

# AGENDA.

## Ordinary Council Meeting

30 October 2018

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 30 October 2018 in the the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth commencing at 7.00pm.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

26 October 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

At the 25 September 2018 Ordinary Council Meeting public questions were taken on notice. The questions and responses can be found in the **Appendix**.

### 6.2 PUBLIC QUESTION TIME: 30 OCTOBER 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: 25 September 2018

##### **Officer Recommendation**

That the Minutes of the Ordinary Council Meeting held 25 September 2018 be taken as read and confirmed as a true and correct record.

## 7.2 BRIEFINGS

### 7.2.1 Council Agenda Briefing Held: 23 October 2018

Officers of the City presented background information and answered questions on Items to be considered at the 30 October 2018 Ordinary Council Meeting at the Council Agenda Briefing held 23 October 2018. The Notes of which can be found at **Attachment (a)**.

#### Attachments

7.2.1 (a): 23 October 2018 - Council Agenda Briefing - Notes

#### Officer Recommendation

That the Notes of the Council Agenda Briefing held on 23 October 2018 be noted.

## 8. PRESENTATIONS

### 8.1 PETITIONS

#### 8.1.1 Security at the Karawara Garden Reserve

A petition was received on 15 September 2018 from Viral Shah of 10/24 Melinga Crescent, Karawara together with 31 signatures requesting that the City improve security at the Karawara garden reserve, next to 38 Walana Drive.

The text of the petition reads:

*'We signed underneath residents of Karawara, are pleased to see facility improvement efforts made by the City of South Perth at our Karawara garden area, next to 38 Walana Drive. In the last couple of years, we have seen the reasonably big amount of resources are being invested to make a new sitting arrangement, green patch improvement, walkway resurfacing as well as beautification etc in the same garden reserve area. We are writing this to request you to improve security along with other aesthetics. Along with all these facility improvements, if you can install CCTV cameras alongside, would be very convenient for locals to use more often without hesitation and would be very handy to control crime in the region. Also, it would be more appealing and handier to all of us locals to use this improved garden reserve area. Currently, hardly we feel to use it, due to the frequent presence and ongoing disturbance of some unsocial elements here at this place. This is very popular destination surrounded by GOWRI kinder garden, very busy Bust station at the end, walk to Waterford Plaza shopping area alongside as well as Curtin students commuters. It would be more worthful along with the other facility improvement, you can kindly consider for safety/security too. For your ready reference, I have attached the google map image for the requested CCTV installation zone. WA Police also agreed to this idea, as it would one of the best solution to control or almost stop the crime in the region.*

*We are anticipating for your kind co-operation and prompt action in this regard'*

#### **Officer Recommendation**

That the petition received 15 September 2018 from Viral Shah of 10/24 Melinga Crescent, Karawara together with 31 signatures requesting that the City improve security at the Karawara garden reserve, next to 38 Walana Drive be forwarded to the relevant Director for consideration.

### **8.3 DEPUTATIONS**

*Deputations were heard at the Council Agenda Briefing held Tuesday 23 October 2018.*

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

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 Tender 10/2018 - Traffic Management Services for the City's Community Events Program

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Reference:	D-18-112882
Meeting Date:	30 October 2018
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

This report considers submissions received from the advertising of Tender 10/2018 for Traffic Management Services for the City's Community Events Program.

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

#### Officer Recommendation

That Council:

- (a) Accepts the tender submitted by Altus Traffic for the Traffic Management Services for the City's Community Events Program in accordance with Tender Number 10/2018 for the period of supply for the 2018/19 financial year, plus three (3) subsequent one (1) year extension options at the City's discretion subject to satisfactory performance of the Contract.
- (b) Accepts the tender price included in **Confidential Attachment (a)** and the resolved tender price be included in the Minutes of this meeting.

#### Background

A Request for Tender (RFT) 10/2018 for the Traffic Management Services for the City's Community Events Program was advertised in The West Australian on 28 July 2018 and closed at 2pm on 14 August 2018.

Tenders were invited as a Schedule of Rates.



The RFT is for the Traffic Management Services for the City's Community Events Program. The Contract provides for a range of traffic related services, such as: traffic management planning; provision of traffic controllers and supervisors; installation of event signage and traffic barriers; hostile vehicle management; and Main Roads of Western Australia endorsement of traffic management drawings and plans.

The contract is for the period of supply for the 2018/19 financial year, plus three (3) subsequent one (1) year extension options at the City's discretion subject to satisfactory performance of the Contract.

### Comment

At the close of the tender advertising period four (4) submissions had been received and these are tabled below:

TABLE A – Tender Submissions

Tender Submissions
1. Advanced Traffic Management (non-conforming, so it was not assessed)
2. Altus Traffic
3. Prime Traffic Solutions - Highways Traffic
4. Taborda Contracting

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated Experience	25%
2. Company Profile and Key Personnel	20%
3. Tenderer's Resources	15%
4. Sustainability	5%
5. Methodology	15%
6. Price	20%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender Number 10/2018 for the Traffic Management Services for the City's Community Events Program, it is recommended that the tender submission from Altus Traffic be accepted by Council.

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

### Consultation

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

### Policy and Legislative Implications

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

The following Council Policies also apply:

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

### Financial Implications

The full cost of the works is 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:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Culture and Community
Strategy:	Facilitate and create opportunities for social, cultural and physical activity in the City

### Attachments

- 10.1.1 (a):** Tender 10-2018 - Traffic Management Services for the City's Community Events - Recommendation Report (*Confidential*)

## 10.1.2 Tender 11/2018 - Sound, Lighting and Staging Services for the City's Community Events Program

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Reference:	D-18-112883
Meeting Date:	30 October 2018
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

### Summary

This report considers submissions received from the advertising of Tender 11/2018 for the Sound, Lighting and Staging Services for the City's Community Events Program.

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

### Officer Recommendation

That Council:

- (a) Accepts the tender submitted by One20 Productions for the Sound, Lighting and Staging Services for the City's Community Events Program in accordance with Tender Number 11/2018 for the period of supply for the 2018/19 financial year, plus three (3) subsequent one (1) year extension options at the City's discretion subject to satisfactory performance of the Contract.
- (b) Accepts the tender price included in **Confidential Attachment (a)** and the resolved tender price be included in the Minutes of this meeting.

### Background

A Request for Tender (RFT) 11/2018 for the Sound, Lighting and Staging Services for the City's Community Events Program was advertised in The West Australian on 28 July 2018 and closed at 2pm on 14 August 2018.

Tenders were invited as a Schedule of Rates.

The RFT is for the Sound, Lighting and Staging Services for the City's Community Events Program. The Contract provides for a large range of technical services, such as: development of sound, staging and lighting plans; provision of technicians; and hire/setting-up/dismantling of required equipment, such as PA systems, concert lights, stages, generators and audio-visual screens.

The contract is for the period of supply for the 2018/19 financial year, plus three (3) subsequent one (1) year extension options at the City's discretion subject to satisfactory performance of the Contract.

### Comment

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

TABLE A – Tender Submissions

Tender Submissions
1. AAA Productions
2. Clifton Perth
3. One20 Productions

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated Experience	25%
2. Company Profile and Key Personnel	20%
3. Tenderer's Resources	15%
4. Sustainability	5%
5. Methodology	15%
6. Price	20%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender Number 11/2018 for the Sound, Lighting and Staging Services for the City's Community Events Program, it is recommended that the tender submission from One20 Productions be accepted by Council.

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

### Consultation

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

### Policy and Legislative Implications

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

The following Council Policies also apply:

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

**Financial Implications**

The full cost of the works is 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:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Culture and Community
Strategy:	Facilitate and create opportunities for social, cultural and physical activity in the City

**Attachments**

**10.1.2 (a):** Tender 11-2018 - Provision of Sound, Lighting and Staging Services for the City's Community Events - Recommendation Report (*Confidential*)

### 10.1.3 Tender 12/2018 - Security Services for the City's Community Events Program

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Reference:	D-18-112886
Meeting Date:	30 October 2018
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

This report considers submissions received from the advertising of Tender 12/2018 for Security Services for the City's Community Events Program.

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

#### Officer Recommendation

That Council:

- (a) Accepts the tender submitted by Bellrock Protective Services for Security Services for the City's Community Events Program in accordance with Tender Number 12/2018 for the period of supply for the 2018/19 financial year, plus three (3) subsequent one (1) year extension options at the City's discretion subject to satisfactory performance of the Contract.
- (b) Accepts the tender price included in **Confidential** Attachment (a) and the resolved tender price be included in the Minutes of this meeting.

#### Background

A Request for Tender (RFT) 12/2018 for Security Services for the City's Community Events Program was advertised in The West Australian on 28 July 2018 and closed at 2pm on 14 August 2018.

Tenders were invited as a Schedule of Rates.

The RFT is for Security Services for the City's Community Events Program. The Contract provides for a range of security related services in the form of static and/or roving security personnel; asset protection; and/or crowd control.

The contract is for the period of supply for the 2018/19 financial year, plus three (3) subsequent one (1) year extension options at the City's discretion subject to satisfactory performance of the Contract.

### Comment

At the close of the tender advertising period seven (7) submissions had been received and these are tabled below:

TABLE A – Tender Submissions

Tender Submissions
1. ACE (non-conforming, so it was not assessed)
2. Business Risk International (non-conforming, so it was not assessed)
3. NPB Security (non-conforming, so it was not assessed)
4. Bellrock Protective Services
5. Confido
6. Corporate Security Australia
7. MCS Security

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated Experience	25%
2. Company Profile and Key Personnel	20%
3. Tenderer's Resources	15%
4. Sustainability	5%
5. Methodology	15%
6. Price	20%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender Number 12/2018 for Security Services for the City's Community Events Program, it is recommended that the tender submission from Bellrock Protective Services be accepted by Council.

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

### Consultation

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

### Policy and Legislative Implications

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

The following Council Policies also apply:

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

**Financial Implications**

The full cost of the works is 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: Community  
Aspiration: A diverse, connected, safe and engaged community  
Outcome: Culture and Community  
Strategy: Facilitate and create opportunities for social, cultural and physical activity in the City

**Attachments**

**10.1.3 (a):** Tender 12/2018 - Provision of Security Services for the City's Community Events - Recommendation Report (*Confidential*)



#### 10.1.4 Recreation and Aquatic Facility (RAF) Feasibility Project

Location:	All
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-18-112887
Meeting Date:	30 October 2018
Author(s):	Naomi Kavanagh, Senior Projects Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### Summary

This report updates Council on planning for the development of a potential regional multi-use recreation and aquatic facility within the City to service the community's future leisure and health needs, following the initiation of the Recreation and Aquatic Facility Feasibility Project and recent preliminary assessments reviewing possible sites and partnership opportunities.

#### Officer Recommendation

That Council:

1. Reaffirm its commitment for the planning and promotion of the development of recreation and aquatic facilities to service community needs in accordance with Strategic Outcome 1.2(C) of the City of South Perth Strategic Community Plan 2017-2027;
2. Commence formal engagement with Federal and State Governments, adjoining local authorities, tertiary institutions, peak sporting bodies and commercial operators to gauge their interest, support and involvement in a regional scale multi-use leisure and aquatic facility to be located within the City;
3. Advance work on the design concepts and preferred sites to enable preparation of a detailed Business Plan to be submitted to Council by July 2019;
4. Commit to consultation with stakeholder groups and the public on the refinement of the concepts and preferred sites; and
5. Form a Project Reference Group reporting through to the Property Committee to oversee the development of the project.

#### Background

The City's Strategic Community Plan 2017-2027 is a long term, overarching strategy and planning document that outlines the community's aspirations and priorities for the future, and sets out the key strategies required to achieve these.

A key strategy within the Community Strategic Direction is to deliver community infrastructure to create a diverse, connected, safe and engaged community and to "plan for and promote the development of recreation and aquatic facilities to service community needs".

In planning for the development of a recreation and aquatic facility, and appreciating the timing of upcoming elections and associated possible funding opportunities, the City has initiated a Recreation and Aquatic Facility (RAF) Feasibility Project. This report provides an overview of the progress to date of this project.

### Comment

The prospect of an aquatic facility within the City of South Perth has been under consideration for some years, with a number of studies, reports and submissions prepared and received. In planning for and promoting the development of such a facility to service community needs the City has revisited this work. In undertaking a strategic review of these proposals, adoption of a citywide approach to the wider provision of community facilities and services throughout the City was considered.

As part of longer term financial planning by the City, provision for improvements to key facilities had been made to support strategic community facilities, namely the George Burnett Leisure Centre (GBLC) and Collier Park Golf Course (CPGC). To inform these improvements, preparation of masterplans for each site were programmed, prioritising George Burnett Recreational Precinct within the program of works. Previous planning for the GBLC had planned to cater for a limited scale expanded indoor facility, and also explored opportunities for an aquatic facility on the site. A 2015 assessment had indicated that a conventional swimming pool, while publicly supported, would likely require ongoing subsidy to meet operational costs.

A strategic review of this assessment was undertaken earlier this year in the context of the need to re-assess the future of the GBLC, and the short to medium term requirement for a masterplan for Collier Park Golf Course. With these considerations in mind, the necessity to explore how a recreation and aquatic facility could be made more viable as a functioning centre was articulated through the initiation of a Recreation and Aquatic Facility (RAF) Feasibility Project.

To assist this analysis, the approach adopted and experience gained from the most recent integrated recreation and aquatic facility in Perth, the City of Cockburn's Aquatic and Recreation Centre (ARC) was examined. This award winning centre is exceeding expectations in meeting community needs, operating as a highly successful viable mix of sporting and leisure services.

Site visits to the Cockburn ARC were arranged for both Councillors and nominated staff, with the tours highlighting different delivery methods, scale of operations and partnership approaches to the provision of aquatic facilities. Of notable success to the delivery of the ARC was the co-location of mutually complementary multi-use facility components and the partnering approach with key stakeholders, as opposed to traditional 'single-use' service delivery models previously proposed within the City.

An exploration of potential partnering opportunities was therefore undertaken, using principles similar to that at the ARC. The review highlighted the potential opportunity to locate a RAF in close proximity to Curtin University (including an option within Collier Park Golf Course) to take advantage of the long term growth of area from the development in time of the Bentley-Curtin Specialised Activity Centre and more specifically the Greater Curtin Master Plan. This siting sought to

leverage an existing and rapidly growing student, staff and academic demand, and avail of potential partnering opportunities with the University to deliver Greater Curtin objectives. In addition, the review articulated greater catchment opportunities (and related financial returns) related to larger-scale/regional-level facilities, and reinforced a revised approach to delivery options and commercial partnerships.

Since that review, further work commenced has included a desktop review of current market offerings to further inform what core elements could be incorporated into a RAF. Gaps in the market were identified within the more regional catchment (with an appreciation of the City's demographic trends), and baseline footprints incorporating these elements were conceptually represented with accompanying areas to assist initial quantity surveying costings.

Simultaneously, a preliminary review of other possible sites was undertaken. To assist this exploration, criteria were developed for comparative assessment, and enable a shortlisting of sites. This analysis enabled extension of catchment opportunities to incorporate Greater Curtin proposals and neighbouring districts to be critiqued against existing strategic directions and aspirations of the City, with notional footprints applied to preferred sites for context appreciation.

This work has suggested that a state-of-the-art regional sport, recreation and aquatic facility that serves the communities of the City of South Perth (and Curtin University, extending to areas within the Town of Victoria Park and the City of Canning), warrants further investigation. Proposed attributes of the facility may nominally include the following core functions (and related components):

Aquatic Centre
<ul style="list-style-type: none"> <li>• 8 lane 25m indoor pool</li> <li>• Leisure and fun pool</li> <li>• Learn to Swim (LTS) pool</li> <li>• Warm water program pool</li> <li>• Spa and sauna</li> <li>• Change rooms</li> <li>• Staff and life guards</li> <li>• Stores</li> <li>• Café (wet side)</li> <li>• Pool plant</li> </ul>
Stadium
<ul style="list-style-type: none"> <li>• 6 court indoor hall (able to accommodate basketball/netball/badminton/volleyball/futsal)</li> <li>• Change rooms</li> <li>• Stores</li> </ul>
Health Club
<ul style="list-style-type: none"> <li>• Gymnasium</li> <li>• Large group fitness room</li> <li>• Medium group fitness room</li> <li>• Spin and RPM cycle room</li> <li>• Wellness/yoga room</li> <li>• 3 x assessment rooms</li> <li>• Personal trainer room</li> <li>• Administration and reception</li> </ul>

<ul style="list-style-type: none"> <li>• Change rooms</li> </ul>
Outdoor 50m Pool
<ul style="list-style-type: none"> <li>• 8 lane 52m outdoor pool</li> <li>• School group change rooms</li> <li>• External stores</li> <li>• Club room / marshalling area</li> <li>• Partially shaded tiered grass embankment</li> </ul>

In addition to these four functions of the build base, ancillary requirements have allowed for inclusion of reception and administration areas, crèche, meeting rooms, sports housing and related commercial floor-space. The priority of these functions and components would need to be reviewed based on community need and commercial viability, and may require a staged delivery approach if deemed feasible. Preliminary concept designs have however included all elements at this stage so as to ensure flexibility of sites and determine costings to assist feasibility of a possible facility.

It is recognised that to more rigorously examine the feasibility of such a facility, a business plan needs to be presented to Council to review a number of options (including site selection) based on these preliminary studies.

Additionally, the current political timing necessitates formal approaches to key stakeholders in the interim to quantify what funding opportunities may be available to the project. To assist this process, concept drawings will be required to be worked up to facilitate discussions with key stakeholders to ascertain scale and location of a RAF. Resultant partnerships would further inform the business plan and substantiate (or otherwise) the feasibility of a RAF.

### Consultation

At this stage, the City has only undertaken preliminary engagement with key stakeholders at a conceptual level. The degree of the engagement has varied with liaison ranging from informal meetings to formal presentations to workshopping material.

Preliminary engagement has been undertaken with a number of parties including:

- Local State and Federal Government MPs;
- Local Government Authorities (namely Town of Victoria Park and City of Cockburn);
- State Government Departments;
- Curtin University;
- State Sporting Associations; and
- Commercial Operators (local and interstate).

In addition, the City undertook a community survey earlier in the year to assess a range of community programs, services and initiative. This survey included a question on a proposed recreation and aquatic facility. The majority of the community survey respondents provided positive feedback about a potential recreation and aquatic facility. Over 70% of local residents surveyed said they would use such a facility, and 85% indicated that they would use it at least monthly. Further engagement is necessary to further verify this feedback, acknowledging the risk of raising community expectation prior to conclusion of feasibility options analysis or funding commitments.

The project is now at a point where meaningful engagement could occur to assess community demand; potential project involvement and funding contribution/partnering arrangements. To assist this process, and drawing on the experience of the City of Cockburn, it is suggested that a Project Reference Group be established, inclusive of Councillors, reporting through to the Property Committee. A Terms of Reference shall be prepared to articulate roles and membership of this Group to assist governance of the RAF Feasibility Project.

### Policy and Legislative Implications

The following legislation and Council Policies may be relevant to this project as it evolves:

- Local Government Act 1995 – Section 3.18 of the Act prescribes that a local government may provide services and facilities; and in doing so should satisfy itself that they are integrated and coordinated with services and facilities provided by the Commonwealth, the State and other entities;
- Local Government Act 1995 – Section 3.59 of the Act prescribes the requirements for preparation of a business plan detailing what this may include;
- Policy 106 ‘Use of City Reserves and Facilities’; and
- Policy 609 ‘Management of City Property’.

In looking at the feasibility of a Recreation and Aquatic Facility, land tenure will also need to be considered during the site investigation process and planning stages. Liaison with the WAPC and appropriate approval processes will be required, acknowledging vesting and management orders that may exist.

### Financial Implications

These will be articulated within the Business Plan, which may necessitate the need for this document to be confidential owing to the commercial nature of the material (if being supplied commercial in confidence).

### Strategic Implications

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

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Community Infrastructure
Strategy:	Plan for and promote the development of recreation and aquatic facilities to service community needs

### Attachments

Nil

### 10.1.5 City of South Perth Volunteer of the Year Award Program - Assessment and Recommendations for 2018

Location:	All
Ward:	All
Applicant:	City of South Perth
File Ref:	D-18-112889
Meeting Date:	30 October 2018
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.1 Engaged Community

#### Summary

This report seeks Council's consideration of the eligible nominations submitted for the 2018 City of South Perth Volunteer of the Year Award Program.

#### Officer Recommendation

That

- a) At the 2018 Thank a Volunteer Day event, the City of South Perth awards the following:
  - i. Adult Volunteer of the Year Award be presented to the person highlighted in **Confidential Attachment (a)**.
  - ii. Youth Volunteer of the Year Award be presented to the person highlighted in **Confidential Attachment (a)**.
  - iii. Junior Volunteer of the Year Award be presented to the person highlighted in **Confidential Attachment (a)**.
- b) A letter is sent to all eligible nominees thanking them for their outstanding contribution to volunteering in the City of South Perth and inviting them to attend the Thank a Volunteer Day event being held in December 2018.
- c) A letter to be sent to all eligible nominators and inviting them to attend the Thank a Volunteer Day event being held in December 2018.

#### Background

In December each year International Volunteer Day is celebrated around the world to recognise the important role that volunteers play in building healthy and vibrant communities.

Local governments are encouraged to acknowledge and reward those individuals who volunteer their time and expertise in their communities.

The City facilitates an annual 'Thank a Volunteer Day' event in December to acknowledge and celebrate the contributions of volunteers who service our community. As part of this event, City of South Perth Volunteer of the Year Awards

are presented to recognise outstanding individual volunteering contributions in the community.

There are three Volunteer of the Year Award categories, as follows:

*1. City of South Perth – Adult Volunteer of the Year Award*

This award is open to individuals who reside or volunteer within the City of South Perth and are aged over 25 years.

*2. City of South Perth - Youth Volunteer of the Year Award*

This award is open to individuals who reside or volunteer within the City of South Perth and are aged between 18 and 25 years.

*3. City of South Perth - Junior Volunteer of the Year Award*

This award is open to individuals who reside or volunteer within the City of South Perth and are aged under 18 years.

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

1. The level of involvement of the volunteer;
2. The significance of the volunteering contribution to the local community; and
3. The inspiring impact of the volunteering activity to enhance community life.

Presentation of the Awards will be made at the Thank a Volunteer Day event in December 2018. The winner of each category will be recognised with a certificate and trophy. All other eligible nominees will receive a certificate and public acknowledgement of their volunteering contributions at the event.

### **Comment**

This year the City received a total of fifty five (55) nominations comprising:

- 37 x Adult Volunteer of the Year nominations;
- 5 x Youth Volunteer of the Year nomination; and
- 13 x Junior Volunteer of the Year nominations

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

The assessment panel found that the standard of nominations this year was exceptionally high and there were a number of outstanding individuals who scored very strongly. All eligible nominations were considered meritorious, as they demonstrated the variety of ways that volunteers make significant contributions to our local community. For this reason, a letter will be sent to all nominees to thank them for their outstanding volunteering contributions and inviting them to attend the Thank a Volunteer Day event being held in December 2018.

It should be noted that two nominations within the 'Adult Volunteer of the Year' category were assessed as ineligible as both nominees live and volunteer outside of the City. For this reason, these two nominations are not included in **Confidential Attachment (a)**.

### Consultation

The City commenced promotion of the Volunteer of the Year Award Program in August 2018. Letters 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 in the City Update and on the City's website. Nominations closed on 1 October 2018.

### Policy and Legislative Implications

Nil.

### Financial Implications

Funds are allocated in the City's 2018/19 Operating Budget for costs associated with the Volunteer 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:	Engaged community
Strategy:	Engage with the community to contribute to the planning of activities in and around the City

### Attachments

- 10.1.5 (a):** City of South Perth - Volunteer of the Year Award Program 2018 - Summary of Nominations and Assessments (*Confidential*)



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

### 10.3.1 Draft South Perth Activity Centre Plan and Proposed Amendment No. 61 - Endorsement for Public Consultation

Location:	N/A
Ward:	Mill Point
Applicant:	N/A
File Ref:	D-18-112892
Meeting Date:	30 October 2018
Author(s):	Mark Carolane, Senior Strategic Planning Officer Elyse Maketic, Manager Strategic Planning
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

The South Perth activity centre is located on a peninsula of the Swan River, less than two kilometres south of the Perth Central Business District. The area is highly accessible via major transport infrastructure that makes it a focal point on the movement network, including ferry, freeway, bus routes, cycling and pedestrian paths and a potential future train station.

The existing planning framework for the South Perth Station Precinct was established in 2013 via an amendment to the City of South Perth Town Planning Scheme No. 6 (TPS6) to implement the South Perth Station Precinct Plan (2011). In 2015 Council resolved to review the existing planning scheme provisions and the geographic extent of the station precinct. Following this resolution the City has undertaken a significant amount of work, including extensive stakeholder engagement, culminating in the preparation of the South Perth Peninsula Place and Design Report (May 2017). A major recommendation of that report was the expansion of the existing station precinct to incorporate a wider area that was more reflective of an activity centre and incorporated areas within a walkable distance of existing transport connections, and the preparation of an Activity Centre Plan (ACP). The Council resolved to prepare an Activity Centre Plan as a matter of priority in June 2017

In addition to the above resolutions of Council, the South Perth Activity Centre is classified as a district centre in the state's activity centres hierarchy and therefore requires an activity centre plan in accordance with *State Planning Policy 4.2 'Activity Centres for Perth and Peel'*. In September 2018 the Council resolved to forward the draft city-wide Local Planning Strategy (LPS) to the WAPC for certification to proceed to public advertising. The LPS is a high level document that identifies what planning activities will be undertaken over the next 10 to 15 years and provides some very high level guidance as to what those activities will consider. The LPS must reflect state government policy and previous decisions made by the local government. The need to prepare an activity centre plan for this area will not change as a result of consultation on the draft LPS as it is required by state policy and consistent with previous Council decisions.

The draft ACP and associated proposed town planning scheme amendment circulated to Councillors on 14 September 2018 and available at <https://southperth.wa.gov.au/development/planning-projects/south-perth-activity-centre-plan>) have been developed based on the relevant built form, public realm and transport recommendations of the Place and Design Report and refined through further detailed planning work and engagement with the South Perth Station Precinct Reference Group and elected members.

The draft ACP and proposed amendment are to be read together and will provide the guiding framework (strategic vision and statutory framework) for the planning and development of the subject area.

The draft ACP contains:

- Part One – implementation section and development requirements. This section also provides guidance on the application of discretion, where available, for the development requirements contained in the proposed amendment;
- Part Two – explanatory section and strategic guide that provides the background, summary of the rationale, design basis and intent of the ACP to support the implementation of Part One and the proposed amendment; and
- Technical appendices – evidence base that has informed the preparation of the ACP.

The purpose of the proposed amendment is to implement the ACP by introducing key development requirements into TPS6 relating to zoning, land use and the building envelope via new schedule that will replace Schedule 9A. The amendment is intended to provide certainty for all stakeholders.

Both documents will first be forwarded to the Western Australian Planning Commission (WAPC) for review. Once the WAPC endorses the documents, the City will formally advertise both the draft ACP and proposed amendment and Council will be required to consider and endorse any modifications thereafter.

### Officer Recommendation

That Council:

1. Consent to publically advertise the draft South Perth Activity Centre Plan 2018 in accordance with Regulation 34 of Schedule 2, Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Clause 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to prepare the proposed Amendment No. 61 to Town Planning Scheme No. 6 as detailed in the amendment documents;
3. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that the proposed amendment is a complex amendment for the following reasons:
  - a) The land the subject of the amendment is not addressed by an adopted Local Planning Strategy; and

- b) The amendment relates to development that will have an impact that is significant relative to development in the locality;
4. Notes that Pursuant to Section 81 of the *Planning and Development Act 2005*, the proposed amendment will be referred to the Environmental Protection Authority for consideration prior to advertisement, and the draft South Perth Activity Centre Plan for information;
5. Notes that Pursuant to Clause 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed amendment will be forwarded to the Western Australian Planning Commission for examination and consent to advertise, and the draft South Perth Activity Centre Plan for information; and
6. Upon receipt of consent to advertise the proposed amendment from the Western Australian Planning Commission prepare notice of, and advertise, the draft South Perth Activity Centre Plan and the proposed amendment with a submission period of not less than 60 days pursuant to Regulations 34 of Schedule 2 and 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's policy P301 'Community Engagement in Planning Proposals'.

### Background

The South Perth Activity Centre Plan area (ACP area) is a place in transition. Over the decade to 2018, the area has experienced significant changes to its planning framework and urban form. As the Perth metropolitan area continues to grow, there is increasing demand for new living and working opportunities close to central Perth and this is expected to continue to drive growth and change in the ACP area into the future. It is therefore important that the area is well planned and carefully managed to ensure that growth builds on the area's unique characteristics, enhances its economic prosperity and strengthens its vitality for current and future residents, workers and visitors.

### Subject Area

The draft Activity Centre Plan (ACP) and proposed amendment (circulated to Councillors on 14 September 2018 and available at <https://southperth.wa.gov.au/development/planning-projects/south-perth-activity-centre-plan>) relate to the area shown on Figure 1, referred to as the ACP area in this report.



Figure 1: South Perth Activity Centre Plan Area (ACP area)

The Landmark Site bounded by Labouchere Road, Mill Point Road and Mends Street and shown on Figure 1 is subject to a separate amendment (Amendment No. 56), which introduces development requirements specific to that site. Amendment No. 56 was recommended for approval by Council in February 2018 and is currently awaiting final approval by the WAPC and Minister for Planning.

The ACP area is located on a peninsula of the Swan River, less than two kilometres south of the Perth Central Business District. The area is highly accessible via major transport infrastructure that makes it a focal point on the movement network, including:

- Mends Street Jetty and ferry service to Elizabeth Quay;
- Kwinana Freeway, which carries well over 180,000 vehicles per day as of 2018;
- Principal shared paths along the Kwinana Freeway and Sir James Mitchell Park foreshores; and
- Four bus routes running through the area on Labouchere Road and Mill Point Road.

In addition, land is set aside in the Kwinana Freeway reserve to allow the construction of a train station at the end of Richardson Street, as shown on Figure 1. The ACP area incorporates land generally within an 800m or a 10-minute walkable radius of existing and proposed major public transport connections (the Mends St Jetty and future South Perth Train Station), as well as residual areas which form a natural extension of the centre by virtue of their land use, character, or geographic location and boundaries.

#### Existing Built Form

The existing built form character of the ACP area is highly varied, including medium and high density residential, mixed commercial and residential, and predominantly commercial areas. The differing street patterns across the ACP area reflect a long history of urban growth, with progressive redevelopment for commercial and higher density residential uses occurring alongside retained heritage buildings that reflect the historical development and character of South Perth. Differing ages, uses and styles of building are also reflected in how those buildings relate to the street, particularly in terms of setbacks in different areas.

The abovementioned factors combined result in a range of building typologies through the ACP area, as described in Table 1.

TPOLOGY	DESCRIPTION	LOCATIONS
Tower in Open Space	Large residential towers set back from the street and side boundaries with surrounding landscaping.	East of Darley Street,
Larger Format Mid Rise	Bulkier medium scale residential apartment buildings	North of Judd Street
Main Street Commercial	Low scale attached commercial buildings with nil setbacks to boundaries and limited tower elements	Mends Street
Tower on Podium	Large residential towers set above three storey podiums built to property boundaries, accommodating a mix of uses	On Labouchere Road and near the corner of Mill Point Road and Mends Street
Cottages	Remnant cottages, mostly of limited heritage value and often converted for commercial uses	West of Labouchere Road

Table 1: Building typologies existing in the ACP area

#### Existing Planning Framework

The existing planning framework for the South Perth Station Precinct was established in 2013 via an amendment to the City of South Perth Town Planning Scheme No. 6 (TPS6) to implement the South Perth Station Precinct Plan (2011). The plan aimed to facilitate medium and high density mixed use development to support the development of the train station, including predominantly office based land uses, some additional residential accommodation and associated land uses such as convenience retail, cafes and specialist shops. Overall the plan sought to facilitate a level of development that would substantially increase the amount of

activity in the precinct and assist in achieving the critical mass of users necessary to support the provision of a train station.

Table 2 describes the history of the existing planning framework for the area and the process undertaken by the City to review and update it.

2005-2007	During construction of the Perth to Mandurah rail line, allowance was made for the location of a future South Perth train station within the Kwinana Freeway reserve near the end of Richardson Street. The allowance for a future station provided impetus to amend the City's planning scheme to allow for transit oriented development.
January 2011	The South Perth Station Precinct Plan was prepared and adopted by the City of South Perth and WAPC as a framework to guide development in the precinct surrounding the planned South Perth train station. The plan focused on promoting commercial and other non-residential land uses in order to promote the planned train station as a "destination station", rather than a commuter station designed to facilitate "park and ride" usage.
January 2013	<p>Amendment No. 25 to Town Planning Scheme No. 6 was gazetted in January 2013. The amendment implemented the South Perth Station Precinct Plan by introducing special provisions relating to the South Perth Station Precinct including:</p> <ul style="list-style-type: none"> <li>- Land use controls, including preferred ground floor uses to encourage non-residential and mixed use development;</li> <li>- Plot ratio requirements for non-residential development;</li> <li>- Podium and building height limits of up to 41 metres;</li> <li>- Street, side and rear setback requirements;</li> <li>- Parking requirements;</li> <li>- Other detailed design requirements; and</li> <li>- Performance criteria for variations from the development requirements for specified properties within an area known as the 'Special Design Area'.</li> </ul>
2014-2017	<p>Amendment No. 46 to Town Planning Scheme No. 6 was initiated in November 2014 and advertised from 27 January 2015 to 13 March 2015 and again from 3 November 2015 to 5 February 2016. The purpose of Amendment No. 46 was to correct anomalies, clarify ambiguities and strengthen performance criteria for building height variations in the South Perth Station Precinct. The amendment included additional performance criteria for development seeking variations from the development requirements (including additional building height), caps on the amount of car parking provided in developments seeking additional building height, greater setbacks to certain streets in order to protect existing street trees, and reduced minimum non-residential plot ratio requirements.</p> <p>Amendment No. 46 attracted substantial community interest and Council resolved in October 2015 to make significant modifications. These included limits to the allowable building height throughout the precinct and exclusion of the properties north of Judd Street from the area subject to additional building height. The modified amendment was advertised for public comment in late 2015 and early 2016 and a large number of submissions were again received. A final Council recommendation on the modified amendment was made in April 2016 and subsequently forwarded to the WAPC and Minister for finalisation.</p> <p>The Minister for Planning considered Amendment No. 46 in late 2016 and the City was directed to reinstate the original Special Design Area (the area subject to additional building height) and to also remove limits on</p>

	<p>additional discretionary building height within the Special Design Area. However the additional performance criteria for development seeking variations from the development requirements and greater setback requirements in certain streets, were included in the approved amendment. The amendment was gazetted in February 2017.</p>
May 2015	<p>Following the initiation of Amendment No. 46 a special meeting of electors was held to discuss development issues in the South Perth Station Precinct, including the extent of the precinct, the preparation of a planning strategy for the peninsula area as well as the station precinct, and community concerns with development proposed in the area. Following the meeting Council resolved in May 2015 to conduct an independent review of the relevant town planning scheme provisions and the geographic extent of the station precinct, separate to the Amendment No. 46 process.</p>
2016	<p>Following Council's resolution of May 2015, the City engaged consultants to undertake a review of a range of issues including:</p> <ul style="list-style-type: none"> <li>- Geographic extent of the precinct;</li> <li>- Whether there should be a building height limit;</li> <li>- Whether building bulk should be controlled through plot ratio;</li> <li>- Whether there should be discretion in relation to podium height;</li> <li>- Whether nil setbacks are appropriate for all streets;</li> <li>- Whether street setbacks above podium height are sufficient to ensure a comfortable pedestrian environment, especially in relation to scale and sunlight penetration;</li> <li>- Whether side and rear setbacks are sufficient;</li> <li>- Overshadowing;</li> <li>- What community benefits would be appropriate;</li> <li>- How to ensure buildings are of high design quality;</li> <li>- Whether and if so which Green Star rating tool/s are appropriate to ensure high quality sustainable design; and</li> <li>- Advice on a Development Contributions Scheme.</li> </ul> <p>The review included research into how other planning jurisdictions address similar issues, and utilised a simple 3D model to illustrate potential development outcomes of the existing scheme provisions via massing models. The study did not involve any community or stakeholder engagement and the report focused on technical statutory planning matters and recommended further amendments to TPS No. 6. The findings and recommendations identified the need to undertake a high level, collaborative planning and design exercise in the area to inform future planning and development.</p>
2017	<p>In response to the abovementioned recommendation the South Perth Peninsula Place and Design Project was undertaken in 2017. The focus of this project was to review the vision articulated in the South Perth Station Precinct Plan (2011) and to develop approaches for managing the area's growth in a way that captures the most benefit for the areas residents, workers and visitors. The project included two introductory stakeholder workshops before an intensive five-day Planning Design Forum, which brought over 100 community members, stakeholders and consultants together to develop a shared understanding of the issues and recommendations for further planning of the area.</p> <p>The process culminated in the preparation of the South Perth Peninsula Place and Design Report, May 2017. This report provides an overview of the process and sets out a renewed draft vision for the area, as well as recommended goals, ideas and actions to achieve this vision. The report includes recommendations relating to creating a robust planning</p>

	<p>framework, improving built form outcomes, improving the movement and access network, and improving the public realm and streetscapes. A key recommendation of this report was the preparation of an Activity Centre Plan for the area and associated scheme amendment to implement the Plan and provide certainty with respect to the key built form controls.</p> <p>Council considered this report in June 2017 and noted that the report would form the basis of the ongoing planning of the area and also endorsed the preparation of an activity centre plan as a priority action. The goals and ideas of the Place and Design Report have played an important role in informing the Activity Centre Plan and proposed scheme amendment.</p>
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Table 2: History of the existing planning framework

The draft ACP and associated proposed amendment have been developed based on the relevant built form, public realm and transport recommendations of the South Perth Peninsula Place and Design Report (May 2017) and refined through further detailed planning work and engagement with the South Perth Station Precinct Reference Group and elected members.

### Comment

Development in the ACP area is proposed to be controlled and guided by two complementary documents:

- a new schedule of TPS6 (proposed to be introduced via Amendment No. 61), which contains key development criteria; and
- the South Perth Activity Centre Plan (ACP).

The proposed new schedule of TPS6 is to be read in conjunction with the ACP. The schedule is intended to implement the ACP by introducing key development requirements into TPS6 to provide certainty for all stakeholders. Specifically it is proposed to introduce overarching objectives and development requirements for:

- character areas;
- zoning, residential density coding and land uses;
- development requirements that define the building envelope (building height, plot ratio, podium setbacks, podium height, podium site cover, tower setbacks, tower separation and tower maximum gross floorplate area); and
- approval for additional development potential (height and plot ratio).

The draft ACP comprises:

- Part One: Implementation section, which includes the ACP area map, plan series, character statements for the character areas and development requirements not contained in TPS6. This section also provides guidance on the application of discretion, where available, for the development requirements contained in TPS6.
- Part Two: Explanatory section, which is to be used as a strategic guide that provides the background, rationale, design basis and intent of the ACP to support the implementation of Part One and the proposed TPS6 requirements.
- Appendices: Economic and Demographic Assessment; Transport and Movement Analysis, which provide the evidence base that has informed the preparation of the ACP



Purpose of the Activity Centre Plan and Amendment No. 61

The draft ACP and accompanying proposed amendment will provide the guiding framework (strategic vision and statutory framework) for the planning and development of the subject area by taking a holistic, long term approach that can be updated over time to respond to current issues and stakeholder aspirations. The draft ACP and proposed schedule of TPS6 will guide decision-making regarding movement and access, land use and built form within the ACP area.

The draft ACP and proposed Amendment No. 61 aim to provide clarity and certainty for decision-makers, landowners and the community regarding how growth will be managed and what is considered an appropriate form of development in the ACP area. The documents respond to identified issues by establishing land use and built form controls based on forecast growth and in support of the vision for the ACP area as articulated in the ACP and amendment (for example the elements described in the character statements and the objectives of each character area). At the same time, the documents help to direct and plan for improvements to public space, the transport network, services and infrastructure to support ongoing economic vitality and a high quality attractive environment.

The draft ACP notionally works towards a ten-year timeframe, while articulating a long-term vision for the subject area that will not be fully realised within this timeframe. By starting with a long-term view, the plan aims to ensure that development in the short-term supports the 'bigger picture' vision.

Activity Centre Plan vision

The draft ACP articulates a vision for the development of the area, which was developed through the South Perth Peninsula Place and Design project in 2017, and builds on the values and priorities of local stakeholders. The overarching vision statement is intended to steer the ACP area's evolution supported by four character area statements that address the diverse and varying ways that density, activity and public space will be addressed across the ACP area.

The overarching vision statement is for the ACP area to be:

*A distinctive inner city centre, tourism destination and residential neighbourhood that is shaped by its connection to nature, unique assets, distinctive buildings, and future-forward approaches to sustainable living. Its lively centre and pedestrian friendly tree-lined streets connect locals and visitors to its diverse businesses, transport nodes and local heritage.*

The draft ACP identifies four character areas, also defined through the South Perth Peninsula Place and Design project in 2017, and sets out character statements for each area, with supporting objectives provided in the proposed Schedule 9B. All development proposals will be considered having due regard to the character statement and objectives of the relevant character area.

Summary of the Draft Activity Centre Plan Part Two – Evidence Base and Rationale

Contemporary best planning practice requires planning documents, such as activity centre plans, to be informed by a sound and robust evidence base. This evidence base provides the rationale for the ACP. It is compiled from a range of different data sources including:

- Regional planning strategies, policies and guidelines of the State Government;
- Detailed data analysed in the appendices to the ACP and summarised in Part 2;
- Planning investigations previously undertaken by the City; and
- The outcomes of consultation undertaken during the Place and Design project in 2017 and feedback from the South Perth Station Precinct Reference Group and elected members.

Part Two of the draft ACP sets out the evidence base and rationale for the planning requirements in Part One and the proposed amendment. More specifically this part explains the intended effect of the draft ACP, outlines the analysis and context that has informed its preparation through summarising the findings of the background documents, and details how the provisions of the plan will deliver the vision for the ACP area.

Part Two is separated into ten sections; Introduction, Centre Context, Process, Vision, Plan Components, Activity, Built Form, Movement, Public Realm and Next Steps.

Of most importance to this report and understanding the rationale for the ACP and amendment are the planning context, forecast growth of the centre and the key issues for activity, built form and movement. These are summarised below.

#### *Planning Context*

Part Two of the draft ACP sets out the key guiding documents and how they have informed the preparation of the draft plan. In particular, the Perth and Peel @ 3.5 Million suite of documents and State Planning Policy 4.2: Activity Centres for Perth and Peel have informed the preparation of the draft ACP, as outlined below.

The Perth and Peel @ 3.5 Million document and supporting sub-regional strategies provides an overarching strategic framework for the Perth and Peel region to grow to accommodate a population of 3.5 million people by the year 2050. South Perth is located in the Central sub-region, where the framework focuses on guiding future infill growth into key locations, including activity centres such as South Perth.

The Central Sub-Regional Planning Framework sets a target of 8,300 additional dwellings for the City of South Perth to support urban consolidation in the Central sub-region. This target is intended to provide a guide for more detailed and localised investigations for population growth and corresponding dwelling requirements in the City, such as those undertaken as part of the development of a local planning strategy, which are then again refined through detailed planning exercises such as activity centre planning. The framework encourages infill development to be concentrated in activity centres and identifies the ACP area as an inner city activity centre in close proximity to the Perth CBD.

State Planning Policy 4.2 (SPP4.2) provides criteria to guide the planning and development of new, and the redevelopment and renewal of existing, activity centres of the Perth and Peel region. The policy reflects the intention of the WAPC to encourage and consolidate residential and commercial development into activity centres.

The policy classifies South Perth as a district centre; however it should be noted that the guidance in SPP4.2 is intended for all district centres regardless of their location and unique function and characteristics. The importance of South Perth as a visitor destination and a highly accessible activity centre within the inner city elevates it well above a conventional district centre as envisaged in SPP4.2.

The City's strategic planning framework, including the Strategic Community Plan 2017-2027 and draft Local Planning Strategy, have also informed the preparation of the draft ACP and proposed amendment. The ACP contributes to the Community Plan outcome 3.2 Sustainable built form and to the delivery of strategies in the focus areas of Economy, Environment and Leadership.

The City's draft Local Planning Strategy sets out the strategic direction for planning and development in the City over the next 10 to 15 years. The key draft strategy relevant to the draft ACP and proposed amendment is Strategy 4.2.1:

*Ensure each of the City's activity centres achieve an appropriate mix of activity, employment, recreational, civic and cultural, and entertainment uses as well as increased levels of residential population to support the ongoing viability and function of each centre. The planning framework is to ensure sufficient non-residential floor space, to meet forecast demand, can be provided in each centre.*

The Local Planning Strategy is currently in draft form and will be finalised following public consultation.

#### *Forecast Growth*

The ACP area is forecast to grow significantly, based on the analysis undertaken to inform the preparation of the draft ACP (Economic and Demographic Assessment, Appendix 1 of the draft ACP). The potential future growth of the ACP area has been modelled to the year 2041, which is 25 years from the latest Census conducted in 2016. This timeframe allows growth to be planned for in line with State Government strategic planning including Perth and Peel @3.5 Million, which plans for a Greater Perth population of 3.5 million by the year 2051. Long-term population forecasts are important to provide a sound evidence base in support of the long-term vision provided in the ACP, as well as to:

- ensure sufficient capacity is provided for in the long-term where fragmented land ownership limits capacity for redevelopment and impacts the scale and timing of development, which can increase the risk of underdevelopment;
- align long-term strategic planning with long-term infrastructure commitments and needs (public transport, schools and the like). Plans considering only short-term planning horizons (i.e. 5 years) are insufficient for proper infrastructure planning in infill settings; and
- recognise that places evolve over time to respond to changing demographic profiles, technology, social trends and market conditions, including economic cycles.

If future demand and growth is not well understood and reflected in the planning framework, there is a high risk that responses to actual demand and growth will not fit within the established vision, particularly if demand is underestimated at the strategic planning stage, which results in poor planning outcomes.

As an established activity centre, with high accessibility and close proximity to the Perth CBD, the State policy framework expects that a greater proportion of the suburb growth of South Perth, and the City of South Perth, will be directed towards the ACP area.

Table 3 provides a summary of the size, scale and mix of activity expected in the ACP area to the year 2041, to be managed and directed by the draft ACP and proposed Amendment No. 61.

INDICATOR	CURRENT	2031	2041	GROWTH BY 2041
Population	2,675	4,750	7,500	4,825
Dwellings	1,941	2,750	4,250	2,309
Employment	2,302	3,400	4,600	2,298
Employment-Related Floor Space (sqm – excl Retail)	63,000	92,500	110,000	47,000
Retail Floor Space (sqm)	8,172	13,860	20,356	12,184
Tourists/Visitors per annum	119,017	177,200	236,800	117,783

Table 3: Forecast demand for growth in the ACP area

SPP4.2 sets a minimum residential density target of 20 dwellings per gross hectare, and a desirable 30 dwellings per gross hectare, for district centres. The existing residential density is approximately 19 dwellings per gross hectare and the area is forecast to grow to approximately 27 dwellings per gross hectare, or slightly below the desirable target in SPP4.2, by 2031. By 2041 the area is expected to grow further to accommodate approximately 4,250 dwellings, at a density of 41 dwellings per gross hectare.

The SPP4.2 target is not based on a forecast of future growth, nor on detailed local planning that considers the locational context or unique function and capacity of individual centres. The Economic and Demographic Assessment (Appendix 1 of the draft ACP) indicates that there is demand and a strong strategic planning rationale for the ACP area to ensure that more than the desirable State Government target dwellings are accounted for beyond 2031. It is important to consider the growth pattern of the centre beyond 2031 to ensure:

- that it can continue to evolve over time in the context of the Perth Metropolitan region as a whole and also respond to changing circumstances and needs (such as demographic and economic conditions, and the overarching state policy framework); and
- The planning requirements are appropriate to shape and manage growth and demand in line with the broader vision for the area.

Several factors will influence population growth in the ACP area to 2041, including factors specific to South Perth and more general trends that will affect the area. Experience from other Australian cities has shown that when cities reach a population of 2-3 million a second major, intensively-developed business and mixed use district arises, often with a riverine setting and high accessibility to the CBD. South Brisbane and Southbank in Melbourne are both examples of this, and South Perth is considered likely to experience a similar transition in density as Greater Perth grows. More specifically to the ACP area, several factors provide appeal that readily translates into demand for living in the area, including:

- The proximity of the area to the Perth CBD;
- The established pattern of apartments within the precinct in medium and higher density development form;
- The natural amenity and setting of South Perth, with substantial opportunity for views to water, foreshores, parks and gardens;
- The distinctiveness of the area as a place, with an endearing public realm and opportunities for unique activities;
- As a destination for visitors the area has substantial potential to provide a range of uses and amenities, which in turn make the place appealing for prospective residents;
- The central location with separation from the CBD provides a convenient location for an Australian experience, which is of interest to prospective residents from overseas.

There is strong impetus in policy and practice from the State Government to focus and direct infill development (dwelling growth) within activity centres and along urban corridors. This is reflected in the spatial plan for the Perth and Peel regions set out in Perth and Peel @3.5 Million, a focus on planning policies affecting infill development (for example apartment design, activity centre planning, and transit oriented development), and a renewed focus on investment in public transport.

Modelling of employment and commercial floorspace in the ACP area, undertaken to inform the preparation of the draft ACP, indicates that the area has significant employment and commercial floorspace growth potential for both resident and visitor-servicing sectors and niche commercial office-based businesses. Growth is forecast to result in a total of 3,400 jobs by 2031, increasing to 4,600 jobs by 2041. This will result in a corresponding increase in commercial and employment floorspace, reaching a total of 130,000 square metres by 2041. In addition, the overall trend for tourism is positive and the number of visitors to South Perth is forecast to increase to 177,200 visitors per annum in 2031, and 236,800 by 2041. This forecast reflects South Perth's recognised status as a boutique office market in Perth, with other non-residential land uses, including those in the tourism and retail sectors, expected to support significant growth in jobs and employment floor space.

Further detail on the analysis and forecasts informing the draft South Perth ACP and proposed Amendment No. 61 can be found in Part 2 of the draft ACP.

#### *Key Issues for Activity*

The key issues for activity that the draft ACP and proposed scheme amendment address relate to several matters. To understand the land use and built form provisions of the ACP an understanding of the following issues are necessary. For further detail on each of these issues and the plan response refer to Section 6.3 of Part 2 of the draft ACP.

#### Site Availability and Development Capacity

- Development site availability is highly constrained. Most opportunities for new development occur through redevelopment of aged buildings, including demolition and renewal, which can be limited by many factors, including the planning framework and the presence of heritage buildings, established

infrastructure and the size, layout and ownership of existing properties (including strata titles).

- Under the current framework, growth is likely to be accommodated through significant height variation within the Special Design Area, where unlimited building size is permissible, and bulky buildings that cover close to 100% of the site outside this area where limits on building height apply.
- The unlimited flexibility in the Special Design Area acts as an incentive to maximise the size of buildings in this area, while sites outside of the area are highly constrained and can only maximise their development potential by minimising setbacks as much as possible, which results in relatively short, bulky buildings.
- The capacity of the ACP area to accommodate development has been reviewed and revised in light of the forecast demand for growth. It is important that planning requirements account for anticipated demand, but manage expected growth in a way that is consistent with the vision set out in the draft ACP, rather than as “ad-hoc” or individually-planned proposals that respond to a specific market need but are not designed with the character of the surrounding area in mind.

#### Directing Forecast Population Growth

- The draft ACP is based on a sound evidence base, including data from the most recent Census in 2016, and consideration of the overarching state policy direction for growth in activity centres. This provides a realistic forecast of the growth and resulting demand for development in the area, as well as the basis for planning controls to direct and manage the growth in support of the ACP vision and objectives.
- The draft ACP provides the detailed planning required to align the overarching framework with forecast growth projections, and determine how the state government targets will be met at a local government and local area level.
- The Economic and Demographic Assessment (Appendix 1 to the draft ACP) indicates that there is demand and a strong strategic planning rationale for the ACP area to ensure that more than the high level SPP4.2 gross dwelling density targets can be accommodated beyond 2031. This is important to ensure that the centre can continue to evolve over time.

#### Increasing Commercial Activity and Local Employment

- Development activity in the South Perth Station Precinct area between 2013 and 2018 has comprised predominantly of mixed use development with a high proportion of residential floorspace. This reflects the complexity of the commercial market and challenges in realising significant commercial development given the area’s appeal as a residential precinct and significant competition with existing, established fringe CBD office and employment nodes.
- Economic analysis suggests that delivery of the train station would substantially boost the viability of major office development, which would enable the ACP area to develop into a more significant fringe CBD office location enjoying convenient rail access. Until this occurs, boutique office commercial uses, entertainment and retail activities present greater potential for employment generation in the short term.

- It is important that commercial floorspace be anticipated and incentivised by the planning framework to ensure that long-term employment potential is not compromised by short-term market cycles, while at the same time allowing flexibility in commercial floorspace provision.

#### Plan Response to Key Activity Issues

The following provides a high level summary of how the draft ACP and proposed amendment respond to the above issues. For further detail refer to Section 6.3 of Part 2 of the draft ACP and the comment section on Part 1 of the ACP and the scheme amendment in this report.

- Replacement of the Special Design Area with new logically distributed set of height controls and clear criteria for additional height.
- Alignment of development intensity with capacity.
- Development controls aligned to population growth. Height, plot ratio and land use requirements have been calibrated to accommodate the forecast growth and weighted by character area.
- Variation of building height, density and land use requirements across the four character areas to reflect existing and desired future character.
- Housing diversity through dwelling mix requirements.
- Public benefit contributions to support growth.
- Targeted commercial growth through differing land use requirements in each character to reflect the character areas' suitability for commercial activity. Land use controls have been designed to concentrate commercial uses in locations with good access to public transport and to focus activity and energy in the existing centre around Mendis Street.

#### *Key Issues for the Built Form*

The key issues for built form that the draft ACP and proposed scheme amendment address relate to several matters. To understand the built form provisions of the ACP an understanding of the following is necessary. For further detail on each of these issues and the plan response refer to Section 7.3 of Part 2 of the draft ACP.

#### Impact of New Development on Local Amenity

Current and historic planning controls have enabled the following development outcomes, which negatively impact on the private and public realm:

- Buildings can be close together, resulting in limited solar access, reduced privacy, the cumulative effect of apparent bulk on the streetscape, lack of visual permeability, and exacerbated wind impacts at street level.
- Podiums with nil setbacks to all lot boundaries, which can have a high impact on smaller neighbouring properties, and reduce or completely remove areas of landscaping from the site at ground level.
- Bulky tower floorplates, which restrict views from surrounding development, encourage large blank tower façades and limit the amenity and development potential of adjoining lots.
- Poor quality street level environments, resulting from intrusive parking and servicing areas, poorly designed and detailed commercial frontages and inconsistent awning and setback design in new development.
- Building designs that do not reflect and build on the distinct character of the ACP area or achieve design excellence.

### Density and Form of Development

The current framework relies on height and setbacks to regulate the built form, and there are no plot ratio controls. In the Special Design Area there is no building height limit and no control over building size or density. This results in:

- A disconnect between the scale of development envisaged in the planning framework and actual development outcomes once discretion has been applied.
- A differential between development potential within the Special Design Area where there are no building height limits and outside, where building height limits do apply.
- Difficulty in forecasting potential long-term population growth and land use intensification, as no maximum limits apply. This makes it difficult to plan for improvements to the transport network, public infrastructure and community services because there is no limit on the size of buildings that could be approved within the Special Design Area.
- A lack of transparency relating to development potential, as there is limited guidance for the approval of additional building height. Development bonuses do not correlate with performance criteria and this allows development to be approved without a clear rationale for why the additional height is appropriate.

The draft ACP defines the building size for any given site through podium height and setback limits, tower setback and floorplate size limits, and total building height and plot ratio limits. These limits provide much more control over the density of development in the ACP area than the current framework, while still allowing for flexibility in the design of individual buildings.

### Control of Building Height and Discretion

Under the current framework:

- There is no guidance for the amount of variation above the building height limit that is considered acceptable in the South Perth context. In many cases, development does not conform to an overall urban design rationale or take into account important considerations such as overall skyline form.
- Performance criteria items listed in Schedule 9A vary in their specificity and value to the community, resulting in significant building height bonuses being permitted for items of unclear or low public benefit.
- The Special Design Area concentrates additional building height on major arterial roads, which have low pedestrian amenity and may present traffic management and access issues.
- No distinction is made between minor and major variation to the height limits. All performance criteria must be met, effectively encouraging significant variations (to account for the added cost of meeting all criteria) over minor variations.



Issues Arising from Current Development Requirements and Response to Existing Development and Local Character

- The ground plane element and how a building presents to the street is the most important factor in establishing a desired local character.
- The current framework promotes a uniform tower-on-podium form across the ACP area that does not reflect local character at the ground level resulting in:
  - A lack of consideration for the impact of new development on existing buildings, with new development having minimal setbacks and presenting poor-quality interfaces to adjoining lots.
  - Nil-setback podium development that is out of scale with existing built form context and streetscape character.
  - Development at different scales in close proximity with no consideration of transition in height and setbacks.
  - Poor design of ground floors and street setback areas which do not reflect local streetscape character.

How the draft ACP improves the Key Built Form Issues

The following provides a high level summary of how the draft ACP and proposed amendment address the above issues. For further detail refer to Section 7.3 of Part 2 of the ACP and the comment section on Part 1 of the ACP and the scheme amendment in this report.

- Greater separation distances between buildings and from property boundaries through setbacks and floorplate size limits.
- Tower floorplate size limits to ensure that new development provides visual permeability and views between buildings.
- Implementation of the principle that, if a building is taller, it must be more slender in proportion to the overall lot size and have more space around it.
- Podium design based on local character.
- Guidance and requirements for specific design components including addressing specific deficiencies in recent development related to façade materials and the design of roofs, services, vehicle entries and awning.
- Plot ratio limits to control building bulk and density. Plot ratio limits provide certainty as to the maximum potential bulk and scale of development, and density of land use.
- Distribution of development density through establishing plot ratio limits for all sites based on the desired future character of each of the four character areas.
- Limited building size variation through clear base building height and plot ratio limits and the maximum amount of additional development potential is also defined across the ACP area.
- In selected parts of the ACP area, additional height and plot ratio is permitted. The extent of these additional bonuses is controlled by plot ratio and floorplate size limits, design quality criteria, and requirements for public benefit contributions.
- Public benefit contributions framework that ensures additional development potential can only be approved when prerequisite amenity and design criteria are met and public benefit contributions are provided.

The amount of additional development potential that may be approved is directly related to the value of the public benefit contribution provided.

- Three street-level design categories that new development must conform with based on location. These set differing design requirements based on the intended function of the public space they address.

#### *Key Issues for Movement*

The key issues for movement that the draft ACP and proposed scheme amendment address relate to the impact of new development and trip demand generation, and private car parking. A summary of these is provided below. The plan also provides guidance for improving conditions for walking and cycling, public transport availability and usage, and traffic congestion. For further detail on each of these issues and the plan response refer to Section 8.3 of Part 2 of the draft ACP.

#### New Development and Trip Demand Generation

- The intersection of Labouchere Road, Mill Point Road and the Freeway ramps can be a busy intersection at peak times, drawing both local and regional traffic, and will continue to be so in the future.
- The corridor along Labouchere Road and the Freeway is the highest volume traffic corridor within the ACP area and carries the highest volumes in peak hour and throughout the day.
- Local development will contribute to traffic volumes in the activity centre in the future, resulting in the requirement to examine the capacity and configuration of some intersections.

#### Private Car Parking

- As the number of people living, working and visiting the ACP area grows so can the number of cars and demand for parking, if not properly managed.
- It is important that parking be carefully controlled to accommodate the trips that need to be made by motor vehicles while encouraging a shift toward more efficient modes of transport.
- Current development within the ACP area is providing higher than required private parking allocations, based on the identified preferences of targeted buyers. If allowed to continue, short term over-allocation of private parking may compromise the long-term strategic objective of high active and public transport usage.

#### Plan Response to Key Movement Issues

The following provides a high level summary of how the draft ACP and proposed amendment respond to the above issues. For further detail refer to Section 8.3 of Part 2 of the ACP and the comment section on Part 1 of the ACP and the scheme amendment in this report.

- Planning controls (including plot ratio and distribution of development potential) have been set with reference to transport modelling, which demonstrates that planned growth can be sustained by the local transport network if improvements are made.
- Facilitation of transport oriented development, including current (ferry, bus) and future (train station) transport nodes.

- Encouraging less car dependence through incentives for transport alternatives.
- Maximum parking bay requirements for new development, ensuring that parking is not oversupplied and encouraging residents to make use of alternative types of transport.
- Car parking and manoeuvring space within buildings and at or above ground level is included in plot ratio calculations.
- Encouraging the use of car sharing by allowing parking requirements for residential development to be reduced where a car share scheme is in place.
- The ACP also provides recommendations for complementary improvements to the movement network for further investigation.

#### Summary of the Draft Activity Centre Plan Part One – Development Requirements and Guidance

Part One of the draft ACP is to be read in conjunction with Schedules 9B (for the ACP area with the exception of the Landmark Site) and 13 (for the Landmark Site) of TPS6. In addition to establishing the vision for the area, as outlined above, Part One provides guidance to inform the implementation of the proposed Schedule 9B (in Amendment No. 61), including:

- Character area statements, to be considered along with the objectives for each character area in Schedule 9B, in the application of discretion regarding development.
- Objectives for land use, matters relevant to the exercise of discretion, uses not listed, minimum non-residential plot ratio and housing diversity.
- Built form guidance, including objectives for:
  - building height;
  - podium setbacks, height and site cover;
  - tower setbacks and separation;
  - tower maximum gross floorplate area; and
  - plot ratio.
- Development requirements for street interface design, interface with heritage buildings, amenity and design quality, sustainability, landscaping and water management, adaptability, detailing and materials, bicycle parking and end of trip facilities, and vehicle parking and access.
- Guidance for complementary improvements that may take place in the movement network and public realm to improve the ACP Area.
- Objectives and development requirements for development proposals seeking additional development potential in return for providing a public benefit contribution to the City.-
- Other development requirements including design review, supporting studies and plans that may be required to accompany development applications or as conditions of development approval and other strategies that may be developed or reviewed by the City of South Perth to deliver the vision for the ACP area.
- Monitoring and review requirements including key performance indicators.
- Definitions of words and expressions used in the draft ACP.

Further detail on the objectives and development requirements in the draft South Perth ACP and proposed Amendment No. 61 can be found in Part One of the draft ACP.

Summary of Proposed Amendment No. 61

The provisions of the proposed amendment apply to all development throughout the ACP area with the exception of:

- the triangular shaped lot bound by Mends Street, Labouchere Road and Mill Point Road (subject to Schedule 13 of TPS6), referred to as the landmark site;
- alterations and/or additions within the approved building envelope; and
- renovations or repairs to buildings.

The amendment proposes to rezone the subject land to Centre (excepting those areas currently zoned for Parks and Recreation or Civic and Cultural), with a residential density code of R-AC0, and to replace Schedule 9A in TPS6 with a new Schedule 9B.

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

- Rezoning the land bounded by Melville Parade, Richardson Street, Labouchere Road, Mends Street, Mill Point Road, Sir James Mitchell Park, South Perth Esplanade and Mill Point Close to Centre, with a residential density code of R-AC0, and amending the Scheme Map for Precinct 1 accordingly.
- Deleting Precinct 15 – South Perth Station.
- Deleting Schedule 9A Special Control Area SCA1 – South Perth Station Precinct.
- Inserting a new Schedule 9B – South Perth Activity Centre, including:
  - Definition of terms used in the schedule;
  - Objectives for the four character areas that comprise the ACP area;
  - Development requirements for new development, including:
    1. Zoning, residential density coding and land uses;
    2. Factors controlling the building envelope Building height, Podium setbacks, height and site cover, Tower setbacks and separation, Tower maximum gross floorplate area and Plot ratio; and
    3. Approval for additional development potential (height and plot ratio).
- Amendments to various clauses within TPS6 to reference the new Schedule 9B.
- Adding 'serviced apartment' as a land use to Schedule 1: Definitions.
- Deleting DCA1 and the associated Description of Land and Development Contribution Plan from Schedule 10.
- Adding text to Schedule 12 to reference the new Schedule 9B and Schedule 13.

Further detail on the content of the proposed Amendment No. 61 can be found in the amendment report.

Building Height and Plot Ratio

Schedule 9B provides building height limits, plot ratio and tower gross floorplate limits applicable to all development within the ACP area (excepting the landmark site). These requirements are intended to control the size of buildings. Building

height and plot ratio in the ACP area are controlled via a system of height typologies (low, low-medium, medium, medium-high and high) applicable to each site. Each typology has a system of 2 tiers (base and tier 1) which prescribe building height, plot ratio and tower gross floorplate area limits. The medium, medium-high and high typologies have an additional tier (tier 2) which is available on certain sites, which prescribes a maximum plot ratio and tower gross floorplate area limits. The tier system is explained in the table below:

Base	<p>Base limits (or as of right) apply to all properties within the ACP Area.</p> <p>The base height limits range from 14.4 metres (plot ratio of 2.0) for the low typology to 50.7 metres (plot ratio of 7.2) for the high typology. The base tower floorplate size is 50% of the site area (40% in the Hillside character area).</p>
Tier 1	<p>All sites in the ACP area are able to be developed up to the applicable Tier 1 limits for height, plot ratio and tower gross floorplate area. These heights range from 24.1 metres (plot ratio 2.3) for the low typology and 77.1 metres (plot ratio 8.8). Development may be approved up to these limits subject to satisfying all of the 'additional development potential' criteria contained in Element 7 of Schedule 9B, including that the tower floorplate size is limited to 40% of the site area (30% in the Hillside character area).</p>
Tier 2	<p>Certain sites within the ACP area may be subject to further height and plot ratio bonuses as set out in Tables 2, Table 5 and Table 6 (as applicable) of Schedule 9B.</p> <p>To develop at a building height and plot ratio greater than the Tier 1 limit, development must:</p> <ul style="list-style-type: none"> <li>Be shown on Map 2 of Schedule 9B as having Tier 2 additional building height and plot ratio available;</li> <li>Satisfy all of the 'additional development potential' criteria contained in Element 7 of Schedule 9B;</li> <li>Limit the Tower floorplate size to 30% of the site area (20% in the Hillside character area).</li> </ul> <p>There is no maximum height for areas with tier 2 additional development potential, however the following maximum plot ratios apply; 5.5 for medium typology, 7.6 for medium – high typology and 9.8 for high typology. Development cannot exceed these plot ratio limits; or the applicable tower gross floorplate area limit.</p>

Height and Plot ratio limits in the proposed Schedule 9B represent the outcomes of four separate exercises:

1. the development of an urban design rationale for the ACP area;
2. consultation with local stakeholders;
3. growth forecasts; and
4. architectural testing.

The urban design rationale has been developed through the Place and Design Report and refined through preparation of the ACP to guide built form throughout the ACP area having regard to:

- Existing and desired future built form character in each of the four character areas including urban grain, age and heritage, height and scale, street interface and building typologies;
- The capacity and suitability for additional development within each of the four character areas;
- Aligning development controls to population growth; and
- Promoting an overall attractive skyline form as viewed from key vantage points within and surrounding the area

The resultant urban design rationale is for development that is responsive to the existing and desired future character of each of the four character areas that considers the suitability and capacity for redevelopment in each area. In this regard, the distribution of building height typologies has been set having regard to existing built form characteristics, existing development potential under current development controls, proximity and accessibility to current and future transport nodes, and alignment of planned development intensity with capacity.

More specifically the building height and density controls across the four character areas are varied in order to reflect their differing character and suitability for additional growth and development, as well as to promote an attractive skyline form with a variety of building heights. Controls have been carefully calibrated to meet the overall growth forecasts weighted by character area, so less development is permitted in some areas and more in others.

The controls have been specifically developed with reference to analysis of site availability and development capacity, including assessment of strata titled buildings, sites of local and State heritage significance, small lots, and the likelihood of redevelopment of sites over the medium to long term. This demonstrates that the proposed limits in Schedule 9B provide sufficient development capacity to meet the forecast demand for growth in the ACP area.

The current special design area is also proposed to be replaced with a logically distributed set of height controls and a consistent approach to approval of additional height. This framework focuses development in areas that meet recognised planning criteria including proximity to major transport, access to services and opportunity for comprehensive redevelopment.

The built form typology for taller, slender built form established through the place and design report has been refined for each character area through consideration of existing predominant built form typologies. The built form controls for each character area have been designed to be responsive to the existing built form typologies through establishing specific requirements for each character area.

#### Exercise of discretion under the draft ACP and proposed Amendment No. 61 – Tiered System

The draft ACP and proposed Amendment No. 61 introduce a tiered system of height, plot ratio and tower floorplate area limits (outlined above), which are intended to provide certainty regarding building size and density, while also allowing for flexibility in response to individual site conditions and to promote variety in built form. Base building height, plot ratio and tower floorplate area limits apply to all sites within the ACP area and define a building envelope when combined with podium height, setbacks and site cover requirements.

All sites have the possibility to achieve at least some additional height and plot ratio above the base building height limit (Tier 1 additional development potential) in order to encourage variety in the built form. Tier 1 has set limits on height, plot ratio and floor plate size. Greater potential for additional height (Tier 2 additional development potential) is possible in areas near or within the Special Design Area set in the current Schedule 9A, those areas with existing tall buildings and areas that are highly accessible by public transport (existing ferry and future South Perth train station). Tier 2 has no maximum height limit, but does have limits on floorplate size and plot ratio.

Where discretion is required to be exercised under the draft ACP in relation to development requirements, due regard will be required to be had to:

- the relevant provisions of TPS6; and
- the relevant character area statement in the ACP; and
- the relevant character area objectives in Schedule 9B of TPS6; and
- the objectives in the ACP relating to the particular aspect of the application for which the discretion is sought.

The proposed new Schedule 9B (in Amendment No. 61) sets out the circumstances under which additional height and/or plot ratio above the base limits may be approved and the limits to the amount of additional development potential that may be approved. This system provides clear guidance as to where and how much additional development potential may be approved. The maximum amount of additional development potential is clearly defined for all sites within the ACP area, consistent with the desired scale and form of development and the overall vision for the area articulated in the draft ACP. Importantly, height and plot ratio limits are calibrated so that forecast demand can be met if a high proportion of sites develop to the base building height and plot ratio limits.

It is important that the limits of discretion are clearly defined, so that there is certainty for stakeholders and guidance for decision makers. It is also important that the amount of additional development potential being sought is considered in the context of general amenity considerations and is calibrated to the public benefit provided. Similarly, the benefits obtained by the community from additional development need to be clearly understood and considered as a reasonable balance between public and private benefits.

To this end, the draft ACP and proposed scheme amendment establish a new public benefit contributions framework that ensures additional development potential can only be approved when prerequisite amenity and design criteria are met and public benefit contributions are provided to the City. The amount of additional floorspace that may be approved is directly related to the value of the public benefit contribution provided.

To be eligible to achieve the additional development potential, criteria must be met including reduced tower floorplate size, consideration of amenity impacts and building design. A development then needs to provide a public benefit contribution proportional to the amount of additional plot ratio proposed. For example, a development with a plot ratio of 10.0 that is proposed on a site with base plot ratio

limit of 8.0 would need to provide a contribution calculated using the formula provided in Schedule 9B to allow the additional plot ratio of 2.0 (i.e. 10.0 less 8.0).

Where under the proposed Schedule 9B a public benefit contribution is required to obtain approval of additional building height and/or plot ratio, the public benefit contribution shall be expended by the local government on items that benefit the users of the ACP area including (but not limited to):

- community facilities;
- streetscape and public realm upgrades;
- street trees and landscaping;
- upgrades to public open space
- transport infrastructure;
- infrastructure upgrades; or
- placemaking initiatives.

The City will establish both a South Perth Activity Centre Public Benefits Fund, into which contributions will be deposited, and a clear framework for the management and expenditure of those contributions, in the form of a Public Benefits Plan.

This system is fair, transparent and legible for all stakeholders and allows flexibility to accommodate a diverse built form and respond to individual site conditions while providing certainty over the extent of discretion that may be applied by decision makers and guidance for the exercise of that discretion. Where additional development potential is appropriate, public benefit contributions provide for significant value to be provided directly to the community.

#### Next Steps

The following steps are applicable to the progression of the draft ACP and proposed Amendment No. 61:

October 2018	Draft ACP and proposed Amendment No. 61 considered by Council for the purpose of proceeding to public advertising.
Late 2018	Proposed Amendment No. 61 forwarded to the WAPC and EPA for consent to advertise, and draft ACP also referred for information.
Estimated late 2018/early 2019	Public advertising of the draft ACP and proposed Amendment No. 61.
Estimated early-mid 2019	Consideration of the outcomes of public advertising and final adoption of the draft ACP and proposed Amendment No. 61.
Estimated mid 2019	Estimated timeframe for approval of the draft ACP and proposed Amendment No. 61 by the WAPC and Minister for Planning respectively

#### **Consultation**

The Western Australian Planning Commission will be required to consent to advertise the proposed amendment prior to the commencement of any public advertising. The WAPC may direct the City to modify the proposed amendment prior to advertising commencing.



Advertising of the draft ACP will be undertaken in accordance with Regulation 34 of Schedule 2 of the Regulations and advertising of the proposed Amendment No. 61 will be undertaken in accordance with Regulation 37 of the Regulations. Advertising will include the following:

- Developing supporting documentation (to be available electronically and in hard copy) to explain key components of the draft ACP and proposed Amendment No. 61, including FAQs, summary documents and explanatory notes;
- Inviting feedback on the draft ACP and proposed Amendment No. 61 via the City's online engagement platform (Your Say South Perth);
- Advertising the draft ACP and proposed Amendment No. 61 in local newspapers and publications (both online and hard-copy) including the Southern Gazette, e-news, Peninsula Magazine and social media;
- Emails to established database for planning projects in the ACP area
- Media communications to promote the project and opportunities to provide feedback; and
- Community drop in sessions to enable stakeholders to ask detailed questions of City staff.

Upon conclusion of the public advertising, Council will consider all submissions received and make a recommendation to either:

- Support the ACP and/or amendment without modification; or
- Support the ACP and/or amendment subject to modification.

The ACP and amendment will then be submitted to the WAPC for final approval by the WAPC (for the ACP) and Minister for Planning (for the amendment). It is estimated that Council will consider final adoption of the ACP and amendment in mid-2019.

### **Policy and Legislative Implications**

In addition to the above resolutions of Council, the South Perth Activity Centre is classified as a district centre in the state's activity centres hierarchy and therefore requires an activity centre plan in accordance with *State Planning Policy 4.2 'Activity Centres for Perth and Peel'*. In September 2018 the Council resolved to forward the draft city-wide Local Planning Strategy (LPS) to the WAPC for certification to proceed to public advertising. The LPS is a high level document that identifies what planning activities will be undertaken over the next 10 to 15 years and provides some very high level guidance as to what those activities will consider. The LPS must reflect state government policy and previous decisions made by the local government. The need to prepare an activity centre plan for this area will not change as a result of consultation on the draft LPS as it is required by state policy and consistent with previous Council decisions. It is therefore appropriate that the Activity Centre Plan proceed to public advertising at this time.

The draft ACP has been prepared in accordance with Part 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), State Planning Policy 4.2 Activity Centres for Perth and Peel and Western Australian Planning Commission (WAPC) Structure Plan Framework (2015), and with regard to relevant City of South Perth and WAPC planning policies.

The process for preparing and advertising activity centre plans is contained in Part 5 of the Deemed Provisions (Schedule 2 of the Regulations) and includes requirements for the preparation of an Activity Centre Plan, public advertising and submission to the WAPC. Under Clause 34 of the Deemed Provisions, the local government must advertise the activity centre plan within 28 days of preparing the plan. The WAPC may take reasonable steps to ensure that plan is advertised if the local government fails to advertise an activity centre plan in accordance with this clause.

Following public advertising the local government must consider all submissions and make any modifications to the activity centre plan to address issues raised in the submissions. The local government must then prepare a report to the WAPC, including a recommendation on whether the proposed acting centre plan should be approved with or without modifications, or refused. The WAPC may decide to approve, require modifications or refuse to approve the activity centre plan.

The provisions of Part One of the ACP will be required to be given due regard in determining development applications. Part Two of the ACP will function as a strategic guide to TPS6 and may provide additional context for applying discretion for development in the ACP Area.

The proposed Amendment No. 61 is considered to be a complex amendment under the Regulations for the following reasons:

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

The draft ACP and proposed Amendment No. 61 are to be considered together and therefore will follow the same approval and public consultation process, as required for complex scheme amendments. This process will also incorporate all of the requirements for public consultation and approval of activity centre plans, as outlined above. The statutory process for complex scheme amendments is set out in Part 5, Divisions 1 and 2 of the Regulations.

#### **Financial Implications**

The preparation of the draft ACP and proposed Amendment No. 61 is included in the 2018/2019 operational budget.

#### **Strategic Implications**

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

Strategic Direction:	Economy
Aspiration:	A thriving City activated by innovation, attractions and opportunities
Outcome:	Activated places
Strategies:	Facilitate activity centres and neighbourhood hubs that offer a diverse, viable and attractive mix of uses; Reinforce the South Perth peninsula as the City's primary activity centre by reinvigorating key assets and destinations

**10.3.1 Draft South Perth Activity Centre Plan and Proposed Amendment No. 61 - Endorsement for Public Consultation**

Strategic Direction: Environment (Built and Natural)  
Aspiration: Sustainable urban neighbourhoods  
Outcomes: Sustainable built form  
Strategies: Develop a local planning framework to meet current and future community needs and legislative requirements  
Promote and facilitate contemporary sustainable buildings and land use

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Advocacy  
Strategies: Advocate for public infrastructure improvements including South Perth train Station and ferry services

**Attachments**

Nil

### 10.3.2 Initiation of Scheme Amendment No. 60 - Recoding of Land Bounded by Curtin University, Garvey Street, Keaney Place, McKay Street, Waterford from R20 to R100 and Introduction of Development Requirements for a Purpose Built Student Accommodation Facility

Location:	Not Applicable
Ward:	Manning Ward
Applicant:	Dynamic Planning and Development Pty Ltd
File Ref:	D-18-112893
Meeting Date:	30 October 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

This report outlines details of proposed applicant requested amendment No. 60 to Town Planning Scheme No. 6 relating to the area bounded by Garvey Street, Keaney Place, McKay Street and Curtin University in Waterford (the amendment area). This area was designated as the 'Apartment District' within the Waterford Triangle Urban Design Plan, which was endorsed by Council in 2012.

The amendment proposes an increased density and building height limit and the introduction of built form controls for the amendment area, as well as the introduction of a new land use definition for 'Purpose Built Student Accommodation Facility'. An accompanying draft local planning policy has also been prepared which provides objectives and design criteria relating to built form, access, parking, landscaping and sustainability for a future 'purpose built student accommodation' facility within the scheme amendment area

The majority of land within the amendment area is in single ownership. Preliminary consultation with the remaining affected landowners commenced on 30 July 2018 for a period of approximately 3 weeks. No feedback was received during this period.

It is recommended that the Council support the adoption of the draft amendment and draft local planning policy for the purposes of public advertising in accordance with Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and Clause 4 of the Deemed Provisions.

#### Officer Recommendation

That Council:

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to adopt the proposed Scheme Amendment No. 60 to Town Planning Scheme No. 6 as detailed in the amendment documents contained in **Attachment (a)** for the purpose of advertising subject to the following modifications:

- a. Deleting clause 5.4(14)(l)(i)
  - b. Creating a new clause 5.4(14)(l)(vi) to read as follows:
 

*“The following criteria shall apply to a ‘Purpose Built Student Accommodation Facility’ in addition to the criteria above.”*
  - c. Renumbering clauses 5.4(14)(l)(vi) through to 5.4(14)(l)(xiii) to clauses 5.4(14)(l)(vi)(A) through to 5.4(14)(l)(vi)(H) respectively.
2. Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve that the amendment is a complex amendment for the following reasons:
    - a. The land the subject of the amendment is not addressed by an adopted Local Planning Strategy; and
    - b. The amendment relates to development that will have an impact that is significant relative to development in the locality;
  3. Pursuant to Clause 4(1) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to advertise the draft local planning policy P350.20 contained in **Attachment (b)**;
  4. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed amendment to the Environmental Protection Authority for consideration prior to advertisement;
  5. Pursuant to Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, submit the proposed amendment to the Western Australian Planning Commission for examination prior to advertising; and
  6. Upon receipt of consent to advertise from the Western Australian Planning Commission, prepare notice of, and advertise, the proposed amendment and Local Planning Policy with a submission period of not less than 60 days pursuant to Regulation 38(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 4 of the Deemed Provisions, and local planning policy P301 ‘Community Engagement in Planning Proposals’;

### Background

The proposed scheme amendment No. 60 applies to the northern portion of Waterford Triangle being the area bounded by Garvey Street, Keaney Place, McKay Street and Curtin University comprising of approximately 9,676m<sup>2</sup> of land.

This area consists of 12 lots all coded R20 and developed with single or duplex dwellings. The majority of land within this area is within single ownership. Due to the proximity of Curtin University, high proportions of houses within the proposed scheme amendment area are occupied by group households and/or are rented to students. However, despite the unique location close to the university and public transport, the existing density code does not encourage investment in the area and many of the properties have been poorly maintained over time. The public realm, including road verges and road carriageways, are also in need of upgrade to

**Initiation of Scheme Amendment No. 60 - Recoding of Land Bounded by Curtin University, Garvey Street, Keaney Place, McKay Street, Waterford from R20 to R100 and Introduction of Development Requirements for a Purpose Built Student Accommodation Facility**

improve the amenity of the area and to provide attractive and useable spaces for local residents.

Waterford Triangle is strategically located close to Curtin University and public transport and as such strongly lends itself to an increase in density to restore investment and improve the quality of the urban environment in the area. Planning for the rezoning of the Waterford Triangle commenced in 2006 through the Waterford Triangle Study, which culminated in the preparation of the Waterford Triangle Urban Design Plan and Design Guidelines in 2010. This document provided a conceptual framework for the redevelopment of the area and the basis for a future town planning scheme amendment. It has been used to guide the future planning of the precinct since December 2010.

Waterford Triangle Study (2006-2010)

The Waterford Triangle Study was undertaken in partnership with the Department of Commerce between 2006 and 2010, with the objective to explore community needs and provide an urban design guide that could facilitate higher density, high quality redevelopment. Stage 1 of the study investigated community aspirations through a programme of community engagement and discussion with relevant stakeholders to determine broad attitudes and preferences for the future development of the area. Stage 2 involved the preparation of the Urban Design Plan and Design Guidelines, including design options for future development and further consultation with the owners, residents and other key stakeholders of the area. In December 2010 Council resolved to use the Waterford Triangle Urban Design Plan and Design Guidelines as the guide for future redevelopment of the precinct.

Through this study 10 guiding principles were identified for the redevelopment of the Waterford Triangle.

Waterford Triangle Urban Design Plan

The Urban Design Plan prepared in 2010, and updated in 2012, provides a conceptual framework for the redevelopment of the area. The Plan is divided into four sub-precincts, as shown on Figure 1. Figure 1 displays the entire Waterford Triangle area to which the Urban Design Plan encompasses. The proposed amendment applies only to the Apartment sub-precinct, while the rest is addressed separately in amendment No. 59 which was adopted by Council for the purposes of public advertising at the May 2018 meeting (refer item 10.3.3). The key recommendations for the Apartment sub-precinct from this report are as follows:

- The Apartment Precinct should contain multiple dwellings, with a variety of dwelling sizes, in landscaped grounds.
- The building height limit should be five storeys, with the upper three storeys being set back from the first two levels in a podium style development. This will control the bulk of the built form at the street level and pedestrian scale so as not to create excessive bulk overshadowing.

Initiation of Scheme Amendment No. 60 - Recoding of Land Bounded by Curtin University, Garvey Street, Keaney Place, McKay Street, Waterford from R20 to R100 and Introduction of Development Requirements for a Purpose Built Student Accommodation Facility



Figure 1: Waterford Triangle Urban Design Plan

The Urban Design Plan was intended to provide the basis for a town planning scheme amendment. The recommendations were comprehensively reviewed during 2017 in light of the changes to the planning context that have occurred in the six years since the plan was finalised. This review assessed the likely built form outcomes of the recommended provisions from the Urban Design Plan and considered appropriate provisions to be included in a town planning scheme amendment and local development plan. These provisions are proposed to be included throughout the McKay, Park and Terrace Precinct of Figure 1 above through scheme amendment No. 59.

The remaining Apartment precinct is the subject of this amendment which is being proposed by a landowner within the precinct.

#### Comment

The City has been in discussions with a landowner with significant land holdings in the area regarding a potential scheme amendment since late 2016. Since May 2017 the applicants, Dynamic Planning, acting on behalf of the aforementioned landowner, have been in discussions with City officers in relation to the proposed amendment. A first draft of the amendment was submitted to the City in October 2017. The City provided preliminary feedback on this proposal identifying a number of issues that would need to be resolved before the City could present the amendment to Council. The City has been in discussion with the applicant providing further advice on what the City would consider appropriate in the area. The scheme amendment was formally lodged in June 2018.

The main purpose of submitting an application for a scheme amendment is to facilitate a particular type of development on the site. It is envisaged by the landowner that the majority or the entirety of the precinct will be developed for a future 'purpose built student accommodation' development which is discussed in

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further detail below. The amendment has been proposed having consideration to the overall principles in the Urban Design Plan and the specific objectives for the Apartment sub-precinct.

A Local Planning Policy is proposed to accompany the proposed amendment that outlines detailed design criteria for a PBSA development within the amendment area. This policy will operate in conjunction with the Scheme. This policy covers those matters that are not appropriate to be contained in the Scheme and include objectives and provisions relating to:

- Site planning and streetscape;
- Built form;
- Vehicle access and parking;
- Services;
- Landscaping; and
- Sustainability

Preliminary Community Consultation

Pursuant to clause 9.8(3) of the Scheme, preliminary consultation with the remaining landowners in the precinct was undertaken in July 2018 for a period of twenty-one days and included the following:

- Letters to remaining landowners within the amendment area providing background detail, the draft amendment and draft local planning policy, and inviting comment; and
- Invitation for affected landowners to phone, email or meet with City officers to discuss the proposed amendment.

During the feedback period no written responses were received. City officers met with one landowner to discuss the proposal but no formal submission was made. As no comments were received, the draft amendment was not modified as a result of preliminary consultation

Proposed Scheme Amendment

The proposed amendment intends to increase the density and height limit within the amendment area and to establish special development provisions for the subject site bounded by Garvey Street, McKay Street, Keaney Place and Curtin University. This will be achieved through the introduction on a new 'Site P' under clause 5.4 - 'Development Requirements for Certain Sites' of the Scheme.

In summary, the draft amendment proposes the following:

1. Recoding the lots from R20 to R100 to facilitate higher density residential development;
2. Amending the building height limit of all lots from 7.0 metres to 17.5 metres to facilitate development of up to five storeys;
3. Introduction of a new side and rear lot setback requirements that are determined by the height of a building;
4. A minimum 6 metre street setback requirement to provide a consistent streetscape and to allow space for landscaping;
5. Prohibition of Grouped Dwellings within the amendment area;
6. Introduction of a new land use 'Purpose Built Student Accommodation Facility'. This will allow for development of a building whose predominant



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purpose is to house students of tertiary education institutions for periods longer than 3 months. This use also allows for ancillary facilities including laundries, kitchens and other related amenities;

7. Introduction of criteria for additional height up to a maximum of 24.5 metres (7 storeys) and an unlimited plot ratio limit subject to satisfying various criteria including but not limited to:
  - A minimum site area of 3,000m<sup>2</sup>;
  - A street setback of 9 metres for any portion of the building over 5 storeys;
  - Maximum total floor plate size equal to 60% of the site area;
  - For any 'Purpose Built Student Accommodation Facility':
    - Preparation of a Waste Management Plan and Parking Needs Study;
    - Requirement to comply with the provisions of a new local planning policy that provide guidance on built form, vehicle access, landscaping and sustainability; and
8. Introduction of built form provisions to control the massing of buildings through articulation such as breaks in the building elevations.

Although it is envisaged by the applicant that part or all of the amendment area will be developed with this land use, the amendment has been shaped in such a way that individual sites may still construct a residential development to the R100 density. This amendment will therefore not preclude residential uses from occurring, individual landowners from developing or force individual landowners to amalgamate to benefit from the amendment.

The Scheme Amendment Report contained in **Attachment (a)** provides background information, a review of the existing planning framework, further details of the proposal, and justification for particular elements of the amendment. The below report discussed the key criteria of the amendment.

Purpose Built Student Accommodation Facility

The proposed amendment area is intended by the applicant to be developed for a 'Purpose Built Student Accommodation Facility' (PBSA). The applicant intends to develop the PBSA due to the suitability and appropriateness of the location and the increasing demand for student accommodation within close proximity of Curtin University. As detailed in the scheme amendment report there is a growing disparity between the supply of student accommodation in relation to the demand and that developing student accommodation in response to this issue will entail benefits to the residents as well as the wider community. These benefits include; a safe a secure environment for students, increased community spirit, convenient facilities, availability of study and play spaces, a range of local amenities and consolidation of student into a specially designed student facility. There are also benefits to the City such as consolidation of waste services, better management of facilities through a single operator in lieu of multiple rental properties and improved verges and public realm. The scheme amendment report also outlines the proximity of the subject site to Curtin University, Canning College, South Metropolitan TAFE and CSIRO campuses as a major factor supporting the suitability of the subject site for the intended 'purpose built student accommodation facility'.

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To facilitate this development, the amendment proposes to introduce a new land use of 'purpose built student accommodation facility' to the Scheme. The land use is defined as follows:

*'Purpose Built Student Accommodation Facility' means a facility:*

- (a) Whose predominant purpose is to accommodate:
 
  - (i) Students while studying at a tertiary education institution; and*
  - (ii) Staff of a tertiary institution or visiting staff to a tertiary education institution;**
- (b) That is designed and managed to facilitate the predominant purpose;*
- (c) That typically provides students with a principle place of residence for 3 months or more; and*
- (d) That may have shared facilities, such as a communal living room, kitchen and amenities*

This definition is based on a definition of the same land use that is contained in the City of Subiaco Local Planning Scheme. This land use is required as the Scheme does not currently contain a use that would be appropriate for the development that is being proposed. There is currently a 'student housing' land use defined in the Scheme that applies to student housing that is provided for and maintained by an educational establishment, but this land use is not appropriate as the proposed student accommodation will be owned and operated privately.

There is planning merit in the proposed future use of the site for student accommodation given the proximity to Curtin University, high frequency public transport and local retail in Waterford Plaza. There is however concern that a future student accommodation development may impact on the amenity in the area due to the significant intensification of the site, increased traffic and parking issues, the bulk and scale of the development relative to the surrounding development, and other issues associated with large developments within low density residential areas. The majority of these issues are addressed through the development criteria proposed to be included in the scheme.

It is considered that there is merit for the land use and it could be supported in the area having regard to the outcomes of community consultation.

Residential density

The proposed amendment area is currently zoned Residential R20. The proposed amendment will increase the density coding to R100. The zoning of Residential for the area will remain unchanged.

The density coding of R100 is generally consistent with the Urban Design Plan that recommended a density coding of between R60 to R120 dependant on lot size. The single coding of R100 provides equitable development potential consistent with the Urban Design Plan and is consistent with the current approach taken throughout the remainder of the City to avoid dual density coding wherever possible. A straightforward density code is simpler to interpret and administer and provides certainty for the City, property owners and the community. The proposed density is therefore considered to be consistent with the intent of the Urban Design Plan and considered appropriate for the site.

#### Lot boundary and street setbacks

The lot boundary setbacks contained in the proposed scheme amendment are dependent on overall building height. The taller a building is the greater the setback is required to be. For all development within the amendment area the setback requirements are as follows:

- 3.0 metre lot boundary setbacks for any building that is 10.5 metres (3 storeys) or less in height; and
- 6.0 metre lot boundary setbacks for any building that is greater than 10.5 metres (3 storeys) in height.

The lot boundary setback requirements are greater than what was envisioned in the Urban Design Plan, which recommended a 2.0 metre setback to lot boundaries for all multiple dwellings. A greater setback is proposed to ensure that sufficient space on the ground floor is provided for landscaping and building separation. In conjunction with the setback distances required to the street boundary, the proposed lot boundary setbacks ensure that future development is adequately setback from adjacent properties to reduce the impact of building bulk.

The minimum setback to all street boundaries for developments within the scheme amendment area is 6.0 metres. This requirement is appropriate to ensure that the new development is consistent with the existing residential streetscape and character and to provide space for landscaping within the front setback area.

#### Height

The amendment proposes to increase the building height limit from the existing 7.0 metres up to 17.5 metres. This will allow for development of up to five storeys consistent with the urban design plan.

The amendment also proposes the introduction of additional height criteria, which will allow for a maximum building height of 24.5 metres (7 storeys) and an unlimited plot ratio subject to various criteria being met including:

- A minimum site area of 3,000 square metres;
- Increased setback of 9 metres for any portion of the building over 5 storeys;
- Maximum floor plate size of 60% of the site area;
- For 'Purpose Built Student Accommodation'
  - Requirement to provide a mix of unit typologies (self-contained, hostel style, etc.);
  - Parking provided in accordance with a Parking Needs Study submitted with any future development application; and
  - Compliance with a set of Design Guidelines relating to various design and planning elements.

The proposed five storey building height limit was recommended in the Waterford Triangle Urban Design Plan. The special controls to allow for a seven storey height limit were originally proposed by the applicant for a purpose built student accommodation facility to maximise the potential for this specific land use. Through discussion, the City has modified the proposed amendment to have the additional height criteria apply to all potential uses (residential and student accommodation). This additional proposed height is considered to be appropriate

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having consideration to the criteria that must be met to achieve the additional height, in particular the lot size and setback requirements, which will mean that the top two storeys are not visible from the street as depicted in Figure 2 below.



*Figure 2: Cross-section of potential development showing heights and street setback*

#### Local Planning Policy

A set of design guidelines is proposed in conjunction with the scheme amendment that will apply to any proposed 'purpose built student accommodation facility' land use within the scheme amendment area. Once approved, the design guidelines will operate in the same manner as a local planning policy in that due regard shall be given to it when considering a development application.

The design guidelines aim to ensure that the future development is consistent with the vision set out in the Waterford Triangle Urban Design Study and is of an appropriate scale and design relative to both the existing residential development and the desired future density for the area. The design guidelines outline a number of overall policy objectives that need to be considered when assessing a development application and set specific objectives and policy provisions relating to the following:

- Site planning and streetscape
- Built form
- Vehicle access and parking
- Services
- Landscaping
- Sustainability

The design guidelines relate to matters that are not appropriate to be addressed through the town planning scheme such as safety, functionality, design features, use of colours and materials, roof form, vehicle access and parking locations, pick up/drop off facilities, landscaping provisions, deep-soil planting and sustainability measures. These provisions help to provide certainty that any future purpose built student accommodation facility development will be of a high quality and that consideration has been given to key matters that will potentially affect the amenity of neighbouring properties and the general locality.

A Local Planning Policy is considered the most appropriate way to guide the built form and overall development of a future 'purpose built student accommodation facility'. A Local Planning Policy is considered necessary for a 'purpose built student accommodation facility' as state policies and the Scheme are lacking in built form or design criteria for non-residential development. As any future development will be located within an existing residential area it is crucial that controls are in place to ensure that the building is of a high quality design, positively contributes to the desired streetscape and appropriately considers the potential impacts on amenity in the area. A policy is not necessary for any potential residential development as the criteria in the R-Codes and the Scheme are considered adequate controls for dealing with multiple dwelling developments.

#### Outcomes from the proposed amendment

The anticipated outcome from the proposed scheme amendment is that a majority, if not all, of the lots within the scheme amendment area will be developed for a single student accommodation development. Any lots that are not developed for the purpose of student accommodation would be able to be developed into 3 to 5 storey apartment style developments. Full details of the expected outcomes of the proposed amendment are detailed in the amendment report at **Attachment (a)**. A summary of these outcomes is as follows:

- The provision of up to approximately 600 rooms of varying unit typologies within a 'purpose built student accommodation facility'.
- Increase the building height to allow for developments up to 5 storeys for residential development and up to 7 storeys for a 'purpose built student accommodation facility'.
- Facilitate high density development that positively addresses the street and public open space and retains space for soft landscaping and established trees.
- Set out additional requirements for built form, landscaping, sustainability and access for a future 'purpose built student accommodation facility'.
- Consistency with the state planning framework through the provision of dwellings to support the City of South Perth's dwelling target set out in *Perth and Peel @3.5 Million* by providing for an increased dwelling density adjacent to a Specialised Activity Centre and within a transport corridor.
- Meet the overall objectives and outcomes of the Urban Design Study adopted by Council in February 2012.
- The proposed amendment is expected to complement the vision of the draft Bentley-Curtin Specialised Activity Centre Plan by providing an increased density and student accommodation in close proximity to the activity centre plan area.

### **Consultation**

Community consultation requirements for complex amendments are prescribed by Regulation 38(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. These requirements are supplemented by Part 10 of Local Planning Policy P301 - 'Community Engagement in Planning Proposals', which provides further guidance for advertising such proposals.

As discussed above, preliminary consultation has been undertaken with all landowners within the proposed scheme amendment area on the draft scheme amendment and associated Local Planning Policy in accordance with Clause 9.8 of the Scheme. This included mailed letters to landowners and one-on-one meetings. No written feedback was received during the preliminary consultation period although City officers met with one landowner who had no objections to the proposal.

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

### **Policy and Legislative Implications**

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

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

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

Stage of Amendment	Estimated Time
Council resolution to adopt proposed draft scheme amendment for advertising purposes.	October 2018
Referral of draft Amendment proposals to EPA for environmental assessment and WAPC for examination within a 60 day time period.	November 2018
Public advertising period of not less than 60 days.	December 2018 - March 2019
Council consideration of Report on Submissions and resolution on whether to support the amendment, support with modifications or not support.	April 2019
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> <li>• Report on Submissions;</li> <li>• Council's recommendation on the proposed Amendment; and</li> <li>• Three signed and sealed copies of Amendment documents for final approval.</li> </ul>	May 2019
Minister's final determination of Amendment and publication in Government Gazette	Not yet known

The process for preparing and adopting a local planning policy is contained in clause 4 of the Deemed Provisions. This process will be undertaken in conjunction with the scheme amendment process.

### Financial Implications

The estimated costs for the proposed scheme amendment have been paid for by the applicant as prescribed in the City's adopted Fees and Charges Schedule. These costs are in accordance with the *Planning and Development Regulations 2009*, which allows the City to recover the costs associated with a scheme amendment that is submitted by a landowner. Should the final cost be lesser or greater than the estimated costs the City will arrange for a refund or for additional fees to be paid as required.

### 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):** Scheme Amendment Report and Amendment Text
- 10.3.2 (b):** Draft P351.20 - Design Guidelines for 'Purpose Built Student Accommodation Facility' on 'Site P'

### 10.3.3 Consent to Advertise - Draft Local Planning Policy P320 'Assessment of Significant Obstruction of Views in Precinct 13 - Salter Point'

Location:	N/A
Ward:	Manning Ward
Applicant:	N/A
File Ref:	D-18-112895
Meeting Date:	30 October 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 meeting of 29 May 2018 Council considered an item (refer item 10.3.2) relating to building height limits within Precinct 13 – Salter Point. In response to this item the Council resolved to prepare a policy to provide more clarity and guidance on the application of clause 6.1A(9) of Town Planning Scheme No. 6 (the Scheme). This clause requires that development must not ‘significantly obstruct’ views of Canning River from an adjoining site. However Clause 6.1A(9) provides no guidance regarding when the obstruction of a view may be considered significantly obstructed.

The City has prepared draft local planning policy P320 – Assessment of Significant Obstruction of Views in Precinct 13 – Salter Point to provide objectives and criteria to assist in the assessment of development under clause 6.1A(9)(c) of the Scheme.

This report recommends Council consent to public consultation on the draft Policy as contained at **Attachment (a)**.

#### Officer Recommendation

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

1. Consent to public advertising of draft local planning policy P320 – ‘Assessment of Significant Obstruction of Views in Precinct 13 -Salter Point’ as set out in **Attachment (a)** for a period of not less than twenty one (21) days in accordance with P301 – ‘Community Engagement in Planning Proposals’; and
2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.



### Background

Clause 6.1A(9)(c) of the Scheme requires that a person shall not erect or add to a building on any land which has been assigned Building Height Limits of **3.0 metres, 3.5 metres or 6.5 metres** in Precinct 13 'Salter Point' unless the local government is satisfied that views of the Canning River from any buildings on neighbouring land will not be **significantly obstructed**.

Clause 6.1A(9) provides no guidance regarding when the obstruction of a view may be considered 'significant'. It also limits the scope of this assessment to sites with a BHL of 3.0, 3.5 or 6.5 metres.

Protection of views in this area is considered important due to the topography of the land, which allows for views of Canning River from a number of properties. Protection of these views has long been the subject of contention, particularly in relation to building heights and how these are measured. The City has previously considered modifying the building height limits in the area through a scheme amendment in 2013/2014. The amendment proposed to reduce the building height limit and provide a maximum roof height for those lots with a building height limit of 3.5 metres that front Salter Point Parade.

Community consultation on the proposed amendment was undertaken via a questionnaire and community workshop in November 2013. The outcome of this consultation was that although there appeared to be support for a modification for the existing building height limits there was no consensus on what the revised provisions should be, and consequently no consensus on the proposed amendment. The matter was presented to Council in March 2014 where Council resolved to not proceed with the amendment.

More recently, in October 2017, Council resolved that:

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

In accordance with this resolution a review was undertaken and a report presented to Council at the May 2018 Ordinary Council Meeting (refer to item 10.3.2 'Building Height Limits within Precinct 13 'Salter Point)'). This report recommended that Council not proceed with a scheme amendment and not proceed with any further proposals to change the Building Height Limits within Precinct 13 - 'Salter Point' at that time but instead to have the Building Height Limit and measurement of building heights investigated further as part of the current town planning scheme review. An alternative motion was carried as follows:

*"That:*

- 1. The Officer Recommendation not be adopted;*
- 2. Further to the Council Resolution of October 2017, a Policy be developed to provide more clarity and guidance on the application of clause 6.1A(9) of the Town Planning Scheme No. 6 (Building Height Restrictions in Precinct 13 'Salter Point'), particularly in regard to the impact of a development on the significant obstruction of views from existing buildings on neighbouring land.*
  - a. The policy shall focus on measures to reduce the visual impact that a roof may have on the significant views of the Canning River by neighbouring land owners, and provide guidance in respect to roof*

- pitch, maximum ridge height, the orientation of the ridge and the massing of the roof, and any other relevant matter.*
- b. *A Report and a Draft Policy shall be presented to Council at the September 2018 Ordinary Council Meeting.*
3. *Further Investigations into building height limits and the measurement of building height for Precinct 13 shall continue and form part of the review of Town Planning Scheme No.6 and development of Local Planning Scheme No. 7."*

A draft local planning policy P320– 'Assessment of Significant Obstruction of Views in Precinct 13 – Salter Point' P320 has now been prepared. The details of this policy are discussed in the Comment section of this report below.

It is noted in the above resolution that a draft policy was to be presented no later than September 2018. This deadline was delayed until the October 2018 meeting due to resources being focused on other key strategic projects being the Local Planning Strategy and the South Perth Activity Centre Plan.

### Comment

Protection of views in Precinct 13 from any 'significant obstruction' is established through clause 6.1A(9)(c) of the Scheme. The Scheme does not provide a definition or assessment criteria as to what constitutes a 'significant obstruction', thereby leaving the interpretation and assessment of this clause to the decision-maker.

Draft P320 aims to provide guidance on the application of clause 6.1A(9)(c) to ensure that all development applications are dealt with in a consistent manner. This is proposed to be achieved via objectives and development criteria in the policy that guide assessment under clause 6.1A(9)(c) of the Scheme. The overall intent of draft P320 is to provide a balance of certainty and flexibility for the assessment of development applications in this precinct.

The assessment of views in the area where clause 6.1A(9)(c) applies differs from the general assessment of 'significant views' that applies through local planning policy P350.09 – 'Significant Views'. Criteria in P350.09 specifically excludes the area of the City covered by clause 6.1A(9)(c) . This is in recognition that views to Canning River in the area covered by this clause are considered valuable to the extent they should be kept free of significant obstruction.

#### Projections above the building height limit

The Scheme currently allows for development to project above the building height limit where it complies with the matters listed in clause 6.1A(5) of the Scheme.

These projections include:

- minor projections,
- lift shafts,
- gable roofs; and,
- walls that are contained within a space enclosed by a notional 25 degree hip roof shape.

Clause 6.1A(5) was introduced into the Scheme in 2013 through Amendment No. 17. This clause allows the development of walls above the building height limit within the roof space, as the 25 degree roof space limit effectively allows most properties to be developed with an additional storey. This leads to a built form much larger and bulkier than suggested by the building height limit, and in a form much more likely to significantly obstruct views from adjoining properties. It has been claimed that increased loss of views in Precinct 13 is due to Amendment No. 17 and the additional height over and above the building height limit that can now be achieved. Further, it is clear from a review of previous assessments and decisions that the primary cause of issues relating to obstruction of views are projections above the BHL permitted under clause 6.1A(5) of the Scheme. It is therefore reasonable that the policy should focus on the assessment of these projections and not any part of the development under or within the BHL limit.

Draft P320 has therefore 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 will be subject to more strict development controls in relation to impact on views.

#### Policy Provisions

The primary matters addressed in draft P320 are summarised as follows.

Section	Summary of criteria	Officer comment/justification
1.0 Buildings considered to satisfy clause 6.1A(9) of the Scheme.	Buildings proposed at or below the applicable BHL wall measurement are not considered to significantly obstruct views.	The review identified that issues relating to obstruction of views primarily stem from projections above the BHL as permitted under clause 6.1A(5) of the Scheme. It is therefore reasonable to permit development under the BHL as of right and to only focus on development that proposes to project above the BHL. This provides certainty to stakeholders that development up to the BHL wall measurement will be permitted.
2.0 Approval of projections above the building height limit.	Limits any development above the BHL to: <ul style="list-style-type: none"> <li>• a maximum roof pitch of 15 degrees,</li> <li>• external fixtures being flat/flush with the roof line; and,</li> <li>• compliance with the deemed-to-comply provisions of the R-Codes in relation to lot boundary setbacks, street setbacks and open space.</li> </ul>	This clause creates diversity in design by allowing for a pitched roof but at an angle that does not allow for a substantial enough space for a loft or living areas above the building height limit (based on typical lot widths in the area). Compliance with the deemed-to-comply setback and open space requirements ensures new development is compatible with the streetscape and the building bulk is consistent with the expectations of the density coding.

3.0 Assessment of projections above the building height limit	Where any development proposes to extend above the building height limit in accordance with 2.0, above, due regard is to be given to the following two matters: 1. whether the view that is potentially obstructed by a projection is achieved from an important living area of a neighbouring building; and 2. whether the design of the building minimises the potential for obstruction of views.	This clause applies in addition to section 2.0. This ensures that if a development proposes to exceed the building height limit consideration is given to the overall design and the overall impact the development will have on views. This is to ensure that any development over the building height limit will not significantly obstruct views. The criteria are based on those used previously at the State Administrative Tribunal and other interstate appeal bodies in assessing the obstruction of views.
4.0 Discretion to permit variations from policy provisions	The City may vary the provisions of the policy where the proposed development will have a lesser impact than the existing development on the site.	This clause allows the City to approve any development that will have either no impact on access to views from neighbouring properties or a lesser impact than what is existing. If a development has a lesser impact than what is currently on the site or will have no impact on views at all it should not be refused under clause 6.1A(9) as it would not be reasonable to do so.

### Consultation

Should the Council resolve to adopt the policy for the purposes of public advertising it will be advertised for public comment for a period of at least twenty-one (21) days in accordance with clauses 4(1) and 4(2) of the Deemed Provisions and P301 – Community Engagement in Planning Proposals.

In addition to the requirements of P301 the City will notify in writing the owners and occupiers of all properties within the policy application area as well as surrounding properties that may be affected by the draft policy. This will include all properties east of Sulman Avenue from Salter Point Parade to the south to Letchworth Centre Avenue to the north.

At the completion of the public advertising period, a further report will be referred to Council outlining the outcomes of public consultation and with recommendations to address any comments received during the advertising period where considered appropriate.

### Policy and Legislative Implications

A planning policy does not form part of the Scheme, and cannot bind the decision maker in respect of an application or planning matter. However, the decision maker is required to have due regard to the provisions and objectives of the policy in its decision making. Given the explicit purpose of the policy to provide clarity to the Scheme, the adoption of such a policy is considered an appropriate measure to ensure a consistent approach to the application of clause 6.1A(9)(c).

**10.3.3 Consent to Advertise - Draft Local Planning Policy P320 'Assessment of Significant Obstruction of Views in Precinct 13 - Salter Point'**

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

**Financial Implications**

There will be a minor financial implication to the City in carrying out consultation on the draft policy. This cost is included in the 2018/19 operating budget.

**Strategic Implications**

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

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

**Attachments**

**10.3.3 (a):** Draft P320 - Assessment of Significant Obstruction of Views in Precinct 13 - Salter Point

### 10.3.4 Change of Use from Shop to Indoor Sporting Activity - No. 3/129 Canning Highway, South Perth

Location: South Perth  
Ward: Mill Point  
Applicant: Suburban Design and Construct  
File Reference: D-18-112896  
DA Lodgement Date: 5 June 2018  
Meeting Date: 30 October 2018  
Author(s): Valerie Gillum, Statutory Planning Officer Development Services  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### Summary

To consider an application for planning approval for an Indoor Sporting Activity on Lot 1, No. 3/129 Canning Highway, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 clause 7.8(1)

#### 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 planning approval for an Indoor Sporting Activity on Lot 1, No. 3/129 Canning Highway, South Perth **be approved** subject to:

- (1) The development shall be in accordance with the approved plans unless otherwise approved by the City.
- (2) The operation of the indoor sporting activity is limited as follows:
  - i) Hours of Operation shall be from Monday to Sunday between 6:00am and 10:00pm; and
  - ii) No more than two (2) clients and two (2) staff are permitted on site at any one time.
- (3) Prior to lodging a building permit application, the applicant shall submit an Acoustic Assessment Report prepared by a qualified Acoustic Consultant to the satisfaction of the City to ensure that noise received by the commercial tenancies on the subject site is acceptable having regard to the *Environmental Protection (Noise) Regulations 1997*.
- (4) Prior to submission of an occupancy permit, all or any noise attenuation measures identified in an approved Acoustic Report shall be implemented or installed and remain in place permanently, to the satisfaction of the City.

- (5) A separate application is to be submitted for any proposed signage that is not exempt from planning approval.

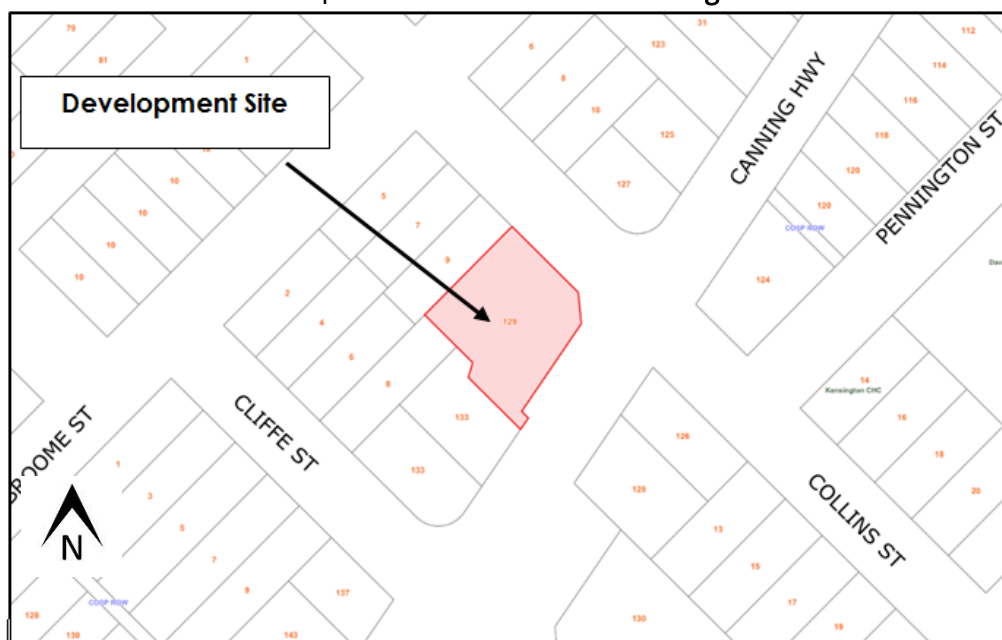
*Note: City officers will include relevant advice notes on the recommendation letter.*

### Background

The development site details are as follows:

<b>Zoning</b>	Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	1194 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	Industry – Services/Public Utility

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



**Figure 1: Locality Plan**

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

### Comments

#### (a) Background

In June 2018, the City received an application for a Change of Use from Shop to Indoor Sporting Activity in a single storey commercial building on Lot 1, No. 3/129 Canning Highway, South Perth (the **Site**).

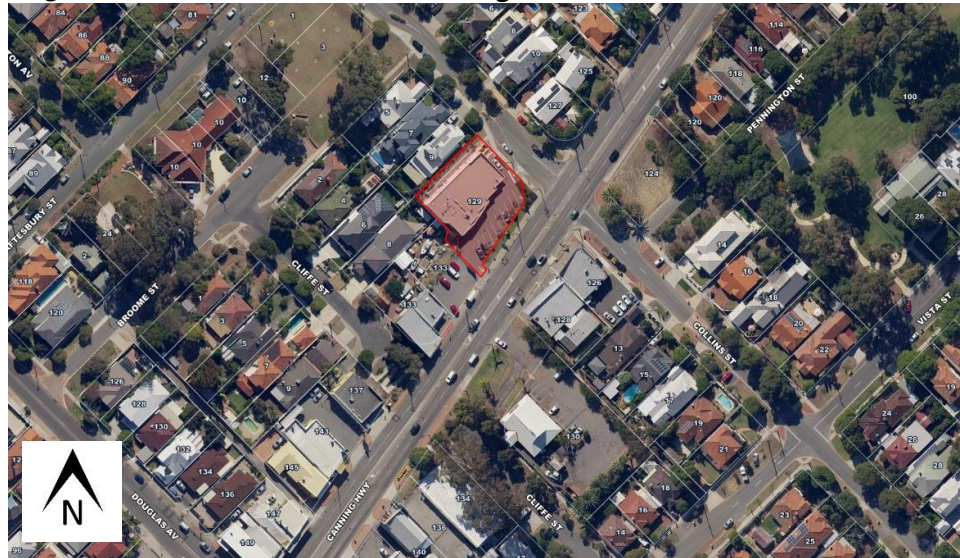
An application lodged in November 2016 to change the use of Shop 3 to Consulting Rooms (11.2016.472.1) was refused under delegated authority in February 2017. The tenancy has not been occupied since this determination.

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

The Site contains a single storey commercial building divided into five (5) separate tenancies of which Tenancies 2, 4 and 5 are currently occupied as Shops and Tenancy 1 is occupied as a Service Industry (Laundromat). The building was originally approved for shop uses.

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

The Site has a frontage to Canning Highway to the south-east, located adjacent to commercial buildings to the north-east and south-west and a single house to north-west, as seen in **Figure 2** below:



**Figure 2: Aerial image of the subject site.**

**(d) Description of the Proposal**

The proposal involves a change of use of a 79 sq. metre shop within an existing commercial building to Indoor Sporting Activity on Lot 1, No. 3/129 Canning Highway, South Perth (**Site**), as depicted in the submitted plans at **Attachment (a)**. The applicant is proposing that the use will operate as follows (refer to **Attachment (b)** for full details):

- The proposed 'Indoor Sporting Activity' is a specialised personal training business whereby Electro Muscular Stimulation (EMS) electrodes are applied to the skin sending electrical impulses to control muscle action while performing a series of low impact exercises for 20 minutes;
- Opening hours - Monday to Sunday between 6:00am and 10:00pm;
- The activity to cater for two (2) clients at any time;
- Each session will take 20 minutes to complete with a 30 minute booking time slot;
- Only equipment to be used are two Electronic Muscle Stimulator (EMS) machines and electrode suits;
- No more than two (2) staff (1 trainer and 1 receptionist) will be present at any given time; and



- There will never be more than four (4) to six (6) people at the studio at any given time (2 staff, 2 clients training and possibly 2 more arriving at the same time that the previous 2 clients are preparing to leave); and
- Provision of pre-workout isotonic drinks served on arrival and protein shakes served following training sessions.

(e) **Scheme Provisions**

The following components of the proposed development do not satisfy the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* and Council Policy requirements:

(i) Car Parking

The applicant's justification for car parking is provided in **Attachment (b)** 'Supporting Letter' and **Attachment (c)** 'Parking Demand Assessment'.

The proposal complies with the Scheme and relevant Council policies, with the exception of the remaining non-complying aspects, with other significant matters, all as discussed below.

**Land Use**

The proposed land use of Indoor Sporting Activity is classified as a 'DC' (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this discretionary with consultation use, it is observed that the Site adjoins commercial land uses on Canning Highway, in a location with a commercial streetscape, is zoned as 'Highway Commercial' with the existing building being used for non-residential land uses.

The tenancy is designed to be used for a non-residential use. Accordingly an Indoor Sporting Activity is seen to add value and diversity to the immediate area as well as to the wider community and is viewed as making a positive contribution to the precinct in terms of amenity and sustainability. Accordingly, the Use is considered to comply with the Table 1 of the Scheme having regard to clause 1.6 of the Scheme and clause 67 of the Deemed Provisions.

**Car Parking**

The use of 'Indoor Sporting Activity' is not listed in *Table 6 'Car and Bicycle Parking'* of *Town Planning Scheme No. 6 (TPS6)* and therefore the total number of car parking bays required must be determined by the local government, having due regard to the likely demand, as per *clause 6.3 of TPS6*. Based on the applicant's submission that there would be a maximum of two staff members at any one time (receptionist and instructor), a maximum of two clients being instructed at any one time, the maximum likely demand based on the operations described would therefore be six (6) bays (4 clients and 2 staff) as a result of overlap with the next appointment (i.e. demand of 6 due to the next appointment's arrival while the previous 2 clients are preparing to leave).

The parking demand/shortfall can be further explained in **Table 1** below.

**Table 1: Car Parking Demand/Shortfall**

Land Use	TPS6 Requirement	Proposed	Shortfall
Proposed use – Indoor Sporting Activity	As determined by the local government – Demand determined as six (6).  TPS Adjustment Factor = 20% (located within 400m from a bus stop and 400m from a Car Parking Place with more than a total of 25 car parking spaces).  $6 \times (0.85 \times 0.95) - 2.2 = 2.645$ (3 bays)	11 car parking spaces on site of which equates to 2.2 bays for each of the five tenancies.	3 bays

The use of Indoor Sporting Activity is a non-residential development therefore the City’s Policy P315 “Car Parking Reductions for Non-Residential Uses” can be applied. Applying Council Policy P315, the demand can be reduced by 20% with a resultant deficit of 2.645 or three (3) car parking bays as shown above in **Table 1**.

Due to the shortfall in the total number of bays required for the change of use, the proposed development does not comply with the car parking requirements of the TPS6.

Council discretion- cl. 6.3.4

Council has discretionary power under clause 6.3.4 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

- (a) *The Council is satisfied that the proposed number of bays is sufficient, having regard to the **peak parking demand** for different uses on the development site.*

Council discretion- cl. 7.8(1)

Council has discretionary power under clause 7.8(1) of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

- (a) *approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*

- (b) *the non-compliance will not have any **adverse effect** upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and*
- (c) *the proposed development meets the **objectives for the City and for the precinct** in which the land is situated as specified in the precinct Plan for that precinct.*

As a response to the above sub-clause, the Applicant has submitted justification found in **Attachment (c)** by way of providing a parking survey prepared by a traffic consultant. The main themes of the justification relates to reciprocal parking during off peak times, proximity to street parking and clients using alternate transport methods. The City's response to these themes can be seen below.

A review of the parking stock in the immediate vicinity indicates there is a total of 12 parking bays located on the adjacent Collins Street (10 marked and 2 unmarked) and 11 bays are located within the lot boundaries of 129 Canning Highway. This equates to a total of 22 parking bays both on the site and in close proximity. The neighbouring uses within the building on the subject site include a Service Industry (Laundromat) in Tenancy 1 and Shops (Salt Float Studio, Hairdressers and a Pool Supplies Shop) in Tenancies 2, 4 and 5. The table below (**Table 2**) refers to the opening times of these existing tenancies and includes the proposed Indoor Sporting Activity hours for comparisons.

**Table 2 – Trading Hours of the Centre (including proposed use)**

Business Name	Tenancy No	Operating days	Operating hours
Radiant Laundry	Tenancy 1	Mon – Sun	7.00am – 10.30pm
Salt Float Studio	Tenancy 2	Sun – Thurs Friday Saturday	8.00am – 10.30pm 8.00am – 10.30pm 8.00am – 11.00pm
Proposed Indoor Sporting Activity	Tenancy 3	Mon – Sun	6.00am – 10.00pm By Appointment Only
Hair Dressing Shop (Peter Charles Hair Studio)	Tenancy 4	Sat & Tues Wednesday Thurs - Fri Sun - Mon	9.00am – 5.00pm 9am – 7pm 9am – 6pm Closed
South Perth Pool Supply Shop	Tenancy 5	Mon – Friday Sat - Sun	9.00am – 5.00pm 9.30am – 12.00pm

The peak hours of the Indoor Sporting Activity will be between 6.00am and 9.00am in the morning and between 5.00pm and 7.00pm in the evenings between Monday and Friday. During these peak times, the hairdresser and pool supply shop will not be open, freeing up four (4) of the parking bays on site for use by the Indoor Sporting Activity.

In considering the proposed use relative to the peak demand of the existing tenancies on the site, the submitted Parking Demand Assessment was provided to demonstrate the availability of parking both on-site and off-site. The Parking Demand Assessment surveyed the availability of parking spaces both on the subject site and within the adjacent closest street (being Collins Street) as well as other nearby streets between 6.00am and 10.00pm at hourly intervals on Saturday 23 June, Tuesday 26 June and Thursday 28 June, 2018. This survey indicated the worst case scenario in relation to the availability of on-site car parking spaces whereby four (4) of the 11 spaces were available at 6.00pm on Saturday 23 June 2018 and at the same time there were four (4) available in Collins Street. The survey also indicated the worst case scenario in relation to the availability of car parking spaces in Collins Street whereby three (3) of the 12 car parking spaces were available at 6.00pm on Thursday 28 June and at the same time there were six (6) available on site.

City officers also conducted inspections at various times to check the availability of parking on the subject site which revealed that there were sufficient car parking spaces available which is referenced in **Table 3** below:

**Table 3 – Available On-Site Car Parking Spaces (observed by City officers)**

Date	Time	Car Spaces
Wednesday 19 September	5.00pm	4
Thursday 20 September	7.15am	11
Friday 21 September	8.15am	5
Friday 21 September	1.15pm	6
Sunday 23 September (drive by)	Approx. 1.00pm	9
Friday 28 September	12.30pm	7

After careful consideration of the Parking Demand Assessment Report and the City's observations during site inspections, it is anticipated that the street car parking spaces and on-site car parking spaces within Lot 1, No. 129 Canning Highway will be available during the peak hours of operation of the proposed Indoor Sporting Activity to cater for the shortfall. Therefore based on the proposed hours of operation, the nature of the use and the existing car parking stock within the area, the shortfall of car parking bays is considered acceptable. The proposal is considered to comply with the discretionary clause of TPS6, and is therefore recommended for approval by Council. Conditions relating to the maximum number of staff and clients will be included to control the intensity of the use to ensure the ongoing operation of the centre as a whole.

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

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

- (e) Ensure community aspirations and concerns are addressed through Scheme controls;*
- (i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;*
- (j) In all commercial centres, promote an appropriate range of land uses consistent with:
 
  - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) the preservation of the amenity of the locality;**

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

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

In considering an application for development approval the local government is to have due regard to 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:

<b>Matter</b>	<b>Officer's Comment</b>
<i>(s) the adequacy of –</i> <i>(i) the proposed means of access to and egress from the site; and</i> <i>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i>	In terms of the adequacy of the development for arrangements for the parking of vehicles, refer to Part (e) if the report.
<i>(u) the availability and adequacy for the development of the following –</i> <i>(i) public transport services;</i> <i>(ii) public utility services;</i> <i>(iii) storage, management and collection of waste;</i> <i>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</i> <i>(v) access by older people and people with disability;</i>	The use is proposed within an existing commercial building with access to Canning Highway which is a road that accommodates a high level of public transport services with a bus stop located directly out the front of the subject site.  End of trip facilities have been provided with this development however would not normally be required for visitors.  Collection of waste, public utility services and access has already

	been considered with the existing built development.
<i>(y) any submissions received on the application; and</i>	Refer to the Neighbour Consultation section of this report below.
<i>(za) the comments or submissions received from any authority consulted under clause 66;</i>	Refer to the 'External Agencies' Section of this report relating to comments from Main Roads Western Australia (Road Planning Branch).

## Consultation

### (a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the Area 1 consultation method, individual property owners, occupiers and/or strata bodies at Nos 5-10 Collins Street, No's 124, 126, 127, 128, 130, and 133 Canning Highway and No's 2, 4, 6 and 8 Cliffe Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 22 consultation notices were sent and two (2) submissions were received, against the proposal. The comments from the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
There are only about 10 parking spaces attached to this row of shops. Within close proximity to this small part of Collins Street is the Sports Massage Centre, the South Perth Community Centre and the SPELD Centre. This small area of Collins Street is always under extreme parking and traffic pressure. I strongly believe that adding a sporting activity centre will only add extreme parking and traffic pressure to this small street. I am alarmed by this change to the use of these small shops.	As explained in Part (e) of the report, the parking survey as well as City officer's observations during various site inspections revealed availability of car parking spaces both on the subject site and the street to cater for the shortfall of three (3) car parking spaces.  The comment is <b>NOTED</b> .
As of now I do not support this change as I do not believe there is enough parking on the property to support the current businesses and this new business. This new business can have a large number of customers who will stay in excess of an hour. What this means is that they will use street parking for their needs – especially on Collins St. north of Douglas. Given current businesses, the bus stop near this shop and the community centre street parking is already problematic.	The applicant's submission includes duration of appointments of 20 minutes and proposed at only two (2) clients at a time.  The nominated number of clients will be included in a condition of approval to ensure that there will be sufficient car parking spaces available to cater for the needs of that use.  The comment is <b>NOTED</b> .

**(b) Internal Administration**

Comments were invited from Environmental Health of the City's administration.

The Environmental Health section provided comments with respect to, noise. This section advised that an Acoustic Consultant Report prepared by a suitably qualified person is to be provided in relation to the impact this proposed use will have on other commercial premises within the same complex at No. 129 Canning Highway and noise received at other premises having regard to the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.

Based on the applicant's supporting information that the only equipment used will be two (2) EMS machines and electrode suits with only ambient background music played during opening hours, it is recommended that the acoustic report be provided prior to the lodging of a building permit for the fitout. Subject to the approval by the Environmental Health Officer, any recommendations of this report can be included on the drawings submitted with the building permit application for the fitout of the Indoor Sporting Activity and installed prior to issue of an occupancy permit. It must be noted that the applicant agreed to the conditions being included and the Environmental Health Officer confirmed that this approach was acceptable.

**(c) External Agencies**

Comments were invited from the Main Roads Western Australia (Road Planning Branch) with respect to the Site being on or abutting a regional road reservation. This agency raised no objections to this development proceeding. Main Roads did not provide any conditions to the City for this development.

**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 recommendation has no financial implications for the City.

**Strategic Implications**

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

**Sustainability Implications**

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

**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 and non-residential neighbours and the streetscape subject to compliance of recommended conditions that limit the number of staff and clients on site in order to control the intensity of the use. Additionally it is considered the proposed Indoor Sporting Activity use will be complementary to existing uses in the immediate vicinity of the site and that sufficient parking is provided. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

**Attachments**

- 10.3.4 (a): Development Plans
- 10.3.4 (b): Applicant's Supporting Letter
- 10.3.4 (c): Parking Demand Assessment



### 10.3.5 Proposed Lift Addition to a Single House (Two-Storey) - Lot 201, No. 4 Edinburgh Street, South Perth.

Location: South Perth  
Ward: Mill Point  
Applicant: Andy Pollard Homes Pty Ltd  
File Reference: D-18-112898  
DA Lodgement Date: 19 April 2018  
Meeting Date: 30 October 2018  
Author(s): Valerie Gillum, Statutory Planning Officer Development Services  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.3 Enhanced Environment & Open Spaces

#### Summary

To consider an application for development approval for a Lift Addition to a Two Storey Single House at Lot 201 No. 4 Edinburgh Street, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Boundary Wall (West)	Clause 2 of Policy P350.02 & Design Principles of Clause 5.1.3 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 Lift Addition to a Two Storey Single House at Lot 201, No 4 Edinburgh Street, South Perth **be approved** subject to the following:

- (1) Prior to the lodgement of a building permit, the applicant shall submit an Acoustic Report prepared by a qualified Acoustic Consultant to ensure that noise received inside, or emitted from the premises does not exceed the levels stipulated in the Environmental Protection (Noise) Regulations 1997 (as amended) and the Building Code of Australia, to the satisfaction of the City.
- (2) All noise attenuation measures identified in the Acoustic Report shall be implemented or installed and remain in place permanently, to the satisfaction of the City.
- (3) The development shall be in accordance with the approved plans unless otherwise authorised by the City.
- (4) All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
- (5) The external materials and colour finish of the proposed additions shall match with those of the existing building as detailed on the approved plans.

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

## Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R50
<b>Lot area</b>	389 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	One Single House
<b>Plot ratio limit</b>	Not Applicable

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



**Figure 1: Location Map**

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. Developments involving the exercise of a discretionary power**  
*Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, the R-Codes or relevant Local Planning Policies.*

## Comment

### (a) Background

In April 2018, the City received an application for a lift addition and alterations to a two-storey single house. The existing single house was originally constructed in approximately 2006.

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

The subject site is located at Lot 201, No. 4 Edinburgh Street, South Perth (the **Site**). The existing development on the Site currently features a land use of a two-storey single house with undercroft level, as depicted in the site photographs at **Attachment (b)**.

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

The Site has a frontage to Edinburgh Street to the south, with Forrest Street to the west, Rose Avenue to the east, and Hopetoun Street to the north, as seen in **Figure 2** below.



**Figure 2: Aerial Image**

(d) **Description of the Proposal**

The proposal involves the construction of an 8.6m high (7.6m measured at boundary), 1.5-2.2m wide lift addition to a two-storey single house with undercroft setback 0.58m from the western side boundary on the Site, as depicted in the submitted plans at **Attachment (a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment (b)**. The proposed additions can be further described as follows:

- Construction of a lift on the western side of the building to service the undercroft, ground and first floor of the existing single house; and
- Alterations as necessary on the northern side of each level to include an opening for access to the lift.

(e) **Scheme and R-Codes 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) Lot boundary setbacks - buildings built up to boundaries (western side) – Council Policy P350.02 Clause 1.1  
(Note: the term ‘up to a lot boundary’ means a wall, on or less than 600mm from any lot boundary (green title or survey strata lot), other than a street boundary).

The applicant provided justification for the proposed reduced setback as well as other comments as requested by the City which can be summarised as follows:

- *The reduced setback is sought to respond to demand within, for aged or dependent person's living, i.e. improved access and mobility;*
- *The existing build constrains and limits alternative design solutions.*
- *Overlooking is minimised with the inclusion of obscure glass to the northern elevation;*
- *Frosted glass applied to the northern elevation windows of the lift to protect privacy to neighbouring properties;*
- *The lift uses a toped hydraulic system that is totally silent while the lift descends and has minimal noise when the lift ascends;*
- *The lift's external mechanism will be installed into a weatherproof outdoor machine cabinet to further reduce any noise;*
- *Sun and ventilation remains adequate;*
- *Bulk impact remains minimal; and*
- *The proposed addition being of a rendered and painted appearance is in harmony, demonstrating compatibility and congruency with the existing building.*

The proposal is considered to meet the relevant Design Principles or discretionary criteria of the Scheme, the R-Codes and relevant Council policies, with the exception of one boundary wall variation. The discretionary assessment is discussed in further detail below.

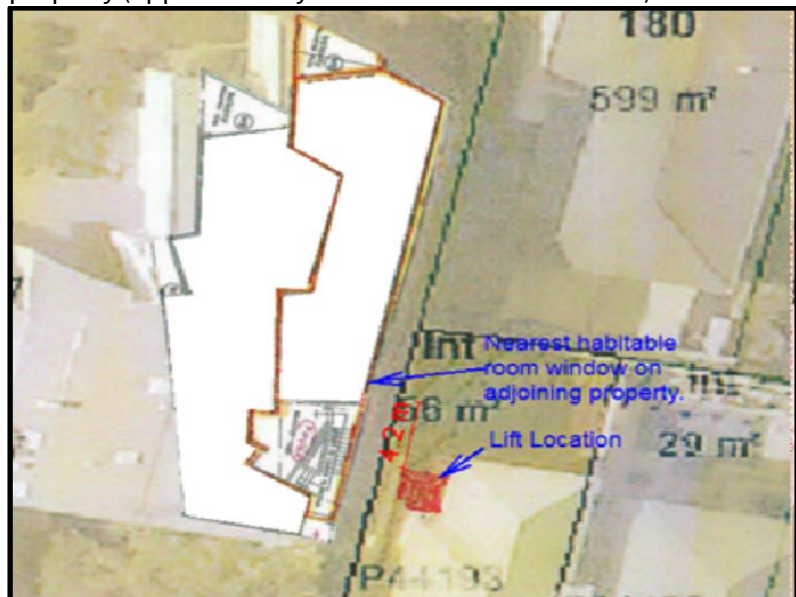
**Lot Boundary Setback – Buildings built up to boundaries (other than the street boundary) – Western Side**

Element	Deemed-to-comply	Provided
Western wall of lift ground floor (1.57m wide x 4.75m high)	1.1m setback from boundary (measured as per Figure Series 3, Figure 3e – Cross Section, sloped site)	0.58m setback
Western wall of lift first floor (2.17m wide x 7.6m high)	1.3m setback from boundary (measured as per Figure Series 3, Figure 3e – Cross Section, sloped site)	0.58m setback
<p><i>Design Principles:</i></p> <p>(a) <i>Streetscape character;</i></p> <p>(b) <i>Outlook from:</i></p> <p style="padding-left: 20px;"><i>(i) the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or</i></p> <p style="padding-left: 20px;"><i>(ii) any habitable room window of an adjoining dwelling;</i></p> <p>(c) <i>Visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and</i></p> <p>(d) <i>Amount of overshadowing of a habitable room window or outdoor living area on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the overshadowing caused by the boundary wall does not exceed the overshadowing caused by a wall that conforms to the Residential Design Codes 'deemed-to-comply' setback.</i></p>		

### Western boundary wall

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

- The space immediately to the west is an atrium/foyer entry area where unit occupiers of No. 12 Forrest Street enter their respective units. This area effectively acts as a buffer in between the properties and therefore reduces any potential building bulk impacts; moreover there are no habitable rooms of those dwellings that would look directly at the proposed lift wall.
- The height and length of the boundary wall, being 1.5-2.2m wide and 7.6m high where viewed from the neighbouring property, is not considered to result in an adverse building bulk impact as the wall sits adjacent a communal pedestrian access point and is the same height as the dwelling it is attached to.
- The boundary wall does not impact on any habitable rooms to the west, and the outlook from the western adjoining property is not considered to be detrimentally impacted. **Figure 3** below shows the lift location relevant to the adjoining property and its proximity to the closest habitable room window of that property (approximately 4.2m to the north of the lift).



**Figure 3: Lift Location relative to western neighbour.**

- The affected property is located to the west and therefore the shadow cast from the lift wall will only impact morning sunlight onto a communal pedestrian entry area.
- The wall is setback approximately 30m from the street frontage and hence does not form part of the streetscape; therefore streetscape character will not be impacted.
- Overall, there is not considered to be any adverse impact on the amenity of the adjoining property for the reasons mentioned above and is therefore supported in accordance with Council Policy P350.02.

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

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

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

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

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

In considering an application for development approval the local government is to have due regard to 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:

<b>Matter</b>	<b>Officer's Comment</b>
<i>(c) any approved State planning policy.</i>	Section (e) of this report identifies compliance with State Planning Policy 3.1 'Residential Design Codes of WA' (R-Codes).
<i>(g) any local planning policy for the Scheme area.</i>	Development complies with the objectives of Local Policy P350.02 as explained in Section (e) of this report. The wall sits adjacent a pedestrian entry to the units at No. 12 Forrest Street and will not be seen from any habitable rooms or outdoor living areas of that property.
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The addition of the lift will be rendered and painted to the same standard as the rest of the dwelling.  As indicated in Section (e) of this report, the proposed addition is not deemed to adversely impact the streetscape.
<i>(n) the amenity of the locality including the following –</i> <i>(i) environmental impacts of the development;</i> <i>(ii) the character of the locality;</i> <i>(iii) social impacts of the development;</i>	As outlined in Section (e) of this report, the proposed lift addition is not considered to have significant impact on the amenity of the locality, and is not out of character with the surrounding area.
<i>(y) any submissions received on the application.</i>	Refer to Consultation Section below.

### 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 standard consultation method, individual property owners, occupiers and/or strata bodies surrounding the subject site, were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 16 consultation notices were sent and two (2) submissions were received objecting to the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
Bulk and Scale	
<p>The appearance of the development as a "tack-on" development at the primary entry to their unit complex. Because of the reduced setbacks, the impacts of bulk and scale remains of concern to them and similar concerns have been expressed by other occupants of the unit complex. Other than relocating the lift, as alluded to in our earlier submission, it is not sure what the applicant could do to deal with this issue, but nevertheless, it remains a significant concern.</p>	<p>Details on the amended plan removed reference to the use of Colorbond cladding. The finish is noted as being painted and rendered to match the existing dwelling to ensure that the addition is compatible with the design of the dwelling.</p> <p>As detailed in the comments in Part (e) of this report, the proposed lift sits directly adjacent an entry area or foyer of the adjacent property and therefore will not impact on outlook from any of the adjoining property's major openings of habitable rooms nor will there be any impacts from any outdoor living areas, thereby limiting impacts in regard to scale and bulk.</p> <p>The comment is <b>NOTED</b>.</p>
<p>The proposed lift would have a negative impact on the common property and the lots within our unit complex. We submit that the lift in the proposed location not be approved by the City of South Perth.</p>	<p>Refer to officers comments in Part (e) of this report and comments above. Impacts are measured from habitable areas such as living rooms, bedrooms, and active outdoor living areas and the adjacent area is a common pedestrian entry access area. The drawings detail a finish to be compatible with the existing building so that any perceived impacts would be minimised.</p> <p>The comment is <b>NOTED</b>.</p>

<p>Has the opportunity been explored by the Applicant to review whether it is possible to incorporate the lift within the existing interior of the building?</p>	<p>The designer 'Willis Design Group Pty Ltd' provided a statement to the City that the existing build constrains and limits alternative design solutions to be able to locate the lift elsewhere on the site.</p> <p>The comment is <b>NOTED</b>.</p>
<p>Potential Noise Issues</p>	
<p>With respect to noise, all of the material provided by the Applicant has been quite subjective, rather than a proper analysis or assessment of what noise impacts will occur, some of which will be dependent ultimately on the location of the cabin and motor equipment which is still unknown. If the development had occurred within the confines of the existing building, it would unlikely be an issue because it would be maintained within the interior of the solid built brick form.</p> <p>The neighbour's visit to view the lift infrastructure in operation at Homebase was not conclusive in their minds as to whether or not it would have an impact in terms of noise and consequently, in the absence of something more concrete (e.g. an acoustic assessment) then noise remains a concern.</p>	<p>In respect to this comment, it is expected that there will be minimal noise associated with the operation of the lift. In the absence of an acoustic assessment, the City can include a condition requesting an acoustic report be submitted to the satisfaction of the City prior to lodging of a building permit for the proposed lift. The acoustic report will need to demonstrate that noise associated with the lift complies with <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>The comment is <b>UPHELD</b>.</p>
<p>General Comments</p>	
<p>With regard to the enclosure of the side openings to the upper level balcony. We were advised by the City Officers at an earlier time that the openings were required as a means for gas ventilation as a consequence of the location of external gas equipment located on the balcony.</p>	<p>The City's Environmental Health Officer confirmed that there is sufficient ventilation with the northern aspect being open. It must be further noted that the opening to the western side was necessary to restrict overlooking to the neighbouring property.</p> <p>This comment is <b>NOT UPHELD</b>.</p>



**Policy and Legislative Implications**

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

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

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

*Environment (Built and Natural) > Sustainable urban neighbourhoods >  
Sustainable built form > Promote and facilitate contemporary sustainable  
buildings and land use*

**Sustainability Implications**

Not Applicable.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions. It is not considered that the setback of the small portion of wall to the western boundary will impact in terms of scale and bulk from any indoor or outdoor habitable areas of an adjoining property as none of those areas look directly to that portion of wall. For these reasons, the application is recommended for approval.

**Attachments**

- 10.3.5 (a): Development Plans  
10.3.5 (b): Site Photos

### 10.3.6 Proposed Two Storey Single House at Lot 211 (No.25A) Sulman Avenue, Salter Point

Location: Lot 211 (No.25A) Sulman Avenue, Salter Point  
 Ward: Manning Ward  
 Applicant: Summit Homes  
 File Reference: D-18-112899  
 DA Lodgement Date: 11 June 2018  
 Meeting Date: 30 October 2018  
 Author(s): Laura Kelliher, 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

To consider an application for planning approval for a two storey Single House at Lot 211 (No.25A) Sulman Avenue, Salter Point. 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)	Policy P350.02 – Lot boundary setbacks (Boundary Walls) and R-Codes Design Principles 5.1.3
Lot boundary setbacks (South – Ground Floor)	Design Principles of Clause 5.1.3 of R-Codes WA
Lot boundary setbacks (North – Ground & Upper Floor)	Design Principles of Clause 5.1.3 of R-Codes WA
Garage Width	Design Principles of Clause 5.2.2 of R-Codes WA
Overshadowing	Design Principles of Clause 5.4.2 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 Two Storey Single House at Lot 211 (No. 25A) Sulman Avenue, Salter Point be approved subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. The proposed roof pitch is to be a maximum of 20 degrees.
3. Prior to occupation of the dwelling the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
4. The surface of the boundary wall to the northern boundary, shall be finished in a clean material to the same standard as the rest of the development prior to the developments occupation, to the satisfaction of the City.

5. Prior to the submission of a building permit application, details of the surface of the boundary walls to the Garage and Living, on the southern side of the lot shall be provided. The surface finish is to match the external walls of the neighbour's dwelling, unless the owner(s) of the adjoining property consent to another finish and their written agreement for the selected finish is supplied to the City, to the satisfaction of the City.
6. Prior to occupation of the dwelling a minimum of one tree not less than 3.0 metres in height at the time of planting and of a species approved by the City shall be planted within the street setback area or elsewhere on the site. The tree/s shall be maintained in good condition thereafter.
7. Pruning works are required to be carried out on the street tree to accommodate the approved crossover location. The associated costs are to be paid by the applicant prior to the lodgement of a building permit.
8. Prior to occupation of the dwelling, all visual privacy screen and obscure glazing to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City.
9. External clothes drying facilities shall be provided for each dwelling, and shall be screened from view from all streets or any other public place.
10. The height of any wall, fence or other structure, shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City.
11. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.

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

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	454 sq. metres
<b>Building height limit</b>	7 metres
<b>Development potential</b>	One (1) Single House
<b>Plot ratio limit</b>	N/A

The location of the development site is shown below:

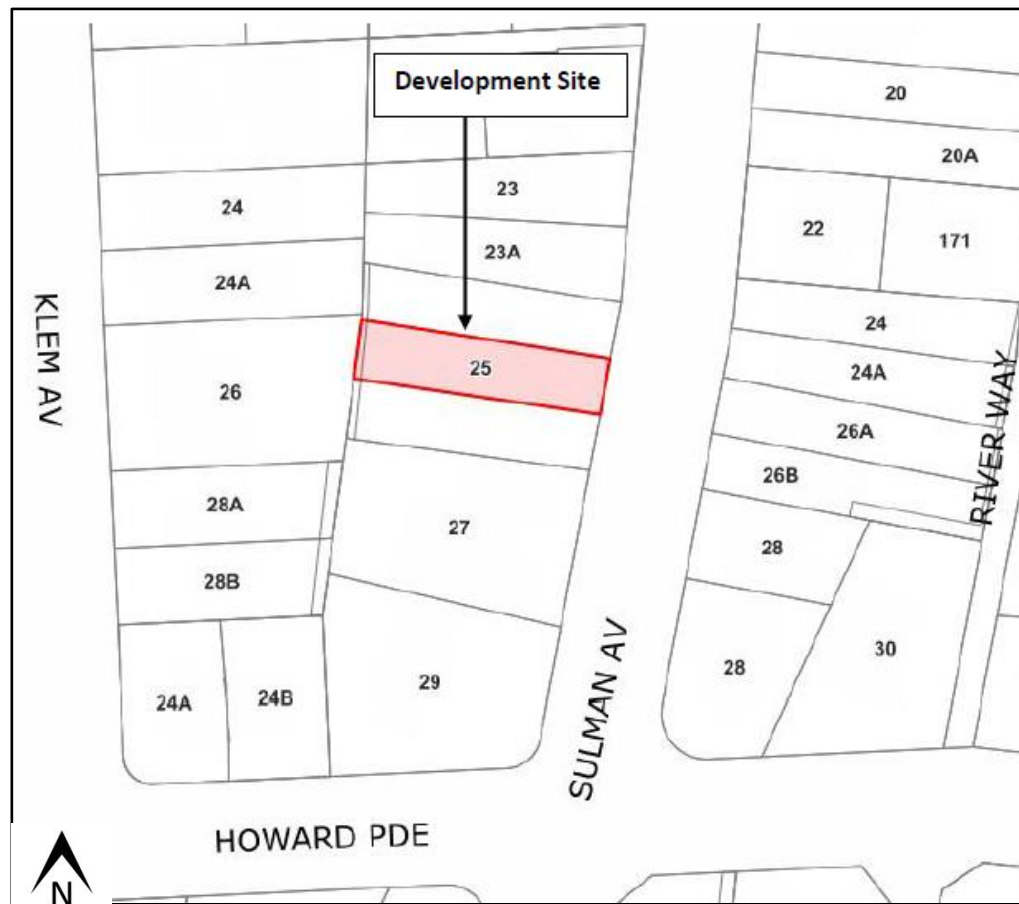


Figure 1. Development site

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

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

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

**(a) Background**

In June 2018, the City received an application for a two storey Single House on Lot 211 (No. 25A) Sulman Avenue, Salter Point (the **Site**).

An amended set of plans was provided by the applicant in response to concerns raised by the City and those raised during the neighbour consultation period, specifically regarding the southern boundary walls, lot boundary setbacks to the south, garage width, overlooking to the south and overshadowing.

The amended plans included the following changes:

- lowering the FFL of the dwelling by 0.05m;
- removing the eaves on the southern side of the dwelling;
- lowering the boundary wall heights to the south;
- reducing the ceiling height of the ground floor by 1c;

- modifying openings on the ground floor to the south to be minor openings;
- reduced the wall length of the upper floor to the south;
- the provision of screening to the upper floor balcony to the southern boundary; and
- cantilevering the upper floor balcony 0.5m forward of the ground floor garage.

It is noted that the amendments made while reducing the impact of this development to the neighbouring property to the south, did not reduce the amount of overshadowing proposed. Additional justification was provided by the applicant and landowners for any outstanding variation.

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

The subject site is located at Lot 211 (No. 25A) Sulman Avenue. The Site, which is currently vacant, is one of three (3) lots created as a result of the parent property being subdivided into three (3) side by side narrow lots. The neighbouring property to the south (No. 25B) has approval for a two storey dwelling which is under construction at present.

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

The Site has a frontage to Sulman Avenue to the east, with Howard Parade to the south and Klem Avenue to the west, as seen in **Figure 2** below:

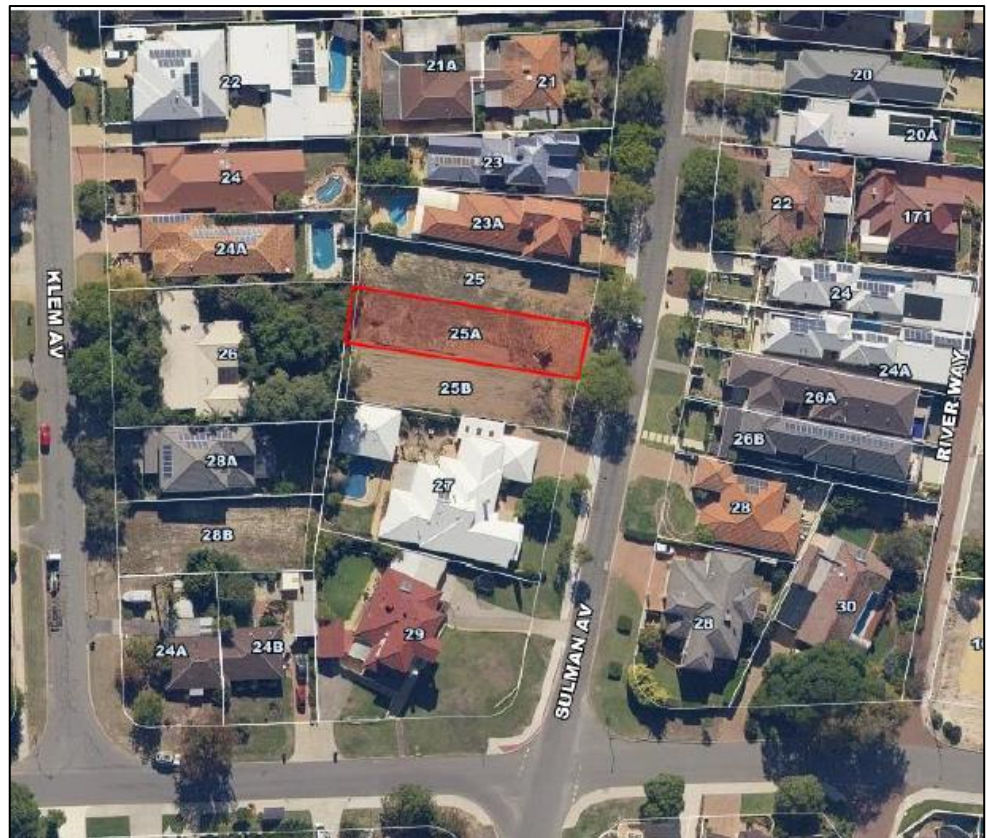


Figure 2: Aerial image of the subject site

**(d) Description of the Proposal**

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

- Four bedrooms;
- Two bathrooms and a powder room;
- Scullery;
- Kitchen, dining and living rooms;
- Garage;
- Theatre;
- Office;
- Upper floor sitting room Laundry;
- Alfresco; and
- Balcony.

**(e) Scheme and R-Codes 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) Boundary walls (north and south);
- (ii) Lot boundary setback (north and south);
- (iii) Garage width; and
- (iv) Overshadowing.

The Applicant and Property Owners have provided justification with respect to the proposal at Attachments **(b) and (c)**.

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 walls (north and south)**

Element	Deemed-to-comply	Provided
Northern boundary wall (porch/entry beam structures)	1m setback from boundary	Nil setback
Southern boundary wall (garage)	1m setback from boundary	Nil setback
Southern boundary wall (living)	1m setback from boundary	Nil setback
<p><i>Design Principles:</i></p> <p>(a) <i>Streetscape character;</i></p> <p>(b) <i>Outlook from:</i></p> <p style="padding-left: 20px;">(i) <i>the front of an adjoining dwelling or its front garden, if the proposed boundary wall is located forward of that adjoining dwelling; or</i></p> <p style="padding-left: 20px;">(ii) <i>any habitable room window of an adjoining dwelling;</i></p> <p>(c) <i>Visual impact of building bulk where the proposed boundary wall is situated alongside an outdoor living area on an adjoining lot; and</i></p>		

(d) *Amount of overshadowing of a habitable room window or outdoor living area on an adjoining lot. The amenity impact of the boundary wall will be deemed to be acceptable where the overshadowing caused by the boundary wall does not exceed the overshadowing caused by a wall that conforms to the Residential Design Codes 'deemed-to-comply' setback.*

#### Northern boundary (Porch) wall

The proposed northern boundary wall 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 height and length of this boundary wall, being a maximum height of 3.2m, with an average height of 3m, and length of 8.8m, is not considered to result in an adverse building bulk impact on the neighbouring property to the north, as this wall is an open, unroofed porch entry structure.
- It is noted that due to the sites orientation, the northern adjoining property would not be impacted by shadow.
- As these porch beams are open and unroofed, there is considered to be sufficient open space on the northern boundary to allow for ventilation.
- The boundary wall is not deemed to be out of character with the streetscape, noting a number of other boundary walls being visible from the street in close proximity to the subject site.
- The boundary wall does not impact on any habitable rooms to the north as the adjoining property is vacant at present.
- Overall, there is not considered to be an adverse impact on the amenity of the adjoining property in the future for the abovementioned reasons, and is supported in accordance with Policy P350.02.

#### Southern boundary walls (Garage and Living)

There are two boundary walls proposed to the southern lot boundary, those walls being the Garage and Living. The combined length for those walls is 12.1m which equates to 27.5% of the length of the lot boundary and is therefore less than the permitted one third of the lot boundary. Each wall is individually assessed against the design principles below.

#### Garage boundary wall

The proposed garage boundary wall 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 garage boundary wall is for a maximum length of 6.2m with a maximum wall height of 3m, it is noted that this boundary wall will not abut an outdoor living area and instead abuts the neighbouring property's side setback area to their porch and entry.
- The length of this section of building is not considered to be excessive to the extent that it would result in a significant sense of confinement. It is noted that the overall length of the southern boundary is 43.95m. As such, this garage boundary wall accounts for only 14.1% of the overall length of the southern lot boundary. Taking into account this context of the site, it is considered that there would be necessary sunlight and ventilation afforded to the adjoining property.

- It is noted that as this boundary wall will abut the 1.4m side setback area to the neighbouring property's porch and entry, there would be no shadow cast to any outdoor living areas or major openings to habitable rooms as a result of this wall length.
- This garage boundary wall is setback 6m from the primary street and is not considered to have a detrimental impact on the streetscape character as there are many examples of garage boundary walls in the immediate vicinity.
- Overall, there is not considered to be a significant adverse impact on the amenity of the southern adjoining property for the abovementioned reasons.

#### Living boundary wall

The proposed living boundary wall 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 living boundary wall is proposed for a maximum length of 5.8m with a maximum wall height of 2.6m. This is not considered to protrude a significant height above the height of a dividing fence (1.8m).
- The length of this section of building is not considered to be excessive to the extent that it would result in a significant sense of confinement. The overall length of the southern boundary is 43.95m, as such, this boundary wall accounts for only 13.1% of the overall length of this boundary.
- It is noted that the living boundary wall abuts the neighbouring property's swimming pool area and the side setback to a major opening to their dining room.
- While this boundary wall results in shadow cast to this area, it is considered that the swimming pool will not be in peak use during winter time, which is when the worst case scenario of overshadowing is calculated.
- The applicant provided a section diagram in support of this variation which shows the angle at which shadow cast will fall to the side setback area to the dining room major opening. This opening will remain largely unaffected and no shadow cast falls to the neighbouring property's alfresco area which is their main designated outdoor living area.
- Taking this into account, it is considered that there would be necessary sunlight and ventilation afforded to the southern adjoining property during winter time.
- Additionally the applicant provided a shadow plan (Overshadowing Plan 2) which represents the shadow cast at midday 22 December and it is evident from this plan that the swimming pool and dining room major opening will not be overshadowed.
- As this boundary wall is not visible from the primary street, there will be no detrimental impact on the streetscape character.
- Overall, there is not considered to be a significant adverse impact on the amenity of the southern adjoining property for the abovementioned reasons.



(g) **Lot boundary setbacks**

Element	Deemed-to-comply	Provided
GF South – Ldry to Lounge	1.5m	Minimum of 1.19m
GF North – Office to Dining	1.5m	Minimum of 1.4m
UF North – Sitting to Pdr	1.5m	Minimum of 1.4m
UF North – Master to Bath	2.1m	Minimum of 1.9m
UF North – Bath to Balcony	2.2m	Minimum of 2.1m
<p><i>Design Principles:</i></p> <p><i>P3.1: Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <li>• <i>Reduce impacts of building bulk on adjoining properties;</i></li> <li>• <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li>• <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul>		

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

Southern Ground Floor Setback

- The ground floor southern lot boundary setback from the laundry to lounge room elevation is considered to be a sufficient distance so as to reduce building bulk impacts on the southern adjoining property. The height and length of this section of the ground floor of the building, being between 2.9m and 13.5m, respectively, are not considered to result in an adverse building bulk impact. This setback abuts the 1m side setback to the neighbouring property's entry, stairwell and pool area.
- Due to the angle of the lot, only a portion of this section of the building is setback at 1.19m in lieu of 1.5m, whereas the remainder graduates to a maximum of 1.31 further to the north.
- There is considered to be a reasonable setback afforded to the southern adjoining property to facilitate the infiltration of necessary sunlight and ventilation.
- There is no overlooking as a result of this reduced lot boundary setback as the applicant modified all openings to be minor openings in this portion of wall length.
- While the proposed shadow cast does not satisfy the deemed-to-comply requirements, which is discussed in further detail later on in this report, overall, there is not considered to be a significant adverse impact on the amenity of the southern adjoining property as a result of this ground floor lot boundary setback variation.

Northern Ground Floor Setback

- The northern lot boundary setback of 1.4m in lieu of 1.5m from the office to dining room elevation is considered to be a sufficient distance so as to ensure there is no perceived building bulk impact on the northern adjoining property. The height and length of this section of the building on the northern elevation, being 3.15m and 19.3m, respectively, are not considered to result in an adverse building bulk impact. Furthermore, the property to the north is vacant with no plans lodged with the City for development to date.

- The minimum 1.4m setback is considered to be a reasonable setback to facilitate the infiltration of necessary sunlight and ventilation to the subject site.
- There will be no loss of privacy to the adjoining property to the north as a result of this proposed lot boundary setback variation.
- Due to the sites orientation, there will be no shadow cast to the adjoining property to the north.
- For the above reasons there is not considered to be an adverse impact on the amenity of the northern adjoining property as a result of this ground floor lot boundary setback variation.

#### Northern Upper Floor Setback

- For similar reasons mentioned above, the upper floor setbacks to the north, which are all minor setback variations (0.1m to 0.2m) are considered to be supportable, noting that the neighbouring property to the north is undeveloped with no current plans lodged with the City of development.
- The setbacks proposed are sufficient to facilitate the infiltration of necessary sunlight and ventilation to the building on the subject site.
- All openings on the upper floor are minor openings so there will be no loss of privacy should a dwelling be constructed on the neighbouring property in the future.
- For the above reasons, it is not considered the proposal would result in an adverse amenity impact to the adjoining property.

#### (h) **Garage Width**

Element	Deemed-to-comply	Provided
Width of garage	50% of the length of frontage	61% of frontage
<i>Design Principles: P2 Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors.</i>		

The proposed garage width is considered to satisfy the Design Principles of the R-Codes for the following reasons:

- Due to the narrowness of the site (10.07m as a result of the parent property being subdivided and made into three (3) green title side by side narrow lots) and the expectation that all dwellings have a double garage, it is considered reasonable that a development on the subject site would seek a variation to this requirement.
- The garage width occupies 61% of the lot frontage. Deviation can be supported as the dwelling is designed with the upper floor balcony slightly overhanging the front garage elevation by 0.5m, assisting in reducing the perception of the garage overwhelming or dominating the frontage and streetscape.
- The balcony has been designed with glass balustrade to the front elevation facing the street and archistone cladding and screening to the side of the balcony to ensure there is no overlooking to the

adjoining properties. The use of different materials on the upper floor balcony (glass balustrade and cladding) together with the render on the ground floor of the front facade allows for a more visually appealing facade as viewed from Sulman Avenue. It is also noted that the glass balustrading on the balcony allows for visual connectivity between the dwelling and the street. Street surveillance is also maintained by virtue of the major opening to the master suite positioned on the eastern (street) elevation.

- Additionally the garage is setback the required 6m from the primary street, therefore it is evident that the applicants have designed this proposal with the intent to minimise the garage dominance on the streetscape.
- The entry to the dwelling is still visible, with a clearly defined porch entrance structure located to the northern side boundary of the dwelling house.
- It is not considered that this garage width will significantly impact the existing streetscape values as it is consistent with existing dwellings along Sulman Avenue, in particular the neighbouring properties (No. 20, No. 20A, No. 23 and No. 23A Sulman Avenue).

(i) **Overshadowing**

Element	Deemed-to-comply	Provided
Overshadowing (onto 52A Lockhart Street)	25% (113m <sup>2</sup> )	35.7% (161.7m <sup>2</sup> )
<p><i>Design Principles:</i>  <i>P2.2 Development design to protect solar access for neighbouring properties taking account the potential overshadow existing:</i></p> <ul style="list-style-type: none"> <li>• <i>Outdoor living areas;</i></li> <li>• <i>North facing major openings to habitable rooms, within 15 degrees of north in each direction; or</i></li> <li>• <i>Roof mounted solar collectors.</i></li> </ul>		

The proposed overshadowing is considered to satisfy the Design Principles of the R-Codes for the following reasons:

- While the proposed shadow cast is in excess of the permitted 25% it is noted that this property is narrow width (10m) east-west orientated site. The subject site is the middle (centre) lot which was created as a result of a three (3) lot side by side subdivision of the parent property.
- Given the narrowness of the site and orientation of the property it is considered reasonable that a development on the subject site would seek a variation to this requirement.

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:

*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, pgs 66-67)*

- As mentioned in the excerpt above, an assessment of overshadowing should not be simply focused on the fact that the shadow cast is above the deemed-to-comply requirement; instead, a thorough examination of the spaces impacted by shadow should be conducted.
- As can be seen from the Overshadowing Plan 1 diagram submitted by the applicants, the shadow cast falls onto the neighbouring property's swimming pool area and the major opening to their dining room.

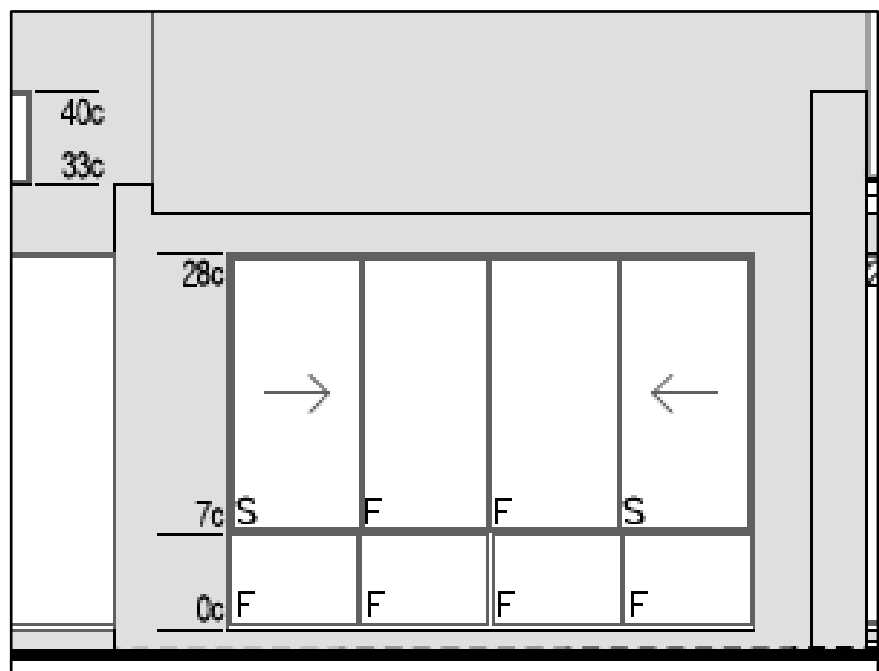
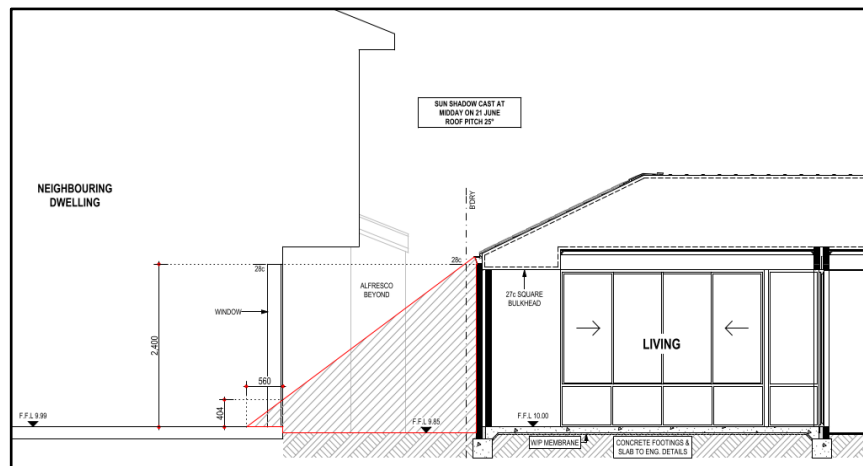


Figure 3: Elevation of the Dining major opening to the southern adjoining site (25B Sulman Avenue)

- However the applicants have also submitted an overshadowing section showing the angle of how the shadow falls to the south and the majority of this dining room opening will be unaffected in winter.



**Figure 4: Overshadowing Section to the major opening to the southern adjoining site (25B Sulman Avenue)**

- It is noted that there are no other major openings overshadowed and shadow does not fall onto the neighbour's alfresco area which is their main designated outdoor living area. Also the neighbouring residence does not have any roof mounted solar collectors.
- While the neighbours swimming pool area is proposed to be overshadowed, this is reflective of shadow cast at midday on 21 June when it is considered the swimming pool would not be in peak use by the occupants of the dwelling.
- An additional shadow diagram (Overshadowing Plan 2) was submitted by the applicants showing the shadow cast at midday 22 December when it is envisaged the swimming pool area would be used the most and this plan demonstrates that there is no shadow cast onto the swimming pool or major opening to the dining room.
- Amended plans were provided by the applicant which included lowering the FFL of the dwelling by 0.05m, lowering the height of the boundary walls to the south (whereby the garage boundary wall has a maximum wall height of 3m and the living boundary wall has a maximum wall height of 2.6m), removing the eaves on the southern side of the dwelling and reducing one of the upper floor wall lengths by 0.5m. Nevertheless these amendments did not reduce the proposed overshadowing and the shadow cast remains as a variation of 35% in lieu of 25%.
- As part of the written justification submitted by the land owners and applicants in support of this variation, an additional shadow plan (Overshadowing Plan 3) was prepared showing the shadow cast if the development had a 20 degree roof pitch in comparison to the currently proposed 25 degree roof pitch.
- This plan demonstrated that lowering the pitch of the roof by 5 degrees did not reduce the sqm or percentage of overshadowing, which remained at 161 sqm (35%). However it was noted that the shadow cast from a 20 degree roof pitch falls in a more eastwards direction on the property further away from the neighbouring property's alfresco area. This roof pitch is considered to have a lesser impact on the adjoining property and provides a more favourable outcome as there will be greater access to sunlight to the dwelling throughout different times of the day. The applicant has indicated

that if a 20 degree roof pitch was considered more appropriate then they would be satisfied with a condition of approval to this effect. For the above reasons, it is recommended the roof pitch be conditioned to be a maximum of 20 degrees.

- As detailed above, the proposed variation is considered to meet the design principles as the proposal is considered to have an acceptable impact on the adjoining property to the south.

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

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

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

- (k) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes  
In considering an application for development approval the local government is to have due regard to matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The matters most relevant to the proposal, and the City's response to each consideration, are outlined in the table below:

Matter	Officer's Comment
<i>(c) any approved State Planning Policy;</i>	Two design elements of the proposal are not considered to satisfy the Design Principles of clause 5.1.3 and 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.
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The height, bulk and scale of the development is considered to be consistent within the focus area in which there are many examples of two storey development and most noticeably the adjoining property to the south, who's two storey development is currently being constructed. Therefore the proposal is not deemed to adversely impact the streetscape.
<i>(n) the amenity of the locality including the following – (i) environmental impacts of the</i>	The proposal is considered to have an acceptable impact on the amenity of the locality by virtue of an adverse overshadowing impact, as detailed in the

Matter	Officer's Comment
<p>(ii) <i>development;</i> <i>the character of the locality;</i></p> <p>(iii) <i>social impacts of the development;</i></p>	report.
(y) <i>any submissions received on the application;</i>	The submissions received in the advertising period have been duly considered, as outlined in the 'Consultation' section of this report.

## Consultation

### (l) Neighbour Consultation

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

During the advertising period, a total of five (5) consultation notices were sent and one (1) submission was received objecting to the proposal. The comments of the submitter, together with officer responses are summarised below.

Submitters' Comments (summarised)	Officer's Responses
Concerned with the impact both boundary walls proposed to the shared boundary will have, in particular the boundary wall that is adjacent to their outdoor living area. Believes that the two boundary walls that are non-parallel to the boundary will cause a significant adverse impact to the amenity of their property.	The northern and southern boundary walls are considered to be supportable against the design principles of the R-Codes, particularly due to the amendments to reduce the wall heights incorporated by the applicant. Refer to the 'Boundary Wall' section of this report for further detail. This comment is <b>NOTED</b> .
Object to the overshadowing which impacts on their indoor and outdoor living areas. Particularly as considerable time and effort was put into the design of their dwelling to optimise northern light (to the swimming pool, dining room and alfresco) and to comply with 6 star efficiency ratings.	The proposed shadow cast is considered to be supportable against the design principles of the R-Codes, particularly due to the amendments to reduce the wall heights incorporated by the applicant. Refer to the 'Boundary Wall' section of this report for further detail This comment is <b>NOTED</b> .

The applicant has also provided a response to the submission and written justification in support of the variations, which can be found at **Attachment (b)**.

**(m) Other City Departments**

The City Landscapes Officer, City Environment section provided comments with respect to pruning of the existing street tree which are required to be undertaken to accommodate the new crossover. The associated costs are to be paid by the applicant. Accordingly, a planning condition is recommended as appropriate to reflect these comments.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

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

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Sustainable built form > Promote and facilitate contemporary sustainable buildings and land use*

**Sustainability Implications**

Noting the constraints posed by the development Site with respect to the width of the lot frontage, as well as not a very favourable orientation of the lot, the officers observe that the outdoor living area at the ground level have been provided sufficient access to winter sun. Accordingly, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it is not considered to have a detrimental impact on adjoining residential property or the streetscape. In particular, it is considered that the amendments made to the development plans would result in an acceptable impact on the southern property, as the boundary walls and proposed shadow cast to the south are considered to satisfy the relevant design principles. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

**Attachments**

- 10.3.6 (a):** Development Plans
- 10.3.6 (b):** Applicant Justification Letter
- 10.3.6 (c):** Property Owners Justification Letter



### 10.3.7 Proposed Outbuilding Addition to Existing Single House - Lot 85 (No. 48) Campbell Street, Kensington

Location: Lot 85. No. 48 Campbell Street, Kensington  
 Ward: Moresby Ward  
 Applicant: Mark Kelly & Anjelica Mallis  
 File Reference: D-18-112900  
 DA Lodgement Date: 28 August 2018  
 Meeting Date: 30 October 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 an outbuilding addition to an existing Single house on Lot 85, No. 48 Campbell Street, Kensington. 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 East)	Clause 2 of Policy P350.2 & Design Principles of Clause 5.1.3 of R-Codes
Vehicular access	Clause 5 of Policy P350.03 & Design Principles of Clause 5.3.5 of R-Codes
Outbuilding requirements	Design Principles of Clause 5.4.3 of R-Codes

#### 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 an outbuilding addition to an existing Single house on Lot 85, No. 48 Campbell Street, Kensington **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. The reversing bay located within the front setback area is to be deleted and replaced with landscaping, to the satisfaction of the City.
3. A reversing bay servicing the outbuilding is to be provided within the backyard of the development site. Details are to be provided prior to submission of a building permit to the satisfaction of the City.
4. The northern boundary wall of the proposed outbuilding is to be of a face brick material and finish, as per the request of the adjoining landowner and to the satisfaction of the City.
5. The eastern boundary wall of the proposed outbuilding is to be of a rendered brick material and finish, as per the request of the adjoining landowner and to the satisfaction of the City.
6. All stormwater from the property shall be discharged into soak wells or

sumps located on the site unless otherwise approved by the City.

7. The outbuilding (shed) is not to be used for the purpose of human habitation.

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

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	506m <sup>2</sup>
<b>Building height limit</b>	7.0m
<b>Development potential</b>	One dwelling
<b>Plot ratio limit</b>	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 category described in the Delegation:

3. ***Developments involving the exercise of a discretionary power***  
*This power of delegation does not extend to approving applications for development approval involving the exercise of a discretionary power in the following:*
  - (c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, the R-Codes or relevant Local Planning Policies; and*

### Comment

(a) **Background**

In August 2018, the City received an application for the addition of an outbuilding to an existing Single house at Lot 85 (No. 48) Campbell Street, Kensington (the Site).

(b) **Existing development on the subject site**

The existing development on the site currently contains a single storey house.

(c) **Description of the surrounding locality**

The Site is situated in the block contained by Monk Avenue to the south, Monk Street to the east, Hensman Street to the north, and Campbell Street to the west. The Site currently consists of a single storey house as seen in **Figure 1** below:



(d) **Description of the Proposal**

The proposal involves the addition of an outbuilding to an existing single house as above, depicted in the submitted plans at **Attachment (a)**. The existing dwelling is considered to be a character dwelling with parking previously provided informally to the north side of the dwelling. The outbuilding is proposed in the north eastern corner of the Site and is approximately 26m<sup>2</sup> in area. The outbuilding has the following dimensions:

- Wall height of 2.4 metres;
- Length of 6.5 metres (northern boundary wall length);and
- Width of 4.19 metres (eastern boundary wall length).

It is noted that the plans label the outbuilding a garage. As per the definition of Garage in the Residential Design Codes, a garage must be attached to the main dwelling in order to be considered a garage. An outbuilding is defined in Town Planning Scheme No. 6 (TPS6) as a *'store shed, detached laundry, private workshop, carport or garage, machinery*

*room, or the like, appurtenant to and used in conjunction with the principal use of associated buildings.* The applicant intends to use the outbuilding for the purposes of parking a vehicle.

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

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

- (i) Boundary wall (north and east)
- (ii) Vehicular access
- (iii) Outbuilding requirements

The above matters are discussed below.

(f) **Boundary wall (north and east)**

Element	Deemed to comply	Provided
Northern boundary wall (outbuilding)	1m setback from boundary	0.02m
Eastern boundary wall (outbuilding)	6m setback from boundary	0.05m
<p><i>Design Principles:</i>  <i>Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> <li>• <i>Reduce impacts of building bulk on adjoining properties;</i></li> <li>• <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i></li> <li>• <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i></li> </ul> <p><i>Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> <li>• <i>makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</i></li> <li>• <i>does not compromise the design principle contained in clause 5.1.3 P3.1;</i></li> <li>• <i>does not have any adverse impact on the amenity of the adjoining property;</i></li> <li>• <i>ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</i></li> <li>• <i>positively contributes to the prevailing development context and Streetscape.</i> </li></ul>		

The proposed northern and eastern boundary walls are considered to meet the Design Principles of the R-Codes for the following reasons:

North

- The proposed wall height of 2.4 metres is largely screened by the existing dividing fence (approximately 1.8 metres high) and therefore the bulk impacts of the wall to the adjoining property are minimal;
- The outbuilding is located in the corner of the subject site with a distance of more than 12 metres from the nearest outdoor living area or major opening of the northern adjoining dwelling.
- The boundary wall maintains ventilation and solar access to the subject site and adjoining lot's open spaces, given the wall only occupies a small

percentage of the boundary (6.5 metre wall length located on a 41 metre boundary). Additionally to this, the orientation of winter sunlight is in a northerly direction. Therefore, the outbuilding and respective boundary wall will not impact the active outdoor habitable spaces of the adjoining northern lot's ability to access sunlight;

- The boundary wall is located adjoining the backyard area of the adjoining properties and as a result, the blank wall provides some separation and privacy to both the neighbour's and occupant' outdoor living areas;
- The outbuilding built to the boundary makes effective use of a space by providing for sheltered car parking space, whilst offsetting the typical 1 metre setback space to the rear of the dwelling for a more functional backyard space;
- The boundary wall does not have any impact on the streetscape as it is located in the rear corner of the subject site, screened from the street mostly by the existing dwelling.

#### East

- The proposed wall height of 2.4 metres is largely screened by the existing dividing fence (approximately 1.8 metres high) and therefore the bulk impacts of the wall to the adjoining property are minimal. Additionally to this, the wall is located more than 15 metres from the nearest major opening of No. 38 Monk Street (eastern adjoining lot);
- The boundary wall will maintain access to western prevailing winds and northern sunlight to the adjoining eastern lot's open spaces, given the wall is only a small portion above the existing dividing fence and maintaining approximately two-thirds of the boundary length free of wall (8.2 metres of a 12 metre boundary). Further to this, shadow impacts to the eastern adjoining dwellings outdoor living areas in winter periods are minimal, as shadow is likely to be thrown over a small area of the swimming pool from midday to afternoon periods. Given swimming pools are typically utilised in summer periods, the shadow thrown in winter over the pool area is minor in relation to the dividing fence and deemed at an acceptable level;
- The boundary wall is located adjoining the backyard area of the adjoining properties and as a result, the blank wall provides some separation and privacy to both the neighbour's and occupant' outdoor living areas;
- The outbuilding built to the boundary makes effective use of a space by providing for sheltered vehicle parking area, whilst offsetting the 6 metre setback space of an R15 lot to the rear of the dwelling for a more functional backyard space;
- The boundary wall does not have any impact on the streetscape as it is located in the rear corner of the subject site, screened from the street mostly by the existing dwelling.

## (g) Vehicular access

Element	Deemed to comply	Provided
Vehicular access	Driveways shall be no closer than 0.5 metres from a side lot boundary or street pole	Nil setback to northern adjoining lot boundary
Policy P350.03 – Car parking access, siting & design	Driveways service four dwellings or less are to maintain a minimum width of 3.0 metres through their entire design	Driveway ranges between 2.57 metres to 3 metres in width
<p><i>Design principles:</i>  <i>Vehicular access provided for each development site to provide:</i></p> <ul style="list-style-type: none"> <li>• <i>vehicle access safety;</i></li> <li>• <i>reduced impact of access points on the streetscape;</i></li> <li>• <i>legible access;</i></li> <li>• <i>pedestrian safety;</i></li> <li>• <i>minimal crossovers; and</i></li> <li>• <i>high quality landscaping features.</i></li> </ul>		

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

- The variation is a result of an extension of the existing driveway in order to service the proposed outbuilding with vehicular access. The driveway will maintain an acceptable level of vehicle access safety, through utilising the previously approved, existing vehicular access point to the site. Furthermore, the reduced distance of 0.5 metres between the driveway and the northern lot boundary is considered to result in vehicles driving at a slower speed in an attempt to manoeuvre the 2.57m clearance between the dwelling and fence in which the driveway is located;
- The driveway is serving one dwelling and is not a common driveway for multiple properties, which would experience a higher volume of traffic;
- The driveway variation is not resulting in a greater width at the street access point, therefore is not considered to impact the streetscape;
- As stated above, the variation is a result of a driveway extension. The existing access and driveway to Campbell Street is considered legible access, with the extension having minimal impacts to this. Additionally to this, the manoeuvrability space has been conditioned to be located at the rear of the property to ensure the car parking space has the ability to allow a vehicle to exit and enter both the site and driveway in forward gear;
- Pedestrian safety is more enhanced by the ability of exiting the property in a forward gear due to the manoeuvring bay provided. Currently vehicles can only reverse straight onto the street. The reduced distance between the driveway and the northern lot boundary itself does not have bearing on this;
- The driveway extension is utilising an existing crossover, rather than proposing a second crossover;
- It is acknowledged that landscaping along the driveway cannot be provided. However, by having the vehicle parking location at the rear of the property, greater landscaping could be provided in the front setback area which contributes positively to the streetscape.

(h) **Outbuilding requirements**

Element	Deemed to comply	Provided
Outbuilding requirements	Setback in accordance with Table 2a	Setback less than 1 metre prescribed in Table 2a (0 metres)
<i>Design principles: Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</i>		

The proposed outbuilding is considered to meet the Design Principles of the R-codes for the following reasons:

- The outbuilding as discussed above, is not considered to detract from the streetscape or the visual amenity of neighbouring properties, given its modest and subservient scale in relation to the lot size.

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

In considering an application for development approval the local government is to have due regard to matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. 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 location of the outbuilding in the rear corner of the lot is considered appropriate for the reasons outlined in the report. It is also common for outbuildings to be located in the rear of properties.
(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.
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### 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. 50 Campbell Street and No. 38 Monk Street were invited to inspect the plans and to submit comments during a minimum 14-day period.

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

Submitters' Comments	Officer's Responses
<p>The proposal is supported based upon the following requests being met:</p> <ul style="list-style-type: none"> <li>- The dividing fence is to remain as a result of the proposed boundary wall;</li> <li>- The proposed boundary wall is to be rendered to the eastern neighbours satisfaction;</li> <li>- The existing second wall that was installed without appropriate approval is to be rendered and match the proposed boundary wall;</li> <li>- The existing wall structure at the boundary is to be incorporated into the outbuilding design or removed;</li> <li>- The removal of asbestos sheets stored within the backyard of No. 48 Campbell Street is to be removed.</li> </ul>	<p>In relation to the first submission, the responses are as follows:</p> <ul style="list-style-type: none"> <li>- The removal of the dividing fence is a civil matter agreed upon by adjoining landowners. The proposed plans do not indicate the removal of the dividing fence;</li> <li>- The approval will include a condition to demonstrate a finish of the neighbours request, to the satisfaction of the City;</li> <li>- The existing wall is part of a former dividing wall and does not form part of the planning approval.</li> <li>- As above, the modification of this existing wall at the rear of the subject site does not form part of the planning application. Modifications will need to be requested and agreed upon in a civil agreement;</li> <li>- The removal of the asbestos sheets in the rear of the subject site is not considered a planning issue. This would need to be a civil agreement/request.</li> </ul> <p>The comments received are noted.</p>



<p>The submission does not support the proposal, based upon the following:</p> <ul style="list-style-type: none"> <li>- The proposed driveway does not meet the requirements of R-Codes or P350.03;</li> <li>- The driveway width proposed has a serious impact on pedestrian safety and is not considered functional;</li> <li>- The reduced width of the driveway does not constitute legible access;</li> <li>- The reduction of the 0.5 metres required between the property boundary and the driveway diminishes the ability to provide high quality landscaping;</li> <li>- The boundary wall of the outbuilding will result in water overflow to neighbouring property and consequential mosquito breeding;</li> <li>- The boundary wall will facilitate the breeding of vermin and create an inability for the applicant to adhere to the Public Health Act 2016;</li> <li>- The boundary wall does not make effective use of a space;</li> <li>- The outbuilding proposed on the boundary will result in a loss of privacy to the northern neighbouring lot.</li> </ul>	<p>In relation to the second submission, the responses are as follows:</p> <ul style="list-style-type: none"> <li>- The proposed driveway width, whilst not meeting the deemed to comply requirement, is considered to address the Design Principles, as per the assessment above;</li> <li>- The width of the driveway is compliant at the street boundary, as the R-Codes requirements state. Furthermore, the reduced width would encourage drivers to drive at a slower rate through the driveway in order to be cautious;</li> <li>- Refer to assessment above regarding legible access;</li> <li>- Refer to assessment above regarding ability to provide high quality landscaping;</li> <li>- Should the application be approved, the conditions of approval will include the requirement contain the disposal of stormwater onsite;</li> <li>- Adherence to the Public Health Act 2016 would be a requirement of the applicant, regardless of the boundary wall. The potential for vermin to breed is not a direct planning consideration, however it is argued that a compliant 1 metre setback could provide the same opportunity for potential breeding;</li> <li>- Refer to assessment above regarding the boundary walls effective use of a space;</li> <li>- Refer to assessment above regarding the outbuilding and its negligible impacts on privacy to adjoining lots.</li> </ul> <p>The comments received are considered either noted or NOT UPHELD.</p>
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**(b) Referrals**

The assessment of this application did not require any internal referrals to other City officers, consultants or any external referrals to other agencies.

**Policy and Legislative Implications**

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

**Financial Implications**

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](#):

*Environment (Built and Natural) > Sustainable urban neighbourhoods > Sustainable built form > 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, and will not have a detrimental impact on adjoining residential neighbours and streetscape. The subject dwelling is an existing character dwelling and providing vehicle parking to the rear of the dwelling is encouraged. It is noted that the driveway width is less than desirable, however on balance the reduced clearance width is supportable subject to the reversing bay being provided in the backyard. The location of the outbuilding on the northern and eastern boundary is not considered to have a significant impact on adjoining properties. It is therefore considered that the application should be conditionally approved.

**Attachments**

- 10.3.7 (a):** Development Plans - No. 48 Campbell Street, Kensington
- 10.3.7 (b):** Applicant Response to Submissions - No. 48 Campbell Street, Kensington

### 10.3.8 Paid Parking - Angelo & Onslow Streets (Zoo side)

Location:	South Perth
Ward:	Mill Point Ward
Applicant:	Council
File Ref:	D-18-112901
Meeting Date:	30 October 2018
Author(s):	Paul Edwards, Network Operations Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.1 Engaged Community

#### Summary

This report reviews Council's September 2018 resolution in respect to proposed paid parking in the vicinity of Perth Zoo following a workshop with Councillors held on 8 October.

The report recommends that the Council introduce a \$6 all day parking fee on the north side of Angelo Street (between Onslow Street and Labouchere Road) and on the west side of Onslow Street (between Angelo Street and Mill Point Road), South Perth from Monday to Friday (previously Monday to Saturday, 9.00am to 4.00pm (previously 8.00am to 6.00pm).

#### Officer Recommendation

That the Council give advance local public notice of the introduction of a flat fee of \$6 per day paid parking on the north side of Angelo Street (between Onslow Street and Labouchere Road) and on the west side of Onslow Street (between Angelo Street and Mill Point Road) South Perth, from Monday to Friday, 9.00am to 4.00pm.

#### Background

At the September meeting Council considered a proposal to introduce paid parking along the Perth Zoo's Onslow and Angelo Street boundaries for the primary purpose of Zoo employee parking. The officer recommendation was as follows:

*That the Council give local public notice of the introduction of a fee of \$6 day rate for paid parking on the north side of Angelo Street (between Onslow Street and Labouchere Road) and on the west side of Onslow Street (between Angelo Street and Mill Point Road), South Perth on Monday to Saturday, 8.00am to 6.00pm, effective 1 October 2018.*

An alternative motion was introduced by Councillor Manolas and then resolved by Council as follows:

- 1. That Council defers this motion until the November Council meeting to enable an integrated parking strategy for the broader area to be considered including community consultation together with a letter drop to nearby residents.*
- 2. That a Councillors' workshop be convened to discuss the suggestions from the community.*



### Comment

In response to the resolution of Council, City staff organised a Councillor workshop, which was held on Monday 8 October. The workshop was facilitated by the consultant previously engaged to develop the City's Parking Strategy.

A number of matters were discussed during the workshop. These included a recap of the Parking Strategy and Parking Management Action Plan for the South Perth Station Precinct (PCA1). This was mainly for the benefit of Councillors who were not elected at the time these documents were adopted. In addition, the reasons provided by Councillor Manolas for introducing the Alternative Motion were also discussed.

In response to feedback from the workshop, the City has amended its original recommendation to change parking controls from Monday to Saturday to Monday to Friday. In addition, the recommended time period of enforcement will change from 8.00am to 6.00pm to 9.00am to 4.00pm. Councillors also requested the City provide more information in communications to residents about the proposed changes. Communications should be received in advance of works and include the reasons for the changes and the perceived benefits of the changes.

While acknowledging the recommended hours of enforcement in this case are outside of the widely adopted 8.00am-6.00pm within PCA1 there is a clear point of difference with this area being subject to a flat fee rate. In such a circumstance the fee paying hours can be shortened without diminishing revenue projections while also decreasing any possible shorter term parking and or overnight parking impacts on local residents.

Parking controls between 9.00am and 4.00pm Monday to Friday are also utilised in a different form throughout large areas of the City including surrounding residential streets such as Karoo and Riverview to "deter" commuters parking within these residential areas via a 4P restriction. In these circumstances commuters are prevented from parking on street while again mitigating impacts on local residents.

It is expected that over time with the appropriate management of the surrounding parking supply a successful outcome can be delivered which aligns with the core principles of the City's Parking Strategy.

### Consultation

The availability of staff parking along the Perth Zoo boundary on Angelo and Onslow Streets has been requested by the Zoo to provide parking for their employees. The Zoo has indicated its support for paid parking within this area.

If Council approves the recommended change to parking arrangements, the City will communicate by letter to all residents in the vicinity of the sections of Angelo and Onslow Streets to be changed and the Perth Zoo. The letter will inform residents of the impending changes to parking controls, providing reasons why the changes are being made and the perceived benefits of the changes.

### Policy and Legislative Implications

The proposed recommendation is consistent with the approach of the City's adopted Parking Strategy and intent of Parking Management Action Plan for PCA1.

#### 6.16. Imposition of fees and charges

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

#### 6.19. Local government to give notice of fees and charges

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

*(a) its intention to do so; and*

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

### Financial Implications

The introduction of paid parking, at a 100% occupancy rate, is expected to generate approximately \$139,000 per annum (Monday to Friday). Based on a more achievable occupancy rate of 60%, this should generate \$83,400 per annum for Monday to Friday restrictions.

The project will require the installation of parking machines along the amended areas of Onslow and Angelo Streets. The cost of supply and installation of parking machines is already included in the 2018/2019 Capital Works budget.

### Strategic Implications

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

Strategic Direction:	Environment (Built)
Aspiration:	Sustainable Urban Neighbourhoods
Outcome:	Connected and accessible City
Strategy:	Facilitate a safe, efficient and reliable transport network

### Attachments

Nil

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Monthly Financial Statements - September 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-112902
Meeting Date:	30 October 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 the Council note the Financial Statements and Report for the month ended 31 September 2018 in accordance with Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*.

#### Background

Regulation 34(1) of the *Local Government (Financial Management) Regulation 1996*, requires each Local Government to present a Statement of Financial Activity, reporting on income and expenditure, as set out in the annual budget. In addition, Regulation 34(5) requires a Local Government to adopt a percentage or value to report on material variances between budgeted and actual results. The 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.

#### 10.4.1 Monthly Financial Statements - September 2018

Actual Income from Operating Activities for September year-to-date (YTD) is \$47.259m in comparison to budget of \$47.461m. Expenditure from Operating Activities for September is \$14.036m in comparison to budget of \$15.610m. The September Operating Net Position was \$1.372m favourable with lower actual expenditure than budget of \$1.574m offset by lower revenue of \$0.202m than planned. The Operating results, September YTD represent a slow commencement of expenditure and activity engagement at the start of the year, along with some lagging vendor invoices still being to be received.

In terms of the Capital Summary, actual Capital Revenue for the year to date is \$0.468m in comparison to the budget of \$0.089m. Actual Capital Expenditure for the year to date is \$2.822m in comparison to the budget of \$3,020m. Capital expenditure YTD September is broadly in line with budget.

Cash and Investments balance is \$70.647m, traditionally September 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 58.88% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, Attachment 10.6.1 (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* and *Local Government Financial Management Regulation 34*.

#### **Financial Implications**

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

#### **Strategic Implications**

This 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

**10.4.1 Monthly Financial Statements - September 2018**

**Attachments**

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



## 10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.7.1 Audit, Risk and Governance Committee Meeting - 11 September 2018

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-18-112903
Meeting Date:	30 October 2018
Author(s):	Sharron Kent, Governance Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer 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 11 September 2018 for Council's consideration, the Minutes and Attachments of which can be found at **Attachments (a) and (b)**.

#### Committee Recommendations

That Council adopt the following recommendations of the Audit, Risk and Governance Committee meeting held on 11 September 2018:

##### 7.1 Internal Audit - Procurement

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

- 1) Note the Internal Audit Report – Procurement in **Confidential** Attachment (a), and
- 2) Accept all findings within the Internal Audit Report – Procurement and include these items in the Audit Register.

##### 7.2 Internal Audit - Payroll

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

- 1) Note the Internal Audit Report – Payroll in **Confidential** Attachment (a), and
- 2) Accept all findings within the Internal Audit Report – Procurement and include these items in the Audit Register.

##### 7.3 2017/2018 Annual Financial Statements Audit - External

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

- 1) Notes and accepts the Interim Audit Management letter in **Confidential** Attachment (a); and
- 2) Includes the findings in the Audit Register.

#### 7.4 Audit Register - Progress Report

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 **Attachment (a)**.
- 2) Approve all items Completed (100%) in the Audit Register, to be registered as Closed and no longer reported.

#### 7.5 Annual Policy Review

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

1. Notes that the following policies having been reviewed with 'no changes' being proposed:

P102 Community Funding Program  
P110 Support of Community and Sporting Groups  
P113 Community Gardens

2. Revokes Policy P103 Communications and Consultation Policy and replaces it with Policy P103 Stakeholder Engagement.

3. Adopts the revised policies:

P101 Public Art  
P104 Community Awards  
P105 Cultural Services and Recreation Initiatives  
P106 Use of City Reserves and Facilities  
P107 Access and Inclusion  
P108 Honorary Freeman of the City  
P110 Support of Community and Sporting Groups  
P609 Management of City Property  
P669 Elected Member Development  
P696 Related Party Transactions

#### 7.6 Risk Management Strategy

That the Audit, Risk and Governance Committee recommends to Council that it endorses the City of South Perth Risk Management Strategy.

#### 7.7 1System Implementation

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

#### 7.8 City of South Perth Penalty Units Amendment Local Law 2018

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

- Adopts the *City of South Perth Penalty Units Amendment Local Law 2018*, subject to amendments shown 'marked up' (Attachment (a)) to the report to Council, in accordance with section 3.12(4) of the *Local Government Act 1995*;

- Resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government, in accordance with s3.12(5) of the *Local Government Act 1995*;
- Resolves that local public notice be given following Gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*:
  - Stating the title of the local law;
  - Summarising the purpose and effect of the local law and the day on which it comes into operation; and
  - Advising that copies of the local law may be inspected or obtained from the City's offices.
- Resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation, following Gazettal in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010.

### Background

The Audit, Risk and Governance Committee meeting was held on 11 September 2018 with the following Items listed for consideration on the Agenda:

- Internal Audit - Procurement
- Internal Audit - Payroll
- 2017/2018 Annual Financial Statements Audit - External
- Audit Register - Progress Report
- Annual Policy Review
- Risk Management Strategy
- 1System Implementation
- City of South Perth Penalty Units Amendment Local Law 2018

### Comment

#### Internal Audit – Procurement

The Internal Audit Report – Procurement, is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

The report includes reference to systems issues, particularly the introduction of a new purchase order system introduced in February 2018. The background to this issue commences significantly prior to the Internal Audit's scope (2017/18 Financial year). In March 2017, a new (different) Purchase Order System was implemented. The bespoke system was separate to Authority (Finance System) and soon after implementation created significant problems, leading to the system having to be abandoned. At the same time, significant staffing changes placed additional pressure on the whole procurement to pay system.

Manual processes were developed in the Authority Purchase Order system and implemented in February 2018. In addition to the system development, the Procurement Co-ordinator position was transferred to the Finance Team. As has previously been advised to the Committee, significant improvements have been undertaken to fix the system and ensure compliance. It should be noted that a number of the recommendations have already been implemented.

The City's Internal Auditor will attend the Committee meeting to present their Report and be available for questions.

Staff recommend all findings be included in the Audit Register. All items included in the Audit Register will be reported at each subsequent Committee Meeting, including information relating to the progress of implementing the Agreed Management Actions, a percentage complete indicator and Officer Comments. As these issues are implemented, a recommendation will be included to close the item. Closed items will no longer be reported in the Audit Register to the Committee, but will be accessible by the Internal and External Auditors to review compliance.

#### Internal Audit – Payroll

The Internal Audit Report – Payroll, is a confidential report to be used for internal purposes to assist improve business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

The report includes three main findings relating to:

1. Procedures;
2. Notification of new employees; and
3. Access to records.

At the time of the Internal Audit, the Payroll section had multiple manual processes as well as a new staff member. Since that time a number of the recommendations relating to this and the findings above have already been implemented and/or are in progress.

The City's Internal Auditor will attend the Committee meeting to present their Report and be available for questions.

Staff recommend all findings be included in the Audit Register. All items included in the Audit Register will be reported at each subsequent Committee Meeting, including information relating to the progress of implementing the Agreed Management Actions, a Percentage Complete Indicator and Officer Comments. As these issues are implemented, a recommendation will be included to close the item. Closed items will no longer be reported in the Audit Register to the Committee but will be accessible by the Internal and External Auditors to review compliance.

2017/2018 Annual Financial Statements Audit – External

In May 2018 an Interim Audit was conducted and an Interim Audit Report was produced. The Interim Audit Report is confidential and includes findings, risk ratings, recommendations and management comments.

The report includes seven main findings which are included in the **Confidential** Attachment (a). This report is presented for the Committee's consideration.

Representatives from the OAG were invited but are unable to attend the Committee Meeting.

Staff recommend all findings be included in the Audit Register. All items included in the Audit Register will be reported at each subsequent Committee Meeting, including information relating to the progress of implementing the Agreed Management Actions, a Percentage Complete Indicator and Officer Comments. As these issues are implemented, a recommendation will be included to close the item. Closed items will no longer be reported in the Audit Register to the Committee, but will be accessible by the Internal and External Auditors to review compliance.

Audit Register – Progress Report

The Audit Register comprises of items that are either:

- Not yet commenced - 0% (0 items)
- Progressed - 18% to 85% (9 items)
- Completed - 18% (2 items)

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.

Annual Policy ReviewMinor Changes

The Policies listed below are considered to only require minor typographical amendments. Therefore, no change to content is needed and they are not included as attachments.

- P102 Community Funding Program
- P110 Support of Community and Sporting Groups
- P113 Community Gardens

Major Changes

The Policies identified below and at Attachment (a), are considered to have major changes to the content. The content changes have been highlighted in red.

A small summary explaining the changes has been provided below under each policy name.

*P101 Public Art*

The Public Art policy has been amended to incorporate the City's definition of 'public art' and 'professional artist', as it relates to policy P101 Public Art.

*P103 Stakeholder Engagement*

The City of South Perth's P103 Communications and Communications policy has been reviewed and extensive amendments have been proposed. Therefore, it is recommended that Perth's P103 Communications and Communications policy be revoked and replaced with a new policy P103 Stakeholder Engagement.

The new policy P103 Stakeholder Engagement details the principles, approach and practice to stakeholder engagement as it applies at the City of South Perth. This policy will also inform the City's draft Stakeholder Engagement Plan and resources.

The changed title of Policy P103 Stakeholder Engagement Policy reflects the language used around engagement at the City, as well as being current in the industry. The communication element has also been removed from the title, as this is seen as a separate area of practice in the context of this local government.

*P104 Community Awards*

The Citizenship awards section of this policy has amended to align with the eligibility criteria as determined by the Australia Day Council of Western Australia. These awards comprise of four categories; namely individuals (youth, seniors and adults) and community groups.

*P105 Community, Cultural and Recreation Initiatives*

The scope of this policy has been expanded to include the City's Cultural, Recreation and Community event programs, services and projects. In line with the expanded policy scope, the name of this policy has been amended from Cultural Services and Activities to Community, Cultural and Recreation Initiatives.

*P106 Use of City Reserves and Facilities*

This policy has been amended to incorporate guidelines for the City's approval of flood-lights on City of South Perth sporting ovals.

*P107 Access and Inclusion*

Minor amendments have been made to the scope of this policy to accommodate optimising access and inclusion for all members of the community. The name of this policy has been amended from Disability Access to Access and Inclusion, in order to reflect the amended scope.

*P108 Honorary Freeman of the City*

Policy P108 Honorary Freeman of the City has been amended to reflect the importance of this prestigious honour within the City which is awarded to individuals who have served the City of South Perth community in an exceptional and meritorious manner and whose activities have substantially improved the quality of life of the City's residents.

An application form has now been incorporated into the Policy.

*P609 Management of City Property*

Amendments have been made to correct an administration error in which the rental amount for Not for Profit Sporting Organisations and Community Associates/Government bodies, Committees and Associations had been stated as 0.01% of the insured value of the facility or a minimum of \$1,000 per annum.

This has been amended to 0.1% of the insured value of the facility or a minimum of \$1,000 per annum, thereby reflecting the true intent of this policy.

*P669 Elected Member Development*

This policy has been amended to align the allocation of funds to a financial year.

A request was also received from one Councillor for Policy 669 to be amended to allow Councillors to also use the annual budgeted allocation for Councillor training and education for the purpose of membership of professional organisations in order to enable access to discounts for approved training opportunities. This was on the basis that doing so would reduce the costs of a conference, seminar, training development program or course that an Elected Member wished to undertake.

The City's Policy allows Elected Members access to seminars, conferences, training and development opportunities to assist in their role as a Councillor. Unlike corporate memberships, personal memberships of professional associations is considered to be a personal benefit. As Councillors are not employees, concern is expressed as to public perceptions and the appropriateness of payments of personal memberships to professional organisations. For these reasons, it is not recommended Policy P669 be amended to allow Elected Members use of their annual allocation for professional memberships.

*P696 Related Party Transactions*

In order to meet audit requirements the provision for an electronic signature has been removed from the Related Party Disclosures Declaration.

Risk Management Strategy

The International Risk Management Standard AS/NZS ISO 31000 Risk Management – Principles and guidelines, defines risk as the “effect of uncertainty on objectives”. This effect can have either a positive or negative effect on the City achieving our objectives and ultimately the objectives of our Strategic Community Plan 2017-2027.

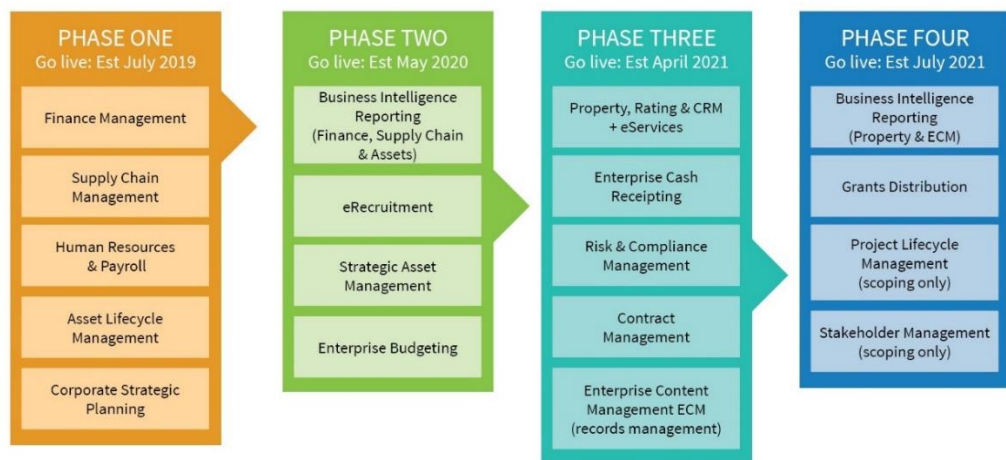
Risk Management is a core component of corporate governance and an integral part of contemporary management practices. The 2018 Risk Management Strategy (Attachment (a)) has been developed in order to guide the continued implementation of Policy P695 Risk Management and continued growth of the City's integrated Risk Management Program.

### 1System Implementation

The first 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. Establishing a Memorandum of Understanding (MOU) with the City of Canning and training for Promapp (process mapping tool).

Since that report, the 1System project team have now been relocated to the refurbished Information Systems area, with 16 hot desks and new meeting rooms. The “1System” project was formally launched on the 26<sup>th</sup> July 2018 by the CEO and following on from that, more detailed presentations were given to Finance, HR & Infrastructure stakeholders (Phase 1 stakeholders).

The project will be delivered via four phases over the next three years.



Project activities included establishing the development system (in the Cloud) which is available, and configuration has commenced to prepare the system for preview sessions in October to the key user teams. The recent activities have focussed on establishing Master Data for the Finance, Asset and HR/Payroll modules in preparation for the initial review cycle with key users.

TechnologyOne (Tech1) Consultants are actively working with the IS project team and business representatives on setting up/verifying the Finance, Assets and HR/Payroll functionality for Phase One.

The project is slightly behind schedule in one aspect, establishing the Chart of Accounts. The impact is currently being assessed which may lead to a variation being considered by the Project Board, but this is unlikely to impact on the estimated go live date. It is still very early on in the first phase with the main deliverables being on target according to the project schedule.

### City of South Perth Penalty Units Amendment Local Law 2018

Section 3.12 of the *Local Government Act 1995* sets out the process to make a local law. In particular s3.12(8) provides that the process to amend a local law is the same as making a new one. Once an ‘amendment’ local law has gone through the process, the ‘principle’ local law is changed.



The Amendment Local Law has been advertised for comment and can now be made. The amendment to the City of South Perth Penalty Units Local Law 2017 (which in itself sets out the monetary value of an infringement notice or modified penalty under other City local laws) is to make a correct reference to the City's Parking Local Law, which was adopted in 2017.

#### 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):** 11 September 2018 - Audit, Risk and Governance Committee - Minutes
- 10.7.1 (b):** 11 September 2018 - Audit, Risk and Governance Committee - Attachments

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

### 11.1 REQUESTS FOR LEAVE OF ABSENCE

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

- Mayor Sue Doherty for the period 28 November – 1 December 2018, inclusive; and
- Cr Tracie McDougall for the period 4 December 2018 – 4 February 2019, inclusive.

#### Officer Recommendation

That the applications for Leave of Absence be granted to:

- Mayor Sue Doherty for the period 28 November – 1 December 2018, inclusive; and
- Cr Tracie McDougall for the period 4 December 2018 – 4 February 2019, inclusive.

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

### 12.1 SUSTAINABLE WASTE MANAGEMENT

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

#### Motion

That the City prepare a report to the November 2018 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.

#### Reasons for the Motion

Now the Waste to Energy Plant has been approved for construction the City has a clearer vision of its waste management future. With this clearer vision, the City should now strongly advocate the vision of the draft State Waste Strategy 2030:

*Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.*

Plus the three objectives to:

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.*

I want the City to strongly advocate each of these objectives by increasing its commitment to waste education, sustainable living and by walking the talk – that is leading by example.

Mayor S Doherty.

CEO Comment

The City's primary focus on waste in recent years has been towards supporting the Rivers Regional Council's (RRC) push for a Waste to Energy plant. This project has now achieved financial close with construction due to commence soon and completion scheduled for late 2021. At a local level the City has greatly improved the ability of its Recycling Centre (formerly Transfer Station) to separate and reuse waste. Sustainable Living programs have been successfully run for the community and the City has a long standing youth environmental education partnership with Millennium Kids. Despite this, the City's approach to environmental / waste education require a more strategic approach to ensure resources are allocated to the areas of most need and benefit. This is particularly important because the RRC no longer offers a waste education resource on a regional level.

## **13. QUESTIONS FROM MEMBERS**

### **13.2 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE: 25 SEPTEMBER 2018**

At the 25 September 2018 Ordinary Council Meeting there were no questions from Members taken on notice.

### **13.2 QUESTIONS FROM MEMBERS: 30 OCTOBER 2018**

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

## **15. MEETING CLOSED TO THE PUBLIC**

## **16. CLOSURE**

## APPENDIX

### 6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE: 25 SEPTEMBER 2018

Carol Roe of Abjornson Street, Manning		Received late: 25 September 2018
<p><i>[Preamble] Thank you for the City's answer to my question taken on notice at the last Council meeting about existing traffic and post development traffic around the Como Hotel site that will occur if the Liquor Commission approves variation of the site's tavern licence to allow a SAT-approved non-conforming land use of liquor store large to go ahead. The table of figures has post median extension figures rather than estimated post development figures. However, setting that aside, the table doesn't include South Tce even though a traffic counter was in place when the other street counts were taken.</i></p>		
<p>1. Because the Liquor Commission hearing that is scheduled to resume on 24 Oct 2018 will deal with traffic on South Tce and site access, will the City now add two rows to the table to include South Tce please?</p>	<p>This has now been done. All relevant data has been provided to our solicitors who are dealing with this matter.</p>	
<p><i>[Preamble] Public consultation on the Draft Local Planning Strategy drew queries about how prospective development sites were factored into calculating both population and dwelling growth. In order to build multi-unit high rise dwellings, lot size is increased through amalgamation to create larger blocks, so developers have bought adjoining lots to order to develop high rise buildings.</i></p>		
<p>2. When supplying id with dwelling projections, did the City pull out adjoining sites under the same ownership and of sufficient combined size in order to determine that development to a certain density will be forthcoming through market speculation?</p>	<p>The City does not supply i.d. with dwelling projections, these are prepared by profile i.d. based on the following information that is provided by the City:</p> <ul style="list-style-type: none"> <li>• A list of building approvals for the past 5 years and current approved development applications;</li> <li>• A list of scheme amendments currently in process;</li> <li>• Current zoning and scheme requirements (density codes, plot ratio limits, height limits etc);</li> <li>• Approved activity centre and other detailed plans (Canning Bridge Activity Centre Plan);</li> <li>• Completed planning studies (Canning Hwy Study and Waterford Triangle Urban Design Study);</li> </ul> <p>This information is then used by profile i.d. to estimate development potential over the forecast period for each small area. The City then checks this data and provides feedback before i.d. finalise the calculations.</p> <p>The modelling process is outlined on the forecast.id website <a href="https://forecast.id.com.au/south-perth/forecast-modelling-process">https://forecast.id.com.au/south-perth/forecast-modelling-process</a>.</p>	