.10 (3) of the City’s Town Planning Scheme No. 6, as a result of non-compliance with visual privacy requirements.

- The development is considered to have an unacceptable amenity impact on the south-western adjoining properties by way of visual privacy, and therefore is not considered to satisfy clause 67 (a), (f) and (g) of Schedule 2 (Deemed Provisions) within the Planning and Development (Local Planning Schemes) Regulations 2015.

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

Background

The development site details are as follows:

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

The location of the development site is shown below:

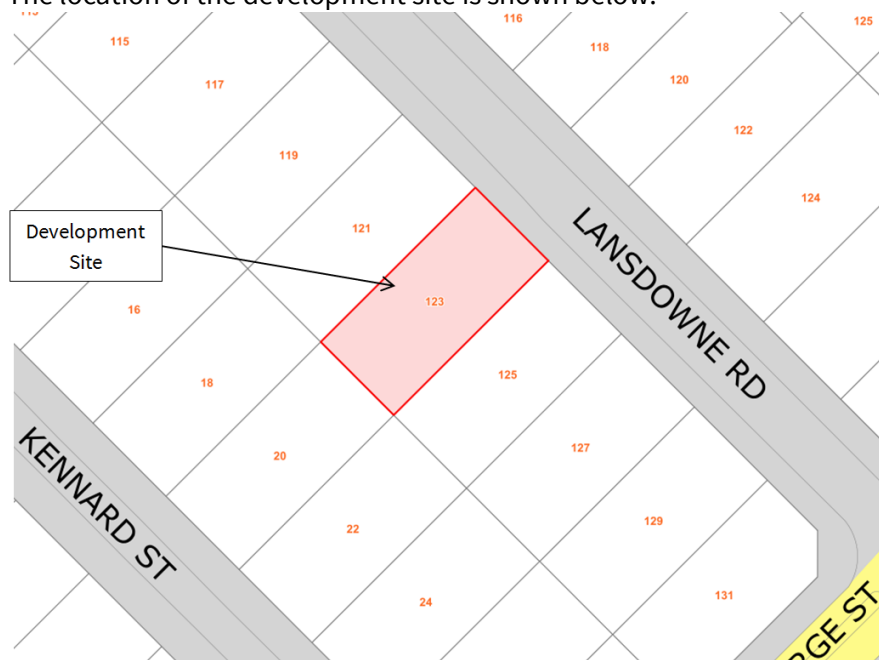


Figure 1: Location map of subject site.

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**

In November 2016, an application for development approval was lodged with the City relating to a two storey Single House. The plans for this application were subsequently approved by the City on 1 February 2017. The approved development plans depicted retaining at the rear of the site, adjacent to the dwelling, which acted as terracing to the backyard area. The ground level of the backyard varied between 21.6m RL to 22.5m RL, whereas the ground level directly adjacent to the dwelling was 23.15m RL.

On 8 February 2017, a building permit application was submitted for limestone walls toward the rear of the site. The limestone walls were considered exempt from development approval as they effectively acted as a dividing fence, less than, or up to, 1.8m in height. The building permit plans submitted in February 2017 did not propose any site works (fill).

On 3 July 2018, a building permit was submitted for a swimming pool at the rear of No. 123 Lansdowne Road. The swimming pool was exempt from development approval as the finished level of the pool did not exceed 500mm from natural ground level. The building permit plans proposed that the pool would be built up to a ground level of 21.88m RL.

In August 2018, the City received an application for development approval concerning retrospective additions and alterations to the Single House at Lot 119 (Lot 123) Lansdowne Road, Kensington (the **Site**).

After conducting a site inspection in September 2018, it was observed that site works (fill) at the rear of the property have been carried out without prior development approval. As such, the development application is retrospective.

A further on-site meeting was arranged with the applicant in October 2018, and discussions were held relating to potential solutions to address the City's concerns. The applicant advised they were willing to consider further fencing positioned on top of the limestone retaining, including glass balustrading to satisfy pool safety requirements. The City recommended that an attempt be made, through the submission of amended plans, to reduce the levels at the rear of the property. This included removing fill from the south western corner and associated terracing of the backyard area.

The amended plans submitted did not depict any change in the levels from what has currently been carried out on site. The revised plans, however, depict further limestone fencing and glass balustrading to be positioned on top of the limestone retaining. Refer to **Attachment (a)** for a copy of the amended development plans.

It is noted that swimming pool has been built above the approved ground level indicated on the building permit plans (RL 21.88) and also limestone blocks have been added to the retaining wall on the western boundary to act as a fence without approval. The City will need to consider these items at a future stage as they do not form part of this application.

- (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 at **Attachment (b)**.
- (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 1** 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:
- Primary street fencing to 1.2m in height;
 - Retaining walls, excavation and landscaping in the front setback area;
 - 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 **not 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
Site works (fill)	Up to 1m of fill within 3m of a lot boundary	Up to 1.5m of fill
<p><i>Design Principles</i> <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> <p><i>Policy P350.17 – Clause 2</i> 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;</p> <ul style="list-style-type: none"> (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 site plan submitted, depicting the site works carried out by the applicant, indicates a level of fill up to 1.8m from natural ground level. As such, the site works that have been undertaken seek a variation from Policy P350.17.

The retrospective site works are not considered to satisfy the applicable design principles of the R-Codes and Policy P350.17 for the following reasons:

- The level of fill carried out is considered to facilitate unreasonable overlooking onto the south-western adjoining site. The image taken below reveals the level of fill in relation to the dividing fence on the south-western boundary, with the fence only protruding slightly above the height of the surrounding ground level.



Figure 3: Site works at the rear of the subject site.

With the fill only being slightly below the top of the dividing fence (approximately 300mm), visual privacy is compromised for the south-western site. This is discussed further in the ‘Visual Privacy’ section of this report. It is recognised that the amended plans propose an extension to the height of the fence at the rear, with a portion comprising glass balustrading. The height of the solid component of additional fence from the new ground level is still less than the necessary 1.6m, which is the minimum height required to achieve compliance with clause 5.4.1 (Visual Privacy) of the R-Codes.

- The extent of fill is not considered to appropriately respond to the natural features of the site. An excerpt from the north-western elevation drawing below shows the previous ground level (in dashed red) and the fill up to 23.164m RL (in dashed black).

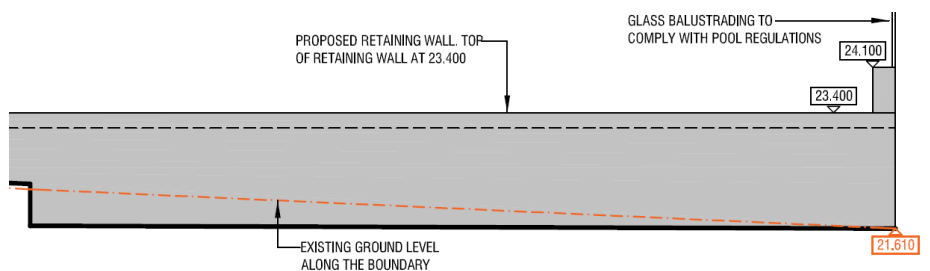


Figure 4: Elevation drawing of the amended plans, on the north-western elevation.

This discrepancy in ground levels is considered to be significant and cannot reasonably be described as 'minimal fill', which is the specific wording prescribed in the design principles of clause 5.3.7 P7.1 of the R-Codes. It is also noted that the height of a standard dividing fence is 1.8m, meaning the fill that has been carried out renders the fencing almost redundant as it cannot effectively screen adjoining sites. Instead, the limestone wall predominantly acting as retaining.

- While it could be argued that the site works respect the natural ground level of the site as viewed from the street, it does not suitably respond to the topography of the adjoining sites. The substantial imbalance in levels between surrounding sites, as well as the need to construct further dividing fencing on top of the limestone wall (which previously acted as a dividing fence), is considered to result in an overbearing impact on neighbours.
- It is also considered that the site works undertaken are not necessary to the extent conducted, given that the originally approved site plan, as part of the Single House application (ref. 11.2016.446.1), included retained terracing to respond to the natural slope of the site (see image below).

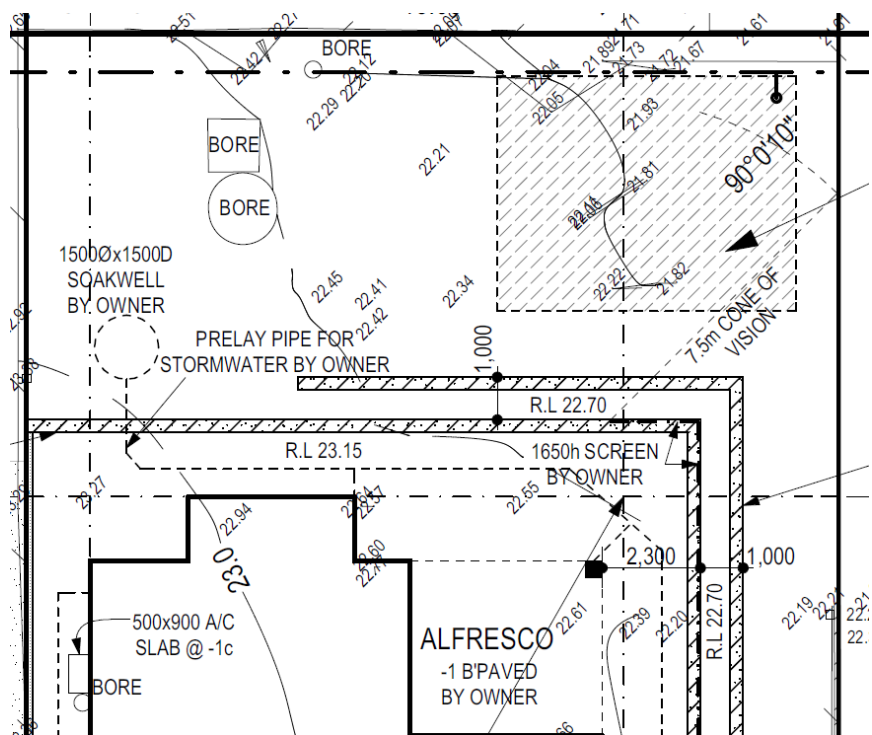


Figure 5: Site plan of the originally approved Single House at No. 123 Lansdowne Road, with terracing shown adjacent to the dwelling.

Rather than opting to terrace a portion of the rear of the site, in response to the natural topography, the applicant has elected to extend the ground level across the rear setback area to become one uniform level. While a more level backyard does provide for a more practical and useable outdoor living area, the site works do not respond to the natural features of the site appropriately. The terracing shown above demonstrates there are viable alternatives to respond to the slope, which would more adequately satisfy the

applicable design principles of the R-Codes and Policy P350.17 – Site Works.

Consideration is also given to clause 6.10 (3) of TPS6, relating to finished ground levels external to a dwelling. For reference, clause 6.10 (3) is as follows:

The finished ground level beyond the external walls of the building shall be calculated to generally achieve equal cutting below and filling above the natural ground level at the perimeter of the site, provided that the local government may permit or require the finished level to be varied to the extent necessary to comply with the following:

- (a) The site shall not be filled to a level which, in the local government's opinion, would unreasonably adversely affect the amenity of neighbouring properties in relation to visual impact and overshadowing.*
- (b) Portions of the site beyond the external walls of the building shall be filled to a level which, in the local government's opinion, is necessary to maintain visual privacy for the occupiers of any adjoining lot, consistent with the provisions of any Local Planning Policy.*

The site works are not considered to be supportable against clause 6.10 (3) of TPS6 for the following reasons:

- The site works unreasonably affect the amenity of the adjoining property, both through a visual impact and overshadowing. Notwithstanding the development complying with the overshadowing requirements of the R-Codes, the shadow impact on the outdoor living area is considered to be adverse. The need to construct another dividing fence on the south-western boundary, on top of the limestone wall, would result in a dividing fence with a maximum height in the vicinity of 3.6 metres from natural ground level.



Figure 6: Aerial image showing outdoor living area to the south-west at No. 20 Kennard Street.

- As previously mentioned, the development would not comply with the visual privacy requirements of the R-Codes. Due to no dividing fence being provided with a height greater than 1.6m from the surrounding level, residents can directly overlook the south-western adjoining site.

(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> Residential Design Codes – Clause 5.2.5 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.

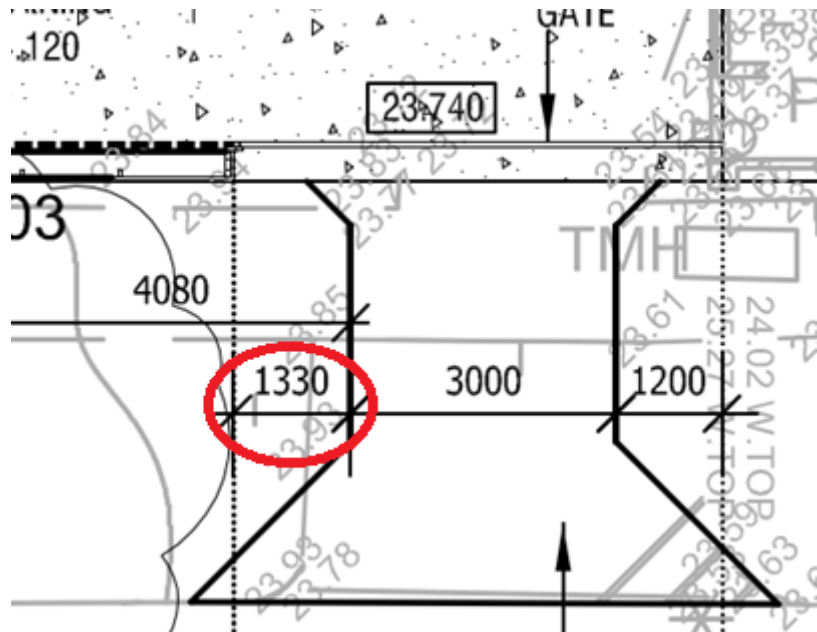


Figure 7: Vehicle sightline truncation from fencing to crossover.

(g) Fencing Height

Element	Deemed-to-comply	Proposed
Fencing Height	1.8m in height	Maximum of 3.4 metres

Design Principles

Policy P350.07 – Street Walls and Fences

- (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.
- (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.
- (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.
- (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.

While some additional fencing height is necessitated to comply with pool safety regulations, the overall height of the fence to the rear of the subject site is not 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 3.4 metres from natural ground level. This is considered to be significant, and approximately twice the height of an ordinary dividing fence (typically 1.8 metres high). In some cases, it is difficult to achieve compliance with the permitted maximum of 1.8m height for a dividing fence where a substantial gradient or topography

differential exists on site. However, in the case of this application, the current ground level is not the natural ground level, and the fence therefore does not respond the natural topography of the site. Rather, the additional fencing height is in response to what is considered to be a significant extent of fill.

- The additional fencing height proposed in the amended plans is considered to exacerbate a sense of confinement, bulk and shadow to the south-western adjoining site. Notwithstanding the inclusion of glass balustrading to lessen a perception of bulk and allow for some sunlight access, the overall visual impact onto the south-western adjoining property is considered to be adverse and is not supported, particularly due to the rear boundary of the subject site abutting the main outdoor living area of No. 20 Kennard Street.

(h) Visual Privacy

Element	Deemed-to-comply	Proposed
Visual Privacy Setback – Outdoor living area (south-west)	7.5m visual privacy setback	Minimum of nil (0m) 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"> • Building layout and location; • Design of major openings; • Landscape screening of outdoor active habitable spaces; and/or • Location of screening devices. <p>P1.2: Maximum visual privacy to side and rear boundaries through measures such as :</p> <ul style="list-style-type: none"> • Offsetting the location of ground and first floor windows so that viewing is oblique rather direct; • Building to the boundary where appropriate; • Setting back the first floor room from the side boundary; • Providing higher or opaque and fixed windows; and/or • Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters. 		

The visual privacy variation is not considered to satisfy the design principles of the R-Codes for the following reasons:

- The height of the fill carried out enables direct overlooking toward to the outdoor living areas of the south-western adjoining properties. Outdoor living areas are considered to be sensitive spaces where a greater emphasis is placed on protecting and maintaining adequate visual privacy for affected residents.
- The solid component of the additional fencing shown in the amended plans is 935mm from the surrounding ground level, which does not comply with the minimum height of 1.6m required in the deemed-to-comply of clause 5.4.1 of the R-Codes. As such, overlooking is not restricted, as the glass balustrading would enable viewing onto adjoining sites.

- (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 (considered not to comply in bold):

(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 unsatisfactory in relation to the above item in bold.

- (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 not considered to be consistent with the aims and provisions of the Scheme, particularly the following: <i>Clause 1.6 (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.</i>
(f) any policy of the State;	For reasons outlined in the report, the development is not 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 not 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

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

During the advertising period, a total of 3 consultation notices were sent and 1 objection was received. The comments of the submitter, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p>Site works The extent of fill carried out does not respond to the topography of the site and is unnecessary.</p>	<p>For reasons outlined in the report, the site works that have been undertaken by the applicant are not considered to satisfy the applicable design principles. As such, it is considered that the fill has a detrimental impact on the adjoining property.</p> <p>The comment is UPHELD.</p>
<p>Visual Privacy The site works allows for residents on the subject site to directly overlook our outdoor living area.</p>	<p>The visual privacy variation is not considered to be supportable against the design principles of the R-Codes, given it directly overlooks a sensitive space.</p> <p>The comment is UPHELD.</p>
<p>Dividing Fence Height With the need to install an additional dividing fence on the rear boundary, the overall height of the fence would have a substantial impact.</p>	<p>While a dividing fence is not proposed as part of this application, the City notes the need for such a fence on the rear boundary in order to comply with visual privacy. The City considers the resultant fence height, by virtue of adding another standard dividing fence (1.8m) on top of the limestone wall, to be excessive.</p> <p>The comment is NOTED.</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.

Should Council decide to refuse this application the City Officers will issue a Direction pursuant to section 214(3) of the Planning and Development Act 2005, requiring the ground levels at No. 123 Lansdowne Road to be returned to that shown on the approved drawings forming part of DA No. 11.2016.446.1.

Financial Implications

This determination has some financial implications – if the applicant were to appeal the decision or the 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 not meet all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will have a detrimental impact on adjoining residential neighbours. In particular, the visual privacy variation, caused by the extent of fill carried out, is considered to have a significant impact on the amenity of the south-western adjoining property, due to direct overlooking being facilitated. The proposed limestone fencing on top of the existing fence (retaining) is also considered to result in a detrimental impact on the affected property to the south-west.

Accordingly, it is considered that the application should be refused. Noting that the site works have been carried out, a Directions Notice will need to be issued to the owner(s), requiring the ground levels at No. 123 Lansdowne Road to be returned to that shown on the approved drawings forming part of DA No. 11.2016.446.1.

Attachments

- 10.3.4 (a):** Amended Plans - 123 Lansdowne Road - Retrospective additions to Single House - 11.2018.286.1
- 10.3.4 (b):** Site Visit Photos - 123 Lansdowne Road - Retrospective additions and alterations to Single House - 11.2018.286.1

10.3.5 Proposed 2 x Two Storey Single Houses on Lot 800 (Proposed Lots 802 and 803) (No. 42) Salter Point Parade, Salter Point

Location:	Proposed Lots 802 and 803 (No. 42) Salter Point Parade, Salter Point
Ward:	Manning Ward
Applicant:	Capella Constructions Pty Ltd
File Reference:	D-18-122997
DA Lodgement Date:	2 August 2018
Meeting Date:	27 November 2018
Author(s):	Scott Price, Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for development approval for 2 x Two Storey Single Houses on Lot 800 (No. 42) Salter Point Parade, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Building height restrictions in Precinct 13 'Salter Point'	TPS6 Clause 6.1A (9)
Minimum ground and floor levels	TPS6 Clause 6.9
Boundary wall (western boundary wall)	Clause 2 of Policy P350.2 & Design Principles of Clause 5.1.3 of R-Codes WA
Open space	Design Principles of Clause 5.1.4 of R-Codes
Overshadowing	Design Principles of Clause 5.4.2 of R-Codes

Officer Recommendation

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 two, two storey Single houses at Lot 800 (Proposed Lot 802 and 803) (No. 42) Salter Point Parade, Salter Point **be refused** for the following reasons:

- (1) The proposal is not considered to satisfy the criteria of clause 6.1A (9) of Town Planning Scheme No. 6 as views of the Canning River from the property to the west will be significantly obstructed by the proposal.

(2) The proposal is not considered to satisfy the Design Principles of clause 5.4.2 P2.2 (Overshadowing) in the Residential Design Codes WA by virtue of an unacceptable shadow impact on:

- a north facing major opening; and
- the courtyard of the dwelling proposed at Lot 802.

(3) The development is considered to have an unacceptable amenity impact on the western adjoining lot by way of impeding views to the Canning River, and therefore is not considered to satisfy clause 67 (n) of the Deemed Provisions within the Planning and Development (Local Planning Schemes) Regulations 2015.

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

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	803 sq. metres
Building height limit	3.5 metres
Development potential	Two dwellings (deposited plan for two lot survey strata recently approved by WAPC)
Plot ratio limit	N/A

The location of the development site is shown below:



Figure 1: Development Site

10.3.5 Proposed 2 x Two Storey Single Houses on Lot 800 (Proposed Lots 802 and 803) (No. 42) Salter Point Parade, Salter Point

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. ***Development involving the exercise of a discretionary power***

Applications in areas situated within Precinct 13 - Salter Point which

- (i) have been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres; and*
- (ii) will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.1A(9) of the Scheme;*

Comment

(a) **Background**

In August 2018, the City received an application for two Single Houses, both of which are two storeys, at proposed Lots 802 and 803 (No. 42) Salter Point Parade, Salter Point (the **Site**).

An amended set of plans were provided by the applicant in response to concerns raised by the assessing office, relating specifically to maximum building height. The amended plans reduced the wall height of the proposal to comply with the TPS6 requirement of 3.5 metres.

Two lots have been created at Lot 800, No. 42 Salter Point Parade as part of the conditional subdivision approval WAPC154232. It is noted that the subdivision application proposed a significant variation to the average site area requirement specified in the Residential Design Codes (R-Codes) and the City recommended refusal of the subdivision application on this basis. Notwithstanding the City's recommendation, the Western Australian Planning Commission (WAPC) elected to approve the subdivision application, resulting in the creation of two new lots, 802 and 803.

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

A single storey dwelling was recently demolished. The site is current vacant.

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

The Site is a corner lot with frontages to Letchworth Centre Avenue to the north and Salter Point Parade to the east, as seen in Figure 2 below:



Figure 2: Aerial image of subject site

(d) **Description of the Proposal**

The proposal involves two Single Houses, each of which is proposed at two storeys, as depicted in the submitted plans at **Attachment (a)**. One dwelling is located on each proposed lot (Lot 802 and 803). The proposed two, two storey Single Houses includes the following:

Lot 802 (depicted as No. 42 Salter Point Parade)

- Four bedrooms;
- Two bathrooms;
- Two car garage;
- Kitchen;
- Family room;
- Meals room;
- Laundry;
- Courtyard; and
- Terrace; and
- 25 degree roof pitch

Lot 803 (depicted as No. 42A Salter Point Parade)

- Four bedrooms;
- Two bathrooms;
- Two car garage;
- Kitchen;
- Family room;
- Meals room;
- Courtyard;
- Alfresco; and
- 25 Degree roof pitch.

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

(e) **Scheme and R-Code Provisions**

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

- (i) Building height restrictions in Precinct 13 for 'Salter Point'
- (ii) Minimum ground and floor levels;
- (iii) Boundary wall (west)
- (iv) Open space
- (v) Overshadowing

The various discretionary assessments are discussed in further detail below.

(f) **Building height restrictions**

Clause 6.1A (9) of TPS6 stipulates specific building height restrictions on lots located within Salter Point, where building height limits of 3.0 metres, 3.5 metres or 6.5 metres apply. As per TPS6, a person shall not erect or add to a building on these specified lots, unless the Council is satisfied that views to the Canning River from any buildings on adjoining lots are not significantly obstructed. Additionally, Clause 6.1A (4) of TPS6 specifies the ability for Council to impose restrictions on roof height where the proposed roof pitch or height is considered to result in an adverse amenity impact on, or be out of character with, development on the development site or within the focus area, or contravene any adopted Local Planning Policy relating to the design of buildings, significant views, or maintenance of streetscape character.

Furthermore, Clause 7.8 (2) of TPS6 states Council's discretionary power does not extend to Building Height Limits referred to in Clause 6.1A. Due to this provision, the applicant provided the City with amended plans to address the concerns of building height for both dwellings.

At present, the neighbouring property to the west (No. 47 Letchworth Centre Avenue) obtains views of Sandon Park and the Canning River (significant view). Accordingly, the adjoining properties of the proposed development site were provided the opportunity to submit comments or concerns on the proposals potential impacts to their views, through the City's consultation process. The conclusion of the consultation period resulted in two submissions being received, with one written objection based upon the loss of views.

Photos taken from the site visit to the western adjoining property are contained in **Attachment (b)**. The below image in Figure 1 demonstrates the viewing corridors from No. 47 Letchworth Centre Avenue that would be potentially affected by the proposed development.

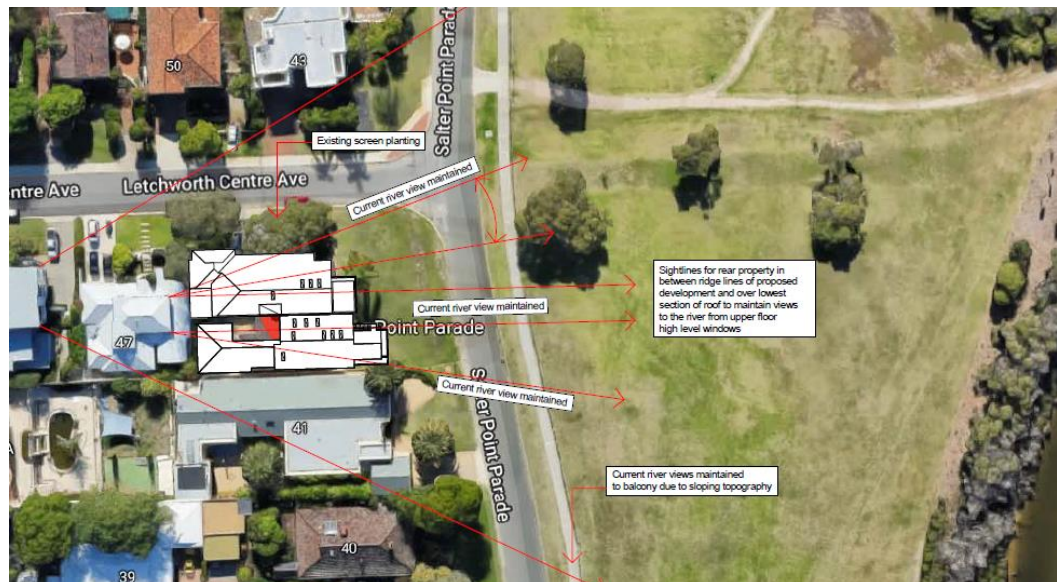


Figure 1: Applicant's aerial view provided showing the viewing corridor of the adjoining rear lots towards the Canning River.

In response to these concerns, the applicant has provided a detailed justification with associated diagrams and attachments to illustrate the impact the development would have on views towards Canning River.

In order to be satisfied that views of Canning River will not be significantly obstructed the impact of the development of views of the adjoining properties needs to be considered. As such, reference is made to the previously cited case of APP Corporation Pty Ltd and City of Perth [2008] WASAT 291 which considers a 'four - step assessment'. As the detail of the case has been discussed in previous assessments, the four - step assessment can be categorised as follows:

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

The impact on the views towards Canning River as a result of the development is not considered to be supportable for the following reasons:

In relation to step 1, the views from No. 47 Letchworth Centre Avenue are largely towards the east. The upper floor opening providing the view predominantly contains views of Sandon Park and glimpses of the Canning River towards a south easterly direction. It is acknowledged that views of the Canning River are partially obscured by existing vegetation; however the view from the dwelling manages to encapsulate the transition between sky, river and greenery. An example of this view is included in the image below for Figure 2. It is, however, noted that the Site is currently vacant and therefore views are uninterrupted. The previous dwelling on the Site was a modest single storey dwelling with relatively low pitched roof impeding some of the view shown below.



Figure 2: The current view from inside the upper floor of No. 47 Letchworth Centre Avenue (western adjoining lot to subject site) looking in an eastwards direction.



Figure 3: Vantage point from inside the upper floor of No. 47 Letchworth Centre Avenue (western adjoining lot to subject site) looking in an eastwards direction.

In regards to step 2, the views are obtained via an upper floor living room area of No. 47 Letchworth Centre Avenue. The space is understood to be used frequently for significant durations of time. In any case, the view towards the south east from No. 47 Letchworth Centre Avenue obtains views of the Canning River, albeit somewhat impeded by dense vegetation, as seen in Figure 3.

In relation to step 3, the applicant has provided multiple images depicting the current line of sight to the river from the upper floor of No. 47 Letchworth Centre Avenue, as well as the proposed line of site from the same opening in question once the proposed development is finalised. As demonstrated in Figure 4, an eastern view corridor between the roof ridges of the proposed dwellings has been spared, however the view towards the south east obtaining the majority of the Canning River is to be impacted by the height and hipped roof form of the proposed dwelling on Lot 802.

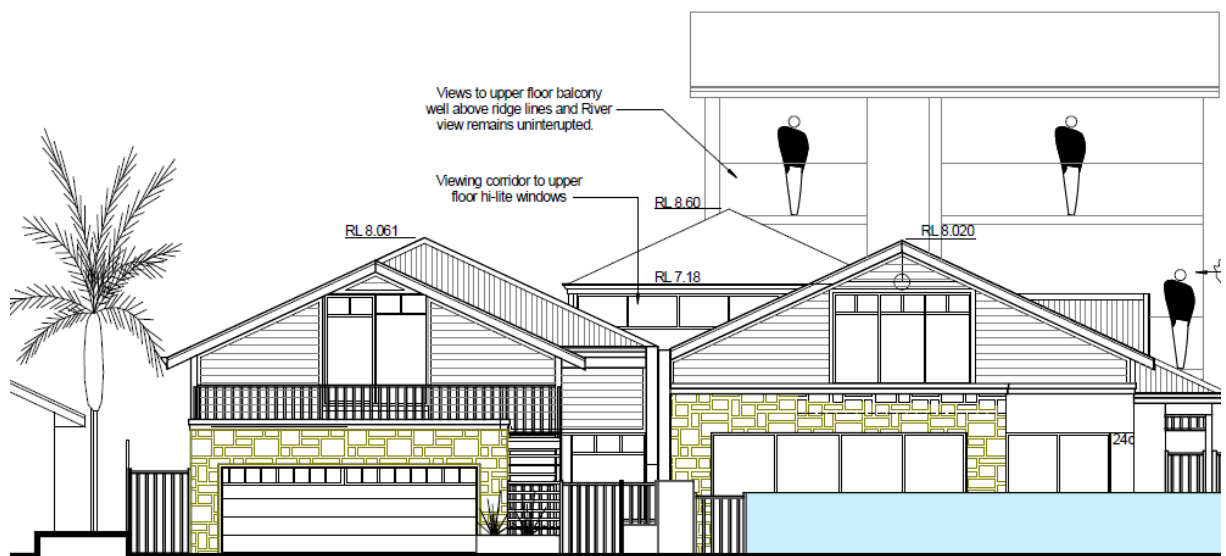


Figure 4: Drawing with proposed dwellings on the subject site superimposed demonstrating the impacts on No. 47 and No. 49 Letchworth Centre Avenue.

In relation to step 4, the proposal at No. 42 Salter Point Parade is not considered to be reasonable due to impacts on the existing views obtained by the western adjoining dwelling at No. 47 Letchworth Centre Avenue. Reasons for this outcome are that whilst the two dwellings comply with building height limit, lots specified within Precinct 13 under TPS6 with a 3.5 metres building height limit are intended to be of a single storey nature rather than two storeys as proposed. If a single storey was proposed, the roof ridge could be reduced in pitch, or alternatively provided in a more concealed design to maintain the Canning River views obtained by the adjoining western dwelling.

It is acknowledged that a degree of difficulty is expected in producing an absolute visual representation of the potential obstruction of views of significance without computer visualisation programs. On the basis of field survey provided, Council is required to consider whether the proposed buildings will cause significant obstruction on the existing views of Canning River.

The applicant amended the development plans multiple times on advice of the City Officer's in order to comply with maximum building height requirements. Nonetheless, the applicant has elected to retain a two storey design for both dwellings on Lot 802 and 803, exacerbating the potential veiling of views to Canning River from No. 47 Letchworth Centre Avenue.

Overall, it is considered that the views of the Canning River from neighbouring land will be significantly obstructed by the dwellings proposed at Lot 802 and 803, No. 42 Salter Point Parade.

Draft Policy P320 – 'Assessment of Significant Obstruction of Views in Precinct 13 – 'Salter Point'

The Ordinary Council Meeting of 30 October 2018 included a Draft Local Planning Policy in the agenda, in reference to assessments of significant obstruction of views in Precinct 13 – Salter Point. Subsequently, Council resolved to advertise P320 on 30 October 2018. The policy provided objectives and criteria to assist in the assessment of development under clause 6.1A(9)(c) of the Scheme, for lots with a building height limit of 3.0 metres, 3.5 metres and 6.5 metres.

Draft P320 has been prepared so that development that is contained wholly within the BHL is considered to satisfy clause 6.1A (9)(c) of the Scheme. Any development above the BHL, as possible under clause 6.1A (5), is subject to assessment under the policy. This provides certainty to all stakeholders that any development wholly within the building height limit is permitted as of right and will not be subject to an assessment of the impact on views. It also provides certainty that any development over the building height limit (i.e. projections) will be subject to more strict development controls in relation to impact on views. Limitations for projections above the building height limit include a maximum roof pitch of 15 degrees. Against this criterion, the proposal would not be considered supportable, due to a 25 degree roof pitch.

It is acknowledged that whilst this policy remains in draft form, the document and the objectives within it can only be given regard when considering this application.

(g) Minimum ground and floor levels

Element	Deemed-to-comply	Provided
Minimum level required to develop	Minimum 1.7 metres above Australian Height Datum	2.26 metres
Level of floors of habitable rooms	Minimum 2.3 metre above Australian Height Datum	1.94 metres
Level of floors of non-habitable rooms	Minimum 1.75 metres above Australian Height Datum	2.2 metres
Level of car parking space	Minimum 1.75 metres above Australian Height Datum	1.6 metres

Local government may permit land to be developed with lower levels than prescribed above in Clause 6.9 (2), providing the following requirements are satisfied:

- (a) Provisions are made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;
- (b) The applicant provides the local government with certification from a consulting engineer that adequate water-proofing has been achieved; and
- (c) The applicant satisfies the local government in such manner as the local government may specify that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot.

Comments provided by the City's Engineering service have strongly advised that the development will experience significant flooding issues, should the application be approved. Should the application be endorsed for approval by Council, the requirements above are to be incorporated into the approval in the form of relevant conditions.

(h) Boundary wall (west)

Element	Deemed-to-comply	Provided
Western boundary wall (Lot 803 garage)	1 metre	0 metres
<p><i>Design Principles:</i></p> <p><i>Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p><i>Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and Streetscape. 		

The western boundary wall is considered to satisfy the Design Principles of the R-Codes and Policy P350.02 for the following reasons:

- Impacts of bulk and scale are minimal, given the wall only 6 metres in length and is screened up to 1.8 metres by a dividing fence. Furthermore, the wall is not aligned to the neighbour's sole major outdoor entertaining area, thus reducing its visual intrusiveness;
- The boundary wall will have minimal impact on the site's ability to access northern sunlight. Additionally, the scale of the wall is not likely to significantly reduce the site's ventilation to open spaces;

- The boundary wall does not consist of openings and will not impact on the privacy of the western adjoining lot;
- The boundary wall makes effective use of a space by creating a buffer between the proposed dwelling and the neighbouring dwelling's front yard. Furthermore, the wall makes effective use of the space by providing for sheltered car parking;
- The adjoining property will not be impacted by shadow (as per R-Code measurement);
- The boundary wall is not deemed to be out of character with the streetscape, whilst having a negligible impact on the adjoining western dwelling's view from the front yard towards the street.

(i) Open space

Element	Deemed-to-comply	Provided
Open Space – Lot 802	50% (200m ²)	49% (196m ²)
<p><i>Design Principles:</i> <i>Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> • <i>Reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i> • <i>Provide access to natural sunlight for the dwelling;</i> • <i>Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i> • <i>Provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i> • <i>Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</i> • <i>Provide space for external fixtures and essential services.</i> 		

The proposed open space for Lot 802 is considered to be supportable against the Design Principles of the R-Codes for the following reasons:

- The shortfall of 4m² open space is a minor departure from the Deemed-to-comply criteria and is not considered to significantly deviate from the desired open space within the streetscape and broader locality;
- The proposal offsets a majority of its open space towards the northern aspect of the lot, in order to utilise winter sunlight orientation;
- The bulk of the dwelling in relation to the general expectation of the locality is considered to be at an acceptable level, through complying with setbacks reduce proximity of walls with neighbouring lots, as well as complying with a required building height limit of 3.5 metres;
- The dwelling provides a compliant street setback area in order to allow the applicant the ability to enhance the streetscape through techniques such as landscaping and vegetation;
- The open space provided is clustered towards the northern aspect to allow for a functional space for purposes of outdoor recreation on the lot;
- The dwelling maintains setback corridors to be utilised for purposes of external fixtures and essentials services.

(j) **Overshadowing**

Element	Deemed-to-comply	Provided
Overshadowing of Lot 802	25% (100m ²)	38% (156m ²)
<p><i>Design Principles:</i> <i>Effective solar access for the proposed development and protection of the solar access. Development designed to protect solar access for neighbouring properties taking into account the potential to overshadow existing:</i></p> <ul style="list-style-type: none"> • <i>Outdoor living areas;</i> • <i>North facing major openings to habitable rooms, within 15 degrees of north in each direction; or</i> • <i>Roof mounted solar collectors.</i> 		

The overshadowing to Lot 802 resulting from development of Lot 803 is not considered to satisfy the Design Principles of the R-Codes for the following reasons:

- Whilst the proposed southern boundary of lot 803 is compliant with the R-Codes (C3.2 (iv) of Clause 5.1.2), the shadow projecting from this wall covers the entirety of the courtyard of the proposed dwelling at lot 802 in midday winter periods;
- The shadow cast from lot 803 diminishes the ability for Bed 2 of the proposed dwelling on lot 802 to access winter sunlight in midday periods. This is the sole north facing major opening to a habitable room for lot 802;
- It is however acknowledged that under the current provisions of the R-Codes, achieving a compliant percentage of overshadowing to the southern adjoining lot can be somewhat challenging on narrow, east-west orientated lots.

The following note from the Explanatory Guidelines for Residential Design Codes WA is referred to in assessing overshadowing, particularly in the context of development applications proposed on narrow lots of an east-west orientation:

It is clear that the sites most vulnerable to overshadowing are narrow east-west orientated sites, on the south side of a development site, especially if they are also lower or on a south facing slope. In such cases, even a relatively low building may cast mid-winter shadow over a greater proportion of the site than allowed under deemed-to-comply provisions. It is possible, however, that some overshadowing is unavoidable. In these cases, careful consideration as to what is being overshadowed, rather than the extent of overshadowing, should be judged on merit and the design principle applied. (Explanatory Guidelines for Residential Design Codes WA, pages 66-67).

It is also noted that despite the proposal being considered contrary to the Design Principles of the R-Codes for overshadowing, the application has been lodged in a simultaneous nature for both dwellings. With the development consisting of two dwellings on the newly created lot, the applicant is aware of the impacts associated with shadow falling within the proposed dwelling of lot 802.

(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
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	As outlined above, the proposal is not considered to satisfy Clause 6.1A (9) of the Town Planning Scheme No. 6, in relation to Building Height Restrictions in Precinct 13.
(c) any approved State Planning Policy;	As outlined in the assessment above, one element of the proposal is not considered to satisfy the Design Principles of Clause 5.4.2 of the Residential Design Codes WA, which is a State Planning Policy incorporated into the City's Town Planning Scheme No. 6.
(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;	The proposal is not considered to have an acceptable impact on the amenity of the locality by virtue of an adverse overshadowing impact and loss of views, as detailed in the report.
(y) any submissions received on the application;	The submissions received in the advertising period have been duly considered, as outlined in the 'Consultation' section of this report.

Consultation

- (a) Neighbour Consultation
Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at No. 41 Salter Point Parade, No. 45 and 47 Letchworth Centre Avenue, No. 42A Sulman Avenue and No. 190, No. 192 and No. 196 River Way, were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 7 consultation notices were sent and 2 submission(s) were received, both objecting to the proposal. The comments of the submitters, together with officer response(s) are summarised below.

Submitters' Comments	Officer's Responses
The submitter has requested the screening on the southern elevation to the balcony to be increased from 1.6 metres above the finished floor level to 1.75 metres above the finished floor level.	The application proposes screening up to 1.6 metres above the finished level of the upper floor balcony of lot 803. No further request for additional height to the screening was made, as the screening complies with relevant provisions of the R-Codes. - Not upheld
Concerns have been raised in regards to whether the verge tree on the Letchworth Centre Avenue frontage will remain.	The verge tree will remain. Any tree pruning or removal within Council land requires permission from the City, in which has not been sought. - Noted
The open space discretion does not constitute an objection from the respective submitter.	The open space discretion is a supported element in the above assessment. - Noted
The proposed ridge design of both dwellings impedes a significant percentage of views towards the Canning River from the western adjoining dwelling.	The development's impact on views to the Canning River from the adjoining dwelling has not been supported, as per the above assessment. - Upheld
The development has not been designed in accordance with the intended building envelope envisaged for lots with a 3.5 metre building height limit.	Whilst the development complies with the building height limit, the additional storey contained within the roof ridge has resulted in concerns regarding impact on views and potential overdevelopment of the site. - Noted

(b) Internal Administration

Comments were invited from the Engineering Infrastructure section of the City's administration.

The City's Engineering Infrastructure section was invited to comment on a wide range of issues relating to vehicle movements, car parking, finished levels and drainage.

Specifically, concerns relating to the proposed levels of the development and were raised. Significant flooding to the garage and other floor levels below 1.7 metres Australian Height Datum may be experienced, as the proximity of the site in relation to the Canning River has resulted in particularly high water table levels.

10.3.5 Proposed 2 x Two Storey Single Houses on Lot 800 (Proposed Lots 802 and 803) (No. 42) Salter Point Parade, Salter Point

(c) **External Agencies**

Comments were invited from the Swan River Trust with respect to the potential effect of the development upon the Swan and/or Canning Rivers. This agency raises no objections and provided relevant conditions, should the application be recommended for approval.

Policy and Legislative Implications

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

Financial Implications

If the owner is aggrieved with the Council's decision, it may pose some financial implication if an applicant is to appeal the decision with the State Administrative Tribunal.

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 not meet all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions. The views of the Canning River from the adjoining property to the west will be significantly obstructed due to the two storey nature of the dwellings. In addition the proposed dwelling on Lot 803 does not protect solar access to the proposed dwelling on Lot 802. For these reasons, the application is recommended for refusal.

Attachments

- 10.3.5 (a):** Development Plans - 11.2018.282.1 - No. 42 Salter Point Parade, Salter Point
- 10.3.5 (b):** Site Photos - No. 42 Salter Point Parade - 16 October 2018

10.3.6 Waste Management: Response to Notice of Motion

Location:	City of South Perth
Ward:	All
Applicant:	
File Ref:	D-18-122999
Meeting Date:	27 November 2018
Author(s):	Jac Scott, Manager Business & Construction
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.4 Resource Management & Climate Change

Summary

This report responds to the Mayor's notice of motion at the September 2018 Council Meeting regarding waste education, a sustainable living programme and to demonstrate how the City can lead by example – e.g. recycling in City premises and events.

Officer Recommendation

That a draft Waste Management Plan be presented to the February 2019 meeting of Council, that will detail the City's commitment to:

- Waste education;
- A sustainable living programme; and
- Demonstrating how the City can lead by example – e.g. recycling in City premises and events.

Background

At the Council Agenda Briefing held 23 October 2018 the Mayor gave notice that at the 30 October 2018 Ordinary Council Meeting she would move the following Motion:

That the City prepare a report to the November meeting of Council about reviewing its commitment to:

- *Waste education;*
- *Sustainable living programme; and*
- *Demonstrating how the City can lead by example – e.g. recycling in City premises and events.*

The City's approach to waste management is bounded by a strict regulatory framework. It is founded on the principles of Avoid Recover and Protect and seeks to align with the Waste Authority's State Strategy.

Avoid- Western Australians generate less waste.

Recover- Western Australians recover more value and resources from waste.

Protect- Western Australians protect the environment by managing waste responsibly.

The current state waste strategy was released in March 2012: Western Australian Waste Strategy “Creating the Right Environment”. This strategy included the target for a 65% diversion rate from landfill by 2020.

The Waste Authority released a draft update for comment in October 2018: Waste Strategy 2030. The landfill diversion target is now 85% diversion by 2030. There are additional targets of a 20% reduction in waste generation by 2030 and an increase in material recovery to 75% by 2030. This additionally has the target to recover energy from residual waste only.

The City’s support for the Waste to Energy (WtE) plant, that reached financial close recently, was in direct response to the 2020 target. The City expects to achieve a diversion rate in excess of 90% following the opening of the plant which is forecast for late 2021. This will exceed both the 2020 and the 2030 target set by the Waste Authority for waste diversion from landfill. This is a testament to the City’s established and ongoing commitment to responsible and effective waste management.

The City’s Environment & Sustainability section has been successfully running community sustainable living programs for a number of years, along with youth environmental programs such as the long term partnership with Millennium Kids.

Comment

The WtE plant has been the City’s primary focus in recent years in seeking to reach an improved level of waste diversion from landfill. The City is now developing a new Waste Management Plan (WMP). This will align with the State Waste Strategy 2030 as far as possible whilst also supporting the City’s commitment to the WtE plant.

The draft WMP acknowledges the need for improved community education and leadership.

The draft objectives of the plan are:

- sustainable community waste education;
- a coordinated approach to increasing resource recovery;
- improving local amenity; and
- addressing Climate Change.

The WMP is being developed on the following draft principles:

- minimise waste (following the waste hierarchy);
- maximise benefits (reclaim resources);
- accountability (measure and report progress and outcomes);
- financial responsibility (provide full cost recovery , value for money);

- innovation (consider all options and opportunities);
- collaboration (develop solutions beyond municipal boundaries);
- sustainability (protect the environment and public health);
- shared responsibility (support community participation, education, behaviour change); and
- equity (continue to deliver a fair, affordable and accessible service).

The City's commitment to ongoing and improved waste education; sustainable living programmes; and leading by example will be demonstrated within the draft WMP. Key emerging issues to address in the new WMP will be:

- waste reduction;
- energy recovery ;
- the container deposit scheme;
- Food Organics Garden Organics (FOGO); and
- the three bin system

During the development and approval of the WMP the existing City activities that support the effective and responsible management of waste will continue. The WMP will include a specific Action Plan addressing each of the Principles of the Plan. These actions will become the new focus for waste management and education following adoption of the plan.

A key component of the WMP will be to ensure a coordinated approach to the programs already undertaken by the Environment & Sustainability section to ensure resources for programs are appropriately targeted to areas of need.

Over the last two financial years the following programs have been implemented by the Environment & Sustainability team:

- In excess of 15 annual community sustainability education workshops have been held;
- Natural areas restoration activities have been held with the community, including manual weed control, planting, mulching, clean up days, flora surveys, weed mapping and water quality sampling & testing;
- Two Living Smart community courses have been run with more than 50 members of the community trained.

The draft WMP is currently under final review to confirm alignment with the recently published draft State Waste Strategy, and following this will be released for internal consultation.

Consultation

The draft WMP will be prepared for internal consultation in early December. This would allow finalisation of the draft for submission to Council at the first Council Meeting of 2019 (February) for endorsement for public comment. Following a four week consultation period it is expected that the plan would be finalised for presentation to the May Council Meeting for Adoption. Refer to **Attachment (a): WMP Draft Timetable**.

10.3.6 Waste Management: Response to Notice of Motion

It is proposed that following adoption the WMP be reviewed annually, to measure action against the plan. Findings will be presented to Council and the WMP will then evolve as actions are completed. New actions will be developed under the principles as approaches to waste management and education evolve and improve.

Policy and Legislative Implications

The WMP and its principles must be integrated into relevant policies, strategies and planning decisions in order to be effective, and this will be underpinned by a strong education strategy. The WMP will create the structure to define and support these activities and integration will commence following adoption of the WMP by Council.

Financial Implications

The development and adoption of the plan can be completed within the current operational budget allowance.

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:	Resource Management and Climate Change
Strategy:	Promote and implement sustainable water, waste, land and energy management practices

Attachments

10.3.6 (a): Waste Management Plan: Draft Timetable

10.3.7 Proposed Mixed Development (44 Storeys plus Basement). Lots 81 & 82, No. 31 Labouchere Road & Lot 12, No. 24 Lyall Street, South Perth

Location:	Lots 81 & 82, No. 31 Labouchere Road & Lot 12, No. 24 Lyall Street, South Perth
Ward:	Mill Point Ward
Applicant:	Element Advisory Pty Ltd
File Reference:	D-18-123648
DA Lodgement Date:	1 May 2018
Meeting Date:	27 November 2018
Author(s):	Cameron Howell, Senior Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

This report seeks Council's consideration of a Responsible Authority Report (RAR) and development application for a proposed mixed development within a 44 storey plus basement building, on Lots 81 & 82, No. 31 Labouchere Road and Lot 12, No. 24 Lyall Street, South Perth.

The RAR and its attachments are attached to this report for review and consideration, prior to determination by the Metro Central Joint Development Assessment Panel (Metro Central JDAP) at the meeting scheduled to commence at 9.00am on Wednesday 5 December 2018 in the City's Council Chambers.

Officer Recommendation

That Council endorses the Responsible Authority Report for refusal to the Metro Central Joint Development Assessment Panel regarding the proposed Mixed Development (44 storeys plus basement) located on Lots 81 & 82, No. 31 Labouchere Road and Lot 12, No. 24 Lyall Street, South Perth.

Comment

As requested by Council, the RAR is attached for Council to consider. The Metro Central JDAP meeting is scheduled to commence at 9.00am on Wednesday 5 December 2018 in the City's Council Chambers.

Policy and Legislative Implications

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

10.3.7 Proposed Mixed Development (44 Storeys plus Basement). Lots 81 & 82, No. 31 Labouchere Road & Lot 12, No. 24 Lyall Street, South Perth

Financial Implications

Nil

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

Attachments

Distributed under separate cover

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Review of Ward Boundaries

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-18-123001
Meeting Date:	27 November 2018
Author(s):	Naomi Kavanagh, Senior Projects 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 outlines the recent review of ward boundaries at the City of South Perth and the response from the public on the Discussion Paper and changes suggested. The report considers public submissions received, an assessment of options against the prescribed matters and recommends a decision with respect to proposed changes to ward boundary alignment.

Officer Recommendation

That Council:

1. Notes the feedback from the public during the review process;
2. Endorses the proposed Ward Boundary changes and Councillor/Elector ratios **in attachment (a)**; and
3. Authorises the CEO to write to the Local Government Board to seek endorsement of the changes and submission to the Minister.

Background

Schedule 2.2 of the *Local Government Act 1995* requires local governments to carry out reviews of their ward boundaries and representation on a regular basis. At the Ordinary Council Meeting held 25 September 2018, Council resolved to initiate a review boundary review and endorsed distribution of a Discussion Paper for public consultation.

A previous review in the City of South Perth ward boundaries was initiated in 2011, and resulted in changes to the boundaries and the number of elected members sitting on Council.

Recently, it was identified that the current ratio of Councillors to electors was outside the recommendations of the Local Government Advisory Board (the Board). The Board is responsible for consideration of local government ward boundary reviews and recommendations to the Minister.

As part of the Review process, a workshop was held with councillors to consider available options. It was considered that ward boundary changes were necessary to allow for recent and anticipated population growth within the City and to align with the Boards expectation for an acceptable Councillor to elector representation ratio.

Comment

To ascertain community input into the Review, a public notice was published to encourage community engagement with the process. This included promoting community discussion on the City's website and in media articles, sending information to electors impacted by the proposed changes, and making available hard copies of the surveys at the Civic Centre and libraries.

A total of 13 completed surveys and a number of phone calls were received during the public consultation period providing mixed feedback on both the process and the proposed changes. The responses to the surveys are included in **attachment (b)**.

Having reviewed the submissions, it is suggested that Council advises the Board of the following proposed changes:

- Mill Point Ward to be reduced in size and have its boundary re-align along Hensman Street between Coode Street, Labouchere Road and South Terrace;
- Manning Ward to be increased in size to have its boundary re-align to include the area south of Gentilli Way, extending from Mount Henry Road to the foreshore east of the Kwinana Freeway. Additionally, it is proposed that the ward will exclude the area bounded by Jackson Road and Henley Street;
- Moresby Ward to be increased in size to include the area formerly within the Manning Ward bounded by Jackson Road and Henley Street; and
- Como Ward to be reduced in size and have its boundary extended to include the area formerly within Mill Point bounded by Coode Street, Labouchere Road and South Terrace. Additionally, it is proposed that the ward will exclude the area bounded by the foreshore, Gentilli Way and Mount Henry and Edgewater Roads.

These ward boundary alignment changes, if endorsed by the Board and agreeable by the Minister, will be published in the Government Gazette and come into effect before the next local government election of 19 October 2019.

Consultation

A mandatory 6 week public notice period began on the 26 September 2018 and closed on 8 November 2018.

Following the Ministers response on the proposed ward boundary adjustment, a public notice will be issued to update the community of any changes to the City of South Perth ward boundaries.

10.4.1 Review of Ward Boundaries

Policy and Legislative Implications

Schedule 2.2 of the *Local Government Act 1995* prescribes the requirements and process for undertaking a ward and representation review.

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

- 10.4.1 (a): Current and Proposed Wards
- 10.4.1 (b): Survey Feedback

10.4.2 City of South Perth Annual Report 2017/18

Location:	
Ward:	Como Ward, Manning Ward, Mill Point Ward and Moresby Ward, All, Not Applicable
Applicant:	
File Ref:	D-18-123004
Meeting Date:	27 November 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 recommends that Council adopt the 2017/18 Annual Report.

Officer Recommendation

That Council adopts the City of South Perth Annual Report for the year 2017/18.

Background

Each year Council is required to adopt the City of South Perth Annual Report. Once accepted by Council, the Annual Report will be presented to the Annual Electors' Meeting to be held on Monday 10 December 2018. The City of South Perth Annual Report will also be available on the City's website, in hard copy format at the City's Administration Centre and both City Libraries.

Comment

The City of South Perth Annual Report 2017/18 provides a comprehensive account of the City's activities throughout the financial year and showcases the City's progress towards our strategic objectives in the City's Strategic Community Plan 2015-2025. The Annual Report also contains information on our achievements and challenges and key targets for the year ahead.

The City received a Silver Award from the Australasian Reporting Awards for the 2016/17 Annual Report. This is the fourth year in a row the City has received a Silver Award demonstrating the City's commitment to reporting excellence.

Consultation

There is no legislative requirement for the City to consult on the Annual Report. However, the *Local Government Act 1995* requires the Annual Report to be made available to members of the public prior to the Annual Electors' Meeting.

Policy and Legislative Implications

Section 5.53 of the *Local Government Act 1995* requires a local government to prepare an Annual Report each financial year.

Section 5.54 of the *Local Government Act 1995* requires the Annual Report to be accepted by the local government no later than 31 December after that financial year.

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

10.4.2 (a): 2017/2018 Annual Report (*Published Separately*)

10.4.3 Listing of Payments - September 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-123005
Meeting Date:	27 November 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report presents to Council a list of accounts paid under delegated authority (Delegation DC602) between 1 September 2018 and 30 September 2018 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(444)	\$7,781,457.28
Cheque Payment to Creditors	(9)	\$118,575.04
Total Monthly Payments to Creditors	(453)	\$7,900,032.32
Cheque Payments to Non-Creditors	(73)	\$59,763.40
Total EFT & Cheque Payments	(526)	\$7,959,795.72
Credit Card Payments (September 2018)	(7)	\$5,613.79
Total September Payments	(533)	\$7,965,409.51

This report was previously presented to the 23 September 2018 Council Agenda Briefing, but was not included in the Council Agenda for the 30 October 2018 Council meeting. The report is being presented again for Council to receive the Listing of Payments for September 2018.

Officer Recommendation

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

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 now submitted as **Attachment (a)** to this Agenda.

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

The report records payments classified as:

- **Creditor Payments**

(Regular suppliers with whom the City transacts business)

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

- **Non Creditor Payments**

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

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

- **Credit Card Payments**

Credit Card Payments are not processed in Authority as a Creditor Payment or Non-Creditor Payment per above. The direct debiting of the bank account results in Credit Card Payment being excluded from the Payment Listing provided. For September 2018, Credit Card Payments total \$5,613.79.

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.

With the new financial year it is proposed to customise the Listing of Payments to conform to the relevant statutory requirements. Effective from July 2018 the Listing of Payments Attachment has been modified from prior periods' monthly reporting and do not include the Description column. System limitations sometimes result in ambiguous or unclear descriptions being created when preparing this report. It is possible for the description disclosure to also contain narrative errors when processing Purchase Orders. Removing the Description column mitigates the risk of error, ambiguity or even confidentiality with regard to contracts and agreements. Retaining the other columns (Reference No, Date, Creditor, Payee and Amount) complies with Local Government (Financial Management) Regulations. Efficiencies are achieved in removing the Description column, as this removes the time consuming rework required monthly to attempt to correct all vendor payment descriptions.

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

Leadership > A visionary and influential local government > Good governance > empower effective and quality decision-making and governance

Attachments

10.4.3 (a): Listing of Payments - September 2018

10.4.4 Listing of Payments - October 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-123006
Meeting Date:	27 November 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report presents to Council a list of accounts paid under delegated authority (Delegation DC602) between 1 October 2018 and 31 October 2018 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(465)	\$4,679,393.55
Cheque Payment to Creditors	(13)	\$32,535.71
Total Monthly Payments to Creditors	(478)	\$4,711,929.26
Cheque Payments to Non-Creditors	(101)	\$93,017.16
Total EFT & Cheque Payments	(579)	\$4,804,946.42
Credit Card Payments (October 2018)	(7)	\$14,576.38
Total October Payments	(586)	\$4,819,522.80

Officer Recommendation

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

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**

(Regular suppliers with whom the City transacts business)

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

- **Non Creditor Payments**

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

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

- **Credit Card Payments**

Credit Card Payments are not processed in Authority as a Creditor Payment or Non-Creditor Payment per above. The direct debiting of the bank account results in Credit Card Payment being excluded from the Payment Listing provided. For October 2018, Credit Card Payments total \$14,576.38.

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.

With the new financial year it is proposed to customise the Listing of Payments to conform to the relevant statutory requirements. Effective from July 2018 the Listing of Payments Attachment has been modified from prior periods' monthly reporting and do not include the Description column. System limitations sometimes result in ambiguous or unclear descriptions being created when preparing this report. It is possible for the description disclosure to also contain narrative errors when processing Purchase Orders. Removing the Description column mitigates the risk of error, ambiguity or even confidentiality with regard to contracts and agreements. Retaining the other columns (Reference No, Date, Creditor, Payee and Amount) complies with Local Government (Financial Management) Regulations 1996. Efficiencies are achieved in removing the Description column, as this removes the time consuming rework required monthly to attempt to correct all vendor payment descriptions.

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

Leadership > A visionary and influential local government > Good governance > empower effective and quality decision-making and governance

Attachments

10.4.4 (a): Listing of Payments - October 2018

10.4.5 Monthly Financial Statements - October 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-123007
Meeting Date:	27 November 2018
Author(s):	Andre Brandis, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

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

Officer Recommendation

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

Background

Regulation 34(1) of the Local Government (Financial Management) 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.

The attachment Financial Management Reports provides similar information to those provided in previous years, with less duplication (than 30 June 2017 and prior years). 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 October year-to-date (YTD) is \$48.563m in comparison to budget of \$48.375m. Expenditure from Operating Activities for October is \$18.966m in comparison to budget of \$20.355m. The October Operating Net Position was \$1.577m favourable with lower actual expenditure than budget of \$1.389m in addition to higher revenue of \$0.188m than planned. The Operating results, October YTD represent lagging expenditure and activity engagement at the start of the year, along with some vendor invoices still being to be received.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.534m in comparison to the budget of \$0.545m. Actual Capital Expenditure for the year to date is \$4.368m in comparison to the budget of \$4.319m. Capital expenditure and revenue YTD October is in line with budget.

Cash and Investments balance is \$72,134m, traditionally October Cash is a higher balance, following the collection of Rates Revenue for the 2018/2019 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 51.46% 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 provided by Standard & Poors (S&P) 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

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

10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.7.1 Audit, Risk and Governance Committee Meeting 12 November 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-123008
Meeting Date:	27 November 2018
Author(s):	Christine Lovett, Governance Officer
Reporting Officer(s):	Bernadine Tucker, Manager Governance
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report provides the recommendations from the Audit, Risk and Governance Committee meeting held on 12 November 2018 for Council's consideration, the Minutes and Attachments of which can be found at **Attachment (a), (b) and (c)**.

Committee Recommendations

That Council adopt the following recommendations of the Audit, Risk and Governance Committee meeting held on 12 November 2018

7.1 Audit Register - Progress Report

Committee Recommendation

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

- 1) Note the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**.
- 2) Approve all items marked as Completed (100%) in the Audit Register, to be registered as Closed and no longer reported.

7.2 2017/18 Financial Statements

Committee Recommendation

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

- 1) adopt the Financial Statements shown at **Attachment (a)**;
- 2) accept the Independent Auditor's Report on the 2017/2018 Financial Statements presented by the Office of the Auditor General (OAG) **Attachment (b) and**
- 3) accept the Office of the Auditor General Final Management Letter 2018 **Attachment (c)**.

7.3 2017/2018 Corporate Business Plan Fourth Quarter Update

Committee Recommendation

That the Audit, Risk and Governance Committee recommends to the Council that it note the 2017/2018 Corporate Business Plan Fourth Quarter Update.

7.4 1System Implementation

Committee Recommendation

That the Audit, Risk and Governance Committee note the progress report of the 1System Project.

7.5 Council Delegation - Acceptance of Contract Variations Relating to Tenders Approved by Council

Committee Recommendation

That the Audit, Risk and Governance Committee recommends to Council that amended Council Delegation DC608 - Acceptance of Contract Variations Relating to Tenders Approved by Council as contained in **Attachment (a)** be approved.

7.6 Review of Policy P605 - Purchasing and Invoice Approval

Committee Recommendation

That the Audit, Risk and Government Committee, recommends to the Council that Council endorses and adopts the reviewed and revised Policy P605 - Purchasing Policy.

Background

The Audit, Risk and Governance Committee meeting was held on 12 November 2018 with the following Items listed for consideration on the Agenda:

- - Audit Register - Progress Report
 - 2017/18 Financial Statements
 - 2017/2018 Corporate Business Plan Fourth Quarter Update
 - 1System Implementation
 - Council Delegation - Acceptance of Contract Variations Relating to Tenders Approved by Council
 - Review of Policy P605 - Purchasing and Invoice Approval

Comment

Audit Register - Progress Report

A summary of the audit register is as follows:

Status	Number	Range
Not yet commenced	0	0%
Progressed	13	10% to 95%
Completed	19	100%
Total	32	

The Committee is requested to note the progress and Officer comments. In addition, it is recommended all Completed (100%) items in the Audit Register be registered as Closed. All Closed items will not forming part of the Audit Register report for future Committee meetings. The Closed items are available for the Internal and External Auditors and Committee to review.

2017/18 Financial Statements

The 2017/18 Financial Statements shown at **Attachment (a)** provides our community with an open and accountable insight into how we have progressed our vision and strategic objectives outlined in our Strategic Community Plan 2017-2027, including our main achievements and challenges, our financial performance, and our key targets for the year ahead.

2017/2018 Corporate Business Plan Fourth Quarter Update

The Fourth Quarter Update for the period for the period April 2018 to June 2018 **Attachment (a)** is provided to the Audit, Risk and Governance Committee for information and noting.

The new corporate business plan is currently being developed to align to the 2017-2027 Strategic Community Plan. Work is currently progressing on the 1System project to implement a Corporate Business Planning module. In addition the responsibility for quarterly reporting has transferred from the Governance Business Unit to Organisation Planning and Performance. Given the significant workload, the first quarter report will not be completed.

1System Implementation

The previous report described a number of milestones relating to establishing the project such as executing the contract, finalising the (base line) Project Management Plan, Change Management Plan and Project Schedule. As Memorandum of Understanding (MOU) was signed the City of Canning, the project team were located in a refurbished Information Systems area and the "1System" project was launched on the 26th July 2018.

As previously reported, the project will be delivered via four phases over the next three years. The phasing of these modules has been primarily driven by the release dates of TechnologyOne new platform CiAnywhere. A review of phase two, three and four will be undertaken during quarter three, 2018 in preparation for the 2018/19 Budget and may change as a result of City progress as well as TechnologyOne future announcements in relation to release dates.



In terms of Phase 1, below is a graphical representation used to describe the project milestones, which is supported by information on the City Intranet page.



All milestones have been met, including establishing the development system (in the Cloud), and the initial configuration facilitating the Key User Preview Sessions (KUPS). In addition a detailed communication plan has been implemented, that includes newsletters, emails, presentations and Intranet site to increase knowledge across the City.

The KUPS commenced on 15 October and concluded on 7 November 2018, were delivered to Finance, HR/P & Infrastructure (Assets related) key users. Based on information gathered during the KUPS, the project team will commence solution finalisation, prepare for data migration and work towards the next major milestone, User Acceptance Testing (UAT). UAT involves detailed testing of core functionality by the abovementioned business areas. UAT sign-off by the business stakeholders will mark acceptance of the solution to proceed with the scheduled live date (Phase 1) of 1 July 2019.

The project is on time and on budget, according to the project schedule. A review of the schedule is planned following the outcome of the KUPs, as some minor variations will be required to finalise the solution for UAT. The impact (if any) will be noted in the next AAGC Report.

Council Delegation - Acceptance of Contract Variations Relating to Tenders Approved by Council

The increase in a scope of work, after a tender is accepted, should be able to be managed efficiently when the contract is still within budget and necessary to achieve a good community outcome. Therefore the proposed Council Delegation is recommended to allow for operational effectiveness and the timely approval of contract variations relating to tenders approved by Council to a maximum value of 15% of the contract value or \$100,000 (exclusive of GST), whichever is lesser.

Review of Policy P605 - Purchasing and Invoice Approval

The reviewed and revised policy aligns closely with WALGA’s purchasing policy template and has regard to procurement issues raised by the internal auditors and recent reviews by the Office of the Auditor General, State Government departments and local governments. The major amendments to the policy include:

Summary of Change	Reason for Change
Amended Policy Name	To remove procedural information.
Amended Objectives	To promote simple, clearly defined objectives aligned with WALGA.
Amended purchasing threshold requirements	To clearly define purchasing options and to remove procedural information.
Additional clause on requirements for sole source of supply arrangements	To provide direction on the use of sole suppliers.
Specific clauses relating to purchasing from disability enterprises and aboriginal businesses	To reinforce that purchases from these businesses, as per legislation, are exempt from purchasing thresholds and may be contracted directly provided they can deliver the goods and services required and their offer represents value for money.
Removal of detail relating to direct appointment through WALGA without obtaining quotations.	To reinforce best practice and carrying out fair, equitable and transparent process. If direct appointment required a Directors Purchasing Discretion process can be undertaken.
Removal of detail in the policy regarding Authorising Purchase Order & Invoices	This information is procedural and is more appropriately included in the City’s Management Practices.
Amended list of Exemptions to include: <ul style="list-style-type: none"> • State Government; • Federal Government; • Disability enterprises; and • Aboriginal businesses. 	To clearly define what exemptions apply to purchasing.

Additional clause relating to purchasing policy non-compliance	To provide direction on the framework for non-compliance.
Amended clause relating to repetitive purchases	Three (3) period to aggregate vendor expenditure to test the Purchasing category threshold.

Amended purchasing threshold requirements (detail):

Existing Policy		Revised Policy	
Category A	<ul style="list-style-type: none"> Up to \$2,000 One verbal or Written Quotation Required 	Category A	<ul style="list-style-type: none"> Up to \$2,000 One verbal or Written Quotation Required
Category B	<ul style="list-style-type: none"> \$2,000 up to \$10,000 Two Verbal or Written Quotations Required 	Category B	<ul style="list-style-type: none"> \$2,001 up to \$10,000 Two Written Quotations Required
Category C1	<ul style="list-style-type: none"> \$10,000 up to \$20,000 Two Written Quotations Required 	Category C	<ul style="list-style-type: none"> \$10,001 up to \$50,000 Three Written Quotations Required
Category C2	<ul style="list-style-type: none"> \$20,000 up to \$50,000 Three Written Quotations Required with a Written Specification Provided 	Category D	<ul style="list-style-type: none"> \$50,001 up to \$150,000 Formal Request for Quote with a Written Specification Provided & Predetermined Evaluation Criteria
Category D1	<ul style="list-style-type: none"> \$50,000 up to \$100,000 Three Written Quotations Required with a Written Specification Provided & Predetermined Evaluation Criteria 	Category E	<ul style="list-style-type: none"> Purchases in Excess of \$150,000 Tender Process Required
Category D2	<ul style="list-style-type: none"> \$100,000 up to \$150,000 Three Written Quotations Required with a Written Specification Provided & Predetermined Evaluation Criteria 		
Category E & F	<ul style="list-style-type: none"> Purchases in Excess of \$150,000 Tender Process Required 		

Consultation

Nil

Policy and Legislative Implications

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

Financial Implications

Nil.

Strategic Implications

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

Strategic Direction:	Good governance
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 - 12 November 2018 Audit, Risk & Governance Committee Meeting
- 10.7.1 (b): Attachments - 12 November 2018 Audit, Risk and Governance Committee Meeting
- 10.7.1 (c): Attachments - 12 November 2018 - Audit, Risk and Governance Committee Meeting (*Confidential*)

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

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

Nil

15. MEETING CLOSED TO PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil

15. CLOSURE

APPENDIX

RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE: 30 OCTOBER 2018

1. Mr Simon Sullivan of Darley Street, South Perth		Received late: 30 October 2018
<i>[Preamble] Item 10.3.1 ACP Amendment 61</i>		
1. Can South Perth council have a say in how a building looks in any future development, not just in the height of a building but in the style and structure, We do not want cheaply built boxes thrown up, this might not be so finically rewarding for the developers but we want to live in a beautiful town we are proud to call home.	The City has a Design review Panel that provides advice on the design of large buildings in the City. The provisions included in proposed amendment 61 and the draft Activity Centre Plan also included design criteria that would ensure quality buildings are approved.	
2. Can South Perth council have a say in who buys into any future development putting big towers up that are owned by overseas investors and are empty most of the year round is not good for us we want a thriving community not a ghost town.	The sale of land is regulated by the State Government. Local governments are unable to influence overseas investments.	
3. After this current plan is thrown out will the council give the residents (not just the developers) more consultation in the future and make it very obvious the actual height any future building could go up to, the current plans are not easy for the average person to understand.	The time for consultation on the draft Activity Centre Plan is after Council has endorsed it for the purposes of advertising. The City will conduct consultation in a manner to ensure all stakeholders have the opportunity and understanding to make informed comments on the proposed plan.	

2. Mr Craig Dermer of Mill Point Road, South Perth		Received late: 30 October 2018
<i>[Preamble] We understand that an alternative motion is to be considered tonight.</i>		
1. Was legal advice sought by the Planners on this matter, and why?	Legal advice was sought on clause 34(1) of the Deemed Provisions, specifically when an activity centre plan would be considered to be prepared by a local government.	
2. Was legal advice sought by the Councillors on this matter, and why?	Independent legal advice was not sought by Councillors. The above legal advice was shared with elected members	
3. Ms Vicki Redden of Mill Point Road, South Perth		Received late: 30 October 2018
<i>The Planners have used unverifiable information in the LPS and ACP population estimates. As you know we have asked many times for the planners to show the data used to estimate the population growth, but to no avail. Since the data cannot be proved as valid:</i>		
1. Why wouldn't councillors hold the ACP for review until all the data used in the Plan can be verified?	<p>Questions relating to the Population data have been answered at the August and September Council meetings and answers are available on the Council minutes.</p> <p>All of the information informing the estimates is publically available, including the modelling process. The data has been verified by the appropriate experts both internally and externally.</p> <p>The Council resolved to further review the ACP at the October 2018 meeting.</p>	

2. Further, since Councillors were not fully aware of the potential problems with the data, why wouldn't councillors revoke approval of the LPS for the same reason?

The data is based on the most up to date and locally specific information, which provides the most accurate likely picture of future growth. Any concerns with regard to this data can be raised in submissions when the LPS is advertised for public comment.